2018

ILLINOIS REGISTER

Rules of
Governmental Agencies

Volume 42, Issue 14

April 6, 2018

Pages 5,932 - 6,550

Index Department
Administrative Code Division
111 E. Monroe St.
Springfield, IL 62756
217-782-7017

Printed by authority of the State of Illinois. April --- 70

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

April 6, 2018 Volume 42, Issue 14

PROPOSED RULES
COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF
Angel Investment Credit Program
14 Ill. Adm. Code 531.....5932
POLLUTION CONTROL BOARD
General Provisions
35 Ill. Adm. Code 900.....5946
Sound Emission Standards and Limitations for Property Line-Noise Sources
35 Ill. Adm. Code 901.....5967
Sound Emission Standards and Limitations for Motor Vehicles
35 Ill. Adm. Code 902.....5988
Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 900 & 901
35 Ill. Adm. Code 910.....6001
PUBLIC HEALTH, DEPARTMENT OF
Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center, and Acute Stroke Ready Hospital Code
77 Ill. Adm. Code 515.....6024
REVENUE, DEPARTMENT OF
Service Occupation Tax
86 Ill. Adm. Code 140.....6245
Use Tax
86 Ill. Adm. Code 150.....6280
Vehicle Use Tax
86 Ill. Adm. Code 151.....6297
Service Use Tax
86 Ill. Adm. Code 160.....6303
ADOPTED RULES
AGING, DEPARTMENT ON
Long-Term Care Insurance Partnership Program (Repealer)
89 Ill. Adm. Code 260.....6316
Board and Care Homes Registration (Repealer)
89 Ill. Adm. Code 290.....6318
COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF
Economic Development for a Growing Economy Program (EDGE)
14 Ill. Adm. Code 527.....6320
Low Income Home Energy Assistance Program
47 Ill. Adm. Code 100.....6350
ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS

Medication Takeback Program
35 Ill. Adm. Code 889.....6364
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF
Schedules of Maximum Rates to be Charged for Check Cashing and Writing Money Orders by Community and Ambulatory Currency Exchanges
38 Ill. Adm. Code 130.....6374
Illinois Athlete Agents Act (Repealer)
68 Ill. Adm. Code 1155.....6384
Real Estate Appraiser Licensing
68 Ill. Adm. Code 1455.....6386
NATURAL RESOURCES, DEPARTMENT OF
Outfitter Regulations
17 Ill. Adm. Code 640.....6414
PUBLIC HEALTH, DEPARTMENT OF
HIV/AIDS Confidentiality and Testing Code
77 Ill. Adm. Code 697.....6425
RACING BOARD, ILLINOIS
Claiming Races
11 Ill. Adm. Code 510.....6447
REVENUE, DEPARTMENT OF
Income Tax
86 Ill. Adm. Code 100.....6451
STATE BOARD OF EDUCATION, ILLINOIS
Special Education Facilities under Section 14-7.02 of the School Code
23 Ill. Adm. Code 401.....6471
NOTICE OF CODIFICATION CHANGES
HUMAN SERVICES, DEPARTMENT OF
Illinois Center for Rehabilitation and Education/Community Residential Services for the Blind and Visually Impaired
89 Ill. Adm. Code 730.....6514
SECOND NOTICES RECEIVED
JOINT COMMITTEE ON ADMINISTRATIVE RULES
Second Notices Received.....6515
OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER
ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS
Notice of Public Information.....6517
EXECUTIVE ORDERS AND PROCLAMATIONS
PROCLAMATIONS
Flag Lowering Order: Chicago Police Commander Paul Bauer
18 - 33.....6519
Casimir Pulaski Day
18 - 34.....6520
Early Hearing Detection and Intervention Day

18 - 35.....6521
National Foreign Language Week
18 - 36.....6521
Child and Adult Care Food Program Week
18 - 37.....6522
Epilepsy Advocacy Day
18 - 38.....6523
Arts Education Week
18 - 39.....6524
Pollinator Week
18 - 40.....6525
Sudden Unexplained Death in Childhood Awareness Month
18 - 41.....6525
Distracted Driving Awareness Month
18 - 42.....6526
Sodium Reduction Week
18 - 43.....6527
World Tuberculosis Day
18 - 44.....6528
AmeriCorps Week
18 - 45.....6529
National Service Recognition Day.
18 - 46.....6530
Child Abuse Prevention Month
18 - 47.....6531
International Internal Audit Awareness Month
18 - 48.....6532
Parkinson's Disease Awareness Month
18 - 49.....6532
Women's History Month
18 - 50.....6533
Reman Day
18 - 51.....6534
Asian American and Pacific Islander Heritage Month
18 - 52.....6535
Bird Appreciation Week
18 - 53.....6536
Telecommunications Week
18 - 54.....6537
National Minority Health Month
18 - 55.....6537
Fallen Firefighter Memorial Day
18 - 56.....6538
Loyalty Day
18 - 57.....6539

Medical Billers Day
18 - 58.....6540
National Agriculture Day
18 - 59.....6540
Professional Medical Coders Week
18 - 60.....6541
Vietnam War Veterans Day
18 - 61.....6542
Education and Sharing Day
18 - 62.....6544
Exceptional Children's Week
18 - 63.....6544
Information Technology Month
18 - 64.....6545
Month of the Military Child
18 - 65.....6546
Bataan Day
18 - 66.....6547
Home Education Week
18 - 67.....6549
National Small Business Development Center Day
18 - 68.....6549

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Angel Investment Credit Program

2) Code Citation: 14 Ill. Adm. Code 531

3)

Section Numbers:	Proposed Actions:
531.20	Amendment
531.30	Amendment
531.40	Amendment
531.50	Amendment
531.55	New Section
531.60	Amendment
531.70	Amendment
531.80	Amendment
531.90	Amendment

4) Statutory Authority: Implementing and authorized by Section 220 of the Illinois Income Tax Act [35 ILCS 5/220].

5) A Complete Description of the Subjects and Issues Involved: The Department is amending the rules to implement PA 100-328 and clarify application and compliance provisions.

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 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 rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandate Act [30 ILCS 805].

12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of the issue of the *Illinois Register* to:

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

Jolene Clarke
Rules Administrator
Department of Commerce and Economic Opportunity
500 E. Monroe
Springfield IL 62701

217/557-1820
217/524-3701 (fax)
jolene.clarke@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The proposed rules incorporate new reporting requirements for qualified new business ventures that register to be eligible for tax credits under the 35 ILCS 5/220.

B) Reporting, bookkeeping or other procedures required for compliance: The amended rules implement the changes in PA 100-328. These changes require the reporting of several additional items of information on an annual basis.

C) Types of professional skills necessary for compliance: Accounting, bookkeeping, and administrative

14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on any Regulatory Agenda because the enabling legislation was signed into law after the Department's most recent submission.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 531
ANGEL INVESTMENT CREDIT PROGRAM

Section
531.10 Purpose
531.20 Definitions
531.30 Tax Credit Directives
531.40 Application Requirements
531.50 Application Review and Approval
531.55 Allocation of Tax Credits
531.60 Qualified New Business Registration Guidelines
531.70 Tax Credit Certificate
531.80 Reporting and Tracking Procedures
531.90 Noncompliance

AUTHORITY: Implementing and authorized by Section 220 of the Illinois Income Tax Act [35 ILCS 5/220].

SOURCE: Emergency rule adopted at 35 Ill. Reg. 535, effective December 27, 2010; emergency expired May 25, 2011; adopted at 35 Ill. Reg. 8999, effective June 1, 2011; amended at 42 Ill. Reg. _____, effective _____.

Section 531.20 Definitions

The following definitions are applicable to the Angel Investment Credit Program.

"Act" means the Illinois Income Tax Act [35 ILCS 5].

~~"Angel investment" means a contribution of property, at a risk of loss, to a qualified new business venture as defined in the Act *in* exchange *for* stock, a partnership interest, or other ownership interest in the qualified new business venture. For the purposes of this definition, an investment is at risk of loss if its repayment depends entirely upon the success of the business operations of the qualified new business venture.~~

"Applicant" means a corporation, partnership, limited liability company, or a natural person that makes an investment in a qualified new business venture. The term "applicant" does not include a corporation, partnership, limited liability company, or a natural person who has a direct or indirect ownership interest of at least 51% in the profits, capital, or value of the qualified new business venture receiving the *investment or a related member.* [35 ILCS 5/220(a)]

"Claimant" means an applicant certified by the Department who files a claim for a credit under Section 531.50. [35 ILCS 5/220(a)]

"Contingent equity investment" means money (or its equivalent) given to a qualified new business venture in consideration for a future equity interest that matures or converts to equity within three years after the investment. If the agreement governing investment does not provide for mandatory and unconditional conversion within three years after the investment, the investment will not be considered a contingent equity investment. Contingent equity investments that have features of a debt instrument may be ineligible for a tax credit if the agreement contains unreasonable risk mitigation provisions, as determined by the Department.

"Department" means the Illinois Department of Commerce and Economic Opportunity. [35 ILCS 5/220(a)]

"Employee" means an individual who is ~~a full-time employee and who is~~ employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment. Annually scheduled periods for inventory or repairs, vacations, holidays and paid time for sick leave, vacation or other leave is included in this computation of full-time employment. An individual for whom a W-2 is issued by a Professional Employer Organization (PEO) is a full-time employee if employed in the service of the applicant for consideration for at least 35 hours each week or who renders to the applicant any other standard of service generally accepted by industry custom or practice as full-time employment. For example, an employee who works 25 hours per week meets the industry standard for full-time in the package delivery industry, and an employee who is employed for a least 35 hours per week during the historical seasonal production meets the industry standard for full-time in the candy manufacturing industry.

"Full-time equivalent job" means the number of hours worked by multiple employees to equal the number of hours worked by one full-time employee. For purposes of this definition, full-time employee means a person who works a minimum of 35 hours per week for a minimum of 13 consecutive weeks to be counted toward full-time equivalency.

"Investment" means *money (or its equivalent) given to a qualified new business venture*, at a risk of loss, *in consideration for an equity interest of the qualified new business venture*. [35 ILCS 5/220(a)] For the purposes of this definition, an investment is at risk of loss if its repayment depends entirely upon the success of the business operations of the qualified new business venture. A contingent equity investment is an investment.

"Liquidity event" means any event that would be considered an exit for an illiquid investment, including any event that allows the equity holders of the business (or any material portion of the business) to cash out some or all of their respective equity interests. [35 ILCS 5/220(i)(3)]

"Minimum employment threshold" means:

at least 51% of the business' employee positions are in Illinois; and

at least 75% of the business' employee positions created following receipt of the investment are located in Illinois.

"Qualified new business venture" means a business that is registered with the Department under Section 531.60. [35 ILCS 5/220(a)]

"Qualifying liquidity event" means a liquidity event in which the claimant does not convey an equity interest to the qualified new business venture or a related member of the qualified new business venture.

"Related member" means a person that, with respect to the term *"applicant"~~investment~~, is any one of the following:*

An individual, if the individual and the members of the individual's family (as defined in section 318 of the Internal Revenue Code (26 USC 318)*) own directly, indirectly, beneficially, or constructively, in the aggregate,*

at least 50% of the value of the outstanding profits, capital, stock, or other ownership interest in the recipient of the applicant's investment~~*applicant*~~*.*

A partnership, estate or trust and any partner or beneficiary, if the partnership, estate or trust and its partners or beneficiaries own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, capital, stock or other ownership interest in the recipient of the applicant's investment~~*applicant*~~*.*

A corporation and any party related to the corporation in a manner that would require an attribution of stock from the corporation under the attribution rules of section 318 of the Internal Revenue Code (26 USC 318)*, if the applicant and any other related member own, in the aggregate, directly, indirectly, beneficially, or constructively, at least 50% of the value of the* ~~*corporation's*~~ *outstanding stock* of the recipient of the applicant's investment*.*

A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code if the corporation and all such related parties own, in the aggregate, at least 50% of the profits, capital, stock, or other ownership interest in the recipient of the applicant's investment~~*applicant*~~*.*

A person to or from whom there is attribution of ~~*stock*~~ *ownership* of the stock of the recipient of the applicant's investment *in accordance with section 1563(e) of the Internal Revenue Code* (26 USC 1563(e))*, except that, for purposes of determining whether a person is a related member under this paragraph, "20%" shall be substituted for "5%" whenever "5%" appears in section 1563(e) of the Internal Revenue Code.* [35 ILCS 5/220(a)]

"Unreasonable risk mitigation provisions" means investment terms that remove a significant degree of the risk of loss, as determined by the Department, during the three years following the investment. Examples of these provisions include provisions for interest payments, security, and priority in the event of liquidation.

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

Section 531.30 Tax Credit Directives

a) *For taxable years beginning after December 31, 2010 and ending on or before December 31, 2021~~2016~~, subject to the limitations provided in the Act, a claimant may claim, as a credit against the tax imposed under ~~subsections (a) and (b) of~~ Section 201(a) and (b) of the Act, an amount equal to 25% of the claimant's investment made directly in a qualified new business venture. The credit under this Section may not exceed the taxpayer's Illinois income tax liability for the taxable year. If the amount of the credit exceeds the tax liability for the year, the excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, the earlier credit shall be applied first. In the case of a partnership or subchapter S corporation, the credit is allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under sections 702 and 704 and subchapter S of the Internal Revenue Code* (26 USC 702, 704 and subchapter S). [35 ILCS 5/220(b)]

b) *The minimum amount an applicant must invest in any single qualified new business venture in order to be eligible for a credit under the Act is $10,000. The maximum amount of an applicant's total investment in any single qualified new business venture that may be used as the basis for a credit under the Act is $2,000,000 ~~for each investment made directly in a qualified new business venture~~.* [35 ILCS 5/220(c)]

c) *The aggregate amount of the tax credits that may be claimed under the Act for investments made in qualified new business ventures shall be limited at $10,000,000 per calendar year, of which $1,000,000 will be reserved* for certain qualified new business ventures as set forth in Section 531.55. [35 ILCS 5/220(f)]

d) *A claimant may not sell or otherwise transfer a credit award under the Act to another person or entity.* [35 ILCS 5/220(g)]

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

Section 531.40 Application Requirements

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

a) In order to qualify for a tax credit certificate under the Act, an applicant must adhere to the requirements established by the Department. The Department will provide interested applicants with information upon request. Submittal of a tax credit claimant~~an~~ application does not commit the Department to award a tax credit or to pay any costs incurred by the applicant in the preparation of an application. Applications are valid only for the calendar year quarter in which they are submitted to the Department.

b) All applications shall be submitted to the Department. The application shall at a minimum include:

1) The name, address, email, and telephone number of applicant; key contact and title; applicant Social Security Number or Federal Employer Identification Number (FEIN);

2) The total amount of ~~aggregate private equity~~ investment the claimant has made in the qualified new business venture~~in cash or investment received since formation~~;

3) A complete copy of the agreement governing the investment;

4) Proof, as determined by the Department, that the investment has been made;

5) Any other provisions or information the Department determines necessary to facilitate the Department's evaluation.

c) The applicant is responsible for the accuracy of all data, information and documentation submitted to the Department.

d) Except for information mandated to be reported to the General Assembly, any ~~Any~~ materials or data made available or received by any agent or employee of the Department shall be deemed confidential and shall not be deemed public records to the extent that the materials or data consist of trade secrets, commercial or financial information regarding the operation of the business conducted by the applicant for, or recipient of, any tax credit under the Act.

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

Section 531.50 Application Review and Approval

a) The Department shall accept applications after January 1, 2011 and via the procedures established by the Department. Applications will be reviewed in order received at the Department's Springfield office or electronically at Angelinvestment@illinois.gov. Application tracking procedures shall be determined and established at the discretion of the Department.

b) *After receipt of an application and upon satisfactory review, the Department shall issue a tax credit certificate stating the amount of the tax credit.* [35 ILCS 5/220(d)]

c) *On a form provided by the Department, the claimant must annually report and certify that claimant's investment has been made and remains in the qualified new business venture. Upon satisfactory review, the Department shall annually certify that:*

1) *each qualified new business venture that receives an investment under this Section has maintained a minimum employment threshold in the State (and continues to maintain a minimum employment threshold in the State for a period of no less than 3 years from the issue date of the last tax credit certificate issued by the Department with respect to that business); and*

2) *the claimant's investment has been made and remains in the qualified new business venture for no less than 3 years, except in the event of a qualifying liquidity event*. [35 ILCS 5/220(d)]

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

Section 531.55 Allocation of Tax Credits

a) *The aggregate amount of the tax credits that may be claimed under* the Angel Investment Credit Program *for investments made in qualified new business ventures shall be limited at $10,000,000 per calendar year*. [35 ILCS 5/220(f)]

b) Of the $10,000,000 in tax credits that may be claimed and allocated to applicants, *$500,000 shall be reserved for investments made in qualified new business ventures that are "minority-owned businesses",* "women-owned *businesses", or "businesses owned by a person with a disability" (as those terms are used and*

defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act [30 ILCS 575/2]*), and an additional $500,000 shall be reserved for investments made in qualified new business ventures with their principal place of business in counties with a population of not more than 250,000*. [35 ILCS 5/220(f)]

c) *The foregoing annual allowable amounts shall be allocated by the Department, on a per calendar quarter basis and prior to the commencement of each calendar year, in such proportion as determined by the Department, provided that:*

1) *the amount initially allocated by the Department for any one calendar quarter shall not exceed* $3,500,000*; and*

2) *any portion of the allocated allowable amount remaining unused as of the end of any of the first 2 calendar quarters of a given calendar year shall be rolled into, and added to, the total allocated amount for the next available calendar quarter*. [35 ILCS 5/220(f)]

d) The Department may roll over any unused credits at the end of the third calendar quarter into the fourth calendar quarter.

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

Section 531.60 Qualified New Business Registration Guidelines

a) *A business desiring registration shall submit an application to the Department in each taxable year for which the business desires registration.* [35 ILCS 5/220(e)]

b) *The Department may register the business only if the business satisfies all of the following conditions:*

1) *It has its principal place of business~~headquarters~~ in this State;*

2) *At least 51% of the employees employed by the business are employed in this State;*

3) *It has the potential for increasing jobs in this State, increasing capital investment in this State, or both, as determined by the Department, and either of the following apply:*

A) *It is principally engaged in innovation in any of the following: manufacturing; biotechnology; nanotechnology; communications; agricultural sciences; clean energy creation or storage technology; processing or assembling products, including medical devices, pharmaceuticals, computer software, computer hardware, semiconductors, other innovative technology products, or other products that are produced using manufacturing methods that are enabled by applying proprietary technology; or providing services that are enabled by applying proprietary technology; or*

B) *It is undertaking pre-commercialization activity related to proprietary technology that includes conducting research, developing a new product or business process, or developing a service that is principally reliant on applying proprietary technology;*

4) *It is not principally engaged in real estate development; insurance; banking; lending; lobbying; political consulting; professional services provided by attorneys, accountants, business consultants, physicians, or health care consultants; wholesale or retail trade; leisure; hospitality; transportation; or construction, except construction of power production plants that derive energy from a renewable energy resource, as defined in Section 1 of the Illinois Power Agency Act* [20 ILCS 3855]*;*

5) *It has fewer than 100 employees at initial time of registration;*

6) *It has been in operation in Illinois for not more than 10 consecutive years prior to beginning of the year of certification;~~ and~~*

7) *It has received not more than:*

A) *$10,000,000 in aggregate investments;~~private equity investment in cash~~ or*

B) *$4,000,000 in investments that qualified for tax credits; and~~.~~*

8) *It agrees to maintain a minimum employment threshold in the State of Illinois for at least 3 years from the date of issuance of any tax credit*

certificate issued to a claimant with respect to that business. [35 ILCS 5/220(e)]

c) For purposes of subsection (b), the number of employees of a business shall be determined on a full-time equivalent basis.

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

Section 531.70 Tax Credit Certificate

a) Per the requirements of the Act and upon satisfactory compliance with registration and reporting guidelines, the Department shall provide the claimant with a tax credit certificate. The certificate shall include the following:

1) The name and Social Security Number or FEIN of the claimant;

2) The date on which the certificate is issued;

3) The tax credit amount; and

4) Any other information the Department determines to be appropriate.

b) Except as provided in Section 531.40(d), information contained in certificates issued under the Act shall be subject to reporting under Section 531.80.

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

Section 531.80 Reporting and Tracking Procedures

a) *On or before March 1 of each year, the Department shall report to the Governor and to the General Assembly on the tax credit certificates awarded under this Section for the prior calendar year.* [35 ILCS 5/220(h)]

b) *This report must include, for each tax credit certificate awarded:*

1) *The name of the claimant and the amount of credit awarded or allocated to that claimant;*

2) *The name and address of the qualified new business venture that received the investment giving rise to the credit and the county in which the qualified new business venture is located;*

3) *The North American Industry Classification System (NAICS) code applicable to that qualified new business venture;*

4) *The number of employees of the qualified new business venture, and the locations of their employment; and*

5~~3~~) *The date of approval by the Department of the applications for the tax credit certificate.* [35 ILCS 5/220(h)(1)]

c) The report must also include:

1) *The total number of applicants and the total number of claimants, including the amount awarded to* each *claimant for tax credit certificates awarded under the Act in the prior calendar year;*

2) *The total number of applications from businesses seeking registration under the Act, the total number of* first-time *qualified new business venture registrants, and the aggregate amount of investment upon for which tax credit certificates were issued in the prior calendar year; and*

3) *The total amount of tax credit certificates sought by applicants, the aggregate amount of all tax credit certificates issued in the prior calendar year, and the aggregate amount of tax credit certificates issued as authorized under the Act for all calendar years.* [35 ILCS 5/220(h)(2)]

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

Section 531.90 Noncompliance

a) *If the Department determines that a claimant who has received a credit under the Act* or a qualified new business venture that was the recipient of an investment under the Act *is not complying with the requirements or provisions of the Act, including any investment for which a claimant is allowed a credit under Section 220(b) of the Act and is held by the claimant for less than 3 years, or, if within that period of time, the qualified new business venture is moved from the State of*

~~*Illinois,*~~ *the claimant shall pay to the Department of Revenue, in the manner prescribed by the Department of Revenue, the amount of the credit that the claimant received related to the investment.* [35 ILCS 5/220(d)]

b) A qualified new business venture may be found in noncompliance for:

1) Failing to maintain the minimum employment threshold for at least through the date 3 years from the issue date of the last tax credit certificate issued by the Department with respect to the business;

2) Failing to provide the Department or the Department of Revenue with information and records necessary to verify compliance with the Act;

3) Failing to submit the report required by Section 220(i) of the Act; or

4) Otherwise not being in compliance with the Act.

c) A claimant may be found in noncompliance if:

1) The claimant does not hold the investment for which the claimant is allowed an Angel Investment Credit Program credit for at least 3 years. This 3 year holding requirement does not apply if the investment is sold as part of a qualifying liquidity event or if the qualified new business venture ceases operations and the investment becomes worthless, as determined by the Department;

2) In the case of an investment made in the form of a contingent equity investment, there is no conversion to equity within 3 years after the investment; or

3) The claimant fails to provide the Department or the Department of Revenue with information and records necessary to verify compliance with the Act, including, but not limited to, copies of any investment agreement.

~~*The Department, in consultation with the Department of Revenue, may adopt other rules and procedures necessary to implement the Act.* [35 ILCS 5/220(f)]~~

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Provisions

2) Code Citation: 35 Ill. Adm. Code 900

3)

Section Numbers:	Proposed Actions:
900.101	Amendment
900.102	Amendment
900.103	Amendment
900.104	Repealed
900.105	Amendment
900.106	Amendment
900.APPENDIX A	Repealed

4) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 and 28].

5) A Complete Description of the Subjects and Issues Involved: In Part 900, the Board updates definitions, and references, clarifies language, and removes obsolete provisions. The Board repeals Section 900.104 because its provisions are covered by general requirements of civil and administrative procedure.

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: The amendments streamline, update, and overhaul rules that are no longer current due to changing technology and the passage of time. The proposed changes involve updating definitions, references, and sound measurement procedures.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period

of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R18-19 and be addressed to:

Clerks Office
Illinois Pollution Control Board
JRTC
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.ipcb.state.il.us.

Interested persons may request copies of the Board's opinion and order in R18-19 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None, amendments are not substantive.

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 Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE H: NOISE
CHAPTER I: POLLUTION CONTROL BOARD

PART 900
GENERAL PROVISIONS

Section
900.101 Definitions
900.102 Prohibition of Noise Pollution
900.103 Measurement Procedures
900.104 Burden of Persuasion Regarding Exceptions (Repealed)
900.105 Severability
900.106 Incorporations~~Incorporation~~ by Reference

900.APPENDIX A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

SOURCE: Originally filed as Part 1 of Chapter 8: Noise Pollution, effective August 10, 1973; amended at 2 Ill. Reg. 27, p. 223, effective June 26, 1978; amended at 5 Ill. Reg. 6371, effective June 1, 1981; amended at 5 Ill. Reg. 8533, effective August 10, 1981; amended at 6 Ill. Reg. 10960, effective September 1, 1982; codified at 7 Ill. Reg. 13579; amended in R83-7 at 11 Ill. Reg. 3121, effective January 28, 1987; amended in R03-8 at 27 Ill. Reg. 16247, effective October 8, 2003; amended at 42 Ill. Reg. _____, effective _____.

Section 900.101 Definitions

Except as stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Chapter are the same as those used in the Environmental Protection Act. All definitions of acoustical terminology must be in conformance with those contained in ~~American National Standards Institute (~~ANSI/ASA~~)~~ S1.1-2013~~1994 (R1999)~~ "~~American National Standard~~ Acoustical Terminology" and S12.9-2013/Part 1~~1988 (R1998)~~ "~~American National Standard~~ Quantities and Procedures for Description and Measurement of Environmental Sound – Part 1: Basic Quantities and Definitions," incorporated by reference at Section 900.106. As used in 35 Ill. Adm. Code 900 through 910, the following terms mean:

"A-Weighted Sound Level": 10 times the logarithm to the base 10 of the square

of the ratio of the A-weighted (and time-averaged) sound pressure, to the reference sound pressure of 20 micropascal. The frequency and time weighting must be specified in compliance~~accordance~~ with ANSI/ASA S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters-Part 1: Specifications (a nationally adopted international standard," incorporated by reference at Section 900.106. The unit of sound level is the decibel (dB) with the letter (A) appended to the decibel unit symbol to indicate the weighting and written as dB(A).

"Ambient": the all-encompassing sound associated with a given environment without contributions from the noise source or sources of interest.

"Angle of incidence": the orientation of the microphone relative to the sound source.

"ANSI": American National Standards Institute or its successor bodies.

"Antique vehicle": a motor vehicle that is more than 25 years old~~of age~~ or its~~a~~ bona fide replica, ~~thereof~~ and which is driven on the highways only going to and returning from an antique auto show or an exhibition, or for servicing or demonstration, or a fire-fighting vehicle that is more than 20 years old which is not used as fire-fighting equipment but is used only for the purpose of exhibition or demonstration.

"ASA": Acoustical Society of America.

"Background ambient sound level": means the ambient sound level, measured in compliance~~accordance~~ with the procedures specified in 35 Ill. Adm. Code 910.

"Bus": every motor vehicle designed for carrying more than 10 passengers and used for the transportation of passengers; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

"C-weighted sound level": in decibels, a frequency-weighted sound pressure level, determined by the use of the metering characteristics and C-weighted network specified in ANSI/ASA S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)," incorporated by reference at Section 900.106.

"Common carrier by motor vehicle": any person holding itself out to the general public to provide, for compensation, transportation of passengers or property in interstate or foreign commerce by motor vehicle, whether over regular or irregular routes.

"Construction": on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or its addition~~ thereto~~, including all related activities including, but not restricted to, clearing of land, earth-moving, blasting and landscaping.

"Contract carrier by motor vehicle": any person, other than "common carrier by motor vehicle", who provides, for compensation, transportation of passengers or property in interstate or foreign commerce by motor vehicle under contracts with one person or a limited number of persons, either:

to provide transportation services through the assignment of motor vehicles to the exclusive use of a served person for a specific period of time; or

to provide transportation services designed to meet a distinct need of an individual customer.

"Daytime hours": 7:00 am to 10:00 pm, local time.

"dB(A)": see "A-weighted sound level in decibels~~decibles~~."

"Dealer": every person engaged in the business of selling vehicles to persons who purchase such vehicles for purposes other than resale, and who has an established place of business for such activity in this state.

"Decibel" or "~~(~~dB"~~)~~: a unit of measure, on a logarithmic scale to the base 10, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which, for purposes of this Chapter, is~~shall be~~ 20 micronewtons per square meter ($\mu N/m^2$) or 20 micropascals (μPa).

"Discrete tone": a sound wave whose instantaneous sound pressure varies essentially as a simple sinusoidal function of time.

"Exhaust system": the system comprised of a combination of components which provides for the enclosed flow of exhaust gas from engine parts to the atmosphere.

"Existing property-line-noise-source": any property-line-noise-source, the construction or establishment of which commenced prior to August 10, 1973. For the purposes of this sub-section, any property-line-noise-source whose A, B or C land use classification changes, on or after August 10, 1973, is not considered an existing property-line-noise-source.

"Farm tractor": every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry which is self-propelled.

"Fast Dynamic Characteristic": the dynamic characteristic specified as fast in ANSI/ASA S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R-2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)," incorporated by reference at Section 900.106.

"Fast meter response": as specified in ANSI/ASA~~,~~ S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)," incorporated by reference at Section 900.106.

"Fluctuating sound": a class of non-steady ~~nonsteady~~ sound where sound pressure level varies over a range greater than 6 decibels (dB) with the "slow" meter characteristic, and where the meter indication does not equal the ambient level more than once during the period of observation.

"Frequency-weighted sound pressure": root mean square of the instantaneous sound pressure which is frequency-weighted (i.e., filtered) with a standard frequency characteristic (e.g., A or C) and exponentially time-weighted in compliance~~accordance~~ with the standardized characteristics slow (S), fast (F), impulse (I) or peak, with both weightings specified in compliance~~accordance~~ with ANSI S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)," incorporated by

reference at Section 900.106. The frequency weighting used must~~shall~~ be specified explicitly (e.g., A, C or octave band). The unit frequency-weighted sound pressure is the pascal (Pa).

"Gross combination weight rating": the value specified by the manufacturer as the loaded weight of a combination vehicle.

"Gross Vehicle Weight" or "~~(~~GVW"~~)~~: the maximum loaded weight for which a motor vehicle is registered or, for vehicles not so registered, the value specified by the manufacturer as the loaded weight of the vehicle.

"Gross vehicle weight rating" or "GVWR": the value specified by the manufacturer as the loaded weight of a single vehicle.

"Highly Impulsive Sound": either a single pressure peak or a single burst (multiple pressure peaks) for a duration usually less than one second. Examples of highly impulsive sound sources are drop forge hammer and explosive blasting.

"Highway": the entire width between the boundary lines of every way publicly maintained when any part of it~~thereof~~ is open to the use of the public for purposes of vehicular travel.

"IEC": International Electrotechnical Commission.

"IHRA": International Hot Rod Association or its successor body.

"Intermittent sound": a class of non-steady ~~nonsteady~~ sound where the meter indicates a sound pressure level equal to the ambient level two or more times during the measurement period. The period of time during which the level of the sound remains at a value different from that of the ambient is of the order of one second or more.

"LBCS": the Land-Based Classification Standards which designate land use functions by means of numeric codes.

"L_{eq}" : equivalent continuous sound pressure in decibels: 10 times the logarithm to the base 10 of the ratio of a time mean square sound pressure, during the specified time period, to the square of reference sound pressure. The reference sound pressure is 20 micronewtons per square meter or equivalent continuous

frequency-weighted sound pressure.

"L_{eq} (A)": A-weighted time-average (equivalent-continuous) sound level.

"L_{eq} (octave band-Hz)": time-average (equivalent-continuous) sound level in the octave band specified by its center frequency e.g. L_{eq} (125-Hz).

"Measurement Period": the time interval during which acoustical data are obtained. The measurement period is determined by the characteristics of the noise being measured and must be at least ten times as long as the response time of the instrumentation. The greater the variation in indicated sound level, the longer must be the observation time for a given expected precision of the measurement.

"Motor carrier": a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property by motor vehicle. The term "motor carrier" includes those persons that own and operate the subject motor vehicles, but not their drivers, unless the drivers both own and drive their own vehicles.

"Motor driven cycle": every motorcycle, motor scooter, or bicycle with motor attached, with less than 150 cubic centimeter piston displacement.

"Motor vehicle": every vehicle which is self-propelled and any combination of vehicles which are propelled or drawn by a vehicle which is self-propelled.

"Motorcycle": every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor.

"Muffler": a device for abating the sounds of escaping gases of an internal combustion engine.

"New snowmobile": a snowmobile, the equitable or legal title to which has never passed to a person who purchases it for purposes other than resale.

"Nighttime hours": 10:00 pm to 7:00 am, local time.

"Noise floor": the electrical noise (in decibels) of the sound measurement system. When the noise floor is determined by placing a calibrator over the microphone of

the sound measurement system, the noise floor may include acoustic noise due to leakage around the calibrator.

"Noise pollution": the emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity.

"Non-steady sound": a sound whose sound pressure level shifts significantly during the measurement period. Meter variations are greater than ±3 dB using the "slow" meter characteristic.

"Octave band sound pressure level": the sound pressure level for the sound being measured contained within the specified octave band. The reference pressure is 20 micronewtons per square meter.

"Open site": an area that is essentially free of large sound-reflecting objects, such as barriers, walls, board fences, signboards, parked vehicles, bridges or buildings.

"Pascal" or "~~(~~Pa"~~)~~: a unit of pressure. One pascal is equal to one newton per square meter.

"Passenger car": a motor vehicle designed for the carrying of not more than ten persons, including a multi-purpose passenger vehicle, except any motor vehicle of the second division as defined in 625 ILCS 5/1-146, and except any motorcycle or motor driven cycle.

"Person": any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency ~~thereof~~ or any legal successor, representative, agent or agency of the foregoing.

"Preferred frequencies": those frequencies in Hertz preferred for acoustical measurements which, for the purposes of this Chapter, consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

"Private carrier of property by motor vehicle": any person, other than "common carrier by motor vehicle" or "contract carrier by motor vehicle", who transports in interstate or foreign commerce by motor vehicle any property owned, leased, or

bailed by that person.

"Prominent discrete tone": sound~~,~~ having a ⅓~~one-third~~ octave band sound pressure level that~~which~~, when measured~~ in a one-third octave band~~ at a~~the~~ preferred frequency~~frequencies~~, exceeds, by any of the following values, the arithmetic average of the sound pressure levels of both~~the two~~ adjacent ⅓~~one-third~~ octave bands~~ on either side of such one-third octave band by~~:

A value of 5 dB or more for a ⅓~~such one-third~~ octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive, but only if that ⅓~~. Provided: such one-third~~ octave band sound pressure level also exceeds the sound pressure level of each adjacent ⅓~~one-third~~ octave band~~, or~~;

A value of 8 dB or more for a ⅓~~such one-third~~ octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive, but only if that ⅓~~. Provided: such one-third~~ octave band sound pressure level also exceeds the sound pressure level of each adjacent ⅓~~one-third~~ octave band;~~,~~ or~~;~~

A value of 15 dB or more for a ⅓~~such one-third~~ octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive, but only if that ⅓~~. Provided: such one-third~~ octave band sound pressure level also exceeds the sound pressure level of each adjacent ⅓~~one-third~~ octave band.

BOARD NOTE: A sound measured at a preferred frequency of 400 Hz, for example, would be a prominent discrete tone only if its ⅓ octave band sound pressure level (1) exceeds the ⅓ octave band sound pressure level of 315 Hz; (2) exceeds the ⅓ octave band sound pressure level of 500 Hz; and (3) exceeds by 8 dB or more the arithmetic average of the ⅓ octave band sound pressure levels of 315 Hz and 500 Hz.

"Property-line-noise-source": any equipment or facility, or a combination of equipment and facility~~ thereof~~, that~~which~~ operates within any land used as specified by 35 Ill. Adm. Code 901.101. The~~Such~~ equipment or facility, or the combination~~ thereof~~, must be capable of emitting sound beyond the property line of the land on which operated.

"Quasi-steady sound": a train of two or more acoustical impulses. Examples of quasi-steady sound are that from riveting and pneumatic hammer.

"Reflective surface": any building, hillside, or similar object (other than the flat ground surface) that reflects sufficient sound to affect the sound pressure level readings obtained from a noise source. Not included as reflective surfaces are small objects such as trees, posts, chain-linked fences, fire hydrants, vegetation such as bushes and shrubs, or any similar object.

"Registered": a vehicle is registered when a current registration certificate or certificates and registration plates have been issued for it under the laws of any state pertaining to the registration of vehicles.

"Residential dwelling unit": all land used as specified by the Land-Based Classification Standards (LBCS) Codes 1100 through 1340 and those portions of land used as specified by LBCS Code 6222 used for sleeping (see 35 Ill. Adm. Code 901.Appendix B).

"SAE": Society of Automotive Engineers.

"Slow Dynamic Characteristic": the dynamic characteristic specified as "Slow" in ANSI/ASA S1.4-2014~~1983 (R2001)~~ "American National Standard Specification for Sound Level Meters – Part 1," incorporated by reference at Section 900.106.

"Snowmobile": a self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats.

"Sound": a physical disturbance causing an oscillation in pressure in a medium (e.g., air) that is capable of being detected by the human ear or a sound measuring instrument.

"Sound exposure" or "~~(~~SE"~~)~~: time integral of squared, frequency-weighted instantaneous sound pressure over a given time interval. The time period of integration must be specified: when the sound exposure of the background noise is a significant contributor to the total sound exposure; or when the threshold sound level of the instrument (a level below which the instrument does not accumulate contributions to the integral) used is above the level of the background noise; or when such data is needed to identify a source; or when the time period of integration is otherwise useful. The customary unit for sound exposure is pascal-squared second (Pa^2-s).

"Sound exposure level" or "(SEL" or "L_{eT}"): 10 times the logarithm to the base 10 of the ratio of sound exposure to the reference sound exposure (E_o) of 400 micropascal-squared seconds (μPa^2-s). For a given measurement time period of T seconds, the sound exposure level (L_{eT}) is related to the time-average sound level (L_{pT}) as follows: $L_{eT} = L_{pT} + \log (T/t_o)$ where t_o is the reference duration of 1 second. The time period of integration intergration (T) must be specified. The frequency weighting used must be specified explicitly (e.g., A, C or octave band). The A-weighted SEL and C-weighted SEL are abbreviated ASEL and CSEL respectively. An octave band SEL is expressed in terms of the center frequency (e.g., SEL at 125-Hz). The unit for sound exposure level is decibel (dB).

"Sound level" or "(weighted sound pressure level"): 20 times the logarithm to the base 10 of the ratio of the frequency-weighted (and time-averaged) sound pressure to the reference pressure of 20 micropascals. The frequency weighting used mustshall be specified explicitly (e.g., A, C or octave band). The unit for sound level is decibel (dB).

"Sound pressure": the root mean square of the instantaneous sound pressures during a specified time interval in a stated frequency band. The unit for sound pressure is pascal (Pa).

"Sound pressure level": 20 times the logarithm to the base 10 of the ratio of the particular sound pressure to the reference sound pressure of 20 micropascals. ANSI S12.9-1988 (R1998) "American National Standard Quantities and Procedures for Description and Measurement of Environmental Sound – Part 1," incorporated by reference at Section 900.106, reserves the term sound pressure level to denote the unweighted sound pressure. The unit for sound pressure level is decibel (dB).

"Special mobile equipment": every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and other earth-moving equipment.

"Steady sound": a sound whose sound pressure level remains essentially constant

(that is, meter fluctuations are negligibly small) during the measurement period. Meter variations are less than or equal to +/-3 dB using the "slow" meter characteristic.

"Tactical military vehicle": every vehicle operated by any federal or state military organization and designed for use in field operations, but not including vehicles such as staff cars and personnel carriers designed primarily for normal highway use.

"Time-average sound level" or "(or equivalent-continuous sound level" or "equivalent-continuous frequency-weighted sound pressure level"): 20 times the logarithm to the base 10 of the ratio of the time-average (frequency-weighted) sound pressure to the reference pressure of 20 micropascalsmicropascal. The frequency weighting used must be specified explicitly (e.g., A, C or octave band). The unit of time-average sound level is the decibel (dB).

"Time-average (frequency-weighted) sound pressure": square root of the quotient of the time integral of frequency-weighted squared instantaneous sound pressures divided by the time period of integration; or the square root of the quotient of the sound exposure, in pascal-squared seconds (Pa^2-s), in a specified time period, divided by the time period of integration in seconds. The frequency weighting used must be specified explicitly (e.g., A, C or octave band). The unit of time-average sound pressure is the pascal (Pa).

"Unregulated safety relief valve": a safety relief valve used and designed to be actuated by high pressure in the pipe or vessel to which it is connected and thatwhich is used and designed to prevent explosion or other hazardous reaction from pressure buildup, rather than being used and designed as a process pressure blowdown.

"Used motor vehicle": a motor vehicle that is not a new motor vehicle.

"Vehicle": every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

"Weekday": any day thatwhich occurs during the period of time commencing at 10:00 p.m. Sunday and ending at 10:00 p.m. Friday during any particular week.

"Weekend day": any day thatwhich occurs during the period of time commencing

at 10:00 p.m. Friday and ending at 10:00 p.m. Sunday during any particular week.

"Well-maintained muffler": any muffler that~~which~~ is free from defects which affect its sound reduction. The~~Such~~ muffler must~~shall~~ be free of visible defects such as holes and other acoustical leaks.

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

Section 900.102 Prohibition of Noise Pollution

A~~No~~ person must not~~shall~~ cause or allow the emission of sound beyond the boundaries of that person's~~his~~ property, as ~~property is~~ defined in Section 25 of the ~~Illinois~~ Environmental Protection Act [415 ILCS 5], that causes~~so as to cause~~ noise pollution in Illinois~~,~~ or violates~~so as to violate~~ any provision of this Chapter.

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

Section 900.103 Measurement Procedures

a) Procedures Applicable to all of 35 Ill. Adm. Code: Subtitle H, Chapter I
The~~The Agency may adopt procedures which set forth criteria for the measurement of sound for all Parts except 35 Ill. Adm. Code 900 and 901. Such~~ procedures for the measurement of sound under Subtitle H, Chapter I, except for Parts 900 and 901, must~~shall~~ be in substantial conformity with standards and recommended practices established by ~~the American National Standards Institute, Inc. (~~ANSI, ASA, IEC,~~)~~ or ~~the Society of Automotive Engineers, Inc. (~~SAE~~)~~, incorporated by reference at Section 900.106. ~~Such procedures shall be revised from time to time to reflect current engineering judgment and advances in noise measurement techniques. Such procedures, and revisions thereof, shall not become effective until filed with the Administrative Code Division of the Office of the Secretary of State as required by the Illinois Administrative Procedure Act [5 ILCS 100].~~ The sound measurement~~Measurement~~ procedures for 35 Ill. Adm. Code 900 and 901 must~~shall~~ conform to 35 Ill. Adm. Code 910.

b) Procedures Applicable Only~~only~~ to 35 Ill. Adm. Code 901

1) All measurements and all measurement procedures to determine compliance~~whether emissions of sound comply~~ with 35 Ill. Adm. Code 901~~shall~~, except for~~with the exception of~~ measurements to determine

compliance~~whether emissions of sound comply~~ with 35 Ill. Adm. Code 901.109, must be based on L_{eq} averaging, as defined in Section~~35 Ill. Adm. Code~~ 900.101, using a reference time as follows:

A) Except as specified in subsection (b)(1)(B) for steady sound, use a reference time of at least 1 hour ~~shall be used~~ for all sound measurements and measurement procedures.

B) For measurement of steady sound as defined in Section 900.101~~101 of this Part~~, use a~~the~~ reference time of~~shall be~~ at least 10 minutes.

2) All measurements and measurement procedures under subsection (b)(1)(B) of this Section must correct or provide for the correction of sound~~such~~ emissions for the presence of ambient or background noise in compliance~~accordance~~ with the procedures in 35 Ill. Adm. Code 910. All measurements must be in conformity with the following ANSI standards, incorporated by reference at Section 900.106:

A) ANSI/ASA S1.4-2014/Part 1~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)."

B) ANSI/ASA S1.6-2016~~1984 (R2001)~~ "~~American National Standard~~ Preferred Frequencies and Filter Bank Center Frequencies~~, Frequency Levels, and Band Numbers~~ for Acoustical Measurements."

C) ANSI/ASA S1.11-2014/Part 1/IEC 61260:1-2014 Electroacoustics~~1986 (R1998) "American National Standard Specification for~~ Octave-Band and Fractional-Octave-Band ~~Analog and Digital~~ Filters – Part 1: Specifications (a nationally adopted international standard)."

D) ANSI/ASA S1.13-2005 (R2010~~1995 (R1999~~) "~~American National Standard~~ Measurement of Sound Pressure Level in Air."

E) ANSI S12.9-2013/Part 3~~1993 (R1998)~~ "~~American National~~

~~Standard~~ Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-Term Measurements with~~With~~ an Observer Present."

c) Procedures Applicable Only~~only~~ to 35 Ill. Adm. Code 902

1) To~~Measurement procedures to~~ determine whether emissions of sound comply with 35 Ill. Adm. Code 902.120 through 902.123, use measurement procedures compliant~~must be in conformity~~ with the following ANSI standards incorporated by reference at Section 900.106:

A) ANSI S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics – ~~Specification for~~ Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)."

B) ANSI S1.13-2005 (R2010)~~1995 (R1999)~~ "~~American National Standard~~ Measurement of Sound Pressure Level in Air."

2) The procedures for sound measurement under 35 Ill. Adm. Code 902.123 must conform to the ANSI standards prescribed in subsection (c)(1), ~~above,~~ if~~provided that~~ the procedures are in conformity with those established by the U.S. Department of Transportation at~~under~~ 49 CFR 325 as directed by~~pursuant to~~ Section 17 of the Federal Noise Control Act of 1972~~,~~ (42 USC 4901 et seq.).

3) The Board may provide for measurement at distances other than the 50 feet specified in 35 Ill. Adm. Code 902.120 through 902.123, if ~~provided that~~ correction factors are applied so that the sound levels so determined are substantially equivalent to those measured at 50 feet and the measurement distance does not exceed 100 feet. The correction factors used shall be consistent with California Highway Patrol Sound Measurement Procedures HPH 83.1 (October 1, 1973, as amended November 9, 1975), incorporated by reference at Section 900.106.

d) Procedures Applicable Only~~only~~ to 35 Ill. Adm. Code 905

1) To~~Measurement procedures to~~ determine whether emissions of sound comply with 35 Ill. Adm. Code 905.102(a) and 905.103(a)(1), use

measurement procedures compliant~~ must be in conformity~~ with the following standards incorporated by reference at Section 900.106:

A) ANSI S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters – Part 1: Specifications."

B) SAE Recommended Practice J192 "Exterior Sound Level for Snowmobiles~~.~~", January 2013~~March 1985~~.

2) To~~Measurement procedures to~~ determine whether emissions of sound comply with 35 Ill. Adm. Code 905.102(b) and 905.103(a)(2), use measurement procedures substantially compliant~~ shall be in substantial conformity~~ with the following standards incorporated by reference at Section 900.106:

A) ANSI S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics~~Specification for~~ Sound Level Meters: Specifications."

B) SAE/ANSI Recommended Practice J1161 "Operational Sound Level Measurement Procedure for Snow Vehicles", April 2004~~March 1983~~.

~~3) The Agency may establish criteria for measuring at distances other than the 50 feet specified in 35 Ill. Adm. Code 905.102 and 905.103, provided that correction factors are applied so that the sound levels so determined are substantially equivalent to those measured at 50 feet. In adopting new or revised criteria, the Agency shall comply with the requirements of the Illinois Administrative Procedure Act, [5 ILCS 100].~~

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

Section 900.104 Burden of Persuasion Regarding Exceptions (Repealed)

~~In any proceeding pursuant to this Chapter, if an exception stated in this Chapter would limit an obligation, limit a liability, or eliminate either an obligation or a liability, the person who would benefit from the application of the exception shall have the burden of persuasion that the exception applies and that the terms of the exception have been met. The Agency shall~~

~~cooperate with and assist persons in determining the application of the provisions of this Chapter.~~

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

Section 900.105 Severability

If any provision of this Chapter~~these rules or regulations~~ is adjudged invalid, or its~~if the~~ application~~ thereof~~ to any person or in any circumstances is adjudged invalid, that~~such~~ invalidity shall not affect the validity of any other provision of this Chapter or of the Chapter as a whole~~ or of any part, sub-part, sentence or clause thereof not adjudged invalid~~.

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

Section 900.106 Incorporations~~Incorporation~~ by Reference

The Board incorporates the following material by reference. These incorporations include no later amendments or editions.

a) American National Standards Institute, 25 West 43rd Street, 4th Fl., New York, New York 10036. (212)642-4900.

1) ANSI/ASA S1.1-2013~~1994 (R1999)~~ "~~American National Standard~~Acoustical Terminology."

2) ANSI/ASA S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics – Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)~~Specification for Sound Level Meters~~."

3) ANSI/ASA S1.6-2016~~1984 (R2001)~~ "~~American National Standard~~Preferred Frequencies and Filter Bank Center Frequencies~~, Frequency Levels, and Band Numbers~~ for Acoustical Measurements."

4) ANSI/ASA S1.8-2016~~1989~~ "~~American National Standard~~ Reference Values for Levels Used in Acoustics and Vibrations~~Quantities for Acoustical~~ Levels."

5) ANSI/ASA S1.11-2014/Part 1/IEC 61260:1-2014~~1986 (R1998)~~ "Electroacoustics – ~~American National Standard Specification for~~ Octave-Band and Fractional-Octave-Band ~~Analog and Digital~~ Filters – Part 1: Specifications (a nationally adopted international standard)."

6) ANSI/ASA S1.13-2005~~1995~~ (R2010~~1999~~) "~~American National Standard~~ Measurement of Sound Pressure Level in Air."

7) ANSI/ASA S12.9-2013/Part 1~~1988 (R1998)~~ "~~American National Standard~~Quantities and Procedures for Description and Measurement of Environmental Sound – Part 1: Basic Quantities and Definitions."

8) ANSI/ASA S12.9-2013/Part 3~~1993 (R1998)~~ "~~American National Standard~~ Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-Term Measurements with~~With~~ an Observer Present."

9) ANSI/ASA S12.5~~3~~1-2012/ISO 3741:2010~~1990 (R2001)~~ "Acoustics~~American National Standard Precision Methods for the~~ Determination of Sound Power Levels of ~~Broad-Band~~ Noise Sources using Sound Pressure – Precision Methods for~~in~~ Reverberation Test Rooms (a nationally adopted international standard)."

10) ~~ANSI S12.32-1990 (R2001) "American National Standard Precision Methods for the Determination of Sound Power Levels of Discrete-Frequency and Narrow-Band Noise Sources in Reverberation Rooms."11)International Electrotechnical Commission,~~ IEC 61672-1:2013 ~~804-2000~~ "Electroacoustics~~Integrating/Averaging~~ Sound Level Meters – Part 1: Specifications."

b) Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096. (877)606-7323.

1) SAE Recommended Practice J184 "Qualifying a Sound Data Acquisition System." November 1998.

2) SAE Recommended Practice J192 "Exterior Sound Level for Snowmobiles~~.~~", January 2015~~March 1985~~.

3) SAE/ANSI Recommended Practice J1161 "Operational Sound Level Measurement Procedure for Snowmobiles~~Snow Vehicles.~~", April 2004~~March 1983~~.

c) California Highway Patrol Sound Measurement Procedures HPH 83.1 (October 1, 1973, as amended November 9, 1975. Available at Illinois Pollution Control Board Clerk's Office, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601. (312)814-3620.

d) Code of Federal Regulations

1) 40 CFR 202.12(e) (2017).

2) 40 CFR 202.20(a) (2017).

3) 40 CFR 202.21(a) (2017).

4) 40 CFR 202.22 (2017).

5) 40 CFR 202.23 (2017).

6) 40 CFR 205.152(a) (2017).

7) 40 CFR 205.166 (2017).

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 900.APPENDIX A Old Rule Numbers Referenced (Repealed)

~~The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.~~

~~Old Part 1 of Chapter 8~~	~~35 Ill. Adm. Code Part 900~~
~~Rule 101~~	~~Section 900.101~~
~~Rule 102~~	~~Section 900.102~~
~~Rule 103~~	~~Section 900.103~~
~~Rule 104~~	~~Section 900.104~~
~~Rule 105~~	~~Section 900.105~~

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Sound Emission Standards and Limitations for Property Line-Noise Sources

2) Code Citation: 35 Ill. Adm. Code 901

3)

Section Numbers:	Proposed Actions:
901.101	Amendment
901.102	Amendment
901.103	Amendment
901.104	Amendment
901.105	Amendment
901.106	Amendment
901.107	Amendment
901.108	Repealed
901.109	Amendment
901.110	Repealed
901.111	Repealed
901.112	Repealed
901.114	Amendment
901.115	Amendment
901.116	Amendment
901.117	Amendment
901.120	Amendment
901.121	Amendment
901.122	Amendment
901.APPENDIX A	Repealed

4) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 and 28].

5) A Complete Description of the Subjects and Issues Involved: In Part 901, the Board clarifies language and removes obsolete provisions. The Board also repeals site-specific provisions for the facilities that, based on the information available to the Board, no longer operate.

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

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

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

9) Does this rule contain incorporations by reference? No

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

11) Statement of Statewide Policy Objective: The amendments streamline, update, and overhaul rules that are no longer current due to changing technology and the passage of time. The proposed changes involve updating definitions, references, and sound measurement procedures.

12) Time, Place, and Manner in which interested persons may comment on this rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R18-19 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
JRTC
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.ipcb.state.il.us.

Interested persons may request copies of the Board's opinion and order in R18-19 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None, amendments are not substantive.

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 Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE H: NOISE
CHAPTER I: POLLUTION CONTROL BOARD

PART 901
SOUND EMISSION STANDARDS AND LIMITATIONS
FOR PROPERTY-LINE-NOISE-SOURCES

Section

901.101 Classification of Land According to Use
901.102 Sound Emitted to Class A Land
901.103 Sound Emitted to Class B Land
901.104 Highly-Impulsive Sound
901.105 Impact Forging Operations
901.106 Prominent Discrete Tones
901.107 Exceptions
901.108 Compliance Dates for Part 901 (Repealed)
901.109 Highly-Impulsive Sound from Explosive Blasting
901.110 Amforge Operational Level (Repealed)
901.111 Modern Drop Forge Operational Level (Repealed)
901.112 Wyman-Gordon Operational Level (Repealed)
901.113 Wagner Casting Site-Specific Operational Level (Repealed)
901.114 Moline Forge Operational Level
901.115 Cornell Forge Hampshire Division Site-Specific Operational Level
901.116 Forgings and Stampings, Inc. Operational Level
901.117 Rockford Drop Forge Company Operational Level
901.118 Scot Forge Company − Franklin Park Division Operational Level
901.119 Clifford-Jacobs Operational Level
901.120 C.S. Norcross Operational Level
901.121 Vaughan & Bushnell Operational Level
901.122 ~~Ameren~~ Elgin Facility Site-Specific Noise Emission Limitations

901.APPENDIX A Old Rule Numbers Referenced (Repealed)
901.APPENDIX B Land-Based Classification Standards and Corresponding 35 Ill. Adm. Code 901 Land Classes

AUTHORITY: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

SOURCE: Originally filed as Part 2 of Chapter 8: Noise Pollution, effective August 10, 1973; amended at 2 Ill. Reg. 27, p. 223, effective June 26, 1978; amended at 5 Ill. Reg. 6371, effective June 1, 1981; amended at 5 Ill. Reg. 8533, effective August 10, 1981; amended at 6 Ill. Reg. 10960, effective September 1, 1982; codified at 7 Ill. Reg. 13646; amended at 7 Ill. Reg. 14519, effective October 17, 1983; amended in R83-35 at 8 Ill. Reg. 18893, effective September 25, 1984; amended in R83-33, 26, 29, 30 and R83-34 at 9 Ill. Reg. 1405, effective January 17, 1985; Section 901.105(f)(1), (2) and (3) recodified to Sections 901.110, 901.111 and 901.112 at 9 Ill. Reg. 7147; amended in R83-25, 31 and 32 at 9 Ill. Reg. 7149, effective May 7, 1985; amended in R83-7 at 11 Ill. Reg. 3136, effective January 28, 1987; amended in R04-11 at 28 Ill. Reg. 11910, effective July 30, 2004; amended in R03-9 at 30 Ill. Reg. 5533, effective March 10, 2006; amended in R06-11 at 31 Ill. Reg. 1984, effective January 12, 2007; amended in R14-22 at 39 Ill. Reg. 16264, effective December 2, 2015; amended in R18-19 at 42 Ill. Reg. _____, effective _____.

Section 901.101 Classification of Land According to Use

a) The land use classification system used for the purposes of applying numeric sound standards for this Part is based on the Land-Based Classification Standards (LBCS) (Jeer, Sanjay;~~,~~ 2001;~~,~~ Land-Based Classification Standards;~~,~~ online at ~~Online,~~ https://www.planning.org/lbcs;~~http://www.planning.org/LBCS.~~ American Planning Association: Chicago, Illinois). The LBCS applicable to this Part is ~~set forth~~ in Appendix B.

b) Class A land includes all land used as specified by LBCS Codes 1000 through 1340, 2410 through 2455, 5200 through 5230, 5500, 6100 through 6145, 6222, 6510 through 6530, 6568 through 6600.

c) Class B land includes all land used as specified by LBCS Codes 2100 through 2336, 2500 through 2720, 3500 through 3600, 4220 through 4243, 5100 through 5160, 5300 through 5390, 5400, 6147, 6210 through 6221, 6300 through 6320, 6400 through 6430, 6560 through 6567, 6700 through 6830, 7100 through 7380.

d) Class C land includes all land used as specified by LBCS Codes 3100 through 3440, 4120 through 4180, 4210 through 4212, 4300 through 4347, 7400 through 7450, 8000 through 8500, and 9100 through 9520.

e) A parcel or tract of land used as specified by LBCS Code 9100, 9400, or 5500, when adjacent to Class B or C land, may be classified similarly by action of a municipal government having zoning jurisdiction over that~~such~~ land.

DespiteNotwithstanding any subsequent changes in actual land use, land so classified retains thesuch B or C classification until the municipal government removes the classification adopted by it.

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

Section 901.102 Sound Emitted to Class A Land

a) Except as elsewhere provided in this Part, ano person must notshall cause or allow the emission of sound during daytime hours from any property-line-noise-source located on any Class A, B or C land to any receiving Class A land thatwhich exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within thesuch receiving Class A land. Sound, provided, however, that no measurement of sound pressure levels mustshall be measured at leastmade less than 25 feet from thesuch property-line-noise-source.

Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class A Land from		
	Class C Land	Class B Land	Class A Land
31.5	75	72	72
63	74	71	71
125	69	65	65
250	64	57	57
500	58	51	51
1000	52	45	45
2000	47	39	39
4000	43	34	34
8000	40	32	32

b) Except as provided elsewhere in this Part, no person must notshall cause or allow the emission of sound during nighttime hours from any property-line-noise-source located on any Class A, B or C land to any receiving Class A land thatwhich exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within thesuch receiving Class A land. Sound, provided, however, that no measurement of sound pressure levels mustshall be measured at leastmade less than 25 feet from thesuch property-line-noise-source.

Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class A Land from		
	Class C Land	Class B Land	Class A Land
31.5	69	63	63
63	67	61	61
125	62	55	55
250	54	47	47
500	47	40	40
1000	41	35	35
2000	36	30	30
4000	32	25	25
8000	32	25	25

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

Section 901.103 Sound Emitted to Class B Land

Except as provided elsewhere in this Part, a~~no~~ person must not~~shall~~ cause or allow the emission of sound from any property-line-noise-source located on any Class A, B or C land to any receiving Class B land that~~which~~ exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within the~~such~~ receiving Class B land. Sound~~, provided, however, that no measurement of sound~~ pressure levels must~~shall~~ be measured at least~~made less than~~ 25 feet from the~~such~~ property-line-noise-source.

Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class B Land from		
	Class C Land	Class B Land	Class A Land
31.5	80	79	72
63	79	78	71
125	74	72	65
250	69	64	57
500	63	58	51
1000	57	52	45
2000	52	46	39
4000	48	41	34
8000	45	39	32

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

Section 901.104 Highly-Impulsive Sound

Except as provided elsewhere in this Part, a~~no~~ person must not~~shall~~ cause or allow the emission of highly-impulsive sound from any property-line-noise-source located on any Class A, B~~,~~ or C land to any receiving Class A or B land that~~which~~ exceeds the allowable A-weighted sound levels, measured with fast dynamic characteristic, specified in the following table when measured in compliance~~accordance~~ with the procedure of 35 Ill. Adm. Code 900.103 at any point within the~~such~~ receiving Class A or B land. Sound~~, provided, however, that no measurement of sound~~ pressure levels must~~shall~~ be measured at least~~made less than~~ 25 feet from the~~such~~ property-line-noise-source.

Classification of Land on which Property-Line- Noise Source: is Located	Allowable A-weighted Sound Levels in Decibels of Highly-Impulsive Sound Emitted to Receiving Class A or B Land		
	Class B Land	Class A Land	
		Daytime	Nighttime
Class A Land	47	47	37
Class B Land	54	47	37
Class C Land	58	53	43

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

Section 901.105 Impact Forging Operations

a) For purposes of this Section, only the following are applicable:

1) Daytime hours means any continuous 16 hour period between 6:00 a.m. and 11:00 p.m. local time.~~; and~~

2) Nighttime hours means those 8 hours between 10:00 p.m. and 7:00 a.m. that~~which~~ are not part of the 16 continuous daytime hours.

3) The reference time for L_{eq}, as defined in 35 Ill. Adm. Code 900.101 is one

hour.

4) New Impacting Forging Operation is that property-line-noise-source comprised of impact forging operation on which construction began after September 1, 1982.

5) Existing Impact Forging Operation is that property-line-noise-source comprised of impact forging operations that were~~which are~~ in existence on September 1, 1982.~~,~~

b) Emission Limitations for New Impact Forging Operation~~.~~
A new~~No~~ impact forging operation must not~~shall~~ cause or allow the emission of impulsive sound to any receiving Class A or B land that~~which~~ exceeds the allowable sound levels specified in the following table when measured at any point within the~~such~~ receiving land. Sound pressure~~, provided however, that no measurement of sound~~ levels must~~shall~~ be measured at least~~made less than~~ 25 feet from the~~such~~ new impact forging operation's property-line.

Allowable Highly-Impulsive Sound Levels (L_{eq}) in Decibels Emitted to~~To~~ Class A or B Land from New Impact Forging Operation

Class B Land	Class A Land	
	Daytime	Nighttime
59.5	53.5	48.5

c) Limitations for Existing Impact Forging Operation
Unless granted a permanent site specific allowable operational level pursuant to subsection (d), an~~No~~ existing impact forging operation must not~~shall~~ cause or allow the emission of highly-impulsive sound to any receiving Class A or B land that~~which~~ exceeds the allowable sound levels specified in the following table, when measured at any point within the~~such~~ receiving land. Sound pressure~~, provided however, that no measurement of sound~~ levels must~~shall~~ be measured at least~~made less than~~ 25 feet from the~~such~~ existing impact forging operation's property-line.~~, unless such forging operation is granted a permanent site specific allowable operational level pursuant to subsection (d).~~

Allowable Highly-Impulsive Sound Levels
(L_{eq}) in Decibels Emitted to~~To~~ Class A or B
Land from Existing Impact Forging Operation

Class B Land	Class A Land	
	Daytime	Nighttime
64.5	58.5	53.5

d) Site Specific Allowable Operational Level for Existing Impact Forging Operation

1) An existing impact forging operation that~~which~~ does not comply with subsection (c) may seek a permanent site specific allowable operational level from the Board. A permanent site specific level is the~~that~~ level of operation allowed for a petitioner after review and approval by the Board and after implementation of abatement measures, if any, approved by the Board.

2) Any existing impact forging operation seeking a permanent site specific operational level must submit with~~as~~ its petition the following:

A) The location of the petitioner, a description of the surrounding community, and a map locating the petitioner within the community;

B) A description of the petitioner's operations, the number and size of the petitioner's forging hammers, the current hours of hammer operation, the approximate number of forgings manufactured during each of the three prior calendar years and the approximate number of hammer blows used to manufacture the forgings;~~.~~

C) A description of any existing sound abatement measure;~~.~~

D) The sound levels in excess of those permitted by subsection (c) emitted by the petitioner into the community, in 5 decibel increments measured in L_{eq}, shown on the map of the community;~~.~~

E) The number of residences exposed to sound levels in excess of those permitted by subsection (c);

F) A description of other significant sources of noise (mobile and stationary) and their location shown on the map of the community;

G) A description of the proposed operational level and proposed physical abatement measures, if any, a schedule for their implementation and their costs;

H) The predicted improvement in community sound levels as a result of implementation of the proposed abatement measures; and

I) A description of the economic and technical considerations that~~which~~ justify the permanent site specific allowable operational level sought by the petitioner.

e) Land Use Classifications Preserved
The land use classifications in effect within a one-mile radius of an existing impact forging operation on September 1, 1982 remain~~remains~~ the applicable land use classifications~~classification~~ for enforcement of this Section~~these rules~~ against an existing forging operation and its~~any~~ future modification~~ thereof~~, regardless of actual subsequent changes in land use; unless those~~such~~ actual changes would impose less restrictive limitations on the impact forging operations.

f) Site-Specific Operational Levels
Each individual existing forging operation identified in Sections 901.110 through~~,~~ 901.122~~111 and 901.112~~ must comply with either the site-specific operational level defined in those Sections~~,~~ or the allowable sound levels in~~is otherwise subject to~~ Section 901.105(c).

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

Section 901.106 Prominent Discrete Tones

a) A~~No~~ person must not~~shall~~ cause or allow the emission of any prominent discrete tone from any property-line-noise-source located on any Class A, B or C land to any receiving Class A, B or C land, when measured at any point within the receiving land. One-third~~ provided, however, that no measurement of one-third~~ octave band sound pressure levels must~~shall~~ be measured at least~~made less than~~ 25 feet from the~~such~~ property-line source.

b) Subsection (a) does~~This rule shall~~ not apply to prominent discrete tones having a one-third octave band sound pressure level 10 or more dB below the allowable octave band sound pressure level specified in Sections 901.102 through 901.104

for the octave band that~~which~~ contains the~~such~~ one-third octave band. In the application of this subsection~~sub-section~~, the applicable numeric standard for sound emitted from any existing property-line-noise-source to receiving Class A land, for both daytime and nighttime operations, is found in Section 901.102(a).

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

Section 901.107 Exceptions

a) Sections 901.102 through 901.106 do~~inclusive does~~ not apply to sound emissions~~emitted~~ from land used as specified by LBCS Codes 1100, 6600 and 5500.

b) Sections 901.102 through 901.106 do~~inclusive does~~ not apply to sound emissions~~emitted~~ from emergency warning devices and unregulated safety relief valves.

c) Sections 901.102 through 901.106 do~~inclusive does~~ not apply to sound emissions~~emitted~~ from lawn care maintenance equipment and agricultural field machinery used during daytime hours. For the purposes of this subsection~~sub-section~~, grain dryers operated off the farm are not considered agricultural field machinery.

d) Sections 901.102 through 901.106 ~~inclusive~~ do not apply to sound emissions~~emitted~~ from equipment being used for construction.

e) Section 901.102(b) does~~do~~ not apply to sound emissions~~emitted~~ from existing property-line-noise-sources during nighttime hours. However,~~ provided, however, that~~ sound emissions~~emitted~~ from~~ such~~ existing property-line-noise-sources ~~are governed~~ during nighttime hours are subject to~~by~~ the limits specified in Section 901.102(a).

f) Sections 901.102 through 901.106 ~~inclusive~~ do not apply to the operation of any vehicle registered for highway use while the~~such~~ vehicle is being operated within any land used as specified by Section 901.101 during~~in the course of~~ ingress to or egress from a highway.

g) Sections 901.102 through 901.106 ~~inclusive~~ do not apply to sound emissions~~emitted~~ from land used as specified by LBCS Codes 5130 and 5140

when used for automobile and motorcycle racing; and, any land used for contests, rallies, time trials, test runs or similar operations of any self-propelled device, and upon or by which any person is or may be transported or drawn, when such self-propelled device is actually being used for sport or recreation and is actually participating in an activity or event organized, regulated, and supervised under the sponsorship and sanction of a club, organization or corporation having national or statewide recognition. However~~; provided, however~~, ~~that~~ the exceptions of~~granted in~~ this subsection do not apply to any automobile and motorcycle race, contest, rally, time trial, test run or similar operation of any self-propelled device if such event is started between the hours of 10:30 p.m. to 7:00 a.m., local time weekdays, or between the hours of 11:00 p.m. and 7:00 a.m., local time, weekend days.

h) Section 901.104 does~~shall~~ not apply to impulsive sound emissions produced by explosive blasting activities conducted on any Class C land other than land used as specified by LBCS Codes 8300 and 8500. However, explosive blasting~~, but such~~ operations are subject to~~shall be governed by~~ Section 901.109.

i) This Part ~~901~~ does~~shall~~ not apply to impulsive sound produced by explosive blasting activities that~~, which~~ are:

1) Conducted on any Class C land used as specified by LBCS Codes 8300 and 8500; and

2) Regulated by the Department of Natural Resources in compliance~~accordance~~ with Section 6.5 of the Surface-Mined Land Conservation and Reclamation Act [225 ILCS 715/6.5] and Section 3.13 of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/3.13].

j) Sections 901.102 through 901.106 ~~inclusive~~ do not apply to sound emissions~~emitted~~ from snowmobiles.

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

Section 901.108 Compliance Dates for Part 901 (Repealed)

~~a) Except as provided in subsections (g), (i), and (j), every owner or operator of a new property-line-noise-source must comply with the standards and limitations of~~

~~this Part on and after August 10, 1973.~~

~~b)~~ ~~Except as otherwise provided in this rule, every owner or operator of an existing property-line-noise-source must comply with the standards and limitations of this Part on and August 10, 1974.~~

~~c)~~ ~~Every owner or operator of an existing property-line-noise-source who emits sound which exceeds any allowable octave band sound pressure level of Section 901.102 or 901.103 by 10 dB or more in any octave band with a center frequency of 31.5 Hertz, 63 Hertz or 125 Hertz must comply with the standards and limitations of this Part on and after February 10, 1975.~~

~~d)~~ ~~Except as provided in subsections (g) and (h), every owner or operator of an existing property-line-noise-source required to comply with Section 901.104 must comply with the standards and limitations of this Part on and after February 10, 1975.~~

~~e)~~ ~~Every owner or operator of an existing property-line-noise-source required to comply with Section 901.106 must comply with the standards and limitations of this Part on and after February 10, 1975.~~

~~f)~~ ~~Every owner or operator of Class C land now and hereafter used as specified by LBCS Code 4120 will have until August 10, 1976 to bring the sound from railroad car coupling in compliance with Section 901.104.~~

~~g)~~ ~~Existing impact forging operations as defined in Section 901.105 which do not seek permanent site specific allowable operational levels must comply with Section 901.105 by December 1, 1983. Those seeking permanent site specific allowable operational levels pursuant to Section 901.105(d) must comply as of the effective date of the site specific rule granted or denied.~~

~~h)~~ ~~Every owner or operator of Class C land now or hereafter used as specified by LBCS Code 3310 must comply with the standards and limitations of this Part on August 10, 1975.~~

~~i)~~ ~~Every owner or operator of Class C land now or hereafter used as specified by LBCS Code 5130 and 5140 when used for automobile and motorcycle racing must comply with the standards and limitations of this Part on February 10, 1976.~~

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

Section 901.109 Highly-Impulsive Sound From Explosive Blasting

a) During the daytime hours that cover the period after sunrise and before sunset, a~~no~~ person must not~~shall~~ cause or allow any explosive blasting conducted on any Class C land, other than land used as specified by LBCS Codes 8300 and 8500, ~~so as~~ to allow the sound emissions~~emission of sound~~ to any receiving Class A or B land that~~which~~ exceeds the allowable outdoor C-weighted sound levels~~, measured with the slow dynamic characteristic,~~ specified in the following table, when measured with slow dynamic characteristic at any point within the~~, of reasonable interference with the use of such~~ receiving Class A or B land.

Allowable Outdoor C-Weighted Sound Exposure Levels in Decibels of Explosive Blasting Sounds Emitted to Receiving Class A or B Land from Any Class C Land other than Land Used as Specified by LBCS Code 8300 or 8500

Receiving Class A Land	Receiving Class B Land
107	112

The allowable sound exposure level limits in the above table must be lowered by three decibels (3 dB) for each doubling of the number of blasts during the day or night.

b) Compliance with outdoor peak sound pressure level limits in the following table is~~shall constitute~~ prima facie level limits of this Section~~rule~~ when measured on the~~such~~ receiving Class A or B land.

Equivalent Maximum Sound Pressure Level (Peak) Limits in Decibels

Lower Frequency Limit of Measuring System for Flat Response, a Variation from Linear Response of ± 3 dB (Hz)	Receiving Class A Land (dB)	Receiving Class B Land (dB)
≤ 2.0 but > 0.1	133	133

c) During the period defined by both the beginning of the nighttime hours (10:00 pm) or sunset, whichever occurs earlier, and the ending of the nighttime hours (7:00 am) or sunrise, whichever occurs later, the allowable sound level limits in subsections (a) and (b) must be reduced by 10 decibels except in emergency situations where rain, lightning, other atmospheric conditions, or operator or public safety requires unscheduled nighttime hour explosive blasting.

d) Persons causing or allowing explosive blasting to be conducted on any Class C land other than land used as specified by LBCS Code 8300 or 8500 must notify the local public of the~~such~~ blasting prior to its occurrence, except when emergency situations require unscheduled blasting, by publication of a blasting schedule, identifying the work days or dates and time periods when explosives are expected to be detonated, at least every three months in a newspaper of general circulation in the locality of the blast site.

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

Section 901.110 Amforge Operational Level (Repealed)

~~Amforge Division of Rockwell International located at 119th Street, Chicago, Illinois must:~~

~~a) Operate only ten forging hammers at any one time;~~

~~b) Operation of its forging hammers is limited to the hours of 7:00 a.m. through 11:00 p.m., with occasional operations beginning at 6:00 a.m. and ending at midnight, Monday through Saturdays; and~~

~~c) Install sound absorptive materials on each of the forging hammer structures as each is routinely overhauled, but no later than January 1, 1987.~~

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

Section 901.111 Modern Drop Forge Operational Level (Repealed)

~~Modern Drop Forge Company located at 139th Street and Western Avenue in Blue Island, Illinois must:~~

~~a) Operate only twenty-one forging hammers at any one time; and~~

~~b) Operate its forging hammers only during the hours of 6:00 a.m. through midnight, Mondays through Fridays, and 6:30 a.m. until 7:30 p.m. on Saturdays.~~

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

Section 901.112 Wyman-Gordon Operational Level (Repealed)

~~Wyman-Gordon Company located at 147th Street and Wood Street, Harvey, Illinois shall:~~

~~a) Operate only six forging hammer units, each consisting of two hammers, after January 1, 1984.~~

~~b) Operate forging units in Buildings 6 and 7, located at the southern perimeter of the Wyman-Gordon Company's Harvey facility, to produce no more than 20% of the total annual hammer production at the Harvey facility;~~

~~c) Operate forging units between the hours of 6:00 a.m. and midnight; limit forging operations on Saturdays and Sundays to no more than half a year's total; and limit forging operations during the hours of 6:00 a.m. and 7:00 a.m. and 11:00 p.m. and midnight to less than 2% of the Harvey's facility total annual hammer production; and~~

~~d) Consolidate the two existing steel inventory yards at the one located north of Building 75 no later than January 1, 1984.~~

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

Section 901.114 Moline Forge Operational Level

Moline Forge and future owners of the forging facility located at 4101 Fourth Avenue, Moline, Illinois, must~~shall~~ comply with the following site-specific operational level:

a) Operate no more than nine forging hammers at any one time; and

b) Operate its forging hammers only between the hours of 6:00 a.m. until 11:00 p.m. Monday through Friday and from 6:00 a.m. until 3:30 p.m. on Saturdays.

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

Section 901.115 Cornell Forge, Hampshire Division Site-Specific Operational Level

Cornell Forge, Hampshire Division and future owners of the forging facility located at Walker Road, Hampshire, Illinois, must~~shall~~ comply with the following site-specific operational level:

a) Operate no more than seven forging hammers at any one time; and

b) Operate its forging hammers only on Monday through Saturday between the hours of 7:00 a.m. to 3:30 p.m. with an additional shift that may run from either 3:30 p.m. to 12:00 p.m. or from 10:30 p.m. to 7:00 a.m.

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

Section 901.116 Forgings and Stampings, Inc. Operational Level

Forgings and Stampings, Inc. and future owners of the forging facility located at 1025 23rd Avenue, Rockford, Illinois, must~~shall~~ comply with the following site-specific operational level:

a) Operate no more than six forging hammers at any one time; and

b) Operate its forging hammers only between the hours of 6:00 a.m. and 6:00 p.m. Monday through Friday and 6:00 a.m. and 2:00 p.m. on Saturday.

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

Section 901.117 Rockford Drop Forge Company Operational Level

Rockford Drop Forge Company and future owners of the forging facility located at 2031 Ninth Street, Rockford, Illinois, must~~shall~~ comply with the following site-specific operational level:

a) Operate no more than 12~~twelve~~ forging hammers at any one time; and

b) Operate its forging hammers only between the hours of 6:00 a.m. and 10:00 p.m. Monday through Saturday.

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

Section 901.120 C.S. Norcross Operational Level

C.S. Norcross & Sons Company and future owners of the forging facility located at the intersection of Davis and Dean Streets, Bushnell, Illinois, must~~shall~~ comply with the following site-specific operational level:

a) Operate no more than 12~~twelve~~ forging hammers at any one time; and

b) Operate its forging hammers only between the hours of 7:00 a.m. and 1:00 a.m. Monday through Saturday.

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

Section 901.121 Vaughan & Bushnell Operational Level

Vaughan & Bushnell Manufacturing Company and the future owners of the forging facility located at the intersection of Davis and Main Streets, Bushnell, Illinois, must comply with the following site-specific operational level:

a) Operate no more than 10~~ten~~ hammers at any one time; and

b) Operate its forging hammers up to~~Vaughan & Bushnell may operate~~ 24 hours per day, Monday through Sunday.

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

Section 901.122 ~~Ameren~~ Elgin Facility Site-Specific Noise Emission Limitations

The Combustion Turbine Power Generation Facility located at 1559 Gifford Road in Elgin, Illinois must~~shall~~ not cause or allow the emission of sound from any property-line-noise-source located on that property that~~which~~ exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within the receiving Class A or Class B land.

Octave Band Center Frequency (Hertz)	Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to any Receiving Class A or Class B Land from Ameren Elgin Facility	
	Class A Land	Class B Land

31.5	80	80
63	74	79
125	69	74
250	64	69
500	58	63
1000	58	58
2000	58	58
4000	50	50
8000	40	45

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

Section 901.APPENDIX A Old Rule Numbers Referenced (Repealed)

~~The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.~~

~~Old Part 2 of chapter 8~~	~~35 Adm. Code Part 901~~
~~Rule 201~~	~~Section 901.101~~
~~Rule 202~~	~~Section 901.102(a)~~
~~Rule 203~~	~~Section 901.102(b)~~
~~Rule 204~~	~~Section 901.103~~
~~Rule 205~~	~~Repealed 901.101~~
~~Rule 205 (was old 206)~~	~~Section 901.104~~
~~Rule 206 (new rule)~~	~~Section 901.105~~
~~Rule 207~~	~~Section 901.106~~
~~Rule 208~~	~~Section 901.107~~
~~Rule 209~~	~~Section 901.108~~
~~Rule 2010~~	~~Section 901.109~~
~~Rule 201~~	~~Section 901.101~~
~~Rule 201~~	~~Section 901.101~~
~~Rule 201~~	~~Section 901.101~~
~~Added in Codification~~	~~Appendix A~~
~~Unnumbered Appendix 2 Chapter 8, Part 2~~	~~Appendix B~~

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Sound Emission Standards and Limitations for Motor Vehicles

2) Code Citation: 35 Ill. Adm. Code 902

3)

Section Numbers:	Proposed Actions:
902.101	Amendment
902.102	Amendment
902.120	Amendment
902.121	Amendment
902.122	Amendment
902.123	Amendment
902.124	Amendment
902.125	Amendment
902.140	Amendment
902.141	Repealed
902.APPENDIX A	Repealed

4) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 and 28].

5) A Complete Description of the Subjects and Issues Involved: In Part 902, the Board clarifies language, removes obsolete provisions, and replaces language that duplicate federal rules with references to the Code of Federal Regulations.

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: The amendments streamline, update, and overhaul rules that are no longer current due to changing technology and the passage of time. The proposed changes involve updating definitions, references, and sound measurement procedures.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R18-19 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
JRTC
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.ipcb.state.il.us.

Interested persons may request copies of the Board's opinion and order in R18-19 by calling the Clerk's office at 312/814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None, amendments are not substantive.

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 Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE H: NOISE
CHAPTER I: POLLUTION CONTROL BOARD

PART 902
SOUND EMISSION STANDARDS AND
LIMITATIONS FOR MOTOR VEHICLES

SUBPART A: EQUIPMENT STANDARDS
APPLICABLE TO ALL MOTOR VEHICLES

Section
902.101 Exhaust System
902.102 Tires

SUBPART B: OPERATIONAL STANDARDS

Section
902.120 Standards Applicable to all Passenger Cars and to Other Motor Vehicles with Gross Vehicle Weight (GVW) of 8,000 Pounds or Less
902.121 Standards Applicable to Motor Vehicles with GVW in Excess of 8,000 Pounds
902.122 Standards Applicable to Motorcycles and Motor Driven Cycles
902.123 Exception for ~~and Standards Applicable to~~ Motor Carriers Engaged in Interstate Commerce with Respect to Operations Regulated Under~~Pursuant to~~ the Federal Noise Control Act of 1972
902.124 Horns and Other Warning Devices
902.125 Tire Noise

SUBPART C: EXCEPTIONS AND COMPLIANCE DATES FOR PART 902

Section
902.140 Exceptions
902.141 Compliance Dates (Repealed)

902.APPENDIX A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Section 25 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Originally filed as Part 3 of Chapter 8: Noise Pollution, effective May 31, 1977; codified at 7 Ill. Reg. 13648; amended in R18-19 at 42 Ill. Reg. _____, effective _____.

SUBPART A: EQUIPMENT STANDARDS
APPLICABLE TO ALL MOTOR VEHICLES

Section 902.101 Exhaust System

Operation~~No person shall operate or cause or allow the operation~~ of a motor vehicle on a public right of way must comply with the requirements of 625 ILCS 5/12-602 and 40 CFR 202.22, incorporated by reference at 35 Ill. Adm. Code 900.106.~~unless it is at all times equipped with an adequate muffler or other sound dissipative device which is:~~

~~a) In constant operation and properly maintained to prevent any excessive or unusual noise;~~

~~b) Free from defects which affect sound reduction; and~~

~~c) Not modified in a manner which will amplify or increase the noise of such muffler or other sound dissipative device above that emitted by the muffler originally installed on the vehicle so as to produce excessive or unusual noise.~~

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

Section 902.102 Tires

Operation~~No person shall operate or cause or allow the operation~~ of any ~~a~~ motor vehicle with one or more tires, regardless of weight, must comply with the requirements of 40 CFR 202.23, incorporated by reference at 35 Ill. Adm. Code 900.106. ~~having a tread pattern which is composed primarily of cavities in the tread (excluding sipes and local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire.~~

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

SUBPART B: OPERATIONAL STANDARDS

Section 902.120 Standards Applicable to all Passenger Cars and to Other Motor Vehicles with Gross Vehicle Weight (GVW) of 8,000 Pounds or Less

a) This Section applies~~rule shall apply~~ to all passenger cars regardless of weight and to other motor vehicles with a GVW~~gross vehicle weight~~ of 8,000 pounds or less, except motorcycles and motor driven cycles.

b) Operation~~No person shall operate or cause or allow the operation~~ of a motor vehicle subject to this Section~~rule~~ at any time under any conditions of highway grade, load, acceleration or deceleration must not~~in such a manner as to~~ exceed the following limits:

1) On highways with speed limits of 35 miles per hour or less, 74 dB(A), or 76 dB(A) when operating on a grade exceeding 3%, measured with fast meter response at 50 feet from the centerline of lane of travel~~, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm.Code 900.103~~;

2) On highways with speed limits of more than 35 miles per hour, 82 dB(A), or 85 dB(A) if the vehicle is equipped with two or more snow or mud/snow tires, measured with fast meter response at 50 feet from the centerline of lane of travel~~, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103~~.

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

Section 902.121 Standards Applicable to Motor Vehicles with GVW in Excess of 8,000 Pounds

a) This Section applies~~rule shall apply~~ to motor vehicles with a GVW~~gross vehicle weight~~ in excess of 8,000 pounds~~, except passenger cars~~.

b) Operation~~No person shall operate or cause or allow the operation~~ of a motor vehicle subject to this Section~~rule~~ at any time under any conditions of highway grade, load, acceleration or deceleration must not~~in such a manner as to~~ exceed the ~~following~~ limits at 40 CFR 202.20(a), incorporated by reference at 35 Ill. Adm. Code 900.106.~~:~~

~~1) On highways with speed limits of 35 miles per hour or less, 86 dB(A), measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with~~

~~procedures established under 35 Ill. Adm. Code 900.103;~~

~~2)~~ ~~On highways with speed limits of more than 35 miles per hour, 90 dB(A), measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103.~~

c) Operation~~No person shall operate or cause or allow the operation~~ of a motor vehicle subject to this Section~~rule~~, powered by an engine with an engine speed governor, must not exceed the standard for operation under the stationary test at 40 CFR 202.21(a), incorporated by reference at 35 Ill. Adm. Code 900.106.~~which generates a sound level in excess of 88 dB(A) measured with fast meter response at 50 feet from the longitudinal centerline of the vehicle or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103, when that engine is accelerated from idle with wide open throttle to governed speed with the vehicle stationary, transmission in neutral, and clutch engaged.~~

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

Section 902.122 Standards Applicable to Motorcycles and Motor Driven Cycles

Operation of any motorcycle or motor driven cycle must comply with the motorcycle noise emission standards at 40 CFR 205.152(a) and the motorcycle exhaust systems noise emissions standards at 40 CFR 205.166, incorporated by reference at 35 Ill. Adm. Code 900.106.

~~a)~~ ~~This rule shall apply to all motorcyles and motor driven cycles.~~

~~b)~~ ~~No person shall operate or cause or allow the operation of a motor vehicle subject to this rule at any time or under any conditions of highway grade, load, acceleration or deceleration in such a manner as to exceed the following limits:~~

~~1)~~ ~~On highways with speed limits of 35 miles per hour or less, 80 dB(A), or 82 dB(A) when operating on a grade exceeding 3%, measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103;~~

~~2)~~ ~~On highways with speed limits of more than 35 miles per hour, 86 dB(A),~~

~~measured with fast meter response at 50 feet from the centerline of lane of travel, or an equivalent sound level limit measured in accordance with procedures established under 35 Ill. Adm. Code 900.103.~~

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

Section 902.123 Exception for ~~and Standards Applicable to~~ Motor Carriers Engaged in Interstate Commerce with Respect to Operations Regulated Under~~Pursuant to~~ the Federal Noise Control Act of 1972

a) This Part applies~~Applicability1)After the effective date of the federal standards contained in 40 CFR Part 202, this rule shall apply~~ to motor carriers engaged in interstate commerce with respect to noise emissions regulated by ~~such~~ federal standards. Motor carrier operations subject to~~determined pursuant to 35 Ill. Adm. Code 900.104 to be governed by~~ this Part are~~rule shall be~~ excepted from Sections~~Section~~ 902.101, 902.102 and 902.121.

b~~2~~) This Part applies~~rule shall apply to motor carriers with respect only~~ to the operation of ~~those~~ motor vehicles that ~~of such carriers which~~ have a GVWR~~gross vehicle weight rating~~ or gross combination weight rating in excess of 10,000 pounds, and only when those~~such~~ motor vehicles are operated under the conditions specified in this Section~~below~~.

c~~3~~) Except as provided in subsection (d)~~subparagraph (4) of this paragraph (a)~~, this Part applies~~rule shall apply~~ to the total sound produced by ~~such~~ motor vehicles when operating under the specified conditions, including the sound produced by auxiliary equipment mounted on the~~such~~ motor vehicles.

d~~4~~) This Part does~~rule shall~~ not apply to auxiliary equipment that~~which~~ is normally operated only when the transporting vehicle is stationary or is moving at a speed of 5 miles per hour or less. Examples of this~~such~~ equipment include, but are not limited to, cranes, asphalt spreaders, ditch diggers, liquid or slurry pumps, air compressors, welders, and refuse compactors.

~~b) Equipment Standards~~

~~1) Visual exhaust system inspection~~
~~No motor carrier subject to this rule shall operate any motor vehicle of a type with respect to which this rule is applicable unless the exhaust system~~

~~of such vehicle is:~~

~~A) Equipped with a muffler or other noise dissipative device;~~

~~B) Free from defects which affect sound reduction; and~~

~~C) Not equipped with any cutout, bypass or similar device.~~

~~2) Visual tire inspection~~
~~No motor carrier subject to this rule shall operate any motor vehicle of a type with respect to which this rule is applicable on a tire or tires having a tread pattern which as originally manufactured, or as newly retreaded, is composed primarily of cavities in the tread (excluding sipes and local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire. This subparagraph (2) shall not apply to any motor vehicle which is demonstrated by the motor carrier which operates it to be in compliance with the noise emission standard specified in paragraph (c) of this rule for operation on highways with speed limits of more than 35 miles per hour, if the demonstration is conducted at the highway speed limit in effect at the inspection location or, if speed is unlimited, the demonstration is conducted at a speed of 65 miles per hour.~~

~~c) Standards for Highway Operation~~
~~No motor carrier subject to this rule shall operate any motor vehicle of a type with respect to which this rule is applicable and which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 86 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 miles per hour or less; or 90 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 miles per hour.~~

~~d) Standard for Operation under Stationary Test~~
~~No motor carrier subject to this rule shall operate any motor vehicle of a type with respect to which this rule is applicable, and which is equipped with an engine speed governor, which generates a sound level in excess of 88 dB(A) measured on an open site with fast meter response at 50 feet from the longitudinal centerline of the vehicle, when its engine is accelerated from idle with wide open throttle to~~

~~governed speed with the vehicle stationary, transmission in neutral, and clutch engaged.~~

~~e) Additional Definitions Applicable Only to this Rule~~

~~1) Common carrier by motor vehicle: any person who holds himself out to the general public to engage in the transportation by motor vehicle in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes.~~

~~2) Contract carrier by motor vehicle: any person who engages in transportation by motor vehicle of passengers or property in interstate or foreign commerce for compensation (other than transportation referred to in subparagraph (1) of this paragraph) under continuing contracts with one person or a limited number of persons either~~

~~A) for the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served or~~

~~B) for the furnishing of transportation services designed to meet the distinct need of each individual customer.~~

~~3) Gross combination weight rating: the value specified by the manufacturer as the loaded weight of a combination vehicle.~~

~~4) Gross vehicle weight rating: the value specified by the manufacturer as the loaded weight of a single vehicle.~~

~~5) Interstate commerce: the commerce between any place in a State and any place in another State or between places in the same State through another State, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by rail, express, water or air. This definition of "interstate commerce" for purposes of this rule is the same as the definition of "interstate commerce" in Section 203(a) of the Interstate Commerce Act (49 U.S.C. Section 303(a)).~~

~~6) Motor carrier: a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property by motor vehicle, as those~~

~~terms are defined by paragraphs (14), (15), and (17) of Section 203(a) of the Interstate Commerce Act (49 U.S.C. 303(a)). The term "motor carrier" includes those entities which own and operate the subject motor vehicles, but not the drivers thereof, unless said drivers are independent truckers who both own and drive their own vehicles.~~

~~7) Open site: an area that is essentially free of large sound-reflecting objects, such as barriers, walls, board fences, signboards, parked vehicles, bridges or buildings.~~

~~8) Private carrier of property by motor vehicle: any person not included in terms "common carrier by motor vehicle" or "contract carrier by motor vehicle", who transports in interstate or foreign commerce by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for sale, lease, rent or bailment, or in furtherance of any commercial enterprise.~~

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

Section 902.124 Horns and Other Warning Devices

The use of a horn and other warning device must comply with the requirements of 625 ILCS 5/12-601.

~~a) No person shall sound a horn when upon a highway, except when reasonably necessary to insure safe operation. No person shall sound any horn on any motor vehicle for an unreasonable period of time or in a manner so as to circumvent enforcement of the operational standards contained in this Subpart B.~~

~~b) No person shall sound any siren, whistle or bell of any motor vehicle except as provided in Ill. Rev. Stat. 1981, ch. 95½, par. 12-601(b).~~

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

Section 902.125 Tire Noise

Operation of~~No person shall operate~~ a motor vehicle in ~~such~~ a manner resulting in~~as to cause or allow to be emitted~~ squealing, screeching or other such noise being omitted from the tires in contact with the ground is prohibited~~because of rapid acceleration or excessive speed around~~

~~corners or other such reason~~, except that noise resulting from emergency operation to avoid imminent danger is~~shall be~~ exempt from this provision.

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

SUBPART C: EXCEPTIONS AND COMPLIANCE DATES FOR PART 902

Section 902.140 Exceptions

a) The standards and limitations of this Part do ~~902 shall~~ not apply to:

1) Any~~any~~ vehicle moved by human or animal powers;

2) Any~~any~~ vehicle moved by electrical power;

3) Any~~any~~ vehicle used exclusively upon stationary rails or tracks;

4) Any~~any~~ farm tractor;

5) Any~~any~~ antique vehicle, if licensed under Section 3-804 of the Illinois Vehicle Code [625 ILCS 5/3-804]~~Ill. Rev. Stat. 1981, ch. 95½, par. 3-804~~;

6) Any~~any~~ snowmobile subject to 35 Ill. Adm. Code 905;

7) Any~~any~~ special mobile equipment;

8) Any~~any~~ vehicle while being used lawfully for racing competition or time racing events; and

9) Any~~any~~ lawn care maintenance equipment.

b) Section~~Sections~~ 902.102 does~~and 902.123(b)(2) shall~~ not apply to any person who can show that a tread pattern as described in that Section~~those rules~~ was the result of wear and that the tire was not originally manufactured or newly retreaded with such a tread pattern.

c) The operational standards contained in this Part do~~Sections 902.120 through 902.123 inclusive shall~~ not apply to warning devices~~, such as horns and sirens;~~ or to emergency equipment and vehicles described in 40 CFR 202.12(e),

incorporated by reference at 35 Ill. Adm. Code 900.106.~~such as fire engines, ambulances, police vans, and rescue vans, when respond to emergency calls; to snow plows when in operation; or to tactical military vehicles.~~

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

Section 902.141 Compliance Dates (Repealed)

~~a) Except as otherwise provided in this rule, any person subject to the standards and limitations of this Part shall comply with such standards and limitations on and after November 30, 1977.~~

~~b) Every owner or operator of a motor vehicle subject to Section 902.102 shall comply with such rule on and after May 31, 1978.~~

~~c) Every owner or operator of a motor vehicle subject to Section 902.120(b)(2) or 902.121(b)(2) shall comply with such rule on and after May 31, 1978.~~

~~d) Every motor carrier subject to Section 902.123 shall comply with such rule on and after May 31, 1977.~~

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

Section 902.APPENDIX A Old Rule Numbers Referenced (Repealed)

~~The following table is provided to aid in referencing old Board rule numbers to section numbers pursuant to codification.~~

~~Old Part 3 of Chapter 8~~	~~35 Ill. Adm. Code Part 902~~
~~Rule 301~~	~~Section 902.101~~
~~Rule 310~~	~~Section 902.120~~
~~Rule 311~~	~~Section 902.121~~
~~Rule 312~~	~~Section 902.122~~
~~Rule 313~~	~~Section 902.123~~
~~Rule 314~~	~~Section 902.124~~
~~Rule 315~~	~~Section 902.125~~
~~Rule 320~~	~~Section 902.140~~
~~Rule 321~~	~~Section 902.141~~

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Measurement Procedures for the Enforcement of 35 Ill. Adm. Code 900 & 901

2) Code Citation: 35 Ill. Adm. Code 910

3)

Section Numbers:	Proposed Actions:
910.100	Amendment
910.102	Amendment
910.104	Amendment
910.105	Amendment
910.106	Amendment
910.107	Amendment

4) Statutory Authority: Implementing and authorized by Sections 27 and 28 of the Illinois Environmental Protection Act [415 ILCS 5/27 and 28].

5) A Complete Description of the Subjects and Issues Involved: The proposed changes involve updating definitions, references, and sound measurement procedures.

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 proposed rulemaking contain incorporations by reference? Yes

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

11) Statement of Statewide Policy Objective: The amendments streamline, update, and overhaul rules that are no longer current due to changing technology and the passage of time.

12) Time, Place, and Manner in which interested persons may comment on this rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R18-19 and be addressed to:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Clerk's Office
Illinois Pollution Control Board
JRTC
100 W. Randolph St., Suite 11-500
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at www.ipcb.state.il.us.

Interested persons may request copies of the Board's opinion and order in R18-19 by calling the Clerk's office at 312-814-3620, or may download copies from the Board's Web site at www.ipcb.state.il.us.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None, amendments are not substantive.

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 Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE H: NOISE
CHAPTER I: ILLINOIS POLLUTION CONTROL BOARD

PART 910
MEASUREMENT PROCEDURES FOR THE ENFORCEMENT
OF 35 ILL. ADM. CODE 900 & 901

Section
910.100 General
910.102 Instrumentation
910.103 Definitions
910.104 Measurement Techniques for 35 Ill. Adm. Code 900
910.105 Measurement Techniques for 35 Ill. Adm. Code 901
910.106 Protocols for Determination of Sound Levels
910.107 Measurement Techniques for Highly-Impulsive Sound Under 35 Ill. Adm. Code 104

910.APPENDIX A Tables of Long-Term Background Ambient Noise
910.TABLE A Daytime long-term background ambient L_{eq} levels in decibels by land use categories and ⅓ octave-band level
910.TABLE B Nighttime long-term background ambient L_{eq} levels in decibels by land use categories and ⅓ octave-band level
910.TABLE C Daytime long-term background ambient L_{eq} levels in decibels by land use categories and octave-band level
910.TABLE D Nighttime long-term background ambient L_{eq} levels in decibels by land use categories and octave-band level

AUTHORITY: Implementing and authorized by Sections 25 and 27 of the Environmental Protection Act [415 ILCS 5/25 and 27].

SOURCE: Adopted in R03-9 at 30 Ill. Reg. 5594, effective March 10, 2006; amended in R18-19 at 42 Ill. Reg. _____, effective _____.

Section 910.100 General

This Part provides specifications for sound measurement equipment~~specifies the instrumentation to be used when conducting acoustical noise measurements~~ as well as ~~and sets forth~~ the specific

sound~~acoustical~~ measurement techniques to be used~~employed~~ when conducting time-averaged sound level (L_{eq}) measurements for~~. The instrumentation requirements and measurement techniques as more specifically set forth in this Part must be used in~~ determining whether a noise source is compliant~~in compliance~~ with 35 Ill. Adm. Code 900 and 901.

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

Section 910.102 Instrumentation

a) Sound Measuring Equipment

1) Use an~~An~~ integrating sound level meter ~~used~~ alone or ~~used~~ in conjunction with an octave-band or ⅓ octave-band filter set or a real-time sound analyzer (octave-band or ⅓ octave-band) that complies~~must conform~~ with the following standards incorporated by reference at 35 Ill. Adm. Code 900.106:

A) ANSI/ASA S1.4-2014/Part 1/IEC 61672:1-2013~~1983 (R2001)~~ "American National Standard Electroacoustics – Sound Level Meters – Part 1: Specifications (a nationally adopted international standard)~~Specification for Sound Level Meters", and ANSI S1.4 A – 1985 "Amendment to ANSI S1.4 – 1983~~."

B) ANSI/ASA S1.11-2014/Part1/IEC 61260:1-2014~~1986 (R1998) "American National Standard~~ Electroacoustics – ~~Specifications for~~ Octave-Band and Fractional-Octave-Band ~~Analog and Digital~~ Filters – Part 1: Specifications (a nationally adopted international standard)."

C) ANSI/ASA S1.6-2016~~1984 (R2001)~~ "~~American National Standard~~ Preferred Frequencies and Filter Band Center Frequencies, ~~Frequency Levels, and Band Numbers~~ for Acoustical Measurements."

D) ANSI/ASA S1.8-2016~~1989~~ "~~American National Standard~~ Reference Values for Levels Used in Acoustics and Vibrations~~Quantities for Acoustical~~ Levels."

E) ~~International Electrotechnical Commission,~~ IEC 61672-1:2013 "Electroacoustics~~804-2000 Integrating/Averaging~~ Sound Level Meters – Part 1: Specifications."

2) Use a~~A~~ magnetic tape recorder, graphic level recorder or other indicating device conforming with~~used must meet the requirements of~~ the ~~Society of Automotive Engineers (~~SAE~~)~~ Recommended Practice J184 "Qualifying a Sound Data Acquisition System~~,~~", August 2014~~November 1998~~, incorporated by reference at 35 Ill. Adm. Code 900.106.

3) Calibrate sound measuring equipment ~~The laboratory calibration of instrumentation used for acoustic measurement must be~~ traceable to the National Bureau of Standards~~, and must be performed no less often than~~ at least once every 12 months.

4) For outdoor measurement, use a microphone with an attached~~a~~ windscreen ~~must be attached to the microphone~~.

b) Weather Measuring Equipment

1) Us an~~An~~ anemometer and compass or other devices ~~must be used~~ to measure wind speed and direction in compliance~~accordance~~ with the manufacturer's recommended procedures.

2) Use a~~A~~ thermometer, designed to measure ambient temperature, ~~must be used~~ in compliance~~accordance~~ with the manufacturer's recommended procedures.

3) Use a~~A~~ hygrometer ~~must be used~~ in compliance~~accordance~~ with the manufacturer's recommended procedures to measure the relative humidity.

4) Use a~~A~~ barometer ~~must be used~~ in compliance~~accordance~~ with the manufacturer's recommended procedures to measure the barometric pressure.

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

Section 910.104 Measurement Techniques for 35 Ill. Adm. Code 900

~~Sound pressure level measurements are not required to establish~~ A~~a~~ violation of 35 Ill. Adm. Code 900.102 (nuisance noise) can be established without sound pressure level measurement. However, sound pressure level measurements may be introduced as corroborating evidence when alleging a violation of 35 Ill. Adm. Code 900.102 if~~. If sound pressure level~~ measurements are collected~~,~~ in compliance with the manufacturer's instructions ~~must be followed~~ for the sound measuring equipment~~. used and~~ The sound measuring techniques in 35 Ill. Adm. Code 910.105 may be used as guidance in gathering data.

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

Section 910.105 Measurement Techniques for 35 Ill. Adm. Code 901

To determine a noise source's compliance with 35 Ill. Adm. Code 901, sound~~Sound~~ pressure level measurements are~~must be~~ obtained using ~~in accordance with~~ the following measurement techniques ~~to determine whether a noise source is in compliance with 35 Ill. Adm. Code 901~~:

a) Site Selection

1) One~~Measurements may be taken at one~~ or more outdoor microphone positions ~~within the appropriate receiving land. Measurement instruments must be set up outdoors~~ may be chosen within the boundaries of the receiving land, as long as the positions are at least ~~for the purpose of determining whether a noise source is in compliance with 35 Ill. Adm. Code 901. 2) Measurement instruments must be set up not less than~~ 25 feet (7.6 meters (m)) from the property-line-noise-source. The 25-foot (7.6 m) setback distance~~requirement~~ is from the noise source and not the property line unless the noise source is contiguous to the property line.

2~~3~~) Other measurement locations may be used for investigatory purposes, including ~~such as, but not limited to,~~ the following:

A) Determining the extent of noise pollution caused by the source of sound;

B) Determining the ambient; and

C) Analyzing those acoustical parameters that describe the sound source.

3~~4~~) For measurements of sound sources with no audible discrete tones, set up the microphones ~~should not be set up less than~~ at least 25 feet (7.6 m) from any reflective surface that may affect data. If microphones are~~measurements must be taken~~ within 25 feet (7.6 m), determine the effect, if any, of the reflective surface on the measured data~~ must be determined~~.

4~~5~~) For measurements of sound sources with audible discrete tones, set up the microphones at least~~must not be set up less than~~ 50 feet (15.2 m) from any reflective surface that may affect data. If microphones are~~measurements must be taken~~ within 50 feet (15.2 m), determine the effect, if any, of the reflective surface on the measured data~~ must be determined~~.

5~~6~~) Microphones need to be at least 5 feet (1.5 m) from ~~Objects with~~ small objects~~dimensions~~ (trees, posts, bushes, etc.)~~ must not be within 5 feet (1.5 m) of the microphone position~~. If microphones are ~~measurements must be taken~~ within 5 feet (1.5 m) of small~~such~~ objects, determine the effect, if any, on the measured data~~ must be determined~~.

b) Instrumentation Set Up

1) Set up a microphone~~A~~ tripod~~ must be set~~ at the chosen site~~. The tripod must be~~ extended to a height between 3 feet 8 inches (1.12 m) and 4 feet 10 inches (1.47 m) above ground.

2) Attach the~~A~~ microphone at the top of the tripod and connect it to the measuring instrument with~~must be attached to the appropriate end of~~ a 5-foot (1.5 m) or longer cable~~ and must be affixed to the top of the tripod. The other end of the cable must be connected to the measuring instrument~~.

3) Adjust the~~The~~ angle of incidence of the microphone ~~must be adjusted~~ to yield the flattest frequency response compliant~~in accordance~~ with the manufacturer's specifications.

4) Separate the~~The~~ measuring instrument ~~must be separated~~ from the microphone ~~so as~~ to minimize any influence on the measurements, and minimize any~~. The~~ cable movement ~~must be minimized~~ during the measurement period.

c) Measurement Site Operation and Instrument Calibration

1) Before taking sound pressure level measurements, measure and record (near the measurement site):

A) Wind speed and direction;

B) Ambient temperature;

C) Relative humidity; and

D) Barometric pressure.

2) Turn the measuring instrument on and allow the instrument to stabilize. Monitor and record the battery condition of the calibrator and all measuring instruments.

3) Turn the calibrator on at its appropriate frequency. Allow the calibrator to stabilize and calibrate the measuring system according to the manufacturer's specifications. After the measuring system has been calibrated, remove the calibrator and attach a windscreen to the microphone.

4) Adjust the microphone to the angle of incidence that will yield the frequency response compliant~~in accordance~~ with the manufacturer's specifications.

5) Measure the sound pressure level data within the limitations of subsection (d) and according to the manufacturer's recommended procedures. Other sound pressure levels may be used for investigatory purposes, including ~~such as, but not limited to,~~ the following:

A) Determining the extent of noise pollution caused by the source of sound;

B) Determining the ambient; and

C) Analyzing those acoustical parameters that describe the sound source.

6) While sound measurements are being taken, maintain distance between the operator ~~must be separated from~~ and the microphone ~~so as~~ to minimize any influence on the measurements.

7) While measurements are being taken, make visual and aural surveillance of extraneous sound sources and varying wind conditions ~~must be made~~ to ensure~~insure~~ that the conditions of measurement are accurately known. Record any variations in these parameters that may affect data. Record the~~The~~ number and basis for the affected data block ~~must be recorded~~. When using a tape recorder, record voice commentary concerning conditions ~~will be recorded~~ on the cue track.

8) Minimize ~~To minimize~~ wind effects on the microphone by taking~~,~~ sound measurements ~~must not be taken~~ when the wind velocity is less~~greater~~ than 12 miles per hour (5.4 m/second) at the microphone position.

9) For the purposes of data correction, determine the ambient sound at the measurement site ~~must be determined~~ by means of measurement or analysis.

10) After taking sound pressure level measurements, remove the windscreen and attach the calibrator to the microphone. Turn the calibrator on at its appropriate frequency. After allowing the calibrator to stabilize, monitor and record the measuring system response. If~~When~~ the measuring system response varies by more than ± 0.5 dB from the most recent field calibration, the sound pressure level measurements obtained since such most recent field calibration cannot be used for enforcement purposes.

11) Before removing the calibrator from the microphone, turn the calibrator off. If the ambient sound has not been determined by means of measurement, determine the noise floor of the measuring system. If the noise floor is within 10 dB of the measured sound pressure level data, record the~~such~~ noise floor measurements ~~must be recorded~~.

12) At the end of the sound survey, monitor and record the battery condition of the calibrator and all measuring instruments. Near the measurement site, measure and record:

A) Windspeed and direction;

B) Ambient temperature;

C) Relative humidity; and

D) Barometric pressure.

13) Record the physical and topographical description of the ground surface within the vicinity of the measurement site, survey site location, a description of the sound source, a diagram of the area, the location of reflective surfaces near the microphone, and the approximate location of the noise source relative to the microphone position.

14) A magnetic tape recorder may be used to preserve the raw data. Record calibration~~Calibration~~ signals ~~must be recorded~~ at the beginning and end of each tape as well as at intermediate times such as when relocating to a new measurement site. Record voice~~Voice~~ commentary concerning local conditions and affected data blocks ~~must be recorded~~ on the cue track. Preserve the~~The~~ original tape recording ~~must be preserved~~ for subsequent evaluation.

15) Any laboratory~~Laboratory~~ analyses of~~may be performed on~~ magnetic tape-recorded field data must include a~~. A~~ description of the laboratory instrumentation and procedures, along with correlation of~~must be recorded. Analyses used in~~ the laboratory analyses and~~must be correlated to~~ field measurement techniques.

d) Limiting Procedures for Specific Types of Data Acquisition

1) For measurements of non-impulsive sound with audible discrete tones, measure ⅓ octave-band sound pressure levels to determine if ~~must be obtained in determining whether~~ a noise source complies~~is in compliance~~ with 35 Ill. Adm. Code 901.106.

2) For measurements of non-impulsive sound with no audible discrete tones, measure octave-band sound pressure levels to determine if ~~must be obtained in determining whether~~ a noise source complies ~~is in compliance~~ with 35 Ill. Adm. Code 901.102 and 901.103.

e) Correction Factors
If necessary, apply correction factors rounded to the nearest ½ decibel ~~must be applied~~ to sound pressure level measurements. The correction factors applicable to the measurement system may include~~, but are not limited to,~~ corrections for windscreen interference and the sound pressure level difference between consecutive field calibrations. Use~~Such~~ calibration correction factors ~~must~~ only ~~be used~~ to make negative corrections (subtraction from the field data). Do not add~~In no case must such~~ calibration correction factors ~~be added~~ to the measured sound pressure levels ~~so as~~ to raise the sound pressure level field data. The correction factors applicable to the measurement site may include~~, but are not limited to,~~ corrections for reflective surfaces and ambient sound.

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

Section 910.106 Protocols for Determination of Sound Levels

a) The raw data collection procedures for the determination of equivalent continuous sound pressure level (L_{eq}) are described in this Section using as an example the determination of a 1-hour L_{eq} corrected for ambient. The following procedures must be used:

1) Using small blocks:

A) Divide the~~The~~ 1-hour interval ~~is divided~~ into many small blocks of time so that corruption of the data from short-term background, transient sound and loss of data can be limited to the corrupted or bad blocks. The block duration measured in seconds is~~must remain~~ fixed for any measurement hour. The duration must be neither less than 10 seconds nor greater than 100 seconds. For example, if the block duration is chosen to be 60 seconds (1 minute), then the data collection proceeds for 60, 1-minute periods of measurement.

B) The collected data for each block represents a block duration L_{eq} (or sound exposure level (SEL)) in octave-bands (or ⅓ octave-bands if prominent discrete tones may be present).

C) Delete data~~Data~~ for any block corrupted by one or more short-term background transient sounds~~ must be deleted~~.

D) After deleting corrupted data blocks, there will be a fixed number of "good" data blocks remaining. This number is designated as N_{PLNS}, where PLNS stands for Property-Line-Noise-Source. These remaining "good" blocks are~~must be~~ numbered consecutively. The subscript "i" is used to denote the numbering of the blocks in time order after corrupted data blocks have been deleted.

E) The data for the N_{PLNS} remaining blocks are time averaged on an energy basis by octave (or ⅓ octave-band) using Equation 1 below. In this equation, two subscripts are used, i to designate time and j to designate the specific frequency, either an octave-band or ⅓ octave-band. The raw, 1-hour L_{eq} in the jth frequency band is given by:

$$L_{eqj} = 10\log\left(\frac{1}{N_{PLNS}}\sum_{i=1}^{N_{PLNS}} 10^{\left(\frac{L_{eqij}}{10}\right)}\right) \qquad \text{[Equation 1]}$$

where L_{eq} is the L_{eq} in the *j*th frequency band for the ith non-deleted data block.

F) In terms of SEL, the raw SEL in the jth frequency band is given by:

$$SEL_j = 10\log\left(\sum_{i=1}^{N_{PLNS}} 10^{\left(\frac{SEL_{ij}}{10}\right)}\right) \qquad \text{[Equation 2]}$$

G) The raw, 1-hour L_{eq} in the jth frequency band is given in terms of the corresponding SEL_j by:

$$L_{eqj} = SEL_j + 10\log\left(\frac{3600}{N_{PLNS}\Delta T}\right) \qquad \text{[Equation 3]}$$

Where T is the block duration in seconds, N_{PLNS} is the number of non-discarded data blocks, and 3600 is the number of seconds in an hour.

2) Continuous Data Collection~~:~~

A) Adjust the~~The~~ measuring instrument ~~must be adjusted~~ to continuously measure sound pressure and accumulate L_{eq} for each block of time. For convenience, the hour may be split into several smaller blocks such as 10, 6-minute blocks or 4, 15-minute blocks, etc.

B) A switch on the measuring instrument must be available to inhibit data collection whenever a short-term background transient sound occurs. Use this~~This~~ switch ~~shall be used~~ to prevent short-term background ambient sounds from corrupting the data.

C) Data collection must proceed for one hour. The energy average of the several measured L_{eqij} each weighted by the number of seconds actually accumulated during the ith block results in the raw, 1-hour L_{eq} in each frequency band given by:

$$L_{eqj} = 10\log\left(\frac{1}{T_{PLNS}}\sum_{i=1}^{N_{PLNS}} T_i 10^{\left(\frac{L_{eqij}}{10}\right)}\right) \qquad \text{[Equation 4]}$$

Where L_{eqij} is the L_{eq} in the jth frequency band for the ith large block. T_i is the actual number of seconds of "good" data accumulated in the ith block of time (e.g., 6 to 15 minutes); and

$$T_{PLNS} = \sum_{i=1}^{N_{PLNS}} T_i \qquad \text{[Equation 5]}$$

3) Minimum Data Collection Requirements~~data collection requirements:~~

A) Initial Measurement Duration. Measure the~~The~~ property-line-noise-source ~~measurements must proceed~~ initially for one hour. Because of correction for short-term background transient sounds, actual reported data collection time T, in seconds, may be less than 3600 seconds (one hour).

i) If small blocks of data are used for data collection, then the total measurement duration in seconds, T_{PLNS}, is given by N_{PLNS} T, where T is the length of each block in seconds and N_{PLNS} is the number of non-discarded blocks. If data inhibition is used for data collection, then T_{PLNS} is the number of non-inhibited seconds during the measurement hour. In either case, T_{PLNS} must be at least~~no less than~~ 900 seconds.

ii) If very few blocks were used for data collection, then the duration of each block, T, may be too long and should be reduced.

iii) For either data collection method, sounds considered to be short-term transient may actually be part of the long-term background ambient and should be so redefined.

B) Extended Measurement Duration. If T_{PLNS} is less than 900 seconds during the first hour of measurements, modify the raw data collection procedures ~~must be~~ appropriately ~~modified~~ and take new measurements ~~must proceed~~ for an additional hour. If T_{PLNS} after combining the first and the second hour of measurements is also less than 900 seconds, then collect additional ~~the~~ raw data ~~collection must continue~~ using the data inhibition method or method employed during the second hour until T_{PLNS} is greater than or equal to 900 seconds.

4) Correction for Long-Term Background Ambient Sound~~:~~

A) The raw 1-hour L_{eq} must be corrected for long-term background ambient sound. Subsection (b) ~~of this Section~~ describes methods to obtain the long-term background ambient sound level in the jth frequency band. The correction is dependent on the difference (in decibels) between the raw, 1-hour, j^{th} band property-line-noise-source~~:~~ (L_{eqj}) and corresponding j^{th} band long-term background ambient sound level. The correction to be applied is as follows:

i) If the difference between the raw 1-hour L_{eq} and the long-term background ambient sound is larger than 10 decibels, then the correction is~~must be~~ set to 0.

ii) If the difference between the raw 1-hour L_{eq} and the long-term background ambient sound difference is less than 3 decibels, then the jth frequency-band level, L_{eqj}, is~~must be~~ set ~~equal~~ to 0.

iii) If the difference between the raw 1-hour L_{eq} and the long-term background ambient sound is between 3 and 10 decibels, then the correction given in Table 1 is~~below must be~~ subtracted from the raw, 1-hour property-line-noise-source L_{eqj}.

Table 1
Corrections in dB for long-term background ambient sound

Difference (dB)	Correction (dB)
3	3
4	2.3
5	1.7
6	1.3
7	1.0
8	0.7
9	0.6
10	0.5

B) The long-term background ambient corrected level is ~~must be~~ the property-line-noise-source L_{eqj} reported for the jth frequency band.

b) Obtaining the Background Ambient Sound Level~~background ambient sound level:~~

1) Measure the~~The~~ background ambient ~~must be measured for the purposes of this Section~~ during a 10-minute interval.

2) Long-term background ambient measurement procedures are similar to procedures to measure the property-line-noise-source itself. Eliminating short-term background ambient transient sounds from the measurement of average long-term background ambient sound level, proceeds in a manner similar to the measurement of the property-line-noise-source emissions themselves. The two methods for measurement are: to divide the 10-minute measurement into short blocks of data, or inhibit data collection when short-term background transient sounds occur. The same method must be used for gathering both the property-line-noise-source data and the corresponding long-term background ambient data. The measurement procedures for each method are given in subsections (b)(3), (b)(4) and (b)(5). ~~of this Section:~~

3) Using Small Blocks of Data

A) Divide the~~The~~ 10-minute measurement of long-term background ambient ~~must be divided~~ into short measurement blocks. The duration of these blocks in seconds (T) must:

i) remain constant during the entire measurement, both when measuring the long-term background ambient and when measuring the property-line-noise-source; and~~.~~

ii) ~~The duration of this measurement block in seconds, T, must~~ divide exactly (without remainder) into 600 and must be neither greater than 100 seconds nor less than 10 seconds.

B) Discard~~All~~ data for any measurement block corrupted by one or more short-term ambient transient sounds ~~must be discarded~~. The number of remaining, non-discarded measurement blocks is designated N_{BA}, where *BA* stands for background ambient.

C) The L_{eq} for each octave- (or ⅓ octave-) band are time-averaged on an energy basis over the N_{BA} remaining measurement blocks to obtain average long-term background ambient L_{eq} per band. Equation 1 (see subsection (a)(1)(E) ~~of this Section~~) is used for this calculation with N_{BA} replacing N_{PLNS} as the number of elemental blocks to be summed. The total duration of the measurement in seconds, T_{BA}, is given by N_{BA} multiplied by T.

4) Continuous Data Collection

A) Adjust the~~The~~ measuring instrument ~~must be adjusted~~ according to manufacturer's instructions to continuously measure sound pressure and accumulate (i.e. record) L_{eq}. A switch must be available to inhibit data collection whenever a short-term background transient sound occurs, (and on some instruments, a button may be available to delete the most recent, previous data).

B) Use the~~The~~ switches or buttons ~~must be used~~ to prevent short-term background ambient sounds from corrupting the data.

C) Data collection must proceed for 10 minutes. The result is the 10-minute, long-term background ambient L_{eq} in each band.

D) T_{BA} is the number of non-inhibited measurement seconds during the 10-minute measurement period.

5) The minimum duration, for either method, T_{BA} must be at least~~no less than~~ 150 seconds. If T_{BA} is less than 150 seconds, then continue to measure~~the measurement of~~ the long-term background ambient ~~must continue~~ beyond the original 10 minutes and until T_{BA} for the total long-term background ambient measurement is greater than or equal to 150 seconds.

6) Measurement Alternatives. The long-term background ambient noise should ideally be measured at the potential violation site just before measurement of the property-line-noise-source emissions. However, turning off the property-line-noise-source may not always be possible. The following are a hierarchical order of five procedures for obtaining the long-term background ambient noise. The first four procedures involve direct measurement; the fifth procedure provides for use of tables of values obtained from extensive measurements. These are not equivalent procedures but are ordered from what is considered to be the most accurate to what is considered to be the least accurate procedure.

A) Direct Measurement Procedure-1: With the property-line-noise-source (PLNS) turned off, measure the long-term background

ambient noise within the hour before or within the hour after measurement of the PLNS emissions at the location where the PLNS measurements are being taken and with the measurement equipment used for the PLNS measurements.

B) Direct Measurement Procedure-2: With the PLNS turned off, measure the long-term background ambient during a similar time period in terms of background ambient sound level, within one to 24 hours before, or within one to 24 hours after measurement of the PLNS emissions at the location where the PLNS measurements are being taken and with the measurement equipment used for the PLNS.

C) Direct Measurement Procedure-3: With the PLNS turned off, measure the long-term background ambient during some other acoustically similar period within one to 30 days before, or within one to 30 days after measurement of the PLNS emissions. This alternate long-term background ambient measurement time might be a Saturday night or anytime during a Sunday or holiday. The measurements would be made at the location where the PLNS measurements are being taken and with the measurement equipment (or like equipment) used for the PLNS measurement.

D) Direct Measurement Procedure-4: With the PLNS turned off, measure the long-term background ambient noise during some other acoustically similar period within 30 to 90 days before, or within 30 to 90 days after measurement of the PLNS emissions. These measurements would be made at the location where the PLNS measurements are being taken and with the measurement equipment (or like equipment) used for the property-line-noise-source measurements.

E) Tables of Long-Term Background Ambient Noise. If~~Where~~ none of the alternatives can be used, use the applicable long-term background ambient data taken from Tables A through D in Appendix A~~ of this Part~~. These tables are organized by predominant land use and time of day (daytime or nighttime). There are separate tables for octave- and ⅓ octave-bands. The background environments presented in the table are based on

extensive measurements conducted in the Chicago area and are divided into the five categories listed in this subsection (b)(6) compliantgiven below in accordance with G.L. Bonvallet, "Levels and Spectra of Traffic, Industrial, and Residential Area Noise," Journal of the Acoustical Society of America, 23 (4), pp 435-439, July 1951; and Dwight E. Bishop and Paul D. Schomer, Handbook of Acoustical Measurements and Noise Control, Chapter 50, Community Noise Measurements, 3rd Edition, Cyril M Harris, Editor, McGraw-Hill Book Co., New York (1991).

i) Category 1: Noisy Commercial and Industrial Areas. Very heavy traffic conditions, such as in busy downtown commercial areas, at intersections of mass transportation and other vehicles, including the Chicago Transit Authority trains, heavy motor trucks and other heavy traffic, and street corners where motor buses and heavy trucks accelerate.

ii) Category 2: Moderate Commercial and Industrial Areas, and Noisy Residential Areas. Heavy traffic areas with conditions similar to Category 1subsection (b)(6)(E)(i) of this Section but with somewhat less traffic, routes of relatively heavy or fast automobile traffic but where heavy truck traffic is not extremely dense, and motor bus routes.

iii) Category 3: Quiet Commercial and Industrial Areas, and Moderate Residential Areas. Light traffic conditions where no mass transportation vehicles and relatively few automobiles and trucks pass, and where these vehicles generally travel at low speeds. Residential areas and commercial streets and intersections with little traffic comprise this category.

iv) Category 4: Quiet Residential Areas. These areas are similar to Category 3 in subsection (b)(6)(E)(iii) of this Section but, for this group, the background is either distant traffic or is unidentifiable.

v) Category 5: Very Quiet, Sparse Suburban or Rural Areas. These areas are similar to Category 4 ~~subsection (b)(6)(E)(iv) of this Section~~ but are usually in unincorporated areas and, for this group, there are few if any near neighbors.

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

Section 910.107 Measurement Techniques for Highly-Impulsive Sound Under 35 Ill. Adm. Code 901.104.

a) Measurement of highly-impulsive sound under 35 Ill. Adm. Code 901.104 can be made using ~~in~~ two distinct and equally valid ways specified in subsections (b) and (c), namely the general method and the controlled test method.

b) General Method: The general method is to measure the 1-hour, A-weighted L_{eq} (not the octave- or ⅓ octave-band levels) using essentially one of the two procedures described in Sections 910.105 and 910.106.

1) The procedure using small blocks of time to collect data is as follows:

A) Divide the~~The~~ hour interval ~~must be divided~~ into small blocks of time and measure the A-weighted L_{eq} ~~must be measured~~ for each of these ~~small~~ blocks ~~of time~~. L_{eq} is ~~must be~~ measured for the entire hour but data collection is~~must be~~ inhibited whenever a short-term background transient sound occurs.

B) The duration of each block is~~must be~~ held constant during the hour. This duration in seconds divides ~~must divide~~ exactly into 900 and is~~must be~~ neither greater than 100 seconds nor less than 10 seconds.

C) Discard the~~The~~ data for any block corrupted by one or more short-term background ambient sounds ~~must be discarded~~.

~~2) The continuous data collection procedure is as follows:~~

~~A) L_{eq} must be measured for the entire hour.~~

~~B) Data collection must be inhibited whenever a short-term background transient sound occurs.~~

2~~3~~) Correction for the Long-term Background Ambient Sound.~~long-term background ambient~~ Correct the raw 1-hour L_{eq} for long-term ambient sound~~must be accomplished~~ using the provisions of~~all of the other procedures and requirements enumerated in~~ Sections 910.105 and 910.106~~. These requirements must be complied with~~ to determine an A-weighted, 1-hour, background-ambient-corrected L_{eq} for the highly impulsive property-line-noise-source under study.

c) Controlled Test Method~~: For this method, the following procedures must be used:~~

1) General Measurement Description

A) The sound exposure per impulse from each separate individual impulsive source is measured.

B) The total sound exposure per hour from each source is the sound exposure per event multiplied by the number of events per hour.

C) The grand total sound exposure (SE) per hour is the sum of the sound exposures per hour from each of the separate individual sources.

D) The reported SEL is obtained from the grand total sound exposure (SE) per hour using the following:

$$SEL = 10 \log (SE) + 94 \qquad \text{[Equation 7]}$$

E) The equivalent level, L_{eq} corresponding to a SEL measured or predicted for one hour (3600 seconds) is given by:

$$L_{eq} = SEL - 10 \log (3600) \qquad \text{[Equation 8]}$$

2) Determination of Sound Exposure Per Event~~sound exposure per event must be as follows:~~

A) Determine the~~The~~ sound exposure per event from each, separate, individual source ~~must be determined~~ by measuring the total A-weighted sound exposure for about 10 repetitions of the~~this~~ source. This set of about 10 measurements may be performed continuously over a short period of time, or ~~this set of measurements may be performed~~ over a discontinuous set of measurement periods. In either case, the total measurement duration must be less than 100 seconds.

B) The~~These~~ separate, individual property-line-noise-source ~~controlled~~ measurements collected under subsection (a) must be free of any short-term ambient sounds. If any short-term background transient sounds occur during these measurements, repeat ~~then~~ the measurements~~measurement must be repeated~~ until ~~measurement~~ data, free of any corrupting short-term background ambient sounds, are obtained.

C) Correct the~~The~~ total measured A-weighted sound exposure for the~~this~~ group of about 10 repetitions ~~must be corrected~~ for long-term background ambient by subtracting the A-weighted long-term background ambient sound exposure, which is~~. The sound exposure value subtracted must be~~ the long-term A-weighted background ambient sound exposure per second multiplied by the number of seconds used to measure the several source repetitions.

D) ~~The reported Source:~~ A-weighted sound exposure per event is~~must be~~ the total corrected sound exposure divided by the number of source repetitions measured.

E) Measure the long-term~~The~~ background ambient ~~must be measured~~ for a short time, at least 30 seconds as near in time to the source measurements as possible, but within ½ hour. The total A-weighted long-term background ambient sound exposure per second is the total measured long-term background ambient sound exposure divided by the number of seconds of background ambient measurement.

F) There must be no short-term background ambient sounds present during the measurement of the long-term background ambient. If any short-term background transient sounds occur during these measurements, repeat~~then~~ the measurements ~~must be repeated~~ until long-term background ambient measurement data free of any corrupting short-term background ambient sound are obtained.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Emergency Medical Services, Trauma Center, Comprehensive Stroke Center, Primary Stroke Center and Acute Stroke Ready Hospital Code

2) Code Citation: 77 Ill. Adm. Code 515

3)

Section Numbers:	Proposed Actions:
515.100	Amendment
515.125	Amendment
515.150	Amendment
515.190	Amendment
515.220	Amendment
515.310	Amendment
515.320	Amendment
515.330	Amendment
515.350	Amendment
515.360	Amendment
515.380	Amendment
515.390	Amendment
515.420	Amendment
515.450	Amendment
515.455	Amendment
515.460	Amendment
515.500	Amendment
515.510	Amendment
515.520	Amendment
515.530	Amendment
515.540	Amendment
515.550	Amendment
515.560	Amendment
515.570	Amendment
515.580	Amendment
515.590	Amendment
515.600	Amendment
515.610	Amendment
515.630	Amendment
515.640	Amendment
515.700	Amendment
515.710	Amendment
515.715	Amendment

515.725	Amendment
515.730	Amendment
515.740	Amendment
515.750	Amendment
515.760	Amendment
515.810	Amendment
515.825	Amendment
515.830	Amendment
515.860	Amendment
515.920	Amendment
515.930	Amendment
515.935	Amendment
515.940	Amendment
515.945	Amendment
515.950	Amendment
515.955	Amendment
515.960	Amendment
515.963	Amendment
515.965	Amendment
515.970	Amendment
515.975	Amendment
515.980	Amendment
515.985	Amendment
515.990	Amendment
515.995	Amendment
515.1000	Amendment
515.3000	Amendment
515.Appendix D	Amendment
515.Appendix E	Amendment

4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking seeks to implement PA 96-1469, PA 98-973, PA 99-319 and PA 99-661. PA 96-1469 granted authority to the Department to adopt minimum standards for critical care providers via administrative rulemaking; PA 98-973 adopted comprehensive new national EMS education standards for three separate classes of EMS licensees and creates one new category of EMS provider (AEMT); PA 99-319 changed the name of the

advance directive form from DNR/POLST to POLST; and PA 99-661 amended several definitions.

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? Yes

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

11) Statement of Statewide Policy Objectives: All EMS service providers, universities, colleges and hospital based EMS personnel, as defined in the amended rules, will be required to update their EMS personnel curriculum and policies to meet the new educational national standards.

12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of the issue of the *Illinois Register* to:

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

271/782-2043
dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not-for-profit corporations affected: All EMS service providers who employ EMS personnel, as defined in the proposed amended rule, will need to change the nomenclature of their EMT's. The proposed amendments also bring the Part into alignment with current medical standards of practice as well as aligning State and EMS System business practices with the Part.

B) Reporting, bookkeeping or other procedures required for compliance: All EMS service providers will need to change any documentation to the new nomenclature and update their educational material to the new national standards.

C) Types of professional skills necessary for compliance: All EMS service providers will need to bring their staff in alignment with the new national educational standards.

14) Regulatory Agenda on which this rulemaking was summarized: January 2017

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515
EMERGENCY MEDICAL SERVICES, TRAUMA CENTER, COMPREHENSIVE STROKE CENTER, PRIMARY STROKE CENTER AND ACUTE STROKE READY HOSPITAL CODE

SUBPART A: GENERAL PROVISIONS

Section
515.100 Definitions
515.125 Incorporated and Referenced Materials
515.150 Waiver Provisions
515.160 Facility, System and Equipment Violations, Hearings and Fines
515.165 Suspension, Revocation and Denial of Licensure
515.170 Employer Responsibility
515.180 Administrative Hearings
515.190 Felony Convictions

SUBPART B: EMS REGIONS

Section
515.200 Emergency Medical Services Regions
515.210 EMS Regional Plan Development
515.220 EMS Regional Plan Content
515.230 Resolution of Disputes Concerning the EMS Regional Plan
515.240 Bioterrorism Grants
515.250 Hospital Stroke Care Fund
515.255 Stroke Data Collection Fund

SUBPART C: EMS SYSTEMS

Section
515.300 Approval of New EMS Systems
515.310 Approval and Renewal of EMS Systems
515.315 Bypass Status Review
515.320 Scope of EMS Service
515.330 EMS System Program Plan

515.340 EMS Medical Director's Course
515.350 Data Collection and Submission
515.360 Approval of Additional Drugs and Equipment
515.370 Automated Defibrillation (Repealed)
515.380 Do Not Resuscitate (DNR) and Practitioner Orders for Life-Sustaining Treatment (POLST) Policy
515.390 Minimum Standards for Continuing Operation
515.400 General Communications
515.410 EMS System Communications
515.420 System Participation Suspensions
515.430 Suspension, Revocation and Denial of Licensure of EMTs (Repealed)
515.440 State Emergency Medical Services Disciplinary Review Board
515.445 Pediatric Care
515.450 Complaints
515.455 Intra- and Inter-Systemsystem Dispute Resolution
515.460 Fees
515.470 Participation by Veterans Health Administration Facilities

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section
515.500 EMS System Education Program-Emergency Medical Technician- Basic Training
515.510 Advanced Emergency Medical Technician and Emergency Medical Technician-Intermediate EducationTraining
515.520 Emergency Medical Technician-Paramedic EducationTraining
515.530 EMT, A-EMT, EMT-I and Paramedic Testing
515.540 EMT, A-EMT, EMT-I and Paramedic Licensure
515.550 Scope of Practice – Licensed EMT and Paramedic
515.560 EMT-B Continuing Education
515.570 A-EMT and EMT-I Continuing Education
515.580 ParamedicEMT-P Continuing Education
515.590 EMS PersonnelEMT License Renewals
515.600 EMS PersonnelEMT Inactive Status
515.610 EMT, A-EMT, EMT-1 and Paramedic Reciprocity
515.620 Felony Convictions (Renumbered)
515.630 Evaluation and Recognition of Military Experience and Education
515.640 Reinstatement

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section
515.700 EMS Lead Instructor
515.710 Emergency Medical Dispatcher
515.715 Provisional Licensure for ~~First Responders and~~ Emergency Medical Responders
515.720 First Responder (Repealed)
515.725 ~~First Responder/~~Emergency Medical Responder
515.730 Pre-Hospital Registered Nurse
515.740 Emergency Communications Registered Nurse
515.750 Trauma Nurse Specialist
515.760 Trauma Nurse Specialist Program Plan

SUBPART F: VEHICLE SERVICE PROVIDERS

Section
515.800 Vehicle Service Provider Licensure
515.810 EMS Vehicle System Participation
515.820 Denial, Nonrenewal, Suspension and Revocation of a Vehicle Service Provider License
515.825 Alternate Response Vehicle
515.830 Ambulance Licensing Requirements
515.833 In-Field Service Level Upgrade – Rural Population
515.835 Stretcher Van Provider Licensing Requirements
515.840 Stretcher Van Requirements
515.845 Operation of Stretcher Vans
515.850 Reserve Ambulances
515.860 Critical Care Transport

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section
515.900 Licensure of SEMSV Programs – General
515.910 Denial, Nonrenewal, Suspension or Revocation of SEMSV Licensure
515.920 SEMSV Program Licensure Requirements for All Vehicles
515.930 Helicopter and Fixed-Wing Aircraft Requirements
515.935 EMS Pilot Specifications

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

515.940 Aeromedical Crew Member Education~~Training~~ Requirements
515.945 Aircraft Vehicle Specifications and Operation
515.950 Aircraft Medical Equipment and Drugs
515.955 Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs
515.960 Aircraft Communications and Dispatch Center
515.963 Flight Program Safety Standards
515.965 Watercraft Requirements
515.970 Watercraft Vehicle Specifications and Operation
515.975 Watercraft Medical Equipment and Drugs
515.980 Watercraft Communications and Dispatch Center
515.985 Off-Road SEMSV Requirements
515.990 Off-Road Vehicle Specifications and Operation
515.995 Off-Road Medical Equipment and Drugs
515.1000 Off-Road Communications and Dispatch Center

SUBPART H: TRAUMA CENTERS

Section
515.2000 Trauma Center Designation
515.2010 Denial of Application for Designation or Request for Renewal
515.2020 Inspection and Revocation of Designation
515.2030 Level I Trauma Center Designation Criteria
515.2035 Level I Pediatric Trauma Center
515.2040 Level II Trauma Center Designation Criteria
515.2045 Level II Pediatric Trauma Center
515.2050 Trauma Center Uniform Reporting Requirements
515.2060 Trauma Patient Evaluation and Transfer
515.2070 Trauma Center Designation Delegation to Local Health Departments
515.2080 Trauma Center Confidentiality and Immunity
515.2090 Trauma Center Fund
515.2100 Pediatric Care (Renumbered)
515.2200 Suspension Policy for Trauma Nurse Specialist Certification

SUBPART I: EMS ASSISTANCE FUND

Section
515.3000 EMS Assistance Fund Administration

SUBPART J: EMERGENCY MEDICAL SERVICES FOR CHILDREN

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section
515.3090 Pediatric Recognition of Hospital Emergency Departments and Inpatient Critical Care Services
515.4000 Facility Recognition Criteria for the Emergency Department Approved for Pediatrics (EDAP)
515.4010 Facility Recognition Criteria for the Standby Emergency Department Approved for Pediatrics (SEDP)
515.4020 Facility Recognition Criteria for the Pediatric Critical Care Center (PCCC)

SUBPART K: COMPREHENSIVE STROKE CENTERS,
PRIMARY STROKE CENTERS AND ACUTE STROKE-READY HOSPITALS

515.5000 Definitions
515.5002 State Stroke Advisory Subcommittee
515.5004 Regional Stroke Advisory Subcommittee
515.5010 Stroke Care – Restricted Practices
515.5015 Comprehensive Stroke Center (CSC) Designation
515.5016 Request for Comprehensive Stroke Center Designation
515.5017 Suspension and Revocation of Comprehensive Stroke Center Designation
515.5020 Primary Stroke Center (PSC) Designation
515.5030 Request for Primary Stroke Center Designation
515.5040 Suspension and Revocation of Primary Stroke Center Designation
515.5050 Acute Stroke-Ready Hospital (ASRH) Designation without National Certification
515.5060 Acute Stroke-Ready Hospital Designation Criteria without National Certification
515.5070 Request for Acute Stroke-Ready Hospital Designation without National Certification
515.5080 Suspension and Revocation of Acute Stroke-Ready Hospital Designation without National Certification
515.5083 Acute Stroke-Ready Hospital Designation with National Certification
515.5085 Request for Acute Stroke-Ready Hospital Designation with National Certification
515.5087 Suspension and Revocation of Acute Stroke-Ready Hospital Designation with National Certification
515.5090 Data Collection and Submission
515.5100 Statewide Stroke Assessment Tool

515.APPENDIX A A Request for Designation (RFD) Trauma Center
515.APPENDIX B A Request for Renewal of Trauma Center Designation
515.APPENDIX C Minimum Trauma Field Triage Criteria

515.APPENDIX D	Administrative, Legal and EMS Protocols and Guidelines~~Standing Medical Orders~~
515.APPENDIX E	Minimum Prescribed Data Elements
515.APPENDIX F	Template for In-House Triage for Trauma Centers
515.APPENDIX G	Credentials of General/Trauma Surgeons Level I and Level II
515.APPENDIX H	Credentials of Emergency Department Physicians Level I and Level II
515.APPENDIX I	Credentials of General/Trauma Surgeons Level I and Level II Pediatric Trauma Centers
515.APPENDIX J	Credentials of Emergency Department Physicians Level I and Level II Pediatric Trauma Centers
515.APPENDIX K	Application for Facility Recognition for Emergency Department with Pediatrics Capabilities
515.APPENDIX L	Pediatric Equipment Recommendations for Emergency Departments
515.APPENDIX M	Inter-facility Pediatric Trauma and Critical Care Consultation and/or Transfer Guideline
515.APPENDIX N	Pediatric Critical Care Center (PCCC)/Emergency Department Approved for Pediatrics (EDAP) Recognition Application
515.APPENDIX O	Pediatric Critical Care Center Plan
515.APPENDIX P	Pediatric Critical Care Center (PCCC) Pediatric Equipment/Supplies/Medications Requirements

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 26 Ill. Reg. 18367, effective December 20, 2002; amended at 27 Ill. Reg. 1277, effective January 10, 2003; amended at 27 Ill. Reg. 6352, effective April 15, 2003; amended at 27 Ill. Reg. 7302, effective April 25, 2003; amended at 27 Ill. Reg. 13507, effective July 25, 2003; emergency amendment at 29 Ill. Reg. 12640, effective July 29, 2005, for a maximum of 150 days; emergency expired December 25, 2005; amended at 30 Ill. Reg. 8658, effective April 21, 2006; amended at 32 Ill. Reg. 16255, effective September 18, 2008; amended at 35 Ill. Reg. 6195, effective March 22, 2011; amended at 35 Ill. Reg. 15278, effective August 30, 2011; amended at 35 Ill. Reg. 16697, effective

September 29, 2011; amended at 35 Ill. Reg. 18331, effective October 21, 2011; amended at 35 Ill. Reg. 20609, effective December 9, 2011; amended at 36 Ill. Reg. 880, effective January 6, 2012; amended at 36 Ill. Reg. 2296, effective January 25, 2012; amended at 36 Ill. Reg. 3208, effective February 15, 2012; amended at 36 Ill. Reg. 11196, effective July 3, 2012; amended at 36 Ill. Reg. 17490, effective December 3, 2012; amended at 37 Ill. Reg. 5714, effective April 15, 2013; amended at 37 Ill. Reg. 7128, effective May 13, 2013; amended at 37 Ill. Reg. 10683, effective June 25, 2013; amended at 37 Ill. Reg. 18883, effective November 12, 2013; amended at 37 Ill. Reg. 19610, effective November 20, 2013; amended at 38 Ill. Reg. 9053, effective April 9, 2014; amended at 38 Ill. Reg. 16304, effective July 18, 2014; amended at 39 Ill. Reg. 13075, effective September 8, 2015; amended at 40 Ill. Reg. 8274, effective June 3, 2016; amended at 40 Ill. Reg. 10006, effective July 11, 2016; amended at 42 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 515.100 Definitions

Act – the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

Acute Stroke-Ready Hospital or ASRH – *a hospital that has been designated by the Department as meeting the criteria for providing emergent stroke care. Designation may be provided after a hospital has been certified or through application and designation as* an Acute Stroke-Ready Hospital. (Section 3.116 of the Act)

Advanced Emergency Medical Technician or A-EMT − a person who has successfully completed a course in basic and limited advanced emergency medical care as approved by the Department, is currently licensed by the Department in accordance with standards prescribed by the Act and this Part, *and practices within an Intermediate or Advanced Life Support EMS System.* (Section 3.50(b-5) of the Act)

Advanced Life Support Services or *ALS Services – an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical services that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the National EMS Education Standards relating to Advanced Life Support and any modifications to that*

curriculum or those standards *specified in* this Part. (Section 3.10(a) of the Act)

Aeromedical Crew Member or Watercraft Crew Member or Off-road Specialized Emergency Medical Services Vehicle (SEMSV) Crew Member – an individual, other than an EMS pilot, who has been approved by an SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road SEMSV used in a Department-certified SEMSV Program.

Alternate EMS Medical Director or Alternate EMS MD – the physician who is designated by the Resource Hospital to direct the ALS/Advanced/ILS/BLS operations in the absence of the EMS Medical Director.

Alternate Response Vehicle – ambulance assist vehicles and non-transport vehicles as defined in Section 515.825.

Ambulance – any publicly or privately owned on-road vehicle that is specifically designed, constructed or modified and equipped for*, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such individuals.* (Section 3.85 of the Act)

Ambulance Service Provider and Vehicle Service Provider Upgrades – Rural Population – a practice that allows an ambulance, alternate response vehicle, specialized emergency medical services vehicle or vehicle service provider that serves a population of 7,500 or fewer to upgrade the level of service of the provider vehicle using pre-approved System personnel and equipment.

Ambulance Service Provider – any individual, group of individuals, corporation, partnership, association, trust, joint venture, unit of local government or other public or private ownership entity that owns and operates a business or service using one or more ambulances or EMS vehicles for the transportation of emergency patients.

Applicant – an individual or entity applying for a Department-issued license or certification.

Associate Hospital – a hospital participating in an approved EMS System in

accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting education~~training~~ programs nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive emergency department with 24-hour physician coverage. It shall have a functioning Intensive Care Unit or a Cardiac Care Unit.

Associate Hospital EMS Coordinator – the Paramedic or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the EMS~~ALS, Intermediate Life Support, Advanced or Basic Life Support~~ System, in accordance with the Department-approved EMS System Program Plan.

Associate Hospital EMS Medical Director – the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the EMS~~ALS, ILS, or BLS~~ System, in accordance with the Department-approved EMS System Program Plan.

Basic Emergency Department – a classification of a hospital emergency department where at least one physician is available in the emergency department at all times; physician specialists are available in minutes; and ancillary services, including laboratory, x-ray and pharmacy, are staffed or are "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements.

Basic Life Support or BLS *Services – a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical services that includes medical monitoring, clinical observation, airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in the National EMS Education Standards relating to Basic Life Support and any modifications to that curriculum* or *standards specified in* this Part. (Section 3.10(c) of the Act)

Board Eligible in Emergency Medicine – completion of a residency in Emergency Medicine in a program approved by the Residency Review Committee for Emergency Medicine or the Council on Postdoctoral Training (COPT) for the American Osteopathic Association (AOA).

Continuing Education or CE – Ongoing emergency medical education after licensure that is designated to maintain, update or upgrade medical knowledge

and skills.

Certified Registered Nurse Anesthetist or CRNA – a licensed Registered Professional Nurse ~~registered professional nurse~~ who has had additional education beyond the Registered Professional Nurse ~~registered professional nurse~~ requirements at a school/program accredited by the National Council on Accreditation; who has passed the certifying exam given by the National Council on Certification; and who, by participating in 40 hours of continuing education every two years, has been recertified by the National Council on Recertification.

Child Abuse and Neglect – see the definitions of "abused child" and "neglected child" in Section 3 of the Abused and Neglected Child Reporting Act.

Child Life Specialist – A person whose primary role is to minimize the adverse effects of children's experiences by facilitating coping and the psychosocial adjustment of children and their families through the continuum of care.

Clinical Observation – ongoing observation of a patient's condition by a licensed health care professional utilizing a medical skill set while continuing assessment and care. (Section 3.5 of the Act)

Comprehensive Emergency Department – a classification of a hospital emergency department where at least one licensed physician is available in the emergency department at all times; physician specialists shall be available in minutes; ancillary services, including laboratory and x-ray, are staffed at all times; and the pharmacy is staffed or "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Requirements.

Comprehensive Stroke Center or CSC *– a hospital that has been certified and has been designated as* a Comprehensive Stroke Center under Subpart K. (Section 3.116 of the Act)

CPR for Healthcare Providers – a course in cardiopulmonary resuscitation that meets or exceeds the American Heart Association course "BLS for Healthcare Providers".

Critical Care Transport or CCT or Specialty Care Transport or SCT *– pre-hospital or inter-hospital transportation of a critically injured or ill patient by a vehicle service provider, including the provision of medically necessary supplies and*

services, at a level of service beyond the scope of the Paramedic. When medically indicated for a patient, as determined by a physician licensed to practice medicine in all of its branches, an Advanced Practice Nurse , or a physician assistant, in compliance with subsections (b) and (c) of Section 3.155 of the *Act.*(Section 3.10(f-5)~~or CCT – A Specialty Care Transport (SCT) level of inter-facility or 911 service that uses paramedic, pre-hospital registered nurse and, on occasion, specialized nursing staff to perform skills and interventions at levels above the usual and customary scope of paramedic practice within the State of Illinois. Advanced education, continuing education and special certifications are required. All Critical Care Transport Programs shall be under the direction of a Department-approved ALS EMS System~~.

Department or IDPH – *the Illinois Department of Public Health.* (Section 3.5 of the Act)

Director – the Director of the Illinois Department of Public Health or his/her designee. (Section 3.5 of the Act)

Door-to-_____ − The time from patient arrival at the health care facility until the specified result, procedure or intervention occurs.

Dysrhythmia – a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

~~Effective Radiated Power or ERP – the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.~~

Electrocardiogram or EKG – a single lead graphic recording of the electrical activity of the heart by a series of deflections that represent certain components of the cardiac cycle.

Emergency – a medical condition of recent onset and severity that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. (Section 3.5 of the Act)

Emergency Communications Registered Nurse or ECRN – a Registered

Professional Nurse~~registered professional nurse~~ licensed under the Nurse Practice Act who has successfully completed supplemental education in accordance with this Part *and who is approved by an EMS Medical Director to monitor telecommunications from and give voice orders to EMS System personnel, under the authority of the EMS Medical Director and in accordance with System protocols.* (Section 3.80 of the Act) For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Emergency Department Approved for Pediatrics or EDAP – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.4000 of this Part as being capable of providing optimal emergency department care to pediatric patients 24 hours per day.

Emergency Medical Dispatch Priority Reference System or EMDPRS – an EMS System's organized approach to the receipt, management and disposition of a request for emergency medical services.

Emergency Medical Dispatcher or EMD – *a person who has successfully completed a training course in emergency medical dispatching in accordance with* this Part, *who accepts calls from the public for emergency medical services and dispatches designated emergency medical services personnel and vehicles.* (Section 3.70 of the Act)

~~Emergency Medical Dispatch Priority Reference System or EMDPRS – an EMS System's organized approach to the receipt, management and disposition of a request for emergency medical services.~~

~~*Emergency Medical Services Personnel or EMS Personnel – includes Emergency Medical Responder, Emergency Medical Dispatcher, Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic, Emergency Communications Registered Nurse and Pre-Hospital Registered Nurse.*~~

Emergency Medical Responder or EMR (AKA First Responder) – a person who has successfully completed a course of instruction for the Emergency Medical Responder as approved by the Department, who provides Emergency Medical Responder services prior to the arrival of an ambulance or specialized emergency

medical services vehicle, in accordance with the level of care established in the National EMS Educational Standards for Emergency Medical Responders as modified by the Department.

Emergency Medical Responder Services – a preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and control of bleeding, as outlined in the Emergency Medical Responder (EMR) curriculum of the National EMS Education standards and any modifications to that curriculum (standards) *specified in* this Part. (Section 3.10(d) of the Act)

Emergency Medical Services Personnel or EMS Personnel – *persons licensed as an Emergency Medical Responder (EMR) (First Responder), Emergency Medical Dispatcher (EMD), Emergency Medical Technician (EMT), Emergency Medical Technician-Intermediate (EMT-I), Advanced Emergency Medical Technician (A-EMT), Paramedic, Emergency Communications Registered Nurse (ECRN), or Pre-Hospital Registered Nurse (PHRN).* (Section 3.5 or the Act)

Emergency Medical Services System or EMS System or System – *an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ~~Advanced,~~ ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department, and pursuant to the EMS Region Plan adopted for the EMS Region in which the System is located.* (Section 3.20(a) of the Act)

Emergency Medical Services System Survey – a questionnaire that provides data to the Department for the purpose of compiling annual reports.

Emergency Medical Technician or EMT (AKA EMT-B) – a person who has successfully completed a course in basic life support as approved by the Department, is currently licensed by the Department in accordance with standards prescribed by the *Act and* this Part *and practices within an EMS System.* (Section 3.50(a) of the Act)

Emergency Medical Technician-Coal Miner – for purposes of the Coal Mine Medical Emergencies Act, an EMT, A-EMT, EMT-I or Paramedic who has received additional education emphasizing extrication from a coal mine.

Emergency Medical Technician-Intermediate or EMT-I – a person who has successfully completed a course in intermediate life support as approved by the Department, is currently licensed by the Department in accordance with the standards prescribed in this Part *and practices within an Intermediate or Advanced Life Support EMS System.* (Section 3.50(b) of the Act)

Emergent Stroke Care – emergency medical care that includes diagnosis and emergency medical treatment of suspected or known *acute stroke patients.* (Section 3.116 of the Act)

Emergent Stroke Ready Hospital – a hospital that has been designated by the Department as meeting the criteria for providing emergent~~emergency~~ stroke care as set forth in the Act and Section 515.5060. (Section 3.116 of the Act)

EMS – emergency medical services.

EMS Administrative Director – the administrator, appointed by the Resource Hospital in consultation with the EMS Medical Director, in accordance with this Part, *responsible for the administration of the EMS System.* (Section 3.35 of the Act)

EMSC – Emergency Medical Services for Children.

EMS Lead Instructor or LI – a person who has successfully completed a course of education as approved by the Department in this Part, *and who is currently approved by the Department to coordinate or teach education, training and continuing education courses, in accordance with* this Part. (Section 3.65(a) of the Act)

EMS Medical Director or EMS MD – the physician, appointed by the Resource Hospital, who has the responsibility and authority for total management of the EMS System.

EMS Regional Plan – a plan established by the EMS Medical Director's Committee in accordance with Section 3.30 of the Act.

EMS System Coordinator – an individual responsible to the EMS Medical Director and EMS Administrative Director for coordination of the educational and functional aspects of the System program.

EMS System Program Plan – the document prepared by the Resource Hospital and approved by the Department that describes the EMS System program and directs the program's operation.

Fixed-Wing Aircraft – an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings.

Full-Time – on duty a minimum of 36 hours a week.

Half-Duplex Communications – a radio or device that transmits and receives signals in only one direction at a time.

Health Care Facility – a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed. It does not include "pre-hospital emergency care settings" that *utilize EMS Personnel to render pre-hospital emergency care prior to the arrival of a transport vehicle, as defined in* the *Act* and this Part. (Section 3.5 of the Act)

Helicopter or Rotorcraft – an aircraft that is capable of vertical take offs and landings, including maintaining a hover.

Helicopter Shopping − the practice of calling various operators until a helicopter emergency medical services (HEMS) operator agrees to take a flight assignment, without sharing with subsequent operators that the previously called operators declined the flight, or the reasons why the flight was declined.

Hospital – *has the meaning ascribed to that term in* Section 3 of the *Hospital Licensing Act*. (Section 3.5 of the Act)

Hospitalist – a physician who primarily provides unit-based/in-hospital services.

In-Field Service Level Upgrade – a practice that allows the delivery of advanced care from a lower level service provider by a licensed higher level of care ambulance, alternate response vehicle, or specialized emergency medical services vehicle according to a pre-approved written plan approved by the local EMS Medical Director.

Instrument Flight Rules or IFR – the operation of an aircraft in weather

minimums below the minimums for flight under visual flight rules (VFR). (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129.)

Instrument Meteorological Conditions or IMC – meteorological conditions expressed in terms of visibility, distance from clouds and ceiling, which require Instrument Flight Rules.

Intermediate Life Support Services or *ILS Services – an intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical services that includes basic life support care plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures as outlined in the Intermediate Life Support national curriculum of the United States Department of Transportation and any modifications to that curriculum specified in* this Part. (Section 3.10 of the Act)

Level I Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2030 ~~of this Part~~ to provide optimal care to trauma patients and to provide all essential services in-house, 24 hours per day.

Level II Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2040 ~~of this Part~~ to provide optimal care to trauma patients, to provide some essential services available in-house 24 hours per day, and to provide other essential services readily available 24 hours a day.

Licensee – an individual or entity to which the Department has issued a license.

Limited Operation Vehicle – a vehicle which is licensed by the Department to provide basic, intermediate or advanced life support emergency or non-emergency medical services that are exclusively limited to specific events or locales. (Section 3.85 of the Act)

Local System Review Board – a group established by the Resource Hospital to hear appeals from EMS Personnel or other providers who have been suspended or have received notification of suspension from the EMS Medical Director.

Medical Monitoring – the performance of medical tests and physical exams to evaluate an individual's on-going exposure to a factor that could negatively

impact that person's health. This *includes close surveillance or supervision of patient's liable to suffer deterioration in physical or mental health and checks of various parameters such as pulse rate, temperature, respiration rate, the condition of the pupils, the level of consciousness and awareness, the degree of appreciation of pain, and blood gas concentrations such as oxygen and carbon dioxide.* (Section 3.5 of the Act)

Mobile Radio – a two-way radio installed in an EMS vehicle, which may not be readily removed.

Morbidity – a negative outcome that is the result of the original medical or trauma condition or treatment rendered or omitted.

911 – an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone or mobile device to obtain emergency services, including police, fire, medical ambulance and rescue.

Non-emergency Medical Care – medical care, clinical observation, or medical monitoring rendered to patients whose conditions do not meet the *Act's definition of emergency, before or during transportation of such patients to or from health care facilities visited for the purpose of obtaining medical or health care services* that *are not emergency in nature, using a vehicle regulated by* the *Act* and this Part. (Section 3.10(g) of the Act)

Nurse Practitioner – a person who is licensed as a Nurse Practitioner ~~nurse practitioner~~ under the Nurse Practice Act. For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Off-Road Specialized Emergency Medical Services Vehicle or Off-Road SEMSV or Off-Road SEMS Vehicle – a motorized cart, golf cart, all-terrain vehicle (ATV), or amphibious vehicle that is not intended for use on public roads.

Paramedic or EMT-P – *a person who has successfully completed a course in advanced life support care as approved by the Department, is currently licensed by the Department in accordance with standards prescribed by* the *Act and* this Part *and practices within an Advanced Life Support EMS System.* (Section 3.50 of the Act)

Participating Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which is not a Resource Hospital or an Associate Hospital.

Pediatric Critical Care Center or PCCC – a hospital participating in an approved EMS System and designated by the Department as being capable of providing optimal critical and specialty care services to pediatric patients, and of providing all essential services either in-house or readily available 24 hours per day.

Pediatric Patient – patient from birth through 15 years of age.

Physician – any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987. For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Physician Assistant – a person who is licensed under the Physician Assistant Practice Act. For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Pilot or EMS Pilot – a pilot certified by the Federal Aviation Administration who has been approved by an SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program.

~~Portable Radio – a hand-held radio that accompanies the user during the conduct of emergency medical services.~~

Practitioner Order for Life-Sustaining Treatment on POLST or Do Not Resuscitate or DNR – an authorized practitioner order that reflects an individual's wishes about receiving cardiopulmonary resuscitation (CPR) and life-sustaining treatments, including medical interventions and artificially administered nutrition.

Pre-Hospital Care – those medical services rendered to patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to healthcare facilities. (Section 3.10(e) of the Act)

Pre-Hospital Care Participants – Any EMS Personnel, Ambulance Service

Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS Administrative Director, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, ECRN, Resource Hospital, Emergency Dispatch Center or physician serving on an ambulance or non-transport vehicle or giving voice orders for an EMS System and who are subject to suspension by the EMS Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.

Pre-Hospital Registered Nurse or PHRN *– a Registered Professional Nurse~~registered professional nurse~~, with an unencumbered Registered Nurse ~~registered nurse~~ license in the state in which he or she practices who has successfully completed supplemental education in accordance with* this Part *and who is approved by an Illinois EMS Medical Director to practice within an EMS System for pre-hospital and inter-hospital emergency care and non-emergency medical transports.* (Section 3.80 of the Act) For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Primary Stroke Center or PSC *– a hospital that has been certified by a Department-approved, nationally recognized certifying body and designated as* a Primary Stroke Center *by the Department.* (Section 3.116 of the Act)

Provisional EMR – a person who is at least 16 years of age, who has successfully completed a course of instruction for emergency medical responders as prescribed by the Department and passed the exam, and who functions within an approved EMS System pursuant to Section 515.715.

Regional EMS Advisory Committee – a committee formed within an Emergency Medical Services Region to advise the Region's EMS Medical Directors Committee and to select the Region's representative to the State Emergency Medical Services Advisory Council, consisting of at least the members of the Region's EMS Medical Directors Committee, the Chair of the Regional Trauma Committee, the EMS System Coordinators from each Resource Hospital within the Region, one administrative representative from an Associate Hospital within the Region, one administrative representative from a Participating Hospital within the Region, one administrative representative from the vehicle service provider which responds to the highest number of calls for emergency service within the Region, one administrative representative of a vehicle service provider from each System within the Region, one individual from each level of license

provided by the *Act, one Pre-Hospital Registered Nurse practicing within the Region, and one Registered Professional Nurse~~registered professional nurse~~ currently practicing in an emergency department within the Region. Of the* two *administrative representatives of vehicle service providers, at least one shall be an administrative representative of a private vehicle service provider. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's EMS Advisory Committee.* (Section 3.25 of the Act)

Regional EMS Coordinator – the designee of the Chief, Division of Emergency Medical Services and Highway Safety, Illinois Department of Public Health.

Regional EMS Medical Directors Committee – a group *comprised of the Region's EMS Medical Directors, along with the medical advisor to a fire department vehicle service provider. For regions that include a municipal fire department serving a population of over 2,000,000 people, that fire department's medical advisor shall serve on the Committee. For other regions, the fire department vehicle service providers shall select which medical advisor to serve on the Committee on an annual basis.* (Section 3.25 of the Act)

Regional Stroke Advisory Subcommittee – a subcommittee formed within each Regional EMS Advisory Committee to advise the Director and the Region's EMS Medical Directors Committee on the triage, treatment, and transport of possible acute stroke patients and to select the Region's representative to the State Stroke Advisory Subcommittee. (Section 3.116 of the Act) The composition of the Subcommittee shall be as set forth in Section 3.116 of the Act.

Regional Trauma Advisory Committee – a committee formed within an Emergency Medical Services Region, to advise the Region's Trauma Center Medical Directors Committee, consisting of at least the Trauma Center Medical Directors and Trauma Coordinators from each trauma center within the Region, one EMS Medical Director from a Resource Hospital within the Region, one EMS System Coordinator from another Resource Hospital within the Region, one representative each from a public and private vehicle service provider which transports trauma patients within the Region, an administrative representative from each trauma center within the Region, one EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, or PHRN representing the highest level of EMS Personnel~~Personnel~~ practicing within the Region, one emergency physician and one Trauma Nurse Specialist currently practicing in a trauma center. The

Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's Trauma Advisory Committee. (Section 3.25 of the Act)

Registered Nurse or Registered Professional Nurse or RN – a person who is licensed as an RN ~~a professional nurse~~ under the Nurse Practice Act. For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric programs, the professional shall have an unencumbered license in the state in which he or she practices.

Resource Hospital – the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan. The Resource Hospital, through the EMS Medical Director, assumes responsibility for the entire program, including the clinical aspects, operations and education~~educational~~ programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

Rural Ambulance Service Provider – an ambulance service provider licensed under the *Act that serves a rural population of 7,500 or fewer inhabitants.* (Section 3.87(a) of the Act)

Rural In-Field Service Level Upgrade – a practice that allows the delivery of advanced care for a lower level service provider that serves a rural population of 7,500 or fewer inhabitants, through use of EMS System approved EMS personnel.

Rural Vehicle Service Provider – an entity that serves a rural population of 7,500 or fewer inhabitants and is licensed by the Department to provide emergency or non-emergency medical services in compliance with the *Act*, this Part *and an operational plan approved by the entity's EMS System, utilizing at least an ambulance, alternate response vehicle as defined by the Department in* this Part, *or specialized emergency medical services vehicle.* (Section 3.87(a) of the Act)

Screening – a preliminary procedure or assessment, such as a test or examination, to detect the most characteristic sign or signs of a disorder or condition that may require further investigation (for example, assessing for potential abuse or neglect through interview responses and behavioral/physical symptom clues).

SEMSV Medical Control Point or Medical Control Point – the communication center from which the SEMSV Medical Director or his or her designee issues

medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

SEMSV Medical Director or Medical Director – the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part.

SEMSV Program or Specialized Emergency Medical Services Vehicle Program – a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, using specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

Special-Use Vehicle – any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated solely for, the emergency or non-emergency transportation of a specific medical class or category of persons who are sick, injured, wounded or otherwise incapacitated or helpless (e.g., high-risk obstetrical patients, neonatal patients). (Section 3.85 of the Act)

Specialized Emergency Medical Services Vehicle or SEMSV – a vehicle or conveyance, other than those owned or operated by the federal government, that is primarily intended for use in transporting the sick or injured by means of air, water, or ground transportation, that is not an ambulance as defined in the *Act. The term includes watercraft, aircraft and special purpose ground transport vehicles not intended for use on public roads.* (Section 3.85 of the Act) "Primarily intended", for the purposes of this definition, means one or more of the following:

Over 50 percent of the vehicle's operational (i.e., in-flight) hours are devoted to the emergency transportation of the sick or injured;

The vehicle is owned or leased by a hospital or ambulance provider and is used for the emergency transportation of the sick or injured;

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured;

The vehicle is owned, registered or licensed in another state and is used on a regular basis to pick up and transport the sick or injured within or from within this State; or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

Standby Emergency Department – a classification of a hospital emergency department where at least one of the Registered Nurses ~~registered nurses~~ on duty in the hospital is available for emergency services at all times, and a licensed physician is "on-call" to the emergency department at all times in accordance with Section 250.710 of the Hospital Licensing Requirements.

Standby Emergency Department Approved for Pediatrics or SEDP – a hospital participating in an approved EMS System and designated by the Department, pursuant to Section 515.4010 ~~of this Part~~, as being capable of providing optimal standby emergency department care to pediatric patients and to have transfer agreements and transfer mechanisms in place when more definitive pediatric care is needed.

State EMS Advisory Council – a group that advises the Department on the administration of the Act and this Part whose members are appointed in accordance with Section 3.200 of the Act.

Stretcher Van – a vehicle used by a licensed stretcher van provider to transport non-emergency passengers in accordance with the Act and this Part.

Stretcher Van Provider – an entity licensed by the Department to provide non-emergency transportation of passengers on a stretcher in compliance with the *Act* and this Part*, utilizing stretcher vans.* (Section 3.86 of the Act)

Stroke Network – a voluntary association of hospitals, including a hospital with a board eligible or board certified neurosurgeon or neurologist, that may, among other activities, share stroke protocols; provide medical consultations on possible or known acute stroke patients or on inter-facility transfers of possible or known acute stroke patients; or provide education specific to improving acute stroke care. Participating hospitals in a stroke network may be in-state or out-of-state.

Substantial Compliance – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Sustained Hypotension – two systolic blood pressures of 90 mmHg five minutes apart or, in the case of a pediatric patient, two systolic blood pressures of 80 mmHg five minutes apart.

System Participation Suspension – the suspension from participation within an EMS System of an individual or individual provider, as specifically ordered by that System's EMS Medical Director.

Telecommunications Equipment – a communication system capable of transmitting and receiving voice and electrocardiogram (EKG) signals.

Telemetry – the transmission of data through a communication system to a receiving station for recording, interpretation and analysis.

Trauma – any significant injury which involves single or multiple organ systems. (Section 3.5 of the Act)

Trauma Category I – a classification of trauma patients in accordance with Appendix C and Appendix F~~ of this Part~~.

Trauma Category II – a classification of trauma patients in accordance with Appendix C and Appendix F~~ of this Part~~.

Trauma Center – a hospital which: within designated capabilities provides optimal care to trauma patients; participates in an approved EMS System; and is duly designated pursuant to the provisions of the *Act.* (Section 3.90 of the Act)

Trauma Center Medical Director or Trauma Center MD – the trauma surgeon appointed by a Department-designated Trauma Center who has the responsibility and authority for the coordination and management of patient care and trauma services at the Trauma Center. He or she must have 24-hour independent

operating privileges and shall be board certified in surgery with at least one year of experience in trauma care.

Trauma Center Medical Directors Committee – a group composed *of the Region's Trauma Center Medical Directors.* (Section 3.25 of the Act)

Trauma Coordinator – a Registered Nurse ~~registered nurse~~ working in conjunction with the Trauma Medical Director. The Trauma Coordinator is responsible for the organization of service and systems necessary for a multidisciplinary approach throughout the continuum of trauma care.

Trauma Nurse Specialist or TNS – a Registered Professional Nurse ~~registered professional nurse~~ licensed under the Nurse Practice Act who has successfully completed supplemental education and testing requirements as prescribed by the Department, and is licensed in accordance with this Part. (Section 3.75 of the Act) For out-of-state facilities that have Illinois recognition under the EMS, trauma or pediatric program, the professional shall have an unencumbered license in the state in which he or she practices.

Trauma Nurse Specialist Course Coordinator or TNSCC – a Registered Nurse ~~registered nurse~~ appointed by the Chief Executive Officer of a hospital designated as a TNS education site~~Training Site~~, who meets the requirements of Section 515.750.

Trauma Service – an identified hospital surgical service in a Level I or Level II Trauma Center functioning under a designated trauma director in accordance with Sections 515.2030(c) and 515.2040(c).

Unit Identifier – a number assigned by the Department for each EMS vehicle in the State to be used in radio communications.

Vehicle Service Provider – an entity licensed by the Department to provide emergency or non-emergency medical services in compliance with the *Act* and this Part *and an operational plan approved by its EMS Systems~~System(s)~~, utilizing at least ambulances or specialized emergency medical service vehicles (SEMSV).* (Section 3.85(a) of the Act)

Watercraft – a nautical vessel, boat, airboat, hovercraft or other vehicle that operates in, on or across water.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

Section 515.125 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

1) Private and professional association standards:

A) Glasgow Coma Scale
Champion HR, Sacco WJ, Carnazzo AJ et al.:
CritCare Med 9(9): 672-676 (1981)

B) Revised Trauma Score, 1999
from Resources for the Optimal Care of the Injured Patient
American College of Surgeons
633 North Saint Clair Street
Chicago IL~~, Illinois~~ 60611-3211

C) Abbreviated Injury Score, 2005
American Association for the Advancement
of Automotive Medicine
Des Plaines IL~~, Illinois~~ 60008

D) Injury Severity Score
Baker SP, O'Neil B, Hadon W et al.:
Journal of Trauma 14: 187-196 (1974)

E) International Classification of Diseases,
9th Revision, Clinical Modification (ICD-9-CM)
Alphabetic Index to External Causes of Injury (E-Codes),
Second Printing (2010)
World Health Organization, Geneva, Switzerland and
National Center for Health Statistics
Published by Edwards Brothers, Inc. Ann Arbor MI~~, Michigan~~

F) Resources for Optimal Care of the Injured Patient (2006)
American College of Surgeons
633 North Saint Clair Street

Chicago IL~~, Illinois~~ 60611-3211

G) Pediatric Advanced Life Support (PALS) (2011)
American Heart Association National Center
7272 Greenville Center
Dallas TX~~, Texas~~ 75231

H) Advanced Cardiovascular Life Support (ACLS) Provider Manual (2010)
American Heart Association National Center
7272 Greenville Center
Dallas TX 75231

I) Pediatric Education for Prehospital Professionals (PEPP) Third Edition Provider Manual (2015)
American Academy of Pediatrics
141 Northwest Point Boulevard
Elk Grove Village IL 60007

J) International Trauma Life Support (ITLS) 8th Edition Provider Manual
ITLS-International Trauma Life Support
3000 Woodcreek Drive, Suite 200
Downers Grove IL 60515

K) Prehospital Trauma Life Support (PHTLS) 8th Edition Providers Manual
National Association of Emergency Medical Technicians (NAEMT)
P.O. Box 1400
Clinton MS 39060-1400

L) National Registry of Emergency Medical Technicians (NREMT) (2015): A nationally recognized corporation that certifies EMS Personnel: https://www.nremt.org/nremt/about/apply_for_assess_exam.asp

M) National Registry of Emergency Medical Technicians (NREMT) Cognitive Exam Retest Policy (2015): https://www.nremt.org/

nremt/about/policyCognitiveExamRetest. asp

N) National EMS Scope of Practice Model (2007): National Highway Traffic Safety Administration (NHTSA): http://www.ems.gov/education/EMSScope.pdf

O) National Association of EMS State Officials (NASEMSO), National Model EMS Clinical Guidelines (2014): https://www.nasemso.org/Projects/ModelEMSClinicalGuidelines/index.asp

P) National Guidelines for Educating EMS Instructors (2002), National Association of EMS Educators (NAEMSE): http://naemse.org/?page=LVL1InstructorCourse

2) Federal government publications:

A) Federal Specifications for Ambulance, KKK-A-1822F (August 2007), United States General Services Administration, Specifications Section, 2200 Crystal Drive, Suite 1006, Arlington VA 22202

B) National Emergency Medical Services Education Standards: National Highway Traffic Safety Administration (NHSTA) DOT HS 811 077A; (2009):-http://www.ems.gov/pdf/811077c.pdf ~~United States Department of Transportation, Emergency Medical Technician-Basic: National Standard Curriculum (1998), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402~~

C) National Highway Traffic Safety Administration (NHSTA): National Emergency Medical Services Education Standards (2009): http://www.ems.gov/pdf/811077a.pdf~~C)United States Department of Transportation, Emergency Medical Technician-Intermediate: National Standard Curriculum (1998), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402~~

~~D)~~ ~~United States Department of Transportation, Emergency Medical~~

~~Technician-Paramedic: National Standard Curriculum (1998), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (See Sections 515.215(a); 515.500(c) and (e); 515.510(a) and (d); 515.530(c); 515.532(b); 515.810(b) and (c); and 515.850(a) and (b).)~~

~~E)~~ ~~United States Department of Transportation, First Responder: National Standard Curriculum (1997), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402~~

~~F)~~ ~~United States Department of Transportation, EMS Instructor Training Program: National Standard Curriculum (1995), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402~~

D~~G~~) United States Department of Transportation, Emergency Medical Dispatcher: National Standard Curriculum (1996~~1995~~), which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington DC~~, D.C.~~ 20402

E~~H~~) The Federal Aviation Administration Type Certificate Data Sheet for a particular aircraft required crew can be found at http://www.faa.gov/aircfraft/

F) The Aeronautical Information Manual, Chapter 10 (2014, US Department of Transportation): https://www.faa.gov/air_traffic/publications/media/aim_basic_4-03-14.pdf

3) Federal regulations:

A) 47 CFR 90 (October 15, 2012~~October 1, 2008~~) − Private Land Mobile Radio Services

B) Air Taxi Operations and Commercial Operators (14 CFR 135 (January 1, 2009), Subparts A, Sections 135.1 through 135.43; B, Sections 135.61 through 135.125; C, Sections 135.141 through 135.185; D, Sections 135.201 through 135.229; E, Sections

135.241 through 135.247; F, Section 135.261; J, Sections 135.411 through 135.443)

C) 42 CFR 2A (October 1, 2009) − Confidentiality of Alcohol and Drug Abuse Patient Records

~~b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.~~

b~~c~~) The following statutes and State regulations are referenced in this Part:

1) Federal statutes:

Federal Aviation Act of 1958, Sections 307 and 308 (P.L. 85-726, 72 USC 731)

2) State of Illinois statutes:

A) Hospital Emergency Services Act [210 ILCS 80]

B) Hospital Licensing Act [210 ILCS 85]

C) Medical Practice Act of 1987 [225 ILCS 60]

D) Nurse Practice Act [225 ILCS 65]

E) Medical Studies Act~~Code of Civil Procedure~~ [735 ILCS 5/8-2101 ~~735 ILCS 5~~]

F) Emergency Telephone System Act [50 ILCS 750]

G) Boat Registration and Safety Act [625 ILCS 45]

H) Open Meetings Act [5 ILCS 120]

I) Illinois Administrative Procedure Act [5 ILCS 100]

J) Head and Spinal Cord Injury Act [410 ILCS 515]

K) Freedom of Information Act [5 ILCS 140]

L) State Records Act [5 ILCS 160]

M) Coal Mine Medical Emergencies Act [410 ILCS 15]

N) Abused and Neglected Child Reporting Act [325 ILCS 5]

O) Illinois Grant Funds Recovery Act [30 ILCS 705]

3) State of Illinois regulations:

A) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

B) Hospital Licensing Requirements (77 Ill. Adm. Code 250)

C) Aviation Safety (92 Ill. Adm. Code 14.790, 14.792, 14.795)

c) National Emergency Medical Services Information System (NEMSIS) Version 3 Prehospital Dataset, January 28, 2016, available at: http://www.dph.illinois.gov/sites/default/files/resources/Illinois-NEMSIS-v3-Datset-012816.pdf

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

Section 515.150 Waiver Provisions

a) *The Department may grant a waiver to any provision of the Act or* this Part *for a specified period of time determined appropriate by the Department. The Department may grant a waiver when it can be demonstrated that there will be no reduction in standards of medical care as determined by the EMS* MD~~*Medical Director*~~ *or the Department.* (Section 3.185 of the Act) Waivers shall be valid only for the length of time determined by the Department (see subsection (f)). For either a single or multiple waiver request, the burden of proof as to the factual basis supporting any waiver shall be on the applicant.

b) *Any entity may apply in writing to the Department for a waiver to specific*

requirements or standards for which it considers compliance to be a hardship. (Section 3.185 of the Act) The application shall contain the following information:

1) The applicant's name, address, and license number (if applicable);

2) The Section of the Act or this Part for which the waiver is being sought;

3) An explanation of why the applicant considers compliance with the Section to be a unique hardship, including:

   A) A description of how the applicant has attempted to comply with the Section;

   B) The reasons for non-compliance; and

   C) A detailed plan for achieving compliance. The detailed plan shall include specific timetables;~~.~~

4) The period of time for which the waiver is being sought;

5) An explanation of how the waiver will not reduce the quality of medical care established by the Act and this Part; and

6) If the applicant is a System Participant, the applicant's EMS MD shall state in writing whether he or she~~he/she~~ recommends or opposes the application for waiver, the reason for the recommendation or opposition, and how the waiver will or will not reduce the quality of medical care established by the Act and this Part. The applicant shall submit the EMS MD's statements along with the application for waiver. If the EMS MD does not provide written statements within 30 days after the applicant's request, the EMS MD will be determined to be in support of the application, and the application may be submitted to the Department.

c) An EMS MD may apply to the Department for a waiver on behalf of a System Participant by submitting an application that contains all of the information required by subsection (b), along with a statement signed by the System Participant requesting or authorizing the EMS MD to make the application.

d) The Department will grant the requested waiver if it finds the following:

1) The waiver will not reduce the quality of medical care established by the Act and this Part;

2) Full compliance with the statutory or regulatory requirement~~requirment~~ at issue is or would be a unique hardship on the applicant;

3) For EMS Personnel~~an EMT~~ seeking a waiver to extend a relicensure date in order to complete relicensure requirements:

A) The EMS Personnel~~EMT~~ has previously received no more than one extension since his or her last relicensure; and

B) The EMS Personnel~~EMT~~ has not established a pattern of seeking extensions (e.g., waivers sought based on the same type of hardship in two or more previous license periods);

4) For an applicant other than EMS Personnel~~an EMT~~:

A) The applicant has previously received no more than one waiver of the same statutory or regulatory requirement during the current license or designation period;

B) The applicant has not established a pattern of seeking waivers of the same statutory or regulatory requirement during previous license or designation period; and

C) The Department finds that the hardship preventing compliance with the particular statutory or regulatory requirement is unique and not of an ongoing nature;

5) For a hospital requesting a waiver to participate in a System other than that in which the hospital is geographically located:

A) Documentation that transfer patterns support the request; and

B) Historic patterns of patient referrals support the request.

e) When granting a waiver, the Department will specify the statutory or regulatory requirement that is being waived, any alternate requirement that the waiver applicant shall meet, and any procedures or timetable that the waiver applicant shall follow to achieve compliance with the waived requirement.

f) The Department will determine the length of any waiver that it grants, based on the nature and extent of the hardship and will consider the medical needs of the community or areas in which the waiver applicant functions.

g) The Department will grant a waiver of Section 515.830(a)(1) for a vehicle that changes ownership if the vehicle meets the requirements of the U.S. General Services Administration's "Specifications for Ambulance" (KKK-A-1822D or KKK-A-1822E).

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

Section 515.190 Felony Convictions

a) Applicants and licensees convicted of an Illinois *Class X, Class 1 or Class 2 felony or an out-of-state equivalent offense* shall be subject to adverse licensure actions under Section 3.50(d)(8) of the Act. In determining whether an applicant or licensee has been convicted of *an out-of-state equivalent offense* under Section 3.50(d)(8)(H) of the Act, the Department shall look to the essential elements of the out-of-state offense to determine whether that conviction is substantially equivalent to an Illinois Class X, Class 1 or Class 2 felony. The fact that the out-of-state offense may be named or classified differently by another state, territory or country shall not be considered in determining whether the out-of-state offense is equivalent. The controlling factor shall be whether the essential elements of the out-of-state offense are substantially equivalent to the essential elements of an Illinois Class X, Class 1 or Class 2 felony (Section 3.50(d) of the Act).

b) All applicants for any license, permit or certification under the Act shall fully disclose any and all felony convictions in writing to the Department at the time of initial application or renewal. Failure to disclose all felony convictions on an application submitted to the Department shall be grounds for license denial or revocation ~~(see Section 515.430)~~.

c) All licensees and certificate and permit holders under the Act shall report all new felony convictions to the Department within seven days after conviction. Convictions shall be reported by means of a letter to the Department.

d) For applicants with a *Class X, Class 1 or Class 2 felony or an out-of-state equivalent offense* (Section 3.50(d) of the Act), the Department shall have the authority to require that the applicant sign an authorization permitting the Department to obtain a criminal history report from the Illinois State Police or other law enforcement agency at the applicant's cost. The failure or refusal of any felony applicant to provide the authorization and fee required by the applicable law enforcement agency shall be grounds for denial of licensure, including renewal.

e) In deciding whether to issue any license to a person with a felony conviction under Section 3.50(d) of the Act, the Department shall consider the degree to which the applicant's criminal history suggests that the applicant may present a risk to patients. Factors to be considered shall include, but not be limited to:

1) The length of time since the conviction and the severity of the penalty imposed;

2) Whether the conviction involved theft, deception or infliction of intentional, unjustified harm to others;

3) Whether there are repeat or multiple convictions or whether the convictions suggest a particular pattern of overall disregard for the safety or property of others;

4) Whether the conviction suggests a propensity that may pose a threat to the public in stressful situations commonly confronted by EMS providers and EMRs~~First Responders~~;

5) The degree to which the applicant provided full, complete and accurate information upon written request of the Department; and

6) Other unusual facts and circumstances that strongly suggest that the applicant should not be granted a license.

f) The Department may request and the applicant shall provide all additional information relevant to the applicant's history and the factors listed in subsection (e). The Department shall deny any application when the applicant fails or refuses to provide additional relevant information requested by the Department, including, but not limited to, providing the written authorization and fee for a police criminal background check.

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

SUBPART B: EMS REGIONS

Section 515.220 EMS Regional Plan Content

a) *The EMS Medical Directors Committee* portion of the Regional Plan *shall address at least the following* (Section 3.30(a) of the Act)*:*

1) *Protocols for inter-System/inter-Region patient transports, including* protocols for pediatric patients and pediatric patients with special health care needs, *identifying the conditions of emergency patients* that *may not be transported to the different levels of emergency department, based on* the emergency~~*their*~~ *department classifications and relevant Regional considerations (e.g., transport times and distances);*

2) *Regional standing medical orders;*

3) *Patient transfer patterns, including criteria for determining whether a patient needs the specialized service of a trauma center, along with protocols for the bypassing of or diversion to any hospital, trauma center or regional trauma center,* Comprehensive Stroke Center, *Primary Stroke Center,* Acute Stroke-Ready Hospital *or Emergent Stroke Ready Hospital, which are consistent with individual System bypass or diversion protocols and protocols for patient choice or refusal;*

4) *Protocols for resolving regional or inter-System conflict;*

5) *An EMS disaster preparedness plan which includes the actions and responsibilities of all EMS participants within the Region* for care and transport of both the adult and pediatric population;

6) *Regional standardization of CE ~~continuing education~~ requirements;*

7) *Regional standardization of Do Not Resuscitate (DNR)* and Practitioner Orders for Life-Sustaining Treatment (POLST) *policies, and protocols for power of attorney for health care;*

8) *Protocols for disbursement of Department grants* (Section 3.30(a)(1-8) of the Act);

9) *Protocols for the triage, treatment, and transport of possible acute stroke patients* developed jointly with the Regional Stroke Advisory Subcommittee (Section 3.30(a)(9) of the Act). Regional Stroke Data will be considered as it becomes available regarding development of stroke transport protocols;

10) *Regional standing medical orders* shall include *the administration of opioid antagonists.* (Section 3.30(a)(10) of the Act);

11) Protocols for stroke screening;

12) Development of protocols to improve and integrate EMS for children (or EMSC) into the current delivery of emergency services within the Region; and

13) Development of a policy in regard to incidents involving school buses, which shall include, but not be limited to:

A) Assessment of the incident, including mechanism and extent of damage to the vehicle;

B) Passenger assessment/extent of injuries;

C) A provision for transporting all children with special healthcare needs and those with communication difficulties;

D) Age specific issues; and

E) Use of a release form for non-transports~~nontransports~~.

b) *The Trauma Center Medical Directors or Trauma Center Medical Directors Committee* portion of the Regional Plan *shall address at least the following:*

1) *The identification of regional trauma centers* and identification of trauma centers that specialize in pediatrics;

2) *Protocols for inter-System and inter-Region trauma patient transports, including identifying the conditions of emergency patients which may not be transported to the different levels of emergency department, based on their department classifications and relevant Regional considerations (e.g., transport times and distances);*

3) *Regional trauma standing medical orders;*

4) *Trauma patient transfer patterns, including criteria for determining whether a patient needs the specialized services of a trauma center, along with protocols for the bypassing of or diversion to any hospital, trauma center or regional trauma center which are consistent with individual System bypass or diversion protocols and protocols for patient choice or refusal* (These policies must include the criteria of ~~Section 515.~~Appendix C.);

5) *The identification of which types of patients can be cared for by Level I and Level II Trauma Centers;*

6) *Criteria for inter-hospital transfer of trauma patients,* including the transfer of pediatric patients;

7) *The treatment of trauma patients in each trauma center within the Region;*

8) *A program for conducting a quarterly conference which shall include at a minimum a discussion of morbidity and mortality between all professional staff involved in the care of trauma patients.* (Section 3.30(b)(1-9) of the Act)

A) This shall include but not be limited to all cases that have been deemed potentially preventable or preventable in the trauma center review using Resources for Optimal Care of the Injured Patient.

This review should exclude trauma patients who were dead on arrival.

B) In addition, the review shall include all patients who were transferred more than two hours after time of arrival at the initial institution and who meet one or more of the following criteria at the receiving trauma center:

i) Admitted to an intensive care unit;

ii) Admitted to a bed with telemetry monitoring;

iii) Went directly to the operating room;

iv) Went to the operating room from the emergency department;

v) Discharged to a rehabilitation or skilled care facility;

vi) Died following arrival.

C) The Region shall include a review of morbidity/audit filters that have been determined by the Region.

D) Cumulative regional reports will be made available upon request from the Department; and

9) *The establishment of a regional trauma quality assurance and improvement subcommittee, consisting of trauma surgeons,* that *shall perform periodic medical audits of each trauma center's trauma services, and forward tabulated data from* those *reviews to the Department.* (Section 3.30(b)(9) of the Act)

c) The Regional Stroke Advisory Subcommittee portion of the Region Plan shall address at least the following:

1) The identification of Comprehensive Stroke Centers, Primary Stroke Centers, Acute Stroke-Ready Hospitals and Emergent Stroke Ready

Hospitals and their incorporation in the Region Plan and the System Program Plan;

2) In conjunction with the EMS Medical Directors, development of protocols for identifying and transporting acute stroke patients to the nearest appropriate facility capable of providing acute stroke care. These protocols shall be consistent with individual System bypass or diversion protocols and protocols for patient choice;

3) Regional stroke transport protocols recommended by the Regional Stroke Advisory Subcommittee and approved by the EMS Medical Directors Committee; and

4) With the EMS Medical Directors, joint development of acute stroke patient transfer patterns, including criteria for determining whether a patient needs the specialized services of a Comprehensive Stroke Center, Primary Stroke Center, Acute Stroke-Ready Hospital or Emergent Stroke Ready Hospital, along with protocols for the bypassing of, or diversion to, any hospital, that~~which~~ are consistent with individual inter-system bypass or diversion protocols and protocols for patient choice or refusal.

d) *The Director shall coordinate with and assist the EMS System Medical Directors and Regional Stroke Advisory Subcommittee within each EMS Region to establish protocols related to the assessment, treatment, and transport of possible acute stroke patients by licensed emergency medical services providers. These protocols shall include regional transport plans for the triage and transport of possible acute stroke patients to the most appropriate Comprehensive Stroke Center, Primary Stroke Center or Acute Stroke-Ready Hospital, unless circumstances warrant otherwise.* (Section 3.118.5(f) of the Act)

e) *The Region's EMS Medical Directors and Trauma Center Medical Directors Committees shall appoint any subcommittees that~~which~~ they deem necessary to address specific issues concerning Region activities.* (Section 3.30(c) of the Act)

f) Internal Disaster Plans

1) Each System hospital shall submit an internal disaster plan to the EMS Medical Directors Committee and the Trauma Center Medical Directors Committee.

2) The hospital internal disaster plan shall be coordinated with, or a part of, the hospital's overall disaster plan.

3) The plan shall be coordinated with local and State disaster plans.

4) The hospital internal disaster plan shall be developed by a hospital committee and shall at a minimum:

A) Identify the authority to implement the internal disaster plan, including the chain of command and how notification shall be made throughout the hospital;

B) Identify the critical operational elements required in the hospital in an internal disaster;

C) If the facility needs to go on bypass or resource limitation status, identify the person responsible for notification and the persons both outside and within the hospital who should be notified;

D) Identify a person or group responsible for ensuring that needed resources and supplies are available;

E) Identify a person to communicate with representatives from other agencies, organizations, and the EMS System;

F) Identify a person who is responsible for procuring all supplies required to manage the facility and return the facility to the pre-incident status;

G) Identify the plan and procedure for educating facility employees on their role and responsibilities during the disaster;

H) Designate a media spokesperson;

I) Establish a method for resource coordination between departments and individuals to address management of staff, patients and patient flow patterns;

J) Designate a person (safety officer) with responsibility for establishing safety policies to include, but not be limited to, decontamination operations, safety zones, site safety plans, evacuation parameters, and traffic patterns;

K) Designate a location where personnel, not actually committed to the incident, will report for assignments, as needed (i.e., a staging area);

L) Include notification procedures to EMS Systems, area ambulances, both public and private, and police and fire authorities of the type of incident that caused the hospital to implement its internal disaster plan and of any special instructions, e.g., use of a different driveway or entrance;

M) Establish a designated form of communication, both internal and external, to maintain two-way communication (e.g., Mobile Emergency Communications of Illinois (MERCI), ham radio, walkie talkies);

N) Include a policy to call in additional nursing staff when an identified staffing shortage exists;

O) Include the policy developed pursuant to Section 515.315(f);

P) *Include contingency plans for the transfer of patients to other facilities if an evacuation of the hospital becomes necessary due to a catastrophe, including but not limited to a power failure* (Section 3.30 of the Act); and

Q) Address biological and chemical incidents and the availability of decontamination.

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

SUBPART C: EMS SYSTEMS

Section 515.310 Approval and Renewal of EMS Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

a) All applicants for EMS System approval shall submit to the Department one copy~~three copies~~ of a written EMS System Program Plan in a format approved by the Department that complies with Section 515.330 ~~of this Part~~ and is authorized~~signed~~ by the EMS MD~~Medical Director~~.

1) The Plan shall clearly identify any portion or item that is not expected to be fully operational by the date of Department approval, and shall specify the expected date for full operation of such portion or item, which shall not exceed one year after Department approval has been issued.

2) The Department will~~shall~~ expect all portions of the proposed Plan to be fully operational upon Department approval unless otherwise identified pursuant to this Section.

b) The Department will~~shall~~ review a submitted Program Plan and notify the applicant of any corrections that must be submitted in order to complete the Plan. The Department will~~shall~~ also require the applicant to submit a formal waiver request for any item or portion identified as having a delayed operational date, if the Department finds that:

1) The item or length of operational delay has not previously been authorized by the Department for other EMS Systems;~~, or~~

2) The delay would appear to prevent the System from operating in substantial compliance with the Act or this Part upon approval;~~,~~ or

3) The delay would appear potentially to reduce the quality of medical/EMS care established by the Act and this Part.

c) The Department will~~shall~~ conduct an on-site inspection of the applicant Resource Hospital within 90~~ninety~~ days after a Program Plan has been accepted as complete.

d) The Department will~~shall~~ issue a letter of approval to the applicant EMS System if the inspection indicates compliance with the approved Program Plan, the Act and this Part. The letter will~~shall~~ indicate the level or levels~~level(s)~~ of service that the System is authorized to provide (CCT, ALS, ILS, BLS).

e) A System approval shall be valid for a period of four years, except as allowed in

subsection (l)~~ of this Section~~.

f) A System seeking renewal of approval shall submit a written request to the Department at least 90~~ninety~~ days prior to its renewal date. The request shall include any proposed revisions to the Program Plan and updates of all letters of commitment required by Section 515.330.

g) The Department will~~shall~~ review the request for renewal and notify the System of any corrections that must be submitted to complete the update of the Program Plan.

h) The Department will~~shall~~ conduct an on-site renewal inspection of the Resource Hospital during each four-year approval period, and will~~shall~~ conduct additional inspections of any System hospital or vehicle provider as necessary to ensure compliance with the Program Plan, the Act and this Part.

i) The Department will~~shall~~ issue a letter of renewal approval to the EMS System if the Program Plan is complete, the inspection indicated substantial compliance with the approved Program Plan, the Act and this Part, and there is no Department legal action pending against the System. The letter will~~shall~~ indicate the level or levels~~level(s)~~ of service that the System is authorized to provide (CCT, ALS, ILS, BLS).

j) An approved EMS System shall amend its Program Plan by submitting to the Department the~~three copies of the entire~~ portion or Section in which the change is proposed, along with a letter authorized~~signed~~ by the EMS MD~~Medical Director~~ that describes the reason or reasons~~reason(s)~~ for the change. The amendment shall not be implemented until approval has been granted by the Department.

k) Changes in any of the following shall be considered modifications of a System Program Plan requiring submission of a proposed amendment:

1) EMS MD~~Medical Director~~;

2) Resource, Associate or Participating Hospital, or their specific roles;

3) System service area;

4) Written standing orders and policies;

5) Method or methods~~Method(s)~~ of providing EMS services;

6) Additional vehicle service providers, or changes in their levels of service, specific roles or response areas;

7) Access and dispatch procedures and mechanisms;

8) Communications plan;

9) Equipment and drug requirements;

10) Education~~Training~~, continuing education and/or examination requirements;

11) Quality assurance policies;

12) Data collection and evaluation policies;

13) Override or bypass/diversion policies;

14) Disciplinary or suspension policies or procedures.

l) All EMS Systems ~~in existence upon the adoption of this Section~~ shall submit to the Department a revised Program Plan that conforms to the requirements of this Part. The Department will approve Program Plans that meet the requirements of this Part and will establish renewal dates for EMS System approval.

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

Section 515.320 Scope of EMS Service

a) All ~~Basic Life Support (~~BLS~~)~~, ~~Intermediate Life Support (~~ILS), and ~~Advanced Life Support (~~ALS~~)~~ services, and CCT, as defined in the Act, shall be provided through EMS Systems. An individual System shall operate at one or more of those levels of service, as specified in its Program Plan and the Department's letter of approval, using vehicles licensed by the Department pursuant to the Act and this Part.

b) All pre-hospital, inter-hospital and non-emergency medical care, as defined in the Act, shall be provided through EMS Systems, using the levels of Department licensed or approved personnel required by the Act and this Part.

c) An EMS System shall designate a Resource Hospital, which shall have the authority and responsibility for the System, through the EMS MD~~Medical Director~~, as described in the Act, this Part and the System Program Plan.

d) *All other hospitals that~~which~~ are located within the geographic boundaries of a System and that~~which~~ have standby, basic or comprehensive level emergency departments must function in that System as either an Associate Hospital or Participating Hospital and follow all System policies specified in the System Program Plan, including, but not limited to, the replacement of drugs and equipment used by providers who have delivered patients to their emergency departments*. (Section 3.20(b) of the Act)

1) All hospitals shall be formally affiliated with a System. A hospital may have a secondary affiliation with another System or may request a waiver to participate in a System other than that in which the hospital is geographically located. (See Section 515.150(d)(5).)

2) Every System Hospital~~hospital~~ shall identify the level of its emergency department services in its letter of commitment, which is part of the EMS System Program Plan to be submitted to the Department.

3) An "Associate Hospital" shall provide the same clinical and communications services as the Resource Hospital, but shall not have the primary responsibility for personnel education~~training~~ and System operations. It shall have a basic or comprehensive emergency department with 24-hour physician coverage and a functioning intensive care and/or cardiac care unit.

4) All~~A~~ "Participating Hospitals~~Hospital~~" shall maintain ambulance to hospital communications capabilities that, at a minimum, include MERCI radio and comply with the Resource Hospital's communication plan~~may or may not have communications/monitoring capabilities~~.

5) All System Hospitals~~hospitals~~ shall agree to replace medical supplies and provide for equipment exchange for System vehicles.

6) All Resource and Associate Hospitals~~System hospitals~~ monitoring telecommunications from EMS field personnel shall provide voice orders ~~either~~ by the EMS MD~~Medical Director~~, a physician appointed by the EMS MD~~Medical Director~~, or an ~~Emergency Communications Registered Nurse (~~ECRN~~)~~.

7) All System Hospitals~~hospitals~~ shall allow the Department,~~ the~~ EMS MD~~Medical Director~~ and EMS System Coordinator access to all records, equipment, vehicles and personnel during their activities evaluating the Act and this Part.

e) The Resource Hospital shall appoint an EMS MD~~Medical Director (EMSMD)~~. *The* EMS MD *for~~For~~ an ILS or ALS* or CCT *level EMS System* ~~the EMSMD~~ shall be a *physician licensed to practice medicine in all of its branches in Illinois, and* shall be *certified by the American Board of Emergency Medicine or the American Osteopathic Board of ~~Osteopathic~~ Emergency Medicine, and*, for *a BLS level EMS System*, the *EMS MD~~EMSMD~~* shall *be a physician licensed to practice medicine in all of its branches in Illinois, with regular and frequent involvement in pre-hospital emergency medical services. In addition, all EMS MDs shall:*

1) *Have experience on an EMS vehicle at the highest level available within the System, or make provision to gain such experience within 12 months prior to the date responsibility for the System is assumed or within 90 days after assuming the position;~~ and~~*

2) *Be thoroughly knowledgeable of all skills included in the scope of practices of all levels of EMS Personnel~~personnel~~ within the System;* and

3) *Have or make provision to gain experience instructing students at a level similar to that of the levels of EMS Personnel~~personnel~~ within the System;* and

4) *For ILS and ALS EMS MDs~~Medical Directors~~, successfully complete a Department-approved EMS MD's~~Medical Director's~~ Course.* (Section 3.20(c)(1 through 6) of the Act)

f) The *EMS MD~~Medical Director~~* shall *appoint an alternate EMS MD~~Medical Director~~ and establish a written protocol addressing the functions to be carried*

out in his or her absence. (Section 3.35(b) of the Act)

g) An EMS System utilizing ~~Specialized Emergency Medical Service Vehicles (~~SEMSVs~~)~~ shall appoint and~~/or~~ approve ~~the~~ SEMSV Medical Directors~~Director(s)~~ to manage and direct the use of SEMSVs and their personnel within the System. He or she shall be a physician who has met at least the following qualifications:

1) One or more of the following:

A) Certified by the American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM) through the American Osteopathic Association (AOA); ~~or~~

B) Completion of a residency in emergency or osteopathic emergency medicine as prescribed by one of the ~~above~~ Boards listed in subsection (g)(1)(A); or

C) Completion of a 12-month internship followed by 60 months plus 7,000 hours of hospital based emergency or osteopathic emergency medicine (2,800 of the 7,000 hours must be completed within one 24-month period), and documentation of 50 hours of related continuing education for each complete year of practice; and

2) Completion of advanced cardiac life support and advanced trauma life support courses;~~ and~~

3) For aircraft programs, completion of education~~training~~ covering inflight treatment modalities, altitude physiology, and infection; and

4) For watercraft programs, completion of education~~training~~ covering diving accident physiology and treatment~~,~~ and drowning in cold, warm, fresh and salt water.

h) The Resource Hospital shall appoint a full-time EMS System Coordinator, who shall be responsible for coordinating the educational and functional aspects of the System, as described in the Program Plan. He or she shall be an RN ~~a Registered Professional Nurse~~ or Paramedic~~EMT-P~~ licensed in the State of Illinois, and meet at least the following qualifications:

1) Be educated~~trained~~ and knowledgeable in all principles of the National EMS Education Standards;~~dysrhythmia identification and treatment,~~

2) Have a diverse background in emergency~~critical~~ care. For EMS Systems with CCT program plans, the System Coordinator shall have knowledge of or obtain education regarding critical care standards within six months;~~,~~ and

3) Within one year after being appointed, complete in-field observation and/or participation on at least 10 ambulance runs at the highest level of service provided by the System.

i) The Resource Hospital shall appoint an EMS Administrative Director, who shall be responsible for administrative leadership~~operations~~ of the System as described in the Program Plan.

j) To avoid any conflict of interest, the EMS MD~~Medical Director~~, EMS System Coordinator and EMS Administrative Director shall notify the Department in writing of any association with an ambulance service provider through employment, contract, ownership, or otherwise specifying how he or she is answerable to or directed by the~~such~~ ambulance service provider concerning any matter falling within the scope of the Act or this Part. The Department shall review and address potential or actual conflicts of interest on a case-by-case basis.

k) The Resource Hospital must identify the EMS System in the facility's budget, with sufficient funds to support the EMS MD, EMS Administrative ~~Medical~~ Director, EMS System Coordinator, and support staff and to provide for the operation of the EMS System.

l) All EMS Resource Hospitals shall obtain recognition as an SEDP, EDAP or PCCC. All Illinois hospitals are encouraged to obtain and maintain SEDP or EDAP status.

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

Section 515.330 EMS System Program Plan

An EMS System Program Plan shall contain the following information:

a) The name, address and fax number of the Resource Hospital;

b) The names and resumes of the following persons:

1) The EMS MD;

2) The Alternate EMS MD;

3) The EMS Administrative Director;

4) The EMS System Coordinator;

c) The name, address and fax number of each Associate or Participating Hospital (see subsection (i));

d) The name and address of each ambulance provider participating within the EMS System;

e) A map of the EMS System's service area indicating the location of all hospitals and ambulance providers participating in the System;

f) Current letters of commitment from the following persons at the Resource Hospital that~~, which~~ describe the commitment of the writer and his or her office to the development and ongoing operation of the EMS System, and that~~which~~ state the writer's understanding of and commitment to any necessary changes, such as emergency department staffing and educational requirements:

1) The Chief Executive Officer of the hospital;

2) The Chief of the Medical Staff; and

3) The Director of the Nursing Services;

g) A letter of commitment from the EMS MD that describes the EMS MD's agreement to:

1) Be responsible for the ongoing education of all System personnel, including didactic and clinical experience;

2) Develop and authorize written standing orders (treatment protocols, standard operating procedures) and certify that all involved personnel will be knowledgeable and competent in emergency care;

3) Be responsible for supervising all personnel participating within the System, as described in the System Program Plan;

4) Develop or approve one or more patient care reports covering all types of patient care responses performed by System providers;

5) Ensure that the Department has access to all records, equipment and vehicles under the authority of the EMS MD during any Department inspection, investigation or site survey;

6) Notify the Department of any changes in personnel providing pre-hospital care in accordance with the EMS System Program Plan approved by the Department;

7) Be responsible for the total management of the System, including the enforcement of compliance with the System Program Plan by all participants within the System;

8) Direct the applicant to the IDPH EMS website for access to an independent renewal form for EMS Personnel within the System who have not been recommended for relicensure by the EMS MD; and

9) Be responsible for compliance with the provisions of Sections 515.400 and 515.410;

h) A description of the method of providing EMS services, which includes:

1) Single vehicle response and transport;

2) Dual vehicle response;

3) Level of first response vehicle;

4) Level of transport vehicle;

5) A policy that describes in-field service level upgrade, using advanced level EMS vehicle service providers;

6) A policy that describes ambulance service provider and vehicle service provider upgrade – rural population (optional);

7) Use of mutual aid agreements; and

8) Informing the caller requesting an emergency vehicle of the estimated time of arrival when this information is requested by the caller;

i) A letter of commitment from each Associate Hospital, Participating Hospital or Veterans Health Administration facility within the System that~~, which~~ includes the following:

1) Signed statements by the hospital's Chief Executive Officer, Chief of the Medical Staff and Director of the Nursing Service describing their commitments to the standards and procedures of the System;

2) A description of how the hospital will relate to the EMS System Resource Hospital, its involvement in the ongoing planning and development of the program, and its use of the education and continuing education aspects of the program;

3) Only at an Associate Hospital, a commitment to meet the System's educational standards for ECRNs;

4) An agreement to provide exchange of all drugs and equipment with all pre-hospital providers participating in the System or other EMS System~~system~~ whose ambulances transport to them;

5) An agreement to use the standard treatment orders as established by the Resource Hospital;

6) An agreement to follow the operational policies and protocols of the System;

7) A description of the level of participation in the education~~training~~ and continuing education of EMS Personnel~~personnel~~;

8) An agreement to collect and provide relevant data as determined by the Resource Hospital;

9) A description of the hospital's data collection and reporting methods and the personnel responsible for maintaining all data;

10) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey;

11) If the hospital is a participant in another System, a description of how it will interact within both Systems and how it will ensure that communications interference as a result of this dual participation will be minimized; and

12) The names and resumes of the Associate Hospital EMS MD and Associate Hospital EMS Coordinator;

j) A letter of commitment from each ambulance provider participating within the System that~~, which~~ indicates compliance with Section 515.810;

k) Descriptions and documentation of each communications requirement provided in Section 515.400;

l) The Program Plan shall consist of the EMS System Manual, which shall be made accessible to all System Participants~~participants~~ and shall include the following Sections:

1) Education

A) Curricula and standards for all education programs for EMS Personnel offered or authorized within the System shall be consistent with national EMS education standards, including any necessary transitional or bridge education to align System personnel with the current national EMS education standards.~~:~~

B) Education, testing and credentialing requirements for ECRN and PHRN.

C) Continuing education for EMS Personnel, including:

i) System requirements (hours, types of content, etc.);

ii) A plan for measurement of ongoing competency for all System Participants~~participants~~ (i.e., quality assurance);

iii) Requirements for approval of academic course work;

iv) Didactic programs offered by the System;

v) Clinical opportunities available within the System; and

vi) Recordkeeping requirements for participants, which must be maintained at the Resource Hospital.

D) Renewal Protocols

i) System examination requirements for EMS Personnel;

ii) Procedures for approval and the renewal of EMS Personnel;

iii) Requirements for submission of transaction cards for EMS Personnel meeting renewal requirements; and

iv) Department renewal application forms for EMS Personnel who have not met renewal requirements according to System records.

E) System Participant~~participant~~ education and information, including:

i) Distribution of System Manual amendments;

ii) In-services for policy and protocol changes;

iii) Methods for communicating updates on System and regional activities, and other matters of medical, legal and/or professional interest; and

iv) Locations of library/resource materials, forms, schedules, etc.

F) A plan that describes how Emergency Medical dispatch agencies and EMRs~~First Responders/Emergency Medical Responder~~ participate within the EMS System Program Plan (see Sections 515.710 and 515.725~~515.720~~).

G) A System may require that up to one-half of the continuing education hours that are required toward relicensure, as determined by the Department, be earned through attendance at System~~system~~-required courses.

H) A didactic continuing education offering or ~~/~~course that has received a State site code or has been approved by other Department-approved national accrediting bodies shall be accepted by the System, subject only to the requirements of subsection (l)(1)(C).

2) Drugs and Equipment

A) A list of all drugs and equipment required for each type of System vehicle; ~~and~~

B) Procedures for obtaining replacements at System hospitals; and~~.~~

C) Policies for appropriate storage and security of medications.

3) Personnel Requirements for EMS Personnel

A) Minimum staffing for each type and level of vehicle; and

B) Guidelines for EMS Personnel patient interaction.

4) EMS~~In-Field~~ Protocols, including medical-legal policies, but not limited to:

A) The Regional Standing Medical Orders;

B) Administrative, Legal and EMS Protocols and Guidelines~~System Standing Medical Orders as listed in Section 515.~~(Appendix D).~~, to include Department-approved protocols for medical treatment, including, but not limited to, burns, hypothermia, respiratory distress, shock, trauma, cardiac arrest, stroke and toxic exposure (e.g., Department-approved BLS medical treatment protocol, EMSC medical treatment protocol) at a minimum;~~

~~C) Appropriate interaction with law enforcement on the scene;~~

~~D) When and how to notify a coroner or medical examiner;~~

~~E) Appropriate interaction with an independent physician/nurse on the scene;~~

~~F) The use of restraints;~~

~~G) Consent for treatment of minors;~~

~~H) Patient choice and refusal regarding treatment, transport or destination;~~

~~I) The duty to perform all services without unlawful discrimination;~~

~~J) Offering immediate and adequate information regarding services available to victims of abuse, for any person suspected to be a victim of domestic abuse;~~

~~K) Patient abandonment;~~

~~L) Emotionally disturbed patients;~~

~~M) Patient confidentiality and release of information;~~

~~N)~~ ~~Durable power of attorney for health care;~~

~~O)~~ ~~Do Not Resuscitate (DNR) orders (see Section 515.380);~~

~~P)~~ ~~A policy concerning the use of latex-free supplies; and~~

~~Q)~~ ~~A policy that addresses the treatment, follow-up and transport of patients with suspected or diagnosed infectious diseases.~~

5) Communications standards and protocols, including:

A) The information contained in the System Program Plan relating to the requirements of Sections 515.410(a)(1), (2), (3) and (4) and 515.390(b) and (c)~~(g)~~;

B) Protocols ensuring that physician direction and voice orders to EMS vehicle personnel and other hospitals participating in the System are provided from the operational control point of the Resource or Associate Hospital;

C) Protocols ensuring that the voice orders via radio and using telemetry shall be given by or under the direction of the EMS MD or the EMS MD's designee, who shall be either an ECRN or physician; and

D) Protocols defining when an ECRN should contact a physician.

6) Quality improvement measures for both adult and pediatric patient care shall be performed on a quarterly basis and be available upon Department request; ambulance operation and System educational~~training~~ activities, including, but not limited to, monitoring educational~~training~~ activities to ensure that the instructions and materials are consistent with national EMS education~~United States Department of Transportation training~~ standards for EMTs and Section 3.50 of the Act; unannounced inspections of pre-hospital services; and peer review.

7) Data collection and evaluation methods that include:

A) The process that will facilitate problem identification, evaluation and monitoring in reference to patient care and/or reporting discrepancies from hospital and pre-hospital providers;

B) A copy of the pre-hospital reporting form; and

C) A sample of the information and data to be reported to the Department summarizing System activity (see Section 515.350).

8) Operational policies that delineate the respective roles and responsibilities of all providers in the System regarding the provision of emergency service, including policies identified in Appendix D.~~:~~

~~A) Resource Hospital overrides (situations in which Associate Hospital orders are overruled by the Resource Hospital);~~

~~B) Infectious disease and disinfection procedures, including the policy on health care worker exposure to an infectious disease;~~

~~C) Reporting and documenting problems; and~~

~~D) Protocols for A-EMT/ILS/ALS System personnel to assess the condition of a patient being initially treated in the field by BLS personnel, for the purpose of determining whether a higher level of care is warranted and transfer of care of the patient to the A-EMT, ILS or ALS personnel is therefore appropriate. The protocols shall include a requirement that neither the assessment nor the transfer of care can be initiated if it would appear to jeopardize the patient's condition, and shall require that the activities of the System personnel be under the immediate direction of the EMS MD or designee.~~

~~9) Any procedures regarding disciplinary or suspension decisions and the review of those decisions that the System has elected to follow in addition to those required by the Act.~~

~~10) Any System policies regarding abuse of controlled substances or conviction of a felony crime by System personnel whether on or off duty.~~

~~11)~~ ~~The responsibilities of the EMS System Coordinator, as designated by the EMS MD, including, but not limited to, data evaluation, quality management, complaint investigation, supervision of all didactic and clinical education and field experiences, and physician and nurse education as required.~~

9~~12~~) Each EMS System shall develop an administrative policy that provides the IDPH Division of EMS and Highway Safety and its State Regional EMS Coordinator with notification the next business day when an Illinois licensed EMS crew member is killed in the line of duty.

10~~13~~) The responsibilities of the EMS MD.~~;~~

11) The responsibilities of the Alternate EMS MD.

12) The responsibilities of the EMS Administrative Director.

13) The responsibilities of the EMS System Coordinator, as designated by the EMS MD and Resource Hospital, including, but not limited to, data evaluation, quality management, complaint investigation, supervision of all didactic education, clinical and field experiences, and physician and nurse education as required by Section 515.320(h);

m) *Written protocols for the bypassing of or diversion to any hospital, trauma center or regional trauma center,* Comprehensive Stroke Center, Primary Stroke Center, Acute Stroke-Ready Hospital or Emergent Stroke Ready Hospital, *which provide that a person shall not be transported to a facility other than the nearest hospital, regional trauma center or trauma center,* Comprehensive Stroke Center, Primary Stroke Center, Acute Stroke-Ready Hospital or Emergent Stroke Ready Hospital *unless the medical benefits to the patient reasonably expected from the provision of appropriate medical treatment at a more distant facility outweigh the increased risks to the patient from transport to the more distant facility, or the transport is in accordance with the System's protocols for patient choice or refusal.* (Section 3.20(c)(5) of the Act) The bypass status policy shall include criteria to address how the hospital will manage pre-hospital patients with life threatening conditions within the hospital's then-current capabilities while the hospital is on bypass status. In addition, a hospital can declare a resource limitation, which is further outlined in the System Plan, for the following conditions:

1) There are no critical or monitored beds available in the hospital; or

2) An internal disaster occurs in the hospital;

n) Bypass status may not be honored if three or more hospitals in a geographic area are on bypass status and transport time by an ambulance to the nearest facility exceeds 15 minutes;

o) Each hospital shall have a policy addressing peak census procedures, such as the model policy developed by the Department.

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

Section 515.350 Data Collection and Submission

a) A patient care run report shall be completed by each Illinois-licensed transport vehicle service provider for every inter-hospital transport and pre-hospital emergency call, regardless of the ultimate outcome or disposition of the call.~~pre-hospital or inter-hospital transport and for refusal of care.~~

1) One patient care report shall be provided (paper or electronic) to~~copy shall be left with~~ the receiving hospital emergency department~~, trauma center~~ or health care facility before leaving this facility.

2) Each EMS System~~Resource Hospital~~ shall designate or approve the patient care report~~a single form~~ to be used by all of its transport vehicle providers. The report~~It~~ shall contain~~be a form that contains~~ the minimum requirements ~~prescribed data elements~~ listed in ~~Section 515.~~Appendix E~~ of this Part~~.

b) All non-transport vehicle providers shall document all medical care provided and shall submit the documentation to the EMS System within 24 hours. The EMS System~~Resource Hospital~~ shall review all medical care provided by non-transport vehicles and shall provide a report to the Department upon request.

c) The transport vehicle~~ambulance~~ provider shall submit patient care~~the run~~ report data to the EMS System~~Resource Hospital~~. When an EMS System is unable to import data from one or more providers, those providers may, with EMS System approval, submit their patient care report data directly to the Department. The

Department will make the patient care report data available to the EMS System upon request. Every EMS System and EMS provider approved to submit data directly shall electronically submit all patient care report data to the Department by the 15th day of each month. The monthly report shall contain the previous month's patient care report data. Third party software shall be validated by the Department to ensure compatibility with the Department's data specifications. Third party software shall not be used until the Department's validation is complete. ~~Each Resource Hospital shall submit a data report to the Department on March 1, June 1, September 1, and December 1 of each year, covering run report data from the preceding quarter. The report shall be in one of the following formats:~~

~~1) Copies of a scannable run report form, or~~

~~2) A data diskette containing the prescribed data elements.~~

~~A) The data elements shall be in a format compatible with the Department's data base input specifications, and~~

~~B) Department review and approval of data format compatibility is required prior to submission.~~

~~d) When computer technology is available, each Resource Hospital shall develop and implement a mechanism for linking pre-hospital and inter-hospital run reports with emergency department, trauma center and admission records from the hospitals that receive emergency patients within the System. This mechanism shall facilitate tracking of case outcomes for purposes of internal quality control, medical study and improvement of both adult and pediatric patients.~~

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

Section 515.360 Approval of Additional Drugs and Equipment

a) All drugs and equipment, other than those covered by the national EMS education standards, as modified by the Department,~~United States Department of Transportation National Standard Curriculum~~ for each ~~EMT~~ level of licensure, must be approved by the Department in accordance with subsections (b), (c) and (d) ~~of this Section~~ before being used in a System.

b) To apply for approval to add drugs and/or equipment, the EMS MD shall submit to the Department documentation covering the following:

1) The education~~Training~~ program for all additional psychomotor skills~~including a description of practical training for equipment~~ and the number of continuing education~~contact~~ hours;

2) A curriculum for each additional~~new~~ drug, psychomotor skill, ~~or~~ equipment or device, which includes at least the following (as applicable):

A) Objectives;~~Usage,~~

B) Methods and materials;~~Complications,~~

C) Content, which shall include, but not be limited to, usage, complications, adverse reactions, and equipment maintenance and use;~~Adverse reactions,~~

D) Evidence-based standards and guidelines relevant to the proposal ~~Equipment maintenance and use~~; and

E) Evaluation of learning; and

3) New written standing orders.

c) Upon receipt of the application from the System, the Director or his or her~~his/her~~ designee shall either approve the drug ~~and/~~or equipment, approve the drug ~~and/~~or equipment on a conditional basis, or disapprove the drug ~~and/~~or equipment. The Director's or ~~/~~designee's decision shall be based on a review and evaluation of the documentation submitted under subsection (b)~~ of this Section~~; the application of technical and medical knowledge and expertise; consideration of relevant literature and published studies on the subject; and whether the drug ~~and/~~or equipment has been reviewed or tested in the field. The Director may seek the recommendations of medical specialists ~~and/~~or other professional consultants to determine whether to approve or disapprove the specific drug or drugs or~~drug(s) and/or~~ equipment.

d) The Director or designee shall consider whether the drugs and equipment may be used safely and with proper education~~training~~ by the pre-hospital care provider

and shall disapprove any drugs ~~and/~~or equipment that he or she~~he/she~~ finds are generally unsafe or dangerous in the pre-hospital care setting.

e) When a drug ~~and/~~or equipment is approved on a conditional basis, the System shall submit to the Department, on a quarterly basis (January 1, April 1, July 1 and October 1) the following information:

1) Indications for use;

2) Number of times used;

3) Number and types of complications that occurred;

4) Outcome of patient after use of drug ~~and/~~or equipment; and

5) Description of follow-up actions taken by the System on each case in which complications occurred.

f) When a death or complication that results in a deterioration of a patient's condition occurs, involving a drug ~~and/~~or equipment approved on a conditional basis, the System shall notify the Department within three business days, followed by a written report of the situation submitted to the Department within 10 business days.

g) Failure of the System to submit the information required under subsection (e) ~~of this Section~~ shall be considered as a basis for withdrawal of approval of the drug or equipment on a conditional basis. Failure of the System to notify the Department as required under subsection (f) ~~of this Section~~ shall be considered as a basis for withdrawal of approval of the drug or equipment on a conditional basis.

h) The Director or designee shall evaluate the information submitted under subsection (e) ~~of this Section~~ and any notification required under subsection (f) ~~of this Section~~. The Department will notify the System that a drug or equipment is disapproved and may no longer be performed on a conditional basis when the evaluation of the information submitted pursuant to this subsection (h) indicates that the safety of the drug or equipment has not been established for use in the pre-hospital setting.

i) An EMS MD~~EMSMD~~ shall not approve EMS Personnel~~an EMT~~ to use new drugs or equipment unless that individual~~EMT~~ has completed the Department- and System-approved education~~training~~ program and examination, and has demonstrated the required knowledge and skill to use that intervention~~drug or equipment~~ safely and effectively.

j) An EMS MD~~EMSMD~~ shall not be required to provide education on new interventions~~drug or equipment training~~ to EMS Personnel~~System EMTs~~ who will not be using the new interventions~~drugs or equipment~~.

k) The Department may share best practice models with proven efficacy with the EMS System EMS MDs.

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

Section 515.380 Do Not Resuscitate (DNR) and Practitioner Orders for Life-Sustaining Treatment (POLST) Policy

a) A System shall adopt a Regional standardized DNR and POLST policy for use by System personnel. The policy shall be implemented only after it has been reviewed and approved by the Department, in accordance with the requirements of this Section. For purposes of this Section, DNR refers to the withholding of cardiopulmonary resuscitation (CPR) and cardiocerebral resuscitation (CCR); electrical therapy to include pacing, cardioversion and defibrillation; invasive airway management and manually or mechanically assisted ventilations, unless otherwise stated on the IDPH Uniform POLST~~DNR~~ Advance Directive. POLST refers to the recording of a person's desires for life-sustaining treatment and palliative care.

b) The policy shall include, but not be limited to, specific procedures and protocols for cardiac arrest/DNR situations arising in long-term care facilities, with hospice and home care patients, and with patients who arrest during inter-hospital transfers or transportation to or from home.

c) The policy shall include specific procedures and protocols for withholding CPR and CCR in situations where explicit signs of biological death are present (e.g., decapitation, rigor mortis without profound hypothermia, profound dependent lividity), or the patient has been declared dead by a coroner/medical examiner or the patient's physician. The policy shall include recording such information on

the patient care report.

d) The policy shall include specific procedures and protocols for a person's desire for life-sustaining treatment and palliative care.

e~~d~~) For situations not covered by subsection (c)~~ of this Section~~, the policy shall require that resuscitative procedures be followed unless a valid IDPH Uniform POLST advance directive~~DNR Advance Directive~~ is present.

f~~e~~) *The Department of Public Health Uniform POLST form,~~DNR Advance Directive~~ or a copy of that form,~~Advance Directive~~ shall be honored.* (Section 3.57 of the Act) ~~If the Department Uniform DNR Advance Directive is reproduced, it is recommended that brightly colored paper be used.~~ Systems shall also have a policy in place concerning recognition of other DNR and POLST advance directives~~Advance Directives~~. The information required on the Department Uniform POLST advance directive~~DNR Advance Directive~~ includes, but is not limited to, the following items:

1) Name of the patient;~~,~~

2) Name and signature of authorized practitioner;~~attending physician,~~

3) Effective date;~~,~~

4) The phrase ~~words~~ "Do Not Resuscitate" or "Practitioner Orders for Life-Sustaining Treatment" or both;~~,~~

5) Evidence of consent:

A) signature of patient;~~ or~~

B) signature of legal guardian;~~ or~~

C) signature of durable power of attorney for health care agent; or

D) signature of surrogate decision-maker.

g~~f~~) A living will by itself cannot be recognized by pre-hospital care providers.

h~~g~~) Revocation of a written DNR or POLST Advance Directive shall be made only in one or more of the following ways:

1) The advance directive~~Advance Directive~~ is physically destroyed by the authorized practitioner~~physician~~ who signed the advance directive~~Advance Directive~~ or by the person who gave written consent to the advance directive~~Advance Directive~~; or

2) The advance directive~~Advance Directive~~ is verbally rescinded by the authorized practitioner~~physician~~ who signed the advance directive~~Advance Directive~~ or by the person who gave written consent to the advance directive~~Advance Directive, and~~ the word "VOID" is written in large letters across the front of the advance directive~~Advance Directive~~, and the advance directive~~Advance Directive~~ is signed and dated by the authorized practitioner~~physician~~ who signed the advance directive~~Advance Directive~~ or by the person who gave written consent to the advance directive~~Advance Directive~~.

i~~h~~) A System's DNR and POLST policy shall require System personnel to make a reasonable attempt to verify the identity of the patient (for example, identification by another person or an identifying bracelet) named in a valid DNR or POLST advance directive~~Advance Directive~~.

j~~i~~) The policy shall describe the roles of the on-line medical control physician and ECRN in DNR or POLST situations.

k~~j~~) The policy shall state which System EMS Personnel~~personnel~~ are authorized to respond to a valid DNR or POLST advance directive~~Advance Directive~~ (Paramedic, PHRN, A-EMT~~EMT-P~~, EMT-I, EMT~~EMT-B, Pre-hospital RN, First Responder (FR)~~, EMR~~First Responder/Automated External Defibrillator (FR/AED)~~).

l~~k~~) The policy shall cross-reference the System's coroner/medical examiner notification policy.

m~~l~~) The policy shall describe the System's program for educating System personnel concerning the DNR or POLST policy.

n~~m~~) The policy shall identify the quality assurance measures specific to this policy,

including the methods and periods of review.

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

Section 515.390 Minimum Standards for Continuing Operation

a) The Resource Hospital and all System Participants~~participants~~ shall comply with the terms of the EMS System Program Plan, the System Manual, their respective letters of commitment, and any applicable provisions of the Act or this Part.

b) All System EMS personnel, provider agencies and licensed vehicle owners~~personnel and ambulances~~ are responsible for and shall maintain current~~their~~ certifications, licenses and approvals.

c) In accordance with Section 515.160~~ of this Part~~, the Department may suspend, revoke or refuse to issue or renew the approval of any EMS System when its findings show that the System is in violation of one or more of the requirements of the Act and this Part.

1) Suspension~~Such suspension~~, revocation or refusal to renew shall be preceded by notice and an opportunity for a hearing served upon the EMS MD~~Medical Director~~ by certified mail~~, or~~ personal service or confirmed facsimile.

2) The notice shall set forth the reasons for the proposed suspension or revocation and shall afford the EMS MD~~Medical Director~~ 15 days from the date of receipt to make a written request for an administrative hearing. The EMS MD's~~EMSMD's~~ failure to file a written request for a hearing within 15 days shall be considered a waiver of the System's right to a hearing on the proposed suspension, revocation~~,~~ or refusal.

3) All hearings shall be conducted in accordance with the Department's Rules of Practice and Procedure for Administrative Hearings (77 Ill. Adm. Code 100).

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

Section 515.420 System Participation Suspensions

a) *An EMS MD~~EMS Medical Director~~ may suspend from participation within the System any EMS* Personnel, *EMS Lead Instructor (LI), individual, individual provider or other participant considered not to be meeting the requirements of the Program Plan of that approved EMS System.* (Section 3.40(a) of the Act)

b) Except as allowed in subsection (l)~~ of this Section~~, the EMS MD~~Medical Director~~ shall provide the individual, individual provider or other participant with a written explanation of the reason for the suspension; the terms, length~~,~~ and condition of the suspension; and the date the suspension will commence, unless a hearing is requested. The procedure for requesting a hearing within 15 days through the Local System Review Board shall be provided.

c) Failure to request a hearing within 15 days shall constitute a waiver of the right to a Local System Review Board hearing.

d) *The Resource Hospital shall designate* the *local~~Local~~ System review board, for the purpose of providing a hearing to any individual or entity participating within the System who is suspended from participation by the EMS* MD. (Section 3.40(e) of the Act) The review board will consist~~*Review Board*, consisting~~ of at least three members, one of whom is an emergency department physician with knowledge of EMS, one of whom is an EMT and one of whom is of the same professional category as the individual, individual provider or other participant requesting the hearing. ~~(Section 3.40(e) of the Act)~~ The EMS MD~~Medical Director~~ shall prepare and post, in a 24-hour accessible location at the Resource Hospital, the System Review Board List.

e) The hearing shall commence as soon as possible, but at least within 21 days after receipt of a written request. *The EMS MD~~Medical Director~~ shall arrange for a certified shorthand reporter to make a stenographic record of that hearing and thereafter prepare a transcript of the proceedings. The transcript, all documents or materials received as evidence during the hearing and the local~~Local~~ System review board's~~Review Board's~~ written decision shall be retained in the custody of the EMS System. The System shall implement a decision of the local~~Local~~ System review board~~Review Board~~ unless that decision has been appealed to the State Emergency Medical Services Disciplinary Review Board in accordance with* the *Act and* this Part. (Section 3.40(e) of the Act)

f) The local~~Local~~ System review board~~Review Board~~ shall state in writing its decision to affirm, modify or reverse the suspension order. That~~Such~~ decision

shall be sent via certified mail or personal service to the EMS MD~~Medical Director~~ and the individual, individual provider or other participant who requested the hearing within five business days after the conclusion of the hearing.

~~g)~~ ~~The transcripts, all documents or materials received as evidence during the hearing and the Local System Review Board's written decision shall be retained in the custody of the EMS System.~~

g~~h~~) The EMS MD~~Medical Director~~ shall notify the Department, in writing, within five business days after the Board's decision to either uphold, modify or reverse the EMS MD's~~Medical Director's~~ suspension of an individual, individual provider or participant. The notice shall include a statement detailing the duration and grounds for the suspension.

h~~i~~) *If the local~~Local~~ System review board~~Review Board~~ affirms or modifies the EMS MD's~~Medical Director's~~ suspension order, the individual*, individual provider or other participant *shall have the opportunity for a review of the local board's~~Local Board's~~ decision of the State EMS Disciplinary Review Board.* (Section 3.40(b)(1) of the Act)

i~~j~~) *If the local~~Local~~ System review board~~Review Board~~ reverses or modifies the EMS MD's~~Medical Director's~~ suspension order, the EMS MD~~Medical Director~~ shall have the opportunity for review of the local board's~~Local Board's~~ decision by the State EMS Disciplinary Review Board.* (Section 3.40(b)(2) of the Act)

j~~k~~) Requests *for review* by the State EMS Disciplinary Review Board *shall be submitted in writing to the Chief of the Department's Division of Emergency Medical Services and Highway Safety, within 10 days after receiving the local board's~~Local Board's~~ decision or the EMS MD's~~Medical Director's~~ suspension order, whichever is applicable.* A copy of the Board's decision or the suspension order *shall be enclosed.* (Section 3.45(h) of the Act)

k~~l~~) *An EMS MD~~Medical Director~~ may immediately suspend an EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHRN, LI, or other individual or entity~~an individual, individual provider or other participant~~ if he or she finds that ~~the information in his or her possession indicates that~~ the continuation in practice by the individual or entity~~an EMT or other provider~~ would constitute an imminent danger to the public. The suspended individual or entity~~EMT or other provider~~ shall be issued an immediate verbal notification, followed by a written suspension*

order ~~to the EMT or other provider~~ by the EMS MD that~~Medical Director which~~ states the length, terms and basis for the suspension. (Section 3.40(c) of the Act)

1) *Within 24 hours following the commencement of the suspension, the EMS MD~~Medical Director~~ shall deliver to the Department, by messenger, ~~or~~ telefax, or other Department-approved electronic communication, a copy of the suspension order and copies of any written materials that~~which~~ relate to the EMS MD's~~Medical Director's~~ decision to suspend the individual or entity~~EMT or provider~~.*

2) *Within 24 hours following the commencement of the suspension, the suspended individual or entity~~EMT or provider~~ may deliver to the Department, by messenger, ~~or~~ telefax, or other Department-approved electronic communication, a written response to the suspension order and copies of any written materials that~~which~~ the individual or entity~~EMT or provider~~ feels are appropriate~~relate to that response~~.*

3) *Within 24 hours following receipt of the EMS MD's~~Medical Director's~~ suspension order or the individual's or entity's~~EMT's or provider's~~ written response, whichever is later, the Director or the Director's designee shall determine whether the suspension should be stayed pending an~~the EMT's or provider's~~ opportunity for a hearing or review in accordance with* the *Act, or whether the suspension should continue during the course of that hearing or review. The Director or the Director's designee shall issue this determination to the EMS MD~~Medical Director~~, who shall immediately notify the suspended individual or entity~~EMT or provider~~. The suspension shall remain in effect during this period of review by the Director or the Director's designee.* (Section 3.40(c) of the Act)

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

Section 515.450 Complaints

a) For the purposes of this Section, "complaint" means a report of an alleged violation of the Act or this Part by any System Participants ~~participants and/~~or providers covered under the Act, or members of the public. Complaints shall be defined as problems related to the care and treatment of a patient.

b) A person who believes that the Act or this Part may have been violated may

submit a complaint by means of a telephone call, letter, fax, or in person. An oral complaint will be reduced to writing by the Department. The complainant is requested to supply the following information concerning the allegation:

1) Date and time or shift of occurrence;

2) Names of the patient, EMS Personnel~~personnel~~, entities, family members, and other persons involved;

3) Relationship of the complainant to the patient or to the provider;

4) Condition and status of the patient; ~~and~~

5) Details of the situation; and~~.~~

6) The name of the facility where the patient was taken.

c) All complaints shall be submitted to the Department's Central Complaint Registry or to the EMS MD.~~Medical Director (EMSMD). If the complaint involves a trauma patient, the complaint shall also be submitted to the Trauma Center Medical Director along with the EMSMD.~~ Complaints received by the EMS MD~~EMSMD~~ or Trauma Center MD~~Medical Director~~ shall be forwarded to the Department's Central Complaint Registry within five working days after receipt of the complaint. ~~Complaints received by the Department shall be forwarded to the EMSMD or Trauma Center Medical Director.~~ The substance of the complaint shall be provided in writing to the System participant or provider no earlier than at the commencement of an on-site investigation pursuant to subsection (e)~~ of this Section~~.

d) The Department and the EMS MD~~EMSMD~~ or Trauma Center MD~~Medical Director~~ shall not disclose the name of the complainant unless the complainant consents in writing to the disclosure.

e) The Department may~~shall~~ conduct a joint~~an~~ investigation ~~jointly~~ with the EMS MD~~EMSMD~~, EMS Coordinator or Trauma Center MD~~Medical Director~~ if a death or serious injury has occurred or there is imminent risk of death or serious injury, or if the complaint alleges action or conditions that could result in a denial, non-renewal, suspension, or revocation of licensure or designation. If the complaint alleges a violation by the EMS MD~~EMSMD~~, EMS Coordinator or Trauma Center

MD~~Medical Director~~, the Department shall conduct the investigation. If the complaint alleges a violation that would not result in licensure or designation action, the Department shall forward the complaint to the EMS MD~~EMSMD~~ or Trauma Center MD~~Medical Director~~ for review and investigation. The EMS MD~~EMSMD~~ or Trauma Center MD~~Medical Director~~ may request the Department's assistance at any time during an investigation. In the case of a complaint between EMS Systems, the Department will be involved as mediator or lead investigator.

f) The EMS MD~~EMSMD~~ or Trauma Center Director shall forward the results of the investigation and any disciplinary action resulting from a complaint to the Department. Documentation of the investigation shall be retained at the hospital in accordance with EMS System improvement policies and shall be available to the Department upon request. The investigation file shall be considered privileged and confidential in accordance with the Medical Studies Act [735 ILCS 5/8-2101].

g) Based on the information submitted by the complainant and the results of the investigation conducted in accordance with subsection (e)~~ of this Section~~, the Department will determine whether the Act or this Part is being or has been violated. The Department will review and consider any information submitted by the System participant or provider in response to an investigation.

h) The Department will~~shall~~ have final authority in the disposition of a complaint. Complaints shall be classified as "violation", "no violation"~~"valid", "invalid"~~, or "undetermined".

i) The Department will~~shall~~ inform the complainant and the System Participant~~participant~~ or provider of the complaint results (i.e., whether the complaint was found to be a violation, no violation~~valid, invalid~~, or undetermined) within 20 days after its determination.

j) The EMS System shall have a policy in place requiring compliance with this Section.

k) An~~A complainant or~~ EMS System Participantparticipant or provider who is dissatisfied with the determination or investigation by the Department may request reconsideration by the Department.~~a hearing pursuant to Section 515.160 of this Part. A request for a hearing shall be submitted to the Department within~~

~~30 days after the determination is mailed.~~

l) The investigative files of the EMS System and the Department shall be privileged and confidential in accordance with the Medical Studies Act [735 ILCS 5/8-2101], except that the Department and the involved EMS System may share information. The Department's final determination shall be public information subject to FOIA.

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

Section 515.455 Intra- and Inter-Systems~~system~~ Dispute Resolution

a) If the Director determines that a dispute exists between an EMS System, Vehicle Service Provider, Advisory Committee, hospital, or EMS MD or between any combination of any elements of these entities and the dispute causes an imminent threat to the availability or quality of emergency pre-hospital care within the State, then the Director or designee shall have the authority to resolve those disputes, if one party to the dispute requests the Director's intervention in writing. If the Director receives and approves such a request, then each entity's duly authorized representative shall be given the opportunity to submit written arguments and evidence in support of any potential resolution. The Director or designee shall have the authority to hear oral arguments and testimony based upon the written submissions. Any decision by the Director or designee shall be issued in writing and state the basis for the decision, which shall be final and binding upon all parties to the dispute. The Director or designee will endeavor to issue a written decision within 30 days after receipt of all written submissions and verbal testimony, if verbal testimony is permitted.

b) This dispute resolution procedure shall not be available to any EMS Personnel~~EMT, ECRN, Pre- Hospital RN, Lead Instructor, First Responder, Emergency Medical Dispatcher, Trauma Nurse Specialist~~ or a member of the public. This procedure shall not be applicable to any EMS System Suspension, Local Board of Review, action by the State EMS Disciplinary Review Board or the Department.

c) The Department's Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) shall govern all proceedings.

d) *All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law* [35 ILCS 5/Art. III] . (Section 3.145 of the Act) A decision by the Director in accordance with this Section shall be considered an administrative review decision under Section 3.145 of the Act and shall be subject to judicial review.

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

Section 515.460 Fees

a) The following fees shall be submitted to the Department at the time of application for examination, initial licensure, licensure renewal, duplicate license, or reciprocity:

1) EMT~~EMT-B~~ licensure: $45

2) EMT~~EMT-B~~ renewal: $20

3) EMT~~EMT-B~~ examination: $20

4) A-EMT or EMT-I licensure: $45

5) A-EMT or EMT-I renewal: $30

6) A-EMT or EMT-I examination: $30

7) Paramedic~~EMT-P~~ licensure: $60

8) Paramedic~~EMT-P~~ renewal: $40

9) Paramedic~~EMT-P~~ examination: $40

10) Trauma Nurse Specialist licensure: $50

11) Trauma Nurse Specialist renewal: $25

12) Trauma Nurse Specialist examination: $25 (see Section 515.750(f))

13) Emergency Communications Registered Nurse licensure: $55

14) Emergency Communications Registered Nurse renewal: $20

15) Emergency Medical Dispatcher licensure: $30

16) Emergency Medical Dispatcher renewal: $20

17) Pre-Hospital RN licensure: $30

18) Pre-Hospital RN renewal: $20

19) Lead Instructor licensure: $40

20) Lead Instructor renewal: $20

21) EMR~~First Responder~~ licensure: $55

22) EMR~~First Responder~~ renewal: $20

23) Duplicate license: $10

24) Reciprocity application processing fee: $50

25) Fees for a reciprocity license or reinstatement of a license will be equal to the amount of the initial license fee.

26) License status verification documentation for out-of-state or organizational requests: $25

27) License renewal late fee during lapse period: $50

b) *An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN or PHRN~~EMT~~ who is a member of the Illinois National Guard or~~,~~ an Illinois State Trooper or* who *exclusively serves as a volunteer for units of local government with a population base of less than 5,000 or as a volunteer for a not-for-profit organization that serves a service area with a population base of less than 5,000* in this State *may submit an application to the Department for a waiver of the fees* for the EMS Personnel~~EMT~~ examination, licensure and license renewal *on a form prescribed*

by the Department. (Section 3.50(d-5)~~(9)~~ of the Act) The fee waiver application shall be submitted to the Department and approved prior to examination, licensure or renewal. No fees will be refunded.

~~c) *A First Responder who exclusively serves as a volunteer for units of local government or a not-for-profit organization that serves a service area with a population base of less than 5,000 may submit an application to the Department for a waiver of these fees on a form prescribed by the Department.* (Section 3.60(b)(7) of the Act)~~

c~~d~~) Fees shall be paid on-line or by certified check or money order made payable to the Department. Personal checks or cash will not be accepted.

d~~e~~) If a candidate does not achieve a passing grade on the written examination, the fee for the retest is the same as for initial examination.

e~~f~~) All fees submitted for licensure examinations are not refundable.

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

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section 515.500 EMS System Education Program-Emergency Medical Technician~~ Basic Training~~

a) An EMS education program shall only be conducted by an EMS System or an academic institution under the direction of the EMS System.~~Applications for approval of EMT-B Training Programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum, name of applicant, agency and address, type of training program, lead instructor's name and address, dates of the training program, and name and signature of EMS MD.~~

b) Applications for pre-approval of EMS education programs shall be filed with the Department on forms prescribed by the Department. The applications shall contain, at a minimum:~~Applications for approval, including a copy of the class schedule and course syllabus, shall be submitted at least 60 days before the first scheduled class. A description of the clinical requirements, textbook being used and passing score for the class shall be included with the application.~~

1) Name of the applicant, agency and address;

2) Lead Instructor's name, license number, address and contact information;

3) Name and signature of the EMS MD and EMS System Coordinator;

4) Type of education program;

5) Dates, times and location of the education program, including course schedule;

6) Goals, objectives and course outline;

7) Methods, materials and text books;

8) Content and time consistent with the national EMS education standards and additional course curricula required by the Department. Initial or modified course syllabi shall be approved by the Department;

9) Description of the clinical and field requirements;

10) Description of evaluation tools (student, clinical units, faculty and programs); and

11) Requirements for successful completion.

c) Applications for pre-approval, including a copy of the course schedule and syllabus, shall be submitted no less than 60 days before the first scheduled class.~~The EMS MD shall attest on the application form that the training program shall be conducted according to the United States Department of Transportation's National Standard Curriculum (minimum sections shall include #1 through #7 of the National Curriculum for EMT Basic), and that all instructors are knowledgeable in the material and capable of instructing at the EMT-B level. The curriculum shall include, at a minimum, training in the use of epinephrine for both adults and children for application in the treatment of allergic reactions and anaphylaxis, and in the administration and use of opioid antagonists.~~

1) Initial or revised education programs require full submission of all

curriculum related educational documents for Department pre-approval (see Section 515.520(b)(1 through 11)).

2) Education programs previously approved by the Department without changes to curricula or content require submission of the course schedule and syllabus only.

d) The EMS MD shall attest on the application form that the education program will be conducted according to the national EMS education standards, including modifications required by the Department. The course hours shall include, at a minimum, 125 hours of didactic education and 25 hours of clinical experience, which includes hospital or alternate health care facility and field internship experience. The clinical experience shall include minimum patient care contacts, competency evaluation, and measurement, as defined in the standards and approved by the EMS MD.~~The EMT-B training program shall designate an EMS Lead Instructor who, shall be responsible for the overall management of the training program, shall be approved by the Department based on requirements of Section 515.700.~~

e) The EMS MD and the EMS System Coordinator, in cooperation with the educational institution, shall be responsible for oversight, quality assurance and outcome measurement for the EMT education program.~~The lead Instructor for the training class shall be responsible for ensuring that no EMT training class begins until after the Department issues its formal written pre-approval, which shall be in the form of a numeric site approval code.~~

f) The Lead Instructor~~lead instructor~~ for the course~~training class~~ shall be responsible for ensuring that no~~all materials presented to~~ EMT course begins until after the Department issues its formal, written pre-approval, which shall be in the form of a numeric site code.~~students conform to all curriculum requirements of both the Department and the EMS System granting its approval. Methods of assessment or intervention that are not approved by both the Department and the EMS System shall not be taught or presented.~~

g) The Lead Instructor for the course shall be responsible for ensuring that all materials presented to EMT students conform to all curriculum requirements of both the Department and the EMS System granting its approval. Methods of assessment or intervention that are not approved by both the Department and the EMS System shall not be taught or presented. All LIs for courses shall be

approved by the EMS MD~~Any change, except for an emergency change (e.g., weather or instructor illness) in the EMT-B training program's EMS MD or EMS Lead Instructor, shall require an amendment to be filed with the Department~~.

h) Any change in the EMT program's EMS MD, EMS System Coordinator or Lead Instructor, or change in the minimum approved program, shall require an amendment to be filed with the Department by the EMS System.~~Questions for all quizzes and tests to be given during the EMT-B training program shall be prepared by the EMS Lead Instructor and available upon the Department's request.~~

i) Before a candidate is accepted into the program, documentation shall be submitted that a BLS EMS System vehicle will be available to accommodate field internship needs.~~Each approved training program shall submit a student roster within 10 days after the first class as well as a student roster indicating successful or unsuccessful completion within 10 days after the last class. An examination roster shall be submitted to the Department prior to the deadline date for examination.~~

j) Each EMS Lead Instructor shall verify a student's qualification to take a Department-approved licensure examination upon the successful completion of the education program and shall submit a student roster on a form approved by the Department. The EMS MD or designee may approve students through an on-line verification system.~~All approved programs shall maintain class and student records for seven years, and these shall be made available to the Department upon request.~~

k) EMT candidates may test for licensure through the Illinois State examination or the NREMT examination. For EMT candidates who have completed and passed components of the program, and passed the NREMT examination, the EMS MD shall submit to the Department an electronic transaction provided by the Department. No electronic transaction form is necessary for candidates taking the State licensing examination.

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

Section 515.510 Advanced Emergency Medical Technician and Emergency Medical Technician-Intermediate Education~~Training~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

a) An A-EMT or EMT-I course~~training program~~ shall be conducted only by an EMS System or an academic institution whose curriculum has been approved by~~a community college under the direction of~~ the EMS System.

b) Applications for pre-approval~~approval~~ of A-EMT or EMT-I education programs~~Training Programs~~ shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum:~~, name of applicant, agency and address, type of training program, lead instructor's name and address, dates of the training program, and names and signatures of the EMS MD and EMS System Coordinator~~.

1) Name of the applicant, agency and address;

2) Lead Instructor's name, license number, address and contact information;

3) Name and signature of EMS MD and EMS System Coordinator;

4) Type of education program;

5) Dates, times and location of the education program, including course schedule;

6) Goals, objectives and course outline;

7) Methods, materials and text books;

8) Content and time consistent with the national EMS education standards and additional course curricula required by the Department. Initial or modified course syllabi shall be approved by the Department;

9) Description of the clinical and field requirements;

10) Description of evaluation tools (student, clinical units, faculty and programs); and

11) Requirements for successful completion.

c) Applications for pre-approval~~approval~~, including a copy of the course~~class~~ schedule and ~~course~~ syllabus, shall be submitted at least 60 days before the first

scheduled class.

1) Initial or revised education programs require full submission of all curriculum related educational documents for Department pre-approval (see Section 515.520(b)(1) through (11)).

2) Education programs previously approved by the Department without changes to curricula or content require submission of the course schedule and syllabus only.

d) The EMS MD~~Medical Director of the EMS System~~ shall attest on the application form that the A-EMT or EMT-I education~~training~~ program shall be conducted according to the national EMS education standards for an A-EMT, including modifications required by the Department~~United States Department of Transportation's National Standard Curriculum~~. The course hours shall minimally include 200 hours of didactic education and at least 150 hours of clinical experience.~~, which includes~~ Clinical experience shall include hospital, alternate care facility,~~hospital~~ and field internship experience, including minimum patient care contacts, competency evaluation and measurement, as defined in the standards and approved by the EMS MD. ~~The curriculum shall include training in the use of epinephrine for both adults and children for application in the treatment of allergic reaction and anaphylaxis.~~

e) Oversight, quality assurance and outcome measurement for the A-EMT and~~The~~ EMT-I education~~training~~ program shall be the responsibility~~under the direction~~ of the EMS MD and the EMS System Coordinator, with cooperation of the educational institution.

f) The Lead Instructor shall be responsible for ensuring that no A-EMT or EMT-I course begins before the Department issues its formal written pre-approval, which will be in the form of a numeric site code.~~The EMS System shall designate an EMS Lead Instructor, who shall be approved by the Department based on the requirements of Section 515.700.~~

g) The ~~EMS~~ Lead Instructor for the course shall be responsible for ensuring that all materials presented to A-EMT or~~an~~ EMT-I students conform to all curriculum requirements of both the Department and the EMS System granting its approval. Methods of assessment or intervention that are not approved by both the Department and the EMS System shall not be taught or presented. All LIs for

courses must be approved by the EMS MD.~~, an EMT-P, a Registered Professional Nurse or a physician and shall have four years of experience in emergency care as a provider and two years of teaching experience in a classroom setting.~~

h) Any change in the A-EMT or EMT-I program's EMS MD, EMS System Coordinator or Lead Instructor, or change in the minimum approved program, requires an amendment to be filed with the Department.~~The Lead Instructor for the training class shall be responsible for ensuring that no EMT training class begins until after the Department issues its formal written pre-approval, which shall be in the form of a numeric site approval code.~~

i) A candidate for an A-EMT or EMT-I education program shall have a current Illinois EMT license. All program participants shall maintain their qualifying license throughout completion of the program and successful completion of the licensure examination.~~The Lead Instructor for the training class shall be responsible for ensuring that all materials presented to EMT students conform to all curriculum requirements of both the Department and the EMS system granting its approval. Methods of assessment or intervention that are not approved by both the Department and the EMS System shall not be taught or presented.~~

j) Before a candidate is accepted into the program, documentation shall be submitted that an ILS or ALS EMS System vehicle will be available to accommodate field internship needs.~~Any change, except for an emergency change (e.g., weather or instructor illness) in the EMT-I training program's EMS MD, EMS System Coordinator and/or EMS Lead Instructor, shall require an amendment to be filed with the Department.~~

k) Each education program shall verify a student's qualification to attempt a Department-approved licensure examination upon the successful completion of the education program and shall submit a student roster on a form approved by the Department. The EMS MD or designee may approve students through an on-line verification system.~~A candidate for an EMT-I training program must have a current Illinois EMT-B license.~~

l) A-EMT and EMT-I candidates who have completed and passed all components of the program may test for licensure through the Illinois State examination. No electronic transaction form is necessary for candidates taking the State licensing examination. An A-EMT candidate may choose to test with the NREMT examination. For candidates successfully passing the NREMT examination and

applying for Illinois licensure, the EMS MD shall submit to the Department an electronic transaction form provided by the Department.~~Before a candidate is accepted into the program, documentation shall be submitted that an EMS System vehicle will be available to accommodate field experience.~~

m) All approved programs shall maintain course and student records, for a minimum of seven years, in compliance with affiliated academic institution requirements as applicable. The course and student records shall be made available to the EMS System or Department upon demand.~~Each approved training program shall submit a student roster within 10 days after the first class as well as a student roster indicating successful or unsuccessful completion within 10 days after the last class. An examination roster shall be submitted to the Department prior to the deadline date for examination.~~

~~n)~~ ~~After an EMT-I candidate has completed and passed all components of the training program, and passed the National Registry examination or the Department examination when available, the EMSMD shall submit to the Department a transaction card (Form No. IL 482-0837) concerning that individual.~~

~~o)~~ ~~All approved programs shall maintain class and student records for seven years, and these shall be made available to the Department upon request.~~

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

Section 515.520 ~~Emergency Medical Technician~~ Paramedic Education~~Training~~

a) A Paramedic course~~An EMT-P training program~~ shall be conducted only by an EMS System or an academic institution whose curriculum has been approved by~~a community college under the direction of~~ the EMS System.

b) Applications for pre-approval~~approval~~ of Paramedic education~~EMT-P training~~ programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum:~~, name of applicant, agency and address, type of training program, dates of the training program, and names and signatures of the EMS MD and EMS System Coordinator.~~

1) Name of the applicant, agency and address;

2) Lead Instructor's name, license number, address and contact information;

3) Name and signature of EMS MD and EMS System Coordinator;

4) Type of education program;

5) Dates, times and location of the education program, including course schedule;

6) Goals, objectives and course outline;

7) Methods, materials and text books;

8) Content and time, consistent with the national EMS education standards and additional course curricula required by the Department. Initial or modified course syllabi shall be approved by the Department;

9) Description of the clinical and field requirements;

10) Description of evaluation tools (student, clinical units, faculty and programs); and

11) Requirements for successful completion.

c) Applications for pre-approval~~approval~~, including a copy of the course~~class~~ schedule and ~~course~~ syllabus, shall be submitted at least 60 days before the first scheduled class.

1) Initial or revised education programs require full submission of all curriculum related educational documents for Department pre-approval (see Section 515.520(b)(1 through 11)).

2) Education programs previously approved by the Department without changes to curricula or content will require submission of the course schedule and syllabus only.

d) The EMS MD of the EMS System shall attest on the application form that the education~~training~~ program will~~shall~~ be conducted according to the national EMS education standards, including all modifications required by the

Department.~~United States Department of Transportation's National Standard Curriculum. The EMT-P training program shall include all components of the National Standard Curriculum.~~ The course hours shall minimally include 500~~450~~ hours of didactic education and 500 hours of clinical experience, which includes hospitals plus alternate care facilities~~hospital~~ and field internship experience, including minimum patient care contacts and competency evaluation and measurement as defined in the standards and approved by the EMS MD. ~~The curriculum shall include training in the use of epinephrine for both adults and children for application in the treatment of allergic reactions and anaphylaxis~~.

e) Oversight, quality assurance and outcome measurement for the Paramedic education program~~The EMT-P training program's lead coordinators~~ shall be the responsibility of the EMS MD and the EMS System Coordinator, with cooperation of the educational institution.

f) The Lead Instructor for the course~~training class~~ shall be responsible for ensuring that no Paramedic~~EMT training~~ class begins until after the Department issues its formal written pre-approval, which shall be in the form of a numeric site ~~approval~~ code.

g) The Lead Instructor for the course~~training class~~ shall be responsible for ensuring that all materials presented to Paramedic~~EMT~~ students conform to all curriculum requirements of both the Department and the EMS System~~system~~ granting its approval. Methods of assessment or intervention that are not approved by both the Department and the EMS System shall not be taught or presented. All LIs for courses must be approved by the EMS MD.

h) Any change~~, except for an emergency change (e.g., weather or instructor illness)~~ in the Paramedic~~EMT-P training~~ program's EMS MD,~~Medical Director and/or~~ EMS System Coordinator or Lead Instructor, or change in the minimum approved program, shall require an amendment to be filed with the Department.

i) A candidate for a Paramedic education~~an EMT-P training~~ program shall~~must~~ have a current Illinois EMT, ~~EMT-B~~A-EMT or EMT-I license. All program participants shall maintain their qualifying license throughout completion of the program and successful completion of the licensure examination.

j) Before a candidate is accepted into the program, documentation shall be submitted that an ALS or CCT EMS System vehicle will be available to

accommodate field internship needs.

k) Each education~~approved training~~ program shall verify a student's qualification to attempt a Department-approved licensure examination upon the successful completion of the education program and shall submit a student roster on a form approved by the Department. The EMS MD or designee may approve students through an on-line verification system.~~within 10 days after the first class, as well as a student roster indicating successful or unsuccessful completion within 10 days after the last class. An examination roster shall be submitted to the Department prior to the deadline date for examination.~~

l) Paramedic candidates may test for licensure through the Illinois State examination or the NREMT examination (NREMT requires successful completion from an accredited academic institution recognized by NREMT). For Paramedic candidates who have completed and passed all components of the program, and passed the NREMT examination, and who are applying for Illinois licensure, the EMS MD shall submit to the Department an electronic transaction form provided by the Department. No electronic transaction form is required for candidates taking the State licensure examination.~~After an EMT-P candidate has completed and passed all components of the training program, and passed the Department or National Registry examination, the EMSMD shall submit to the Department a transaction card (Form No. IL 482-0837) concerning that individual.~~

m) All approved programs shall maintain course~~class~~ and student records for seven years, ~~and~~ in compliance with the affiliated academic institution requirements as applicable. The course and student records~~these~~ shall be made available to the EMS System or Department upon request.

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

Section 515.530 EMT, A-EMT, EMT-I and Paramedic Testing

a) All ~~EMT-B~~ candidates shall hold a high school diploma or high school equivalency certificate and be 18 years of age or older to be licensed~~tested for licensure~~. Candidates who meet all of the requirements of this Part may test after attaining 17 years of age and may apply for licensure upon attaining 18 years of age.

b) After completion of an approved education~~training~~ program and a

recommendation to test by the EMS MD or designee, candidates shall take a written licensure examination. Candidates~~EMT-B and EMT-P candidates~~ shall have the choice of taking either the NREMT ~~National Registry of Emergency Medical Technicians~~ written and psychomotor examination or the Department's examination if eligible and available. The Department's written examinations shall be~~examination is~~ based on the national EMS education standards and practice analysis~~United States Department of Transportation National Standard Curriculum~~ and are~~is~~ equivalent to the NREMT ~~National Registry~~ written examinations as modified by the Department~~Examination~~.

c) Candidates qualifying for licensure examinations may register for examinations through either the State of Illinois testing vendor or the NREMT. Application information may be found at the Department's website (http://www.continentaltesting.net/) or the NREMT website (https://www.nremt.org/nremt/about/apply_for_assess_exam.asp). All candidates for licensure examinations shall be approved by the EMS System. Candidates shall register to take a licensure examination within 90 days after course completion, including all clinical and field requirements.~~The Department or its designee will administer the State written examination for EMT-B and EMT-P licensure and for EMT-I licensure when the State examination is available. Candidates who elect to take the National Registry of Emergency Medical Technicians examination in lieu of the State examination shall be responsible for making their own arrangements with the National Registry.~~

d) A failure rate per course~~class~~ of 30~~25~~ percent or greater on the licensure examination will subject~~shall require that~~ the particular education~~training~~ program to review by the EMS System or~~be reevaluated by~~ the Department~~ at least 60 days before the start of the next class~~.

e) Candidates shall have three attempts to pass the licensure examination within 12 months after initial authorizations to test. Candidates who fail all three initial examination attempts~~The candidate~~ shall take a refresher course in alignment with the NREMT ~~National Registry of Emergency Medical Technicians~~ Cognitive Examination Retest~~examination retest~~ policy. Candidates shall be granted up to three additional licensure examination attempts only upon EMS MD authorization.~~if he/she fails to achieve a passing grade on two successive examinations within 12 months after sitting for the examination for the first time.~~

f) When a candidate elects to take the State examination or the NREMT~~National~~

~~Registry's~~ examination, the candidate shall pass that particular testing procedure or exhaust all three test attempts with the initial testing agency. Any candidate may request a waiver from the Department to change the examination testing venue after three unsuccessful testing attempts. ~~A candidate will not be allowed to take the alternate examination after failure to achieve a passing grade.~~

g) Failure to appear for the examination on the scheduled date, at the time and place specified, shall result in the forfeiture of the examination fee.

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

Section 515.540 EMT, A-EMT, EMT-I and Paramedic Licensure

a) To be licensed by the Department as an EMT, A-EMT, EMT-I or Paramedic~~EMT-B~~, an individual must pass either the NREMT~~National Registry of Emergency Medical Technicians~~ examination or the Department's licensure~~EMT-B~~ examination based on a final composite ~~with a~~ score of ~~at least~~ 70 ~~percent~~.

b) Upon successful completion of the NREMT written and psychomotor examinations, the applicant shall apply to the Department through the affiliated EMS System, using forms specified by the Department. The application will include demographic information, social security number, child support statement, felony conviction statement, and applicable fees, and will require EMS System authorization. Upon successful completion of the State examination, the applicant will be required to pay the applicable fees (see Section 515.460(a)).~~To be licensed by the Department as an EMT-I, an individual must pass the National Registry of Emergency Medical Technicians examination or the Department's EMT-I examination, if available. Students taking the Department's examination must pass with a score of at least 70 percent.~~

~~c)~~ ~~To be licensed by the Department as an EMT-P, an individual must pass either the National Registry of Emergency Medical Technicians examination or the Department's EMT-P examination with a score of at least 70 percent.~~

c~~d~~) An EMS~~EMT~~ license will specify the level of licensure, i.e., EMT, A-EMT, ~~EMT-B,~~ EMT-I or Paramedic~~OR EMT-P~~, and will be effective for a period of four years.

de) An EMT, A-EMT, EMT-I or Paramedic shall notify the Department within 30 days after any change in name or address. Notification may be in person, or by mail, phone, fax, or electronic mail. Addresses may be changed through the Department's on-line system. Name and gender changes require certified copies of court orders, i.e., marriage license or court documents.

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

Section 515.550 Scope of Practice − Licensed EMT and Paramedic

a) *Any person currently licensed as an EMT, EMT-I, A-EMT or Paramedic may only EMT-B, EMT-I or EMT-P shall perform emergency and non-emergency medical services in accordance with his or her level of education, training and licensure, the standards of performance and conduct prescribed in* this Part, *and the requirements of the EMS System in which he or she practices, as contained in the approved Program Plan for that System. The Director may, by written order, temporarily modify individual scopes of practice in response to public health emergencies for periods not to exceed 180 days.* (Section 3.55(a) of the Act)

b) *EMS* Personnel *who have successfully completed a Department-approved course in automated* external *defibrillator operation and who are functioning within a Department-approved EMS System may* use an *automated* external *defibrillator according to the standards of performance and conduct prescribed by the Department in* this Part, *and the requirements of the EMS System in which they practice, as contained in the approved Program Plan for that System.* (Section 3.55(a-5) of the Act)

c) *An EMT, EMT-I, A-EMT or Paramedic who has successfully completed a Department-approved course in the administration of epinephrine shall be required to carry epinephrine with him or her as part of the EMS* Personnel *medical supplies whenever he or she is performing official duties, as determined by the EMS System.* (Section 3.55 (a-7) of the Act)

db) An EMR, EMT, EMT-I, A-EMT or Paramedic *A person currently licensed as an EMT-B, EMT-I, or EMT-P may only practice as an EMR, EMT, EMT-I, A-EMT or Paramedic or utilize his or her EMR, EMT, EMT-I, A-EMT or Paramedic license in pre-hospital or inter-hospital emergency care settings or non-emergency medical transport situations, under the written or verbal direction of the EMS MD Medical Director. For purposes of this Section, a "pre-hospital*

emergency care setting" may include a location, that is not a health care facility, which utilizes EMS Personnel~~EMTs~~ *to render pre-hospital emergency care prior to the arrival of a transport vehicle. The location shall include communication equipment and all of the portable equipment and drugs appropriate for the EMT, EMT-I, A-EMT or Paramedic's~~EMT's~~ level of care, and the protocols of the EMS Systems, and shall operate only with the approval and under the direction of the EMS MD~~Medical Director~~.* ~~(Section 3.55(b) of the Act)~~

e~~c~~) *This* does *not prohibit an EMR, EMT, EMT-I, A-EMT or Paramedic~~EMT-B, EMT-I, or EMT-P~~ from practicing within an emergency department or other health care setting for the purpose of receiving continuing education or training approved by the EMS MD~~Medical Director~~. This also* does *not prohibit an EMT, EMT-I, A-EMT or Paramedic~~EMT-B, EMT-I, or EMT-P~~ from seeking credentials other than his or her EMT, EMT-I, A-EMT or Paramedic license and utilizing such credentials to work in emergency departments or other health care settings under the jurisdiction of that employer*. (Section 3.55(b) of the Act)

f~~d~~) *A student enrolled in a Department-approved EMS* Personnel~~*emergency medical technician*~~ *program, while fulfilling the clinical training and in-field supervised experience requirements mandated for licensure or approval by the System and the Department, may perform prescribed procedures under the direct supervision of a physician licensed to practice medicine in all of its branches, a qualified RN ~~registered professional nurse~~ or a qualified EMS* Personnel~~*EMT*~~*, only when authorized by the EMS MD~~Medical Director~~*. (Section 3.55(d) of the Act)

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

Section 515.560 EMT~~-B~~ Continuing Education

a) Continuing education classes, seminars, clinical time, workshops or other types of programs shall be approved by the Department before being offered to EMTs~~EMT-Bs~~. An application for approval shall be submitted to the Department on a form prescribed, prepared and furnished by the Department, at least 60 days prior to the scheduled event. The application will include, but not be limited to, the following:

1) Name of applicant, agency and address;

2) Lead Instructor's name, license number, address and contact information;

3) Name and signature of the EMS MD and the EMS System Coordinator;

4) Type of education program;

5) Dates, times and location of the education program (submit course schedule);

6) Goals and objectives;

7) Methods and materials, text books, and resources, when applicable;

8) Content consistent with the national EMS education standards;

9) Description of evaluation instruments; and

10) Requirements for successful completion, when applicable.

b) Approval will be granted provided the application is complete and the content of the program is based on topics or materials from the national EMS education standards~~United States Department of Transportation National Standard Curriculum for~~, as modified by the Department~~EMT-Bs~~. Upon approval, the Department will issue a site code to the course~~class~~, seminar, workshop or program.

c) An EMS System may apply to the Department for a single System site code to cover CE activities conducted or approved by the System for System EMTs when an urgent education need arises that requires immediate attention or when other appropriate education opportunities present outside of the scheduled approved offerings. Activities conducted under the System site code shall not require individual approval by the Department. The single System site code is not intended to replace the routine CE pre-approvals required by this Section and Sections 515.570 and 515.580.

d~~c~~) An EMT functioning within an EMS System~~EMT-B~~ shall submit~~be responsible for submitting~~ written proof of CE ~~continuing education~~ attendance to the EMS System Coordinator pursuant to System policy. An EMT not functioning within an EMS System shall submit written proof of CE ~~continuing education~~ attendance to the Department Regional EMS Coordinator upon licensure renewal request.~~or~~

~~the Department Regional EMS Coordinator~~.

e~~d~~) The EMS MD or designee of the EMS System of the EMT's primary affiliation or Department's designee for independent EMTs~~System Coordinator or Department Regional EMS Coordinator~~ shall verify~~be solely responsible for verifying~~ whether specific CE ~~continuing education~~ hours meet requirements for educational credit towards active status or renewal purposes outlined in Section 515.590(a)(2)(B)~~have been earned by the EMT-B~~.

f) An EMS System that requires clinical CE shall specify in the System Program Plan the number of hours required and the manner in which those hours shall be earned, submitted and verified.

g~~e~~) An EMT shall maintain~~EMT-B shall be responsible for maintaining~~ copies of all documentation concerning CE ~~continuing education~~ programs that he or she has completed for a period of not less than four years.

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

Section 515.570 A-EMT and EMT-I Continuing Education

a) Continuing~~Didactic continuing~~ education classes, seminars or other types of programs shall be approved by the Department before being offered to A-EMTs or EMT-Is. An application for approval shall be submitted to the Department by an EMS MD~~Medical Director~~, on a form prescribed and furnished by the Department, at least 60 days prior to the scheduled event. The application will include, but not be limited to, the following:

1) Name of applicant, agency and address;

2) Lead Instructor's name, license number, address and contact information;

3) Name and signature of the EMS MD and the EMS System Coordinator;

4) Type of education program;

5) Dates, times and location of the education program (submit course schedule);

6) Goals and objectives;

7) Methods and materials, text books, and resources, when applicable;

8) Content consistent with the national EMS education standards;

9) Description of evaluation instruments; and

10) Requirements for successful completion, when applicable.

b) Approval will be granted provided the application is complete and the content of the program is based on topics or materials from the national EMS education standards~~United States Department of Transportation National Standard Curriculum~~ for an A-EMT, as modified by the Department~~Intermediates~~. Upon approval, the Department will issue a site code to the course~~class~~, seminar or program.

c) An EMS System may apply to the Department for a single System site code~~Site Code~~ to cover CE~~ didactic continuing education~~ activities conducted or approved by the System ~~solely~~ for System A-EMTs and EMT-Is when an urgent education need arises that requires immediate attention or when other appropriate education opportunities present outside of the scheduled approved offerings~~(e.g., telemetry review at the Resource Hospital, morbidity and mortality conferences, preceptor orientation, review of System education materials)~~. Activities conducted under the System site code~~Site Code~~ shall not require individual approval by the Department. The single System site code is not intended to replace the routine CE pre-approvals required by this Section and Sections 515.560 and 515.580.

~~d) The EMSMD of the EMS System in which the EMT-I functions shall be responsible for determining whether a particular State-approved didactic continuing education program is acceptable for credit within the System.~~

d~~e~~) A-EMTs and EMT-Is functioning within an EMS System~~An EMT-I~~ shall submit~~be responsible for submitting~~ written proof of CE ~~didactic continuing education~~ attendance to the EMS System Coordinator pursuant to System policy. A-EMTs and EMT-Is not functioning within an EMS System shall submit written proof of CE attendance to the Department Regional EMS Coordinator upon licensure renewal request.~~, in the manner prescribed by the System Program Plan.~~

e~~f~~) The ~~EMS System Coordinator or~~ EMS MD or designee~~Medical Director~~ of the EMS System of the A-EMT's or EMT-I's primary affiliation or the Department's designee for independent A-EMTs or EMT-Is shall verify~~in which an EMT-I primarily functions shall be solely responsible for verifying~~ whether specific CE ~~continuing education~~ hours meet criteria for educational credit towards active status or renewal purposes as required by Section 515.590(a)(2)(B)~~have been earned by the EMT-I~~.

f~~g~~) An EMS System that requires clinical CE ~~continuing education~~ shall specify in the System Program Plan the number of hours required, and the manner in which those hours must be earned, submitted and verified.

g~~h~~) A-EMTs and EMT-Is shall maintain~~An EMT-I shall be responsible for maintaining~~ copies of all documentation concerning CE ~~continuing education~~ programs or activities that they have~~he or she has~~ completed for a period of not less than four years.

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

Section 515.580 Paramedic~~EMT-P~~ Continuing Education

a) Continuing~~Didactic continuing~~ education classes, seminars or other types of programs shall be approved by the Department before being offered to Paramedics~~EMT-Ps~~. An application for approval shall be submitted to the Department by an EMS Medical Director, on a form prescribed, prepared and furnished by the Department, at least 60 days prior to the scheduled event. The application will include, but not be limited to, the following:

1) Name of applicant, agency and address;

2) Lead Instructor's name, license number, address and contact information;

3) Name and signature of the EMS MD and the EMS System Coordinator;

4) Type of education program;

5) Dates, times and location of the education program (submit course schedule);

6) Goals and objectives;

7) Methods and materials, text books, and resources, when applicable;

8) Content consistent with the national EMS education standards;

9) Description of evaluation instruments; and

10) Requirements for successful completion, when applicable.

b) Approval will be granted provided the application is complete and the content of the program is based on topics or materials from the national EMS education standards, as modified by the Department.~~United States Department of Transportation National Standard Curriculum for Paramedics.~~ Upon approval, the Department will issue a site code to the course~~class~~, seminar or program.

c) An EMS System may apply to the Department for a single System site code~~Site Code~~ to cover CE ~~didactic continuing education~~ activities conducted or approved by the System solely for System Paramedics when an urgent education need arises that requires immediate attention or when other appropriate education opportunities present outside of the scheduled approved offerings.~~EMT-Ps (e.g., telemetry review at the Resource Hospital, morbidity and mortality conferences, preceptor orientation, review of System educational materials).~~ Activities conducted under the System site code~~Site Code~~ shall not require individual approval by the Department. The single System site code is not intended to replace routine CE pre-approvals required by this Section and Sections 515.560 and 515.570.

~~d) The EMSMD of the EMS System in which the EMT-P functions shall be responsible for determining whether a particular State-approved didactic continuing education program is acceptable for credit within that System.~~

d~~e~~) A Paramedic functioning within an EMS System~~An EMT-P~~ shall submit~~be responsible for submitting~~ written proof of CE ~~didactic continuing education~~ attendance to the EMS System Coordinator pursuant to System policy. A Paramedic not functioning within an EMS System shall submit written proof of CE attendance to the Department Regional EMS Coordinator upon licensure renewal request.~~, in the manner prescribed by the System Program Plan.~~

e~~f~~) The EMS MD or designee~~System Coordinator or EMS Medical Director~~ of the EMS System Paramedic's primary affiliation shall verify~~in which an EMT-P primarily functions shall be solely responsible for verifying~~ whether specific CE ~~continuing education~~ hours meet the criteria for educational credit towards active status or renewal purposes required by Section 515.590(a)(2)(B).~~have been earned by the EMT-P.~~

f~~g~~) An EMS System that requires clinical CE ~~continuing education~~ shall specify in the System Program Plan the number of hours required, and the manner in which those hours must be earned, submitted and verified.

g~~h~~) A Paramedic shall maintain~~An EMT-P shall be responsible for maintaining~~ copies of all documentation concerning CE ~~continuing education~~ programs or activities that he or she has completed for a period of not less than four years.

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

Section 515.590 EMS Personnel~~EMT~~ License Renewals

a) To be relicensed~~ as an EMT~~:

1) The licensee shall file an application for renewal, either written or on-line, with the Department, using the format~~on a form~~ prescribed by the Department, at least 30 days prior to the license expiration date. Incomplete license applications submitted to the Department less than 30 days before the expiration may not be processed by the expiration date and may be subject to a late fee.

A) In addition to completion of the renewal application and payment of the renewal fee, a licensee who functions within an EMS System shall submit documentation of completion of CE requirements to his or her EMS System of primary affiliation at least 30 days before the expiration of his or her license. A licensee who does not function within an EMS System, and who seeks independent renewal, shall submit documentation of completion of CE requirements to the Department at least 30 days before the expiration of his or her license.~~If an EMS MD has recommended a licensee for relicensure, the submission of a transaction card (Form No. IL 482-0837) by the EMS MD will satisfy the renewal~~

~~application requirement.~~

B) A licensee who has not been recommended for relicensure by the EMS MD shall independently submit an application for renewal to the Department. The EMS MD shall provide a written statement stating the reason for the denial of relicensure to the licensee and the Department. The application for independent renewal may be found on the Department's website: http://dph.illinois.gov/sites/default/files/forms/emsindependentrenewal-040317.pdf.~~the licensee with a copy of the appropriate form to be completed.~~

2) The~~A written recommendation signed by the~~ EMS MD or designee shall provide an electronic authorization~~must be provided~~ to the Department regarding completion of the following minimum requirements:

A) Paramedics and PHRNs shall have a minimum of 100 approved CE ~~continuing education~~ hours. A-EMTs and EMT-Is shall have a minimum of 80 approved CE ~~continuing education~~ hours. ~~Advanced EMTs (AEMTs) shall have 80 approved continuing education hours.~~ EMTs~~EMT-Bs~~ shall have a minimum of 60 approved CE ~~continuing education~~ hours.

B) CE ~~Continuing education~~ hours shall consist of EMS System-approved in-services, Department-recognized college health care courses, online CE ~~continuing education~~ courses, seminars and workshops, addressing both adult and pediatric care. The System shall define in the Program Plan the number of CE ~~continuing education~~ hours to be accrued ~~each year~~ for relicensure. No more than 20~~25~~ percent of those hours may be in the same subject.

C) Any System CE ~~continuing education~~ requirements for EMS Personnel~~an EMT~~ approved to operate an automated external defibrillator shall be included in the required CE ~~continuing education~~ hours.

D) The licensee shall have a current CPR for Healthcare Providers card that covers didactic and psychomotor skills that meet or exceed American Heart Association guidelines.~~;~~

~~i) Adult one-rescuer CPR,~~

~~ii) Adult foreign body airway obstruction management,~~

~~iii) Pediatric one-rescuer CPR,~~

~~iv) Pediatric foreign body airway obstruction management,~~

~~v) Adult two-rescuer CPR, and~~

~~vi) AED.~~

~~E) The licensee shall be functioning within a State-approved EMS System providing the licensed level of life support services as verified by that System's EMS MD.~~

~~b) The content of continuing education programs and qualifications of instructors shall be submitted to the Department for approval not less than 60 days prior to the scheduled event. Program approval will be granted provided that program is conducted in accordance with guidelines of the Department of Transportation's National Standard Curriculum for EMTs and contains material relevant to that level of licensure. Qualifications of instructors shall be consistent with Section 515.700.~~

~~c) EMT-Is and EMT-Ps shall complete a transition program for all sections of the National Standard Curriculum that are not currently in place in their System. This course may be completed as continuing education and shall be completed within the four-year licensing period.~~

~~d) If the EMS MD does not recommend relicensure, he/she shall submit all reasons for denial in writing to the EMT and the Department.~~

b~~e~~) The license of EMS Personnel~~an EMT~~ who has failed to file a completed~~an~~ application for renewal on time shall be invalid~~terminate~~ on the day following the expiration date shown on the license. EMS Personnel shall not function on an expired license.

c~~f~~) At any time prior to the expiration of the current license, an EMT, A-EMT, EMT-I or Paramedic~~EMT-P~~ may downgrade~~revert~~ to EMT or EMR~~the EMT-B~~ status

for the remainder of the license period. The EMT, A-EMT, EMT-I or Paramedic~~EMT-P~~ shall make this request in writing to the EMS MD of his or her System of primary affiliation along with a signed renewal notice and his or her original EMS license and duplicate license fee. The EMS MD or designee shall verify that the license is current with CE hours and forward the approved applications to the Department. To relicense at the EMT or EMR~~EMT-B~~ level, the individual must meet the ~~EMT-B requirements for~~ relicensure requirements for that downgraded level.

d~~g~~) EMS Personnel~~An EMT-I or EMT-P~~ who have downgraded~~has reverted~~ to EMT, A-EMT or EMT-I~~EMT-B~~ status may ~~be~~ subsequently upgrade to his or her original level of licensure held at the time of the downgrade~~relicensed as an EMT-I or EMT-P~~ upon the recommendation of an EMS MD who has verified that the individual's knowledge and psychomotor~~clinical~~ skills are at the level of the licensure being requested. The individual shall complete~~an active EMT-I or EMT-P level, and that the individual has completed~~ any ~~retraining,~~ education or testing deemed necessary by the EMS MD for resuming A-EMT, EMT-I or Paramedic~~EMT-P~~ activities and submit a duplicate license fee. EMS Personnel cannot upgrade from the EMR level.

e) EMS Personnel whose licenses have expired may, within 60 days after license expiration, submit all relicensure requirements and submit the required relicensure fees (see Section 515.460), including a late fee, online or by certified check or money order. Cash or personal check will not be accepted. If all relicensure requirements have been met, and no disciplinary actions are pending against the EMS Personnel, the Department will relicense the EMS Personnel.

f~~h~~) EMS Personnel~~Any EMT~~ whose licenses have ~~license has~~ expired for a period of more than 60 days shall be required to reapply for licensure, complete the education~~training~~ program, ~~and~~ pass a Department-approved licensure examination~~the test~~, and pay the fees as required for initial licensure (see Section 515.460)~~subsection (i))~~. Within 36 months after expiration of a license, an individual may quality for reinstatement under Section 515.640.

g~~i~~) The Department *shall require the licensee to certify on the* renewal *application form, under penalty of perjury, that he or she is not more than 30 days delinquent in complying with a child support order*. (Section 10-65(c) of the Illinois Administrative Procedure Act)

~~j)~~ ~~An EMT whose license has expired may, within 60 days after licensure expiration, submit all relicensure material as required in this Part and a fee of $50 in the form of a certified check or money order (cash or personal check will not be accepted). If all material is in order and there is no disciplinary action pending against the EMT, the Department will relicense the EMT.~~

~~k)~~ ~~At any time prior to the expiration of the current license, an EMT may revert to First Responder status for the remainder of the license period. The EMT shall make this request in writing to the Department. To re-register as a First Responder, the individual shall meet the requirements for First Responder registration.~~

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

Section 515.600 EMS Personnel~~EMT~~ Inactive Status

a) Prior to the expiration of the current license, EMS Personnel~~an EMT~~ may request to be placed on inactive status on a form prescribed by the Department available on the Department's website: http://dph.illinois.gov/sites/default/files/forms/ems-inactive-request-062116.pdf. ~~The request shall be made in writing to the EMS Medical Director. The EMS Medical Director will apply to the Department in writing and request that the EMT be placed on inactive status.~~ The application shall contain the following information:

1) Name of individual and contact information;

2) Applicant's current original license~~Date of licensure~~;

3) Level of licensure~~Licensure type, i.e., EMT-B, EMT-I or EMT-P~~;

4) License~~EMT identification~~ number;

5) Circumstances requiring inactive status; and

6) Confirmation from the EMS MD of the System of primary affiliation or the Department for independent licensees~~A statement~~ that relicensure requirements have been met by the date of the application for inactive status.

b) The Department will review requests for inactive status. The Department will~~shall~~ notify the EMS MD~~Medical Director~~ in writing of its decision based on subsection (a)~~ of this Section~~.

~~c) If the request for inactive status is granted, the EMSMD shall forward the EMT's license to the Department.~~

c~~d~~) For EMS Personnel~~the EMT~~ to return to active status, the EMS MD shall~~Medical Director must~~ make application to the Department on a form prescribed by the Department available on the Department's website: http://dph.illinois.gov/sites/default/files/forms/ems-reactivation-request-061416.pdf. The EMS MD shall confirm~~application must be in writing and include a statement~~ that the applicant~~EMT~~ has been examined (physically and mentally) and found capable of functioning within the EMS System; that the applicant's~~EMT's~~ knowledge and psychomotor~~clinical~~ skills are at the active EMT level for that individual's license; and that the applicant~~EMT~~ has completed any education and evaluation~~refresher training~~ deemed necessary by the EMS MD~~EMSMD~~ and approved by the Department. If the inactive status was based on a ~~temporary~~ disability, the EMS MD~~EMSMD~~ shall also verify that the applicant can perform all critical functions of the requested license level.~~disability has ceased.~~

d~~e~~) During inactive status, the individual~~EMT~~ shall not perform at the level of any EMS provider.~~function as an EMT, at any level.~~

e) EMS Personnel whose inactive status period exceeds 48 months shall pass a Department-approved licensure examination for the requested level of license upon recommendation of an EMS MD.

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

Section 515.610 EMT, A-EMT, EMT-I and Paramedic Reciprocity

a) An EMT, A-EMT, EMT-I or Paramedic licensed or certified in another state, territory or jurisdiction of the United States~~EMTs from other states~~ who seeks licensure~~wish to function~~ in Illinois ~~as an Emergency Medical Technician~~ may apply to the Department for licensure by reciprocity on a form prescribed by the Department available on the Department's website: http://dph.illinois.gov/sites/default/files/forms/emsreciprocityapplication.pdf.

b) The reciprocity~~Such~~ application shall ~~be in writing and~~ contain the following information:

1) Verifiable proof~~Proof~~ of current state, territory or jurisdiction licensure or certification,~~registration by the state in which he/she currently functions and written verification from that state~~ or current registration with NREMT~~the National Registry of Emergency Medical Technicians and written verification thereof~~;

2) A written statement of satisfactory completion of an education~~a training~~ program that meets or exceeds the requirements of the Department as set forth in this Subpart~~Part~~;

3) A letter of recommendation from the EMS MD~~Medical Director~~ of the EMS System in the state, territory or jurisdiction from which the individual is licensed~~came~~. The~~This~~ letter should include a statement that the applicant~~EMT~~ is currently in good standing and up to date with CE ~~continuing education~~ hours; and

4) A current CPR for Healthcare Providers card that covers didactic and psychomotor skills that meet or exceed American Heart Association guidelines.

c) The Department will review requests for reciprocity to determine compliance with the applicable provisions of this Part. CE ~~Continuing education~~ hours from the state of current licensure will be prorated based on the expiration date of the current license.

d) Individuals who meet the requirements for licensure by reciprocity will be State licensed consistent with the expiration date of their current license but not to exceed a period of four years.

e) Following licensure by reciprocity, the individual must comply with the requirements of this Part for relicensure.

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

Section 515.630 Evaluation and Recognition of Military Experience and Education

a) *In prescribing licensure testing requirements for honorably discharged members of the armed forces of the United States under this* Part, *the Department shall ensure that a candidate's military emergency medical training, emergency medical curriculum completed, and clinical experience, as described in* this Section, *are recognized*. (Section 3.50(d)(2) of the Act)

b) The Department will *review applications for EMS* Personnel~~*EMT*~~ *licensure from honorably discharged members of the armed forces of the United States with military emergency medical training*. ~~(Section 3.50(d)(2.5) of the Act)~~

c) The Department will provide application forms. *Applications shall be filed with the Department within one year after military discharge and shall contain* the following:

1) Documentation that the application is being filed *within one year after military discharge*;

2) *Proof of successful completion of military emergency medical training;*

3) *A detailed description of the emergency medical curriculum completed,* including official documentation demonstrating basic coursework and curriculum*; and*

4) *A detailed description* and official documentation *of the applicant's clinical experience*. ~~(Section 3.50(d)(2.5) of the Act)~~

d) *The Department may request additional and clarifying information* and supporting documentation, if necessary, to verify the information provided in subsection (c). ~~(Section 3.50(d)(2.5) of the Act)~~

e) *The Department shall evaluate the application, including the applicant's training and experience, consistent with the standards set forth under Section 3.10(a), (b), (c) or (d)* of the Act and ~~the requirements of~~ this Part,~~;~~ to determine if the applicant qualifies for the licensure level for which the applicant has applied~~ for~~. ~~(Section 3.50(d)(2.5) of the Act)~~

f) *If the application clearly demonstrates that the training and experience meets*~~*meet*~~ the *standards* of subsection (e), *the Department shall offer the applicant the opportunity to successfully complete a Department-approved EMS* Personnel~~*EMT*~~

examination for the level of license for which the applicant is qualified, in accordance with Section 515.530~~ of this Part~~. ~~(Section 3.50(d)(2.5) of the Act)~~

g) *Upon* the applicant's *passage of an examination* and having paid all required fees, as set forth in Sections 515.530 and 515.460, *the Department shall issue a license that~~, which~~ shall be subject to all provisions of* the *Act* and this Part *that are otherwise applicable to the class of EMS* Personnel~~*EMT*~~ *license issued*, as set forth in Section 515.590. (Section 3.50(d)(2.5) of the Act)

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

Section 515.640 Reinstatement

a) *An Illinois licensed EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN or PHRN~~Emergency Medical Technician or Paramedic~~ whose license has been expired for less than 36* consecutive *months may apply for reinstatement by the Department.* (Section 3.50(d)(5) of the Act)

b) *Reinstatement shall require* all of the following:

1) *The applicant* shall *submit satisfactory proof of completion of continuing medical education and clinical requirements* in accordance with the following:

A) Continuing education in accordance with Sections 515.560, 515.565, 515.570, ~~and~~ 515.580, 515.710, 515.715, 515.725, 515.730 and 515.740 ~~and 515.580~~.

B) EMS Personnel education~~EMT training~~ in accordance with Sections~~Section~~ 515.500, 515.505, 515.510, ~~or~~ 515.520, 515.710, 515.715, 515.725, 515.730 and 515.740.

2) *The applicant shall submit a positive recommendation* in *writing from an Illinois EMS MD~~Medical Director~~ attesting to the applicant's* clinical *qualifications for retesting*. The EMS MD~~Medical Director~~ shall verify that the applicant has demonstrated competency of all skills at the level of EMS Personnel~~EMT~~ license ~~sought~~ to be reinstated.

3) *The applicant* shall *pass a Department-approved test for the level of EMS* Personnel~~*EMT*~~ *license sought to be reinstated*, in accordance with Section 515.530. (Section 3.50(d)(5) of the Act)

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

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section 515.700 EMS Lead Instructor

a) *All education, training and CE* ~~*continuing education*~~ *courses for EMT*~~*EMT-B*~~*, EMT-I, A-EMT, Paramedic, PHRN*~~*EMT-P, Pre-Hospital RN*~~*, ECRN, EMR and EMD* ~~*First Responder and Emergency Medical Dispatcher*~~ shall *be coordinated by at least one approved* Illinois *EMS Lead Instructor. A program that includes education, training or CE for more than one type of* EMS Personnel *may use* ~~more than~~ *one EMS LI*~~*Lead Instructor*~~ *to coordinate the program.* ~~-~~*A single EMS LI*~~*Lead Instructor*~~ *may simultaneously coordinate more than one program or course*. (Section 3.65(b)(5) of the Act)

~~b)~~ ~~To apply to take the EMS Lead Instructor's examination, the candidate shall submit:~~

~~1)~~ ~~Documentation of experience and education in accordance with subsection (c);~~

~~2)~~ ~~A fee of $50 in the form of a money order or certified check made payable to the Department (cash or a personal check will not be accepted);~~

~~3)~~ ~~A letter from the EMS MD saying he/she will approve the course conducted by the candidate;~~

~~4)~~ ~~An EMS Lead Instructor application form prescribed by the Department, which shall include, but not be limited to, name, address, and resume.~~

b~~c~~) To be eligible for an Illinois~~An~~ EMS LI ~~Lead Instructor~~ license, the applicant shall meet at least the following minimum experience and education requirements and shall provide a written recommendation from the EMS MD of the primary

EMS System affiliation:

1) A current Illinois license as an EMT~~EMT-B~~, EMT-I, A-EMT, Paramedic~~EMT-P~~, RN or physician;

2) A minimum of four years of experience in EMS or~~pre-hospital~~ emergency care;

3) At least two years of documented teaching experience;

4) Documented EMS classroom teaching experience with a recommendation for LI licensure by an EMS MD or licensed LI~~, i.e., BTLS, PHTLS, CPR, Pediatric Advanced Life Support (PALS)~~;

5) Documented successful completion of the Illinois EMS Instructor Education Course or equivalent to the National Standard Curriculum for EMS Instructors as approved by the Department.

c) Upon successful course completion, the applicant may apply to the Department through the affiliated EMS System using the child support form available on the Department's website (http://dph.illinois.gov/sites/default/files/forms/ems-renewal-notice.pdf) and an application form provided by the local EMS System. The application will include demographic information, social security number, child support statement, felony conviction statement, applicable fees, and EMS System authorization.

~~d) Upon the applicant's completion of the EMS Lead Instructor examination with a score of at least 80 percent, the Department will approve the individual as an EMS Lead Instructor. The approval will be valid for four years.~~

d~~e~~) All EMS LIs~~EMT-I and EMT-P Lead Instructors~~ shall attend a Department-approved ~~curriculum~~ review course whenever revisions are made to the national EMS education standards.~~National Standard Curricula for Basic, Intermediate, and/or Paramedic.~~

e~~f~~) Relicensure Application

1) To apply~~renew approval~~ for relicensure~~another four-year period~~, the EMS LI~~Lead Instructor~~ shall submit the following to the Department at least 60

days, but not more than 90 days, prior to the LI's license~~approval~~ expiration:

A~~1~~) A letter of support or electronic authorization from an EMS MD indicating that the EMS LI~~Lead Instructor~~ has satisfactorily coordinated programs for the EMS System at any time during the four-year period;

B~~2~~) Documentation of at least 40~~10~~ hours of continuing education, of which 20 hours shall be related to the development, delivery and evaluation of education programs~~annually (Programs used to fulfill other professional continuing education requirements, i.e., EMT, nursing, may also be used to meet this requirement.)~~; and

C~~3~~) Documentation of attendance at a Department-approved national EMS education standards update~~curriculum review~~ course, if applicable, in accordance with subsection (d~~e~~).

2) The EMS LI shall file a written or electronic application for renewal with the Department no less than 30 days before the license expiration date. Incomplete license applications submitted less than 30 days before the expiration may not be processed by the expiration date and will be subject to a late fee once the license has expired.

A) In addition to submission of the renewal application and renewal fee, an LI functioning within an EMS System shall submit documentation of completion of all CE requirements of the EMS System or primary affiliation no less than 30 days before the expiration of his or her license.

B) An LI who has not been recommended for relicensure shall be provided with a written statement from the EMS MD stating the reason for the withholding of the endorsement.

C) The license of an LI who has failed to complete the renewal application requirements for the EMS System and the Department shall be invalid on the expiration of the license. An individual shall not function as an EMS LI on an expired license.

D) An LI whose license has expired may, within 60 days after the expiration of the license, submit all relicensure requirements and submit the fees required by Section 575.460, including a late fee, online or by certified check or money order. Cash or personal check will not be accepted. If all relicensure requirements have been met, and there are no pending or sustained disciplinary actions against the LI, the Department will relicense the LI.

fg) The Department willshall, in accordance with Section 515.160 of this Part, *suspend, or revoke or refuse to issue or renew the approval of an EMS Lead Instructor, after an opportunity for a hearing, when findings show one or more of the following the EMS Lead Instructor has failed:*

1) *The EMS LI has failed toTo conduct a course in accordance with the curriculum prescribed by the Act* and/or this Part and the System sponsoring the course; or

2) *The EMS LI has failed toTo comply with protocols prescribed by* this Part and the System sponsoring the course. (Section 3.65(b)(7) of the Act)

gh) The EMS LILead Instructor shall be responsible for the following:

1) Ensuring that no EMS education courseEMT training class begins until after the Department issues its formal written pre-approval, which shall be in the form of a numeric site approval code; and

2) Ensuring that all materials presented to participants comply with the national EMS education standards, as modified by the Department, and are approved byEMT students conform to all curriculum requirements of both the Department and the EMS System and the Department.granting its approval. Methods of assessment or intervention that are not approved by both the Department and the EMS System and the Department shall not be taught or presented.

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

Section 515.710 Emergency Medical Dispatcher

a) Emergency Medical Dispatcher (EMD Licensure) Certification

1) To apply for licensure~~certification~~ as an ~~Emergency Medical Dispatcher (~~EMD~~)~~, the individual shall request that the EMS System submit the following to the Department:

A) A completed electronic transaction~~Emergency Medical Dispatcher certification~~ form recommending initial licensure as an EMD~~that includes name, address, and employer of the Emergency Medical Dispatcher~~; and

B) Documentation of successful completion of a *training course in emergency medical dispatching that meets or exceeds~~meeting or exceeding~~ the* national curriculum of the United States Department of Transportation for EMS Dispatchers or its equivalent. (Section 3.70(a) of the Act)

~~2) An individual who is registered as an Emergency Medical Dispatcher on February 1, 2003, and meets the qualifications of this Section shall be certified as an Emergency Medical Dispatcher.~~

2~~3~~) Reciprocity shall be granted to an individual who is licensed~~certified~~ as an EMD~~Emergency Medical Dispatcher~~ in another state and who meets the requirements of this Section.

3~~4~~) An individual who is certified or recertified by a national certification agency shall be licensed~~certified~~ as an EMD~~Emergency Medical Dispatcher~~ if he or she~~he/she~~ meets the requirements of this Section.

4~~5~~) The license~~certification~~ shall be valid for a period of four years.

5~~6~~) A licensed~~certified~~ EMD shall notify the Department within 30 days after any changes in name or~~,~~ address~~ or employer~~. Notification may be in person or by mail, phone, fax or electronic mail. Addresses may be changed through the Department's online system. Name and gender changes require legal documents, i.e., marriage license or court documents.

6~~7~~) *A person may not represent himself or herself, nor may an agency or business represent an agent or employee of that agency or business, as an*

EMD~~Emergency Medical Dispatcher~~ unless licensed~~certified~~ by the Department as an EMD~~Emergency Medical Dispatcher~~. (Section 3.70(b)(11) of the Act)

b) EMD Protocols

1) *The EMD~~Emergency Medical Dispatcher~~* shall *use the Department-approved emergency medical dispatch ~~Emergency Medical Dispatcher~~ priority reference system (EMDPRS) protocol selected for use by* his or her~~his/her~~ *agency and approved by* the *EMS MD~~Medical Director~~. Prearrival support instructions shall be provided in a* non-*discriminatory manner and shall be provided in accordance with the EMDPRS established by the EMS MD~~Medical Director~~ of the EMS System in which the EMD operates.* (Section 3.70(a) of the Act)

2) EMD protocols~~Protocols~~ shall include:

A) Complaint-related question sets that query the caller in a standardized manner;

B) Pre-arrival instructions associated with all question sets;

C) Dispatch determinants consistent with the design and configuration of the EMS System and the severity of the event as determined by the question sets; and

D) Post-dispatch instructions with all question sets.

3) *If the dispatcher operates under the authority of an Emergency Telephone System Board established under the Emergency Telephone System Act, the protocols shall be established by* the *Board in consultation with the EMS MD~~Medical Director~~*. (Section 3.70(a) of the Act)

4) The EMD shall *provide prearrival instructions in compliance with protocols selected and approved by the System's EMS MD~~Medical Director~~ and approved by the Department.* (Section 3.70(b) of the Act)

5) The Department and the EMS MD~~Medical Director~~ shall approve EMDPRS protocols that meet or exceed the requirements of subsection

(b)(2) and the National Highway Traffic Safety Administration (NHTSA) Emergency Medical Dispatch: National Standard Curriculum (1996); available from the U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954; no later editions or amendments are included.

c) EMD Relicensure~~Recertification~~

1) To apply for relicensure~~recertification~~, the EMD shall submit the following to the Department no less than~~at least~~ 30 days before~~prior to~~ the licensure~~certification~~ expiration date:

A) An approval signed by the EMS MD ~~Medical Director and~~ recommending recertification;

B) Proof of completion of at least 12 hours annually of medical dispatch CE~~continuing education~~. ~~(Section 3.70(b)(7) of the Act)~~

2) The EMD shall file a written or electronic application for renewal with the Department no less than 30 days before the license expiration data. Incomplete license applications submitted less than 30 days before the expiration of the license may not be processed by the expiration date and will be subject to a late fee.

3) An EMD whose license has expired may, within 60 days after the license expiration date, complete all relicensure requirements, and submit relicensure fees (see Section 515.460), including a late fee, online or by certified check or money order. Cash or personal check will not be accepted. If all relicensure requirements have been met and there are no pending or sustained disciplinary action against the EMD, the Department will relicense the EMD.

4~~2~~) An EMD who has not been recommended for relicensure~~recertification~~ by the EMS MD~~Medical Director~~ shall independently submit to the Department an application for recertification. The EMS MD~~Medical Director~~ shall provide the EMD with a copy of the appropriate form to be completed.

d) EMD Education~~Emergency Medical Dispatcher Training~~ Program

1) *Department-approved emergency medical dispatch~~Emergency Medical Dispatch~~ training programs* shall be *conducted in accordance with* the standards of the National Highway Traffic Safety Administration Emergency Medical Dispatch: National Standard Curriculum or equivalent. (Section 3.70(b)(9) of the Act)

2) Applications for approval of EMD education~~Emergency Medical Dispatcher training~~ programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum, the name of the applicant, agency and address, type of education ~~training~~ program, Lead Instructor's~~lead instructor's~~ name and address, and dates of the education~~training~~ program.

3) Applications for approval, including a copy of the course~~class~~ schedule and ~~course~~ syllabus, shall be submitted at least 60 days in advance of the first scheduled class. A description of the text book being used and passing score for the course~~class~~ shall be included with the application. The application shall be made on a form provided by the Department and will include, but not be limited to, the following:

A) Name of applicant, agency and address:

B) Lead Instructor's name, license number, address and contact information;

C) Name and signature of the EMS MD and the EMS System Coordinator;

D) Type of education program;

E) Dates, times and location of the education program (submit course schedule);

F) Goals, objectives and course outline;

G) Methods, materials and text books;

H) Content and time consistent with the National Highway Traffic Safety Administration Emergency Medical Dispatch: National Standard Curriculum and additional course curricula required by the Department. Initial or modified course syllabi shall be approved by the Department;

I) Description of evaluation instruments (student, clinical units, faculty and programs); and

J) Requirements for successful completion, when applicable.

4) *All education, training, and CE ~~continuing education~~ courses for EMD~~Emergency Medical Dispatcher~~ shall be coordinated by at least one approved EMS Lead Instructor*. (Section 3.65(b)(5) of the Act) The EMS LI~~Lead Instructor~~ shall be approved by the Department based on the requirements of Section 515.700.

5) EMD~~*Emergency Medical Dispatcher*~~ *training programs shall be conducted by instructors licensed by the Department* as an EMT~~EMT-B~~, EMT-I, A-EMT or Paramedic~~EMT-P~~ *who*:

A) *are, at a minimum, licensed~~certified~~ as emergency medical dispatchers;*

B) *have completed a Department-approved course on methods of instruction;*

C) *have previous experience in a medical dispatch agency; and*

D) *have demonstrated experience as an EMS instructor*. (Section 3.70(b)(14) of the Act)

6) Any change in the EMD education~~training~~ program's EMS LI~~Lead Instructor~~ shall require that an amendment to the application be filed with the Department.

7) Questions for all quizzes and tests to be given during the EMD education~~training~~ program shall be prepared by the EMS LI~~Lead Instructor~~ and available for review by the Department upon the

Department's request.

8) All approved programs shall maintain course~~class~~ and student records for seven years. The records ~~, which~~ shall be made available to the Department for review upon request.

e) Emergency Medical Dispatch Agency Certification

1) To apply for certification as an emergency medical dispatch agency~~Emergency Medical Dispatch Agency~~, the person, organization or government agency that operates an emergency medical dispatch agency~~Emergency Medical Dispatch Agency~~ shall submit the following to the Department:

A) A completed emergency medical dispatch agency~~Emergency Medical Dispatch Agency~~ certification form that includes name and address;

B) Documentation of *the use on every request for medical assistance of an emergency medical dispatch priority reference system* (EMDPRS) that complies with this Section and is approved by the EMS MD~~Medical Director~~ (Section 3.70(b)(10) of the Act); and

C) Documentation of *the establishment of a continuous quality improvement* (CQI) *program under the approval and supervision of the EMS MD~~Medical Director~~*. (Section 3.70(b)(10) of the Act) The CQI program shall include, at a minimum, the following:

i) A quality assistance review process used by the ~~EMD~~ agency to identify EMD compliance with the protocol;

ii) Random case review;

iii) Regular feedback of performance results to all EMDs;

iv) Availability of CQI reports to the Department upon request; and

v) Compliance with the confidentiality provisions of the

Medical Studies Act~~ [735 ILCS 5/8-2101]~~.

2) *A person, organization, or government agency* shall~~*may*~~ *not represent itself as an emergency medical dispatch agency~~Emergency Medical Dispatch Agency~~ unless the person, organization, or government agency is certified by the Department as an emergency medical dispatch agency~~Emergency Medical Dispatch Agency~~.* (Section 3.70(b)(12) of the Act)

f) Emergency Medical Dispatch Agency Recertification
To apply for recertification, the emergency medical dispatch agency~~Emergency Medical Dispatch Agency~~ shall submit an application to the Department~~, on a form prescribed by the Department,~~ at least 30 days prior to the certification expiration date. The application shall document continued compliance with subsection (e)~~ of this Section~~.

g) Revocation or Suspension of EMD or Emergency Medical Dispatch~~EMD~~ Agency Certification

1) *The EMS MD~~Medical Director~~* shall *report to the Department whenever an action has taken place that may require the revocation or suspension of a license~~certificate~~ issued by the Department.* (Section 3.70(b)(4) of the Act)

2) Revocation or suspension of an EMD license or emergency medical dispatch~~EMD~~ agency~~Agency~~ certification shall be in accordance with Section 515.165~~515.420 of this Part~~.

h) Waiver of Emergency Medical Dispatch Requirements

1) The Department may modify or waive emergency medical dispatch~~EMD~~ requirements based on:

A) *The scope and frequency of dispatch activities and the dispatcher's access to training; or*

B) *Whether the previously attended dispatcher training program merits automatic relicensure~~recertification~~ for the dispatcher.* (Section 3.70(b)(15) of the Act)

2) The following individuals are exempt from the requirements of this Section:

A) Public safety dispatchers who only transfer calls to another answering point that is responsible for dispatching of fire ~~and/~~or EMS Personnel~~personnel~~;

B) Dispatchers for volunteer or rural ambulance companies providing only one level of care, whose dispatchers are employed by the ambulance service and are not performing call triage, answering 911 calls or providing pre-arrival instructions.

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

Section 515.715 Provisional Licensure for ~~First Responders and~~ Emergency Medical Responders

a) A person under the age of 18 shall not be issued an EMR~~a First Responder or Emergency Medical Responder~~ license. A person between the ages of 16 and 18 who has successfully completed a Department-approved EMR~~First Responder or Emergency Medical Responder~~ course may apply to the Department for a provisional EMR license~~First Responder or Emergency Medical Responder License~~. Upon satisfaction of all other applicable requirements, the Department will~~shall~~ issue a provisional license, subject to the following limitations:

1) A person with a provisional license shall not use his or her provisional license except when affiliated with a recognized Illinois EMS System and with the written authorization of that ~~EMS~~ System's EMS MD~~Medical Director~~;

2) A provisional licensee shall not be placed in a position of primary response to emergencies by any licensee of the Department, unless the assignment satisfies all other provisions of this Part;

3) A provisional licensee shall function as an EMR~~a First Responder or Emergency Medical Responder~~ only while under the direct, personal and continuous supervision of at least one other non-provisional EMR, EMT, A-EMT, EMT-I, Paramedic or PHRN~~EMS personnel~~ licensed at or above

the level of the provider's license. Nothing in this Part shall preclude a provisionally licensed EMR~~First Responder or Emergency Medical Responder~~ from providing nationally recognized basic first aid~~Nationally Recognized Basic First Aid~~ when not participating as part of the emergency medical response of his or her~~his/her~~ affiliated agency;

4) A provisional licensee shall not be involved in the transport of a patient unless he or she is under the direct, personal and continuous supervision of at least two other non-provisional EMRs, EMTs, A-EMTs, EMT-Is, Paramedics or PHRNs~~EMS personnel~~ licensed at or above the level of the transport provider's license. A provisional licensee shall not be used to satisfy the staffing requirements of this Part;

5) A provisional licensee shall not operate, drive or maneuver a Department licensed transport vehicle, rescue vehicle or non-transport agency owned vehicle in connection with an emergency response or the transportation of any patient; and

6) A provisional licensee will be recognized by the Department as an unrestricted EMR~~may apply to the Department for full licensure~~ upon turning 18 years of age as required in Section 515.725.

b) The EMS provider agency and the supervising licensee shall be jointly responsible for assuring that no provisional licensee violates rules applicable to the provisional licensee and shall jointly report, in writing, the nature and details of any violations of this Section to the EMS MD~~Medical Director~~ within 48 hours after the occurrence. A failure to make written reports as required shall be grounds for disciplinary action as authorized by this Part.

c) Violation of provisions applicable to provisional licensees shall be grounds for any form of disciplinary action authorized by this Part, up to and including license suspension and revocation.

d) Applicants for Provisional EMR~~First Responder~~ shall verify compliance with~~pursuant to~~ Section 10-65(c) of the Illinois Administrative Procedure Act and Section 515.620 of this Part on a form prescribed by the Department.

e) The Provisional EMR~~First Responder~~ license fee is~~shall be~~ the same fee prescribed in the schedule for EMRs~~First Responders/Emergency Medical~~

~~Responders~~ (see Section 575.460). The license fee shall be in effect for four years ~~and include the opportunity to apply for upgrade to First Responder/Emergency Medical Responder licensure upon age 18~~.

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

Section 515.725 ~~First Responder/~~Emergency Medical Responder

a) An EMR education~~A First Responder/Emergency Medical Responder training~~ program shall be pre-approved by the Department and conducted only by an EMS System or a community college under the direction of the EMS System.

b) Applications for approval of EMR education~~First Responder/Emergency Medical Responder training~~ programs shall be filed with the Department on forms prescribed by the Department. The application shall contain, at a minimum, name of applicant, agency and address, type of training program, dates of training program, and names and signatures of the EMS MD~~Medical Director (EMS MD)~~ and EMS System Coordinator.

c) Applications for approval, including a copy of the course~~class~~ schedule and ~~course~~ syllabus, shall be submitted at least 60 days in advance of the first scheduled class.

d) The EMS MD of the EMS Systems~~system~~ shall attest on the application form that the education~~training~~ program will~~shall~~ be conducted according to the national EMS education standards~~National EMS Educational Curriculum~~. The EMR education~~First Responder or Emergency Medical Responder training~~ program shall include all components of the national EMS education standards, including all modifications required by the Department.~~National EMS Educational Curriculum and education and training in the administration and use of opioid antagonists.~~ The course hours shall minimally include 52 hours of didactic education.

e) The EMR education~~First Responder/Emergency Medical Responder training~~ program shall designate an EMS Lead Instructor who shall be responsible for the overall management of the education~~training~~ program and shall be approved by the Department based on requirements of Section 515.700.

f) The EMS MD shall electronically submit to the Department approval for licensure for an EMR~~a First Responder/Emergency Medical Responder~~ candidate who is at least 18 years of age and has completed and passed all components of the education~~training~~ program, has passed the final examination~~Final Examination~~, and has paid the appropriate initial licensure fee (see Section 515.460). The initial licensure fee may be waived pursuant to Section 515.460(c).

g) All approved programs shall maintain course~~class~~ and student records for seven years, which shall be made available to the Department upon request.

h) CE~~Continuing education~~ classes, seminars, workshops, or other types of programs shall be approved by the Department before being offered to EMR~~First Responder/Emergency Medical Responder~~ candidates. An application for approval shall be submitted to the Department on a form prescribed, prepared and furnished by the Department at least 60 days prior to the scheduled event.

i) Approval will be granted provided that the application is complete and the content of the program is based on topics or materials from the national EMS education standards~~National EMS Educational Curriculum~~ for the EMR~~Emergency Medical Responder~~.

j) EMRs~~A First Responder/Emergency Medical Responder~~ shall be responsible for submitting written proof of CE ~~continuing education~~ attendance to the EMS System Coordinator or, for independent renewals, to the Department Regional EMS Coordinator. The EMS System Coordinator or Department Regional EMS Coordinator shall verify whether specific CE ~~continuing education~~ hours submitted by the EMR~~First Responder/Emergency Medical Responder~~ qualify for renewal.

k) EMRs~~A First Responder/Emergency Medical Responder~~ shall maintain copies of all documentation concerning CE ~~continuing education~~ programs that he or she has completed.

l) To renew an EMR license, the applicant shall submit the following to the Department at least 60 days, but no more than 90 days, before the license expiration.~~A First Responder/Emergency Medical Responder license shall be valid for a period of four years. To be re-licensed as a First Responder/Emergency Medical Responder, the First Responder/Emergency Medical Responder shall submit an application for renewal with the Department,~~

~~on a form prescribed by the Department, and the $20 licensure renewal fee at least 30 days prior to the license expiration date.~~ The renewal licensure fee may be waived pursuant to Section 515.460(c).

1) The submission of an electronic transaction by the EMS MD will satisfy the renewal application requirement for an EMR~~a First Responder/Emergency Medical Responder~~ who has been recommended for re-licensure by the EMS MD.

2) The licensee shall file a written or electronic application for renewal with the Department no less than 30 days before the license expiration date. Incomplete license applications submitted less than 30 days before the license expiration may not be processed by the expiration date and will be subject to a late fee.

3) EMRs whose licenses have expired may, within 60 days after license expiration, submit all relicensure requirements and submit the required relicensure fees, including a late fee, online or by certified check or money order. Cash or personal check will not be accepted. If all relicensure requirements have been met, and there are no pending disciplinary actions against the EMR, the Department will relicense the EMR.

4~~2~~) An EMR~~A First Responder/Emergency Medical Responder~~ who has not been recommended for relicensure~~re-licensure~~ by the EMS MD shall independently submit to the Department an application for renewal. The EMS MD shall provide the EMR~~First Responder/Emergency Medical Responder~~ with a copy of the application form.

m) A written recommendation signed by the EMS MD shall be provided to the Department regarding completion of the following requirements:

1) 24 hours of CE ~~continuing education~~ every four years. The System shall define in the EMS Program Plan the number of CE ~~continuing education~~ hours to be accrued each year for re-licensure; and

2) The licensee shall have a current CPR for Healthcare Providers card that covers didactic and psychomotor skills that meet or exceed American Heart Association guidelines.~~Current certification in CPR for Healthcare Providers in accordance with the standards of a nationally recognized~~

~~organization such as the American Heart Association or American Red Cross, which includes both a didactic and clinical skills station.~~

n) EMRs whose licenses have expired may, within 60 days after license expiration, submit all relicensure requirements and submit the required relicensure fees, including a late fee, online or in the form of a certified check or money order. Cash or personal check will not be accepted. If all relicensure requirements have been met, and there are no pending disciplinary actions against the EMR, the Department will relicense the EMR.~~A First Responder/Emergency Medical Responder whose licensure has expired may, within 60 days after licensure expiration, submit all re-licensure material as required in this Part and a fee of $50 in the form of a certified check or money order (cash or personal check will not be accepted). If all material is in compliance with this Section and there is no disciplinary action pending against the First Responder/Emergency Medical Responder, the Department will re-license the First Responder/Emergency Medical Responder.~~

o) EMRs~~First Responders~~ who are not affiliated with an EMS System~~system~~ shall have equipment immediately available to provide the standard of care established by the national EMS education standards~~National EMS Educational Curriculum~~ for the EMR~~First Responder~~.

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

Section 515.730 Pre-Hospital Registered Nurse

a) To be licensed~~approved~~ as a PHRN~~Pre-Hospital RN~~, an individual shall:

1) Be an RN~~a Registered Professional Nurse~~ in accordance with the Nurse Practice Act~~Nursing and Advanced Practice Nursing Act~~;

2) Complete an education curriculum formulated by an EMS System and approved by the Department, which consists of at least 40~~24~~ hours of classroom and psychomotor education and measurement of competency equivalent to the entry level Paramedic program; and practical education~~training~~, including, but not limited to, advanced airway techniques, ambulance operations, *extrication, telecommunications, and pre-hospital cardiac and trauma care* of both the adult and pediatric population (Section 3.80(c)(1)(A) of the Act);

3) Complete a minimum of 10 ALS runs supervised by a licensed physician, an approved PHRN~~Pre-Hospital RN~~ or a Paramedic~~an EMT~~, only as authorized by the EMS MD~~Medical Director~~; and

4) New applicants completing course work after January 1, 2018 shall successfully pass the State of Illinois Paramedic licensure examination as the PHRN cognitive competency examination; and

5~~4~~) The EMS MD shall electronically submit to the Department, using the Department's Electronic Transaction Form, making a recommendation for licensure for a PHRN candidate who has completed and passed all components of the PHRN education program and passed the final examination. The application will include demographic information, social security number, child support statement, felony conviction statement, and applicable fees and shall require EMS System authorization.~~Complete the Pre-Hospital RN application form as prescribed by the Department.~~

~~b)~~ ~~The EMS Medical Director shall approve individuals meeting subsection (a) of this Section as a Pre-Hospital RN for four years.~~

b~~c~~) To apply for a four year renewal, the PHRN shall comply with Section 515.590.~~The EMS Medical Director shall reapprove Pre-Hospital RNs every four years if the Pre-Hospital RN:~~

~~1)~~ ~~Is a Registered Professional Nurse in accordance with the Nursing and Advanced Practice Nursing Act; and~~

~~2)~~ ~~Has completed 120 hours of continuing education, the content of which shall be consistent with the System's continuing education requirements for EMT-Ps; and~~

~~3)~~ ~~Has a current CPR for Healthcare Providers card that covers:~~

~~A)~~ ~~Adult one-rescuer CPR,~~

~~B)~~ ~~Adult foreign body airway obstruction management,~~

~~C)~~ ~~Pediatric one-rescuer CPR,~~

~~D)~~ ~~Pediatric foreign body airway obstruction management,~~

~~E)~~ ~~Adult two-rescuer CPR, and~~

~~F)~~ ~~AED.~~

c~~d~~) Inactive Status

1) Prior to the expiration of the current license~~approval~~, a PHRN~~Pre-Hospital RN~~ may request to be placed on inactive status as outlined in Section 515.600. The request shall be made in writing to the EMS MD.~~Medical Director and shall contain the following information:~~

~~A)~~ ~~Name of individual,~~

~~B)~~ ~~Date of approval,~~

~~C)~~ ~~Circumstances requiring inactive status, and~~

~~D)~~ ~~A statement that recertification requirements have been met by the date of the application for inactive status.~~

~~2)~~ ~~The EMS Medical Director will review and grant or deny requests for inactive status.~~

2~~3~~) A PHRN who wants to restore his or her license to active status shall follow the requirements set forth in Section 515.600.~~For the Pre-Hospital RN to return to active status, the EMS Medical Director must document that the Pre-Hospital RN has been examined (physically and mentally) and found capable of functioning within the EMS System, that the Pre-Hospital RN's knowledge and clinical skills are at the active Pre-Hospital RN level, and that the Pre-Hospital RN has completed any refresher training deemed necessary by the EMS system. If the inactive status was based on a temporary disability, the EMSMD shall also verify that the disability has ceased.~~

3~~4~~) If the PHRN inactive status period exceeds 48 months, the licensee shall

redemonstrate competencies and successfully pass the State Paramedic examination.~~During inactive status, the individual shall not function as a Pre-Hospital RN.~~

4~~5~~) The EMS MD~~Medical Director~~ shall notify the Department in writing of a PHRN's~~Pre-Hospital RN's~~ approval, reapproval, or granting or denying of inactive status within 10 days after any change in a PHRN's~~Pre-Hospital RN's~~ approval status.

e) A PHRN~~Pre-Hospital RN~~ shall notify the Department within 30 days after any change in name or address. Notification may be in person, or by mail, phone, fax, or electronic mail. Addresses may be changed through the Department's online system: https://emslicensing.dph.illinois.gov/Clients/ILDOHEMS/Private/AddressChange/AddressLogin.aspx. Names and gender changes require legal documents, i.e., marriage license or court documents.

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

Section 515.740 Emergency Communications Registered Nurse

a) To be licensed~~approved~~ as an ECRN, an individual shall:

1) Be an RN ~~a Registered Professional Nurse~~ in accordance with the Nurse Practice Act~~Nursing and Advanced Practice Nursing Act~~;

2) Complete an education curriculum formulated by an EMS System and approved by the Department, which consists of at least 40 hours of classroom and practical education~~training~~ for both the adult and pediatric population, including *telecommunications, System~~system~~ standing medical orders, and the procedures and protocols established by the EMS MD~~Medical Director~~* (Section 3.80(c)(1)(B) of the Act);

3) Complete eight hours of field experience supervised by a Paramedic~~an EMT~~, only as authorized by the EMS MD.~~Medical Director; and~~

~~4) Complete the ECRN application form as prescribed by the Department.~~

b) The EMS MD shall electronically submit to the Department, using the Department's Electronic Transaction Form, a recommendation for licensure for an

ECRN candidate who has completed and passed all components of the education program and passed the final examination. The application will include demographic information, social security number, child support statement, felony conviction statement, applicable fees, and EMS System authorization.~~The EMS Medical Director shall approve individuals meeting subsection (a) of this Section as an ECRN for four years.~~

c) To apply for a four year renewal:

1) The ECRN shall submit proof of the following no less than 60 days, but not more than 90 days, before the license expiration~~The EMS Medical Director shall reapprove ECRNs every four years if the ECRN~~:

A~~1~~) Is an RN~~ a Registered Professional Nurse~~ with an unencumbered license in the state in which he or she practices~~in accordance with the Nursing and Advanced Practice Nursing Act~~; and

B~~2~~) Has completed 32 hours of continuing education in a four-year period.

2) The ECRN shall submit a written or electronic application for renewal with the Department no less than 30 days before the license expiration. Incomplete license applications submitted less than 30 days before the expiration may not be processed by the expiration date and shall be subject to a late fee.

3) An ECRN whose license has expired may, within 60 days after the license expiration, submit all relicensure requirements and submit the required relicensure fees, including a late fee, online or by a certified check or money order. Cash or personal check will not be accepted. If all relicensure requirements have been met, and there are no pending disciplinary actions against the ECRN, the Department will relicense the ECRN.

d) Inactive Status

1) Prior to the expiration of the current ECRN license~~approval~~, the ECRN may request to be placed on inactive status. The request shall be made in writing to the EMS MD~~Medical Director~~ and shall contain the following

information:

A) Name of individual;~~,~~

B) Date of approval;~~,~~

C) Circumstances requiring inactive status;~~,~~

D) A statement that recertification requirements have been met by the date of the application for inactive status.

2) The EMS MD shall~~Medical Director will~~ review and grant or deny requests for inactive status.

3) For the ECRN to return to active status, the EMS MD shall~~Medical Director must~~ document that the ECRN has been examined (physically and mentally) and found capable of functioning within the EMS System, that the ECRN's knowledge and clinical skills are at the active ECRN level, and that the ECRN has completed any refresher education~~training~~ deemed necessary by the EMS System. If the inactive status was based on a temporary disability, the EMS System shall also verify that the disability has ceased.

4) During inactive status, the individual shall not function as an ECRN at any level.

5) The EMS MD~~Medical Director~~ shall notify the Department in writing of the ECRN's approval, reapproval~~,~~ or granting or denying inactive status within 10 days after any change in an ECRN's approval status.

e) An ECRN shall notify the Department within 30 days after any change in name or address. Notification may be in person, or by mail, phone, fax~~,~~ or electronic mail. Addresses may be changed through the Department's online system: https://emslicensing.dph.illinois.gov/Clients/ILDOHEMS/Private/AddressChange/AddressLogin.aspx. Name and gender changes require legal documents, i.e., marriage license or court documents.

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

Section 515.750 Trauma Nurse Specialist

a) TNS Education~~Trauma Nurse Specialist (TNS) Training~~ Sites

1) TNS~~Trauma Nurse Specialist~~ courses shall be conducted only at hospitals that have been designated by the Department as TNS education sites~~Training Sites~~.

2) The Department shall designate TNS education sites~~Training Sites~~ based upon regional~~Regional~~ needs, the educational capabilities of interested hospitals to provide advanced trauma education to nurses, and participation in an EMS System.

3) The TNS~~Trauma Nurse Specialist~~ Program Plan (see Section 515.760) shall serve as a standard TNS program plan. The Department will approve program plans based on compliance with Section 515.760.

4) The Chief Executive Officer of the hospital designated as a TNS education site~~Training Site~~ shall appoint, and endorse in writing to the Department, a ~~Trauma Nurse Specialist Course Coordinator (~~TNSCC~~)~~ to plan, coordinate, implement and evaluate the TNS course and TNS program activities, who meets the following requirements:

A) Is an RN ~~a Registered Professional Nurse~~ with an unencumbered license in the state~~State~~ in which he or she practices;

B) Is employed by the TNS education site~~Training Site~~;

C) Has at least three years of experience as an RN ~~a Registered Professional Nurse~~ in an emergency department or critical care setting in a trauma center;

D) Holds a certificate of TNS course completion issued by the Department as provided in this Section; and

E) Has a minimum of 50 hours of teaching experience in emergency/critical care nursing courses.

b) The TNSCC shall admit to the TNS course only those individuals who have met

the following requirements:

1) Are currently licensed as an RN ~~a Registered Professional Nurse~~ in the state in which they are practicing, as verified by the submission of a photocopy of the official license showing the license number and expiration date; and

2) Have at least 1500 hours of clinical care experience in an emergency department or critical care unit (preferred) as an RN~~a Registered Professional Nurse~~, with successful completion of a unit orientation.

c) The TNS course shall reflect evidence-based content as created by the TNSCC and approved by the Department as being in compliance with the TNS program~~Trauma Nurse Specialist Program~~ (see Section 515.760).

d) Testing

1) A standardized practical examination shall be administered. The practical examination shall include an assessment station at which the student will evaluate and stabilize a simulated critically injured trauma patient.

A) The student shall have a maximum of 10 minutes to evaluate and stabilize the patient.

B) The TNSCC shall develop the passing criteria, which shall be included in the program plan developed in accordance with Section 515.760.

C) A student shall be given three attempts to successfully complete the practical examination.

2) A student who has successfully completed course requirements per procedure and paid all fees shall be eligible to take the final written examination. The TNSCC shall develop the final examination and shall provide the examination to the Department. The TNSCC shall develop passing criteria, which shall be included in the Program Plan developed in accordance with Section 515.760.

A) A student shall be given three attempts to successfully complete

the final written examination.

B) The candidate shall successfully achieve a passing score on the State examination within 12 months after completing the education~~training~~ program.

3) Examination Application

A) Candidates for the TNS examination shall apply to take the examination using the Department form. Information is available on the Department's website: http://www.continentaltesting.net/ProfDetail.aspx?Entity=5&ProfID=73.

B) A roster of examination candidates from each TNS education~~training~~ site is created by the TNSCC who approves the candidate's application and is submitted to the Department.

C) The candidate shall submit a fee for each written examination attempt (see Section 515.460).

e) Failure to appear for the examination on the scheduled date, at the time and place specified, shall result in forfeiture of the examination fee.

f) If a candidate does not achieve a passing grade on the written examination, the fee for the re-test is the same as for initial examination.

g) All fees submitted for licensure examination~~certification~~ are nonrefundable~~non-refundable~~.

h) Testing Option − Challenge
Any individual who has met the admission requirements provided in subsection (b)~~ of this Section~~ has the option of taking the TNS practical examination and final examination without having completed the didactic sessions (referred to as "challenging" the examination). The individual shall file a request to challenge the examination with the TNS education site~~Training Site~~ at least 30 days prior to the scheduled practical examination. Candidates who elect to challenge the examination will have only one attempt to successfully complete the written and practical examinations to demonstrate proficiency.

i) LicensureCertification as a TNS

1) The Department will licensecertify a student or candidate after the student or candidate has achieved a passing score on the final written and practical examinations and has paid any required fees (see Section 515.460).

2) LicensureCertification is effective for four years.

j) TNS RelicensureRecertification

1) A TNS may be relicensedrecertified by either submitting approved trauma-specific CE continuing education or taking the current TNS final written examination as provided in this Section.

2) A TNS may apply for relicensurerecertification by submitting the following to a TNSCC at least 40 days, but no more than 90 days, prior to licensecertification expiration:

A) Documentation of 64 hours of approved trauma-specific CEcontinuing education/activities for nursing or CME acquired over four years, using the TNS CEContinuing Education (CE) Summary Submission form. CEContinuing education approval will be granted, provided that the application is complete and the content of the program educational activity is based on topics listed in the TNS programTrauma Nurse Specialist Program in place at the time the CE is acquired;

B) Completed Child Support form supplied by the Department; and

C) RelicensureRecertification fee (see Section 515.460).

3) The TNS final written examination is an alternative option for relicensurerecertification. A total of three attempts are allowed for the relicensurerecertification candidate to achieve a successful examination score prior to the lapse date. The process used in subsection (d)(3) of this Section is used for the application, assignment to an examination site, and fee submission.

4) The recertification candidate applying for license renewal is responsible

for his/her record keeping and timely submission of CE~~continuing education~~ documentation.

5) The license~~certification~~ of a TNS who has failed to file an application for recertification or an application for an extension prior to the lapse date shall terminate on the day following the expiration date shown on the certificate.

k) Inactive Status

1) Prior to the expiration of the current license~~certification~~, a TNS may request to be placed on inactive status. The request shall be in writing, on a form prescribed by the Department, and shall contain the following information:

A) Name of individual;

B) Date of certification;

C) Circumstances requiring inactive status; and

D) A statement that relicensure~~recertification~~ requirements have been met by the date of the application for inactive status. CE~~Continuing education~~ hours shall be current at the prorated rate of 1.3 hours per month for the current licensure~~certification~~ period.

2) The Department will review requests for inactive status. The Department will notify the individual TNS in writing of its decision based on subsection (k)(1)~~ of this Section~~.

3) To return to active status, the TNS shall apply in writing within 36 months after being placed on inactive status. The application shall include a current unencumbered RN license and a fee (see Section 515.460).

4) Inactive status is valid for only 36 months. If status is not reactivated, the individual shall successfully complete the examination or retake the course (see subsection (h)~~ of this Section~~).

5) During inactive status, the individual shall not function as a TNS.

l) A TNS whose license~~certification~~ has expired may, within 60 days after ~~certification~~ expiration, submit all relicensure~~recertification~~ material ~~as~~ required by~~in~~ this Section and a fee (see Section 515.460), in the form of an organization's payment, a certified check, or a money order (cash or personal check will not be accepted). If the application for license renewal~~recertification request material~~ meets the requirements of this Section and there is no disciplinary action pending against the TNS, the Department will renew~~recertify~~ the TNS license.

m) A TNS shall notify the Department within 30 days after any change in name or address. Notification may be in person~~,~~ or by mail, phone, fax~~,~~ or electronic mail. Addresses may be changed through the Department's online system: https://emslicensing.dph.illinois.gov/Clients/ILDOHEMS/Private/AddressChange/AddressLogin.aspx. Name and gender changes require legal documents, i.e., marriage licenses or court documents.

n) *The Department shall have the authority and responsibility to suspend, revoke or renew the license~~deny renewal of the certification~~ of a TNS, after an opportunity for hearing by the Department, if findings show that the TNS has failed to maintain proficiency in the level of skills for which the TNS is licensed~~certified~~ or has failed to comply with relicensure~~recertification~~ requirements.* (Section 3.75(b)(8) of the Act) Hearings shall be conducted in accordance with Practice and Procedure in Administrative Hearings.

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

Section 515.760 Trauma Nurse Specialist Program Plan

A TNS program plan~~Trauma Nurse Specialist (TNS) Program Plan~~ shall contain the following information:

a) The name, address and fax number of the TNS site hospital~~Site Hospital~~;

b) The names~~name(s)~~ and resumes~~resume(s)~~ of the TNSCCs~~TNS Course Coordinator(s) (TNSCC)~~;

c) Current letters~~letter(s)~~ of commitment from the following persons at the TNS site hospital~~Site Hospital~~ that describe the commitment of the writer and his or her office to the development and ongoing operation of the TNS program~~Program~~ and

that state the writer's understanding of and commitment to TNS program~~Program~~ staffing and educational requirements:

1) The Chief Executive Officer of the hospital; and

2) The administrative representative~~Administrative Representative~~ responsible for the TNS program;

d) A letter of commitment from the above administrator that describes the TNS site's agreement to:

1) Be responsible for providing initial TNS education and CE ~~continuing education~~ based on region ~~per Region~~ needs, including coordinating didactic and clinical experiences;

2) Provide travel and meeting time and expenses; clerical support including access to a computer with word processing and data base management capabilities; audiovisual equipment; printing; and education~~training~~ aides;

3) Ensure that the Department has access to all TNS program records under the authority of the TNS site during any Department inspection, investigation or site survey;

4) Notify the Department of any known changes in TNS personnel;

5) Be responsible for the total management of the TNS program~~Program~~ at that site and collaborative management of the TNS program~~Program~~ with all TNSCCs and the Department;

6) Ensure that a copy of the application for renewal (a form supplied by the Department) is provided to every TNS within the region~~Region~~ (in collaboration with TNSCCs); and

7) Be responsible for compliance with the provisions~~provisons~~ of Section 515.750~~ of this Part~~.

e) The TNS program manual~~Program Manual that shall be~~ maintained at each TNS site ~~and~~ shall include the following:

1) Education ~~and Training~~

A) Content and curricula of the TNS educational or ~~/~~certification program including:

i) Entrance and completion requirements;

ii) Program schedules;

iii) Goals and objectives;

iv) Subject areas;

v) Didactic requirements, including skills laboratories;

vi) Clinical requirements;

vii) Testing formats.

B) CE ~~Continuing education~~ for TNSs, including:

i) Relicensure~~Recertification~~ requirements (hours, types of programs, etc.);

ii) Site program for TNS participants: types of activities covered (e.g., trauma case review, morbidity and mortality conferences, grand rounds, etc.);

iii) Requirements for approval of academic course work;

iv) Didactic programs offered by the site;

v) Clinical opportunities available within the region~~Region~~;

vi) Record-keeping requirements for the individual.

C) Renewal Protocols

i) Examination requirements for TNSs;

ii) Procedures for renewal of TNSs;

iii) Submission of transaction cards for TNSs meeting renewal requirements;

iv) Providing Department renewal application forms to TNSs who have not met renewal requirements according to region~~Region~~ records.

D) TNS education and information, including:

i) Distribution of policy and protocol changes;

ii) Methods for communicating updates on site and regional~~Regional~~ activities, and other matters of medical, legal and/or professional interest;

iii) Locations of resource materials, forms, schedules, etc.

2) Quality improvement measures should be performed on a semiannual basis and be available upon Department request.

3) Any procedures regarding disciplinary ~~and/~~or suspension decisions and the review of those decisions that the site has elected to follow in addition to those required by the Act.

4) The responsibilities of the TNSCC, as designated by the Department, including:

A) Curriculum development and maintenance;

B) Creation and maintenance of the program policies and procedures;

C) Planning, organizing, implementing and evaluating the TNS course at that site;

D) Planning, organizing, implementing and evaluating CE ~~continuing education~~ offerings in their regions~~Regions~~;

E) Maintenance of a TNS database within the region~~their Region~~ to facilitate TNS relicensure~~recertification~~;

F) Archive TNS education~~training~~ records, including: curriculum, handouts, and participant information for minimum of 7 years;

G) Attend not less than~~Attendance at~~ 75 percent of bimonthly scheduled meetings.

5) All TNS sites in existence upon adoption of this Section shall submit to the Department a revised program plan~~Program Plan~~ that conforms to requirements of this Part. The Department will approve program plans~~Program Plans~~ that meet the requirements of this Part.

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

SUBPART F: VEHICLE SERVICE PROVIDERS

Section 515.810 EMS Vehicle System Participation

For each EMS vehicle participating within the System, the following documentation shall be provided:

a) A list of the following:

1) The year, model, make~~,~~ and vehicle identification number;

2) The license plate number;

3) The Department license number;

4) The base location address; and

5) The level of service (advanced, intermediate or basic);

b) A description of the vehicle's role in providing advanced life support, intermediate life support, basic life support and patient transport services within the System;

c) Definitions of the primary, secondary and outlying areas of response for each EMS vehicle used within the System;

d) A map or maps indicating the base locations of each EMS vehicle, the primary, secondary and outlying areas of response for each EMS vehicle, the population base of each service area and the square mileage of each service area;

e) A commitment to optimum response times up to six minutes in primary coverage areas, six to 15 minutes in secondary coverage areas, and 15 to 20 minutes in outlying coverage areas;

f) A commitment to 24-hour coverage;

g) A commitment that within one year after Department approval of a new or upgraded vehicle service, each ambulance at the scene of an emergency and during transport of emergency patients to and between hospitals will be staffed in accordance with the requirements of Section 515.830(f)(1) and (2)~~ of this Part~~;

h) Copies of written mutual aid agreements with other providers and~~and/or~~ a description of the provider's own back-up system, which detail how adequate coverage will be ensured when an EMS vehicle is responding to a call and a simultaneous call is received for service within that vehicle's coverage area;

i) A statement that emergency services that an EMS vehicle is authorized to provide shall not be denied on the basis of the patient's inability to pay for such services;

j) An agreement to file an appropriate EMS run sheet or form for each emergency call, as required by the System;

k) An agreement to maintain the equipment required by Section 515.830~~ of this Part~~ and by the System in working order at all times, and to carry the medication as required by the System;

l) An agreement to notify the EMS MD~~Medical Director~~ of any changes in personnel providing pre-hospital care in the System in accordance with the policies in the System manual~~Manual~~;

m) A copy of its current FCC licenses~~license(s)~~;

n) A description of the mechanism and specific procedures used to access and dispatch the EMS vehicles within their respective service areas;

o) A list of all personnel who will provide~~providing pre-hospital~~ care, their license numbers, expiration dates and levels of licensure (EMT~~EMT-B~~, EMT-I, A-EMT, Paramedic~~EMT-P~~), and their PHRN or physician~~Pre-Hospital RN or MD status~~;

p) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey;

q) An agreement to allow the EMS MD~~Medical Director~~ or designee access to all records, equipment and vehicles relating to the System during any inspection or investigation by the EMS MD~~EMSMD~~ or designee to determine compliance with the System program plan~~Program Plan~~;

r) Documentation that its communications capabilities meet the requirements of Section 515.410~~ of this Part~~;

s) Documentation that each EMS vehicle participating in the System complies with the vehicle design, equipment and extrication criteria as provided in Section 515.830(a)(1) and (b)~~ of this Part~~; and

t) An agreement to follow the approved EMS policies and protocols of the System.

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

Section 515.825 Alternate Response Vehicle

a) Ambulance Assistance Vehicles~~assistance vehicles~~
Ambulance assistance vehicles are dispatched simultaneously with an ambulance and assist with patient care prior to the arrival of the ambulance. Ambulance~~These~~ assistance vehicles include fire engines, trucks, squad cars or chief's cars that contain the staff and equipment required by this Section. Ambulance assistance~~These~~ vehicles shall not function as assist vehicles if staff and equipment required by this Section are not available. The agency shall identify ambulance assistance~~these~~ vehicles as a program plan amendment outlining the type and level of response that is planned. The ambulance assistance

vehicle shall not transport or be a primary response vehicle but a supplementary vehicle to support EMS services. The ambulance assistance vehicle shall be dispatched only if needed. Ambulance assistance vehicles shall be classified as either:

1) Advanced ambulance assistance vehicles~~. These vehicles~~ shall be staffed with a minimum of one Paramedic, PHRN or physician~~EMT-P~~ and shall have all of the required equipment;~~ or~~

2) Intermediate ambulance assistance vehicles~~. These vehicles~~ shall be staffed with a minimum of one EMT, EMT-I, A-EMT, Paramedic, PHRN or physician and shall have all of the required equipment;~~ or~~

3) Basic ambulance assistance vehicles~~. These vehicles~~ shall be staffed with a minimum of one EMT, EMT-I, A-EMT, Paramedic, PHRN or physician~~EMT-B~~ and shall have all of the required equipment; or

4) First Responder assistance vehicles~~. These vehicles~~ shall be staffed with a minimum of one EMR, EMT, EMT-I, A-EMT, Paramedic, PHRN or physician ~~First Responder~~ and shall have all of the required equipment.

b) Non-Transport Vehicles~~transport vehicles~~
Non-Transport Vehicles~~Non-transport vehicles~~ are dispatched prior to dispatch of a transporting ambulance and~~. These vehicles~~ include ambulances and fire engines that contain the staff and equipment required by this Section. The vehicle service provider shall identify non-transport~~these~~ vehicles as a program plan amendment outlining the type and level of response that is planned. Non-transport~~These~~ vehicles shall be staffed 24 hours per day, every day of the year.

1) ALS~~ALS/ILS~~ Non-Transport Vehicles~~non-transport vehicles. These vehicles~~ shall have a minimum of either one System authorized Paramedic or one PHRN~~EMT-P, or one EMT-I~~ and one additional System authorized A-EMT, EMT-I, EMT or physician~~other EMT-B~~, and shall have all of the required equipment.

2) ILS Non-Transport Vehicles shall have a minimum of either one System authorized A-EMT, EMT-I, Paramedic or PHRN and one additional System authorized EMT, A-EMT, EMT-I, Paramedic, PHRN or physician and shall have the required equipment.

3) BLS Non-Transport vehicles~~non-transport vehicles. These vehicles~~ shall be staffed by one System authorized EMT, A-EMT, EMT-I, Paramedic or physician on all responses~~have a minimum of two EMT-Bs~~ and shall have all of the required equipment.

c) Equipment Requirements~~requirements~~
Each vehicle used as an alternate response vehicle shall meet the following equipment requirements, as determined by the Department by an inspection.

1) Functional~~Full~~ portable oxygen cylinder, with a capacity of not less than 350 liters

2) Dial flowmeter/regulator for 15 liters per minute

3) Delivery tubes

4) Adult, child and infant masks

5) Adult squeeze bag and valve, with adult and child masks

6) Child squeeze bag and valve, with child, infant and newborn size masks

7) Airways, oropharyngeal − adult, child and infant (sizes 00-5)

8) Airways, nasopharyngeal with lubrication (sizes 12-30F)

9) Manually operated suction device

10) Triangular bandages or slings

11) Roller bandages, self-adhering (4" by 5 yds)

12) Trauma dressings

13) Sterile gauze pads (4" by 4")

14) Vaseline gauze (3" by 8")

15) Bandage shears

16) Adhesive tape rolls

17) Blanket

18) Long backboard (if required by the EMS System protocols)

19) Cervical collars − adult, child and infant

20) Extremity splints − adult/child, long/short

21) Adult/child/infant blood pressure cuffs and gauge

22) Stethoscope

23) Burn sheet, individually wrapped

24) Sterile saline or water solution (1,000ml), plastic bottles or bags

25) Obstetrical kit, sterile − minimum one, pre-packaged with instruments, bulb syringe and cord clamps

26) Thermal absorbent blanket and head cover, aluminum foil roll or appropriate heat reflective material – minimum one

27) Cold packs

28) EMS run reports

29) Nonporous disposable gloves

30) Personal protective equipment (PPE), including gowns, eye/nose/mouth~~Eye/nose/mouth~~ protection or face shields

31) Flashlight

32) Equipment to allow reliable communications with hospital

33) ILS/ALS System-approved equipment

A) Drug box

B) Airway equipment, including laryngoscope and assorted blades

C) Monitor/defibrillator, equipped with pediatric size defibrillation pads or paddles

34) Opioid antagonist, including, but not limited to, Naloxone, with administration equipment appropriate for the licensed level of care

35) Automated external defibrillator (AED) that includes pediatric capabilities

e) Registration of Non-transport~~non-transport~~ Provider Agencies~~agencies~~
Each non-transport provider shall complete and submit to the Department either the EMS non-transport provider application or EMS non-transport application for an existing transport provider, available on the Department's website: http://dph.illinois.gov/topics-services/emergency-preparedness-response/ems/prov-vehLic.~~one of the following: the First Responder Provider Initial EMS System Application (Form First 10/97), the Non-Transport Provider EMS System Application (Form NT 5/97), or the Non-Transport Provider Application (Form NT 6/99).~~

f) Inspection of Non-transport~~non-transport~~ EMS Providers~~providers~~
The Department~~Regional EMS Coordinator~~ will schedule~~perform~~ initial inspections. Thereafter, non-transport ambulance assist providers shall perform annual self-inspections, using forms provided by the Department, and shall submit the form to the EMS System for submission to the Department upon completion of the inspection. The Department~~Regional EMS Coordinator~~ will perform inspections randomly or as the result of a complaint.

g) Issuance and Renewal~~renewal~~ of License~~license~~
Upon payment of the appropriate fee, qualifying non-transport providers shall be issued a provider license that lists a number for each level of care approved. Licenses will not be issued for individual Non-Transport Vehicles~~non-transport vehicles~~. Providers shall inform the EMS System and the Department of any modifications to the application, using the System Modification forms (sys-mod). Licenses will be issued for one year and will be renewed upon completion of the

self-inspection.

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

Section 515.830 Ambulance Licensing Requirements

a) Vehicle Design

1) Each new vehicle used as an ambulance shall comply with the criteria established by the Federal Specifications for Ambulance, KKK-A-1822F, United States General Services Administration~~U.S. General Services Administration's Specification for Ambulance (KKK-A-1822F)~~, with the exception of Section 3.16.2, Color, Paint and Finish.

2) *A licensed vehicle* shall be exempt *from subsequent vehicle design standards or specifications required by the Department* in this Part, *as long as* the *vehicle is continuously in compliance with the vehicle design standards and specifications originally applicable to that vehicle, or until* the *vehicle's title of ownership is transferred*. (Section 3.85(b)(8) of the Act)

3) The following requirements listed in Specification KKK-A-1822F shall be considered mandatory in Illinois even though they are listed as optional in that publication:

A) 3.7.7.1 Each vehicle will be equipped with either a battery charger or battery conditioner (see 3.15.3 item 7).

B) 3.8.5.2 Patient compartment checkout lights will be provided (see 3.15.3 item 9).

C) 3.12.1 An oxygen outlet will be provided above the secondary patient (see 3.15.4 M9).

D) 3.15.4M3 Electric clock with sweep second hand will be provided.

b) Equipment Requirements – Basic Life Support Vehicles Each ambulance used as a Basic Life Support vehicle shall meet the following equipment requirements, as determined by the Department by an inspection:

1) Stretchers, Cots, and Litters

A) Primary Patient Cot
Shall meet the requirements of sections 3.11.5, 3.11.8.1 of KKK-A-1822F.

B) Secondary Patient Stretcher
Shall meet the requirements of sections 3.11.5, 3.11.5.1, 3.11.8.1 of KKK-A-1822F.

2) Oxygen, Portable~~portable~~
Shall meet the operational requirements of section 3.12.2 of KKK-A-1822-F.

3) Suction, Portable~~portable~~

A) Shall meet the operational requirements of section 3.12.4 of KKK-A-1822F.

B) A manually operated suction device is acceptable if approved by the Department.

4) Medical Equipment

A) Squeeze bag-valve-mask ventilation unit with adult size transparent mask, and child size bag-valve-mask ventilation unit with child, infant and newborn size transparent masks

B) Lower-extremity traction splint, adult and pediatric sizes

C) Blood pressure cuff, one each, adult, child and infant sizes and gauge

D) Stethoscopes, two per vehicle

E) Pneumatic counterpressure trouser kit, adult size, optional

F) Long spine board with three sets of torso straps, 72" x 16" minimum

G) Short spine board (32" x 16" minimum) with two 9-foot torso straps, one chin and head strap or equivalent vest type (wrap around) per vehicle; extrication device optional

H) Airway, oropharyngeal – adult, child, and infant, sizes 0-5

I) Airway, nasopharyngeal with lubrication, sizes 14-34F

J) Two adult and two pediatric sized non-rebreather oxygen masks per vehicle

K) Two infant partial re-breather oxygen masks per vehicle

L) Three nasal cannulas, adult and child size, per vehicle

M) Bandage shears, one per vehicle

N) Extremity splints, adult, two long and short per vehicle

O) Extremity splints, pediatric, two long and short per vehicle

P) Rigid cervical collars – one pediatric, small, medium, and large sizes or adjustable size collars per vehicle. Shall be made of rigid material to minimize flexion, extension, and lateral rotation of the head and cervical spine when spine injury is suspected

Q) Patient restraints, arm and leg, sets

R) Pulse oximeter with pediatric and adult probes

S) AED or defibrillator that includes pediatric capability

5) Medical Supplies

A) Trauma dressing – six per vehicle

B) Sterile gauze pads – 20 per vehicle, 4 inches by 4 inches

C) Bandages, soft roller, self-adhering type, 10 per vehicle, 4 inches by 5 yards

D) Vaseline gauze – two per vehicle, 3 inches by 8 inches

E) Adhesive tape rolls – two per vehicle

F) Triangular bandages or slings – five per vehicle

G) Burn sheets – two per vehicle, clean, individually wrapped

H) Sterile solution (normal saline) – four per vehicle, 500 cc or two per vehicle, 1,000 cc plastic bottles or bags

I) Thermal absorbent blanket and head cover, aluminum foil roll or appropriate heat reflective material – minimum one

J) Obstetrical kit, sterile – minimum one, pre-packaged with instruments and bulb syringe

K) Cold packs, three per vehicle

L) Hot packs, three per vehicle, optional

M) Emesis basin – one per vehicle

N) Drinking water – one quart, in non-breakable container; sterile water may be substituted

O) Ambulance emergency run reports – 10 per vehicle, on a form prescribed by the Department or one that contains the data elements from the Department-prescribed form as described in Section 515.Appendix E or electronic documentation with paper backup

P) Pillows – two per vehicle, for ambulance cot

Q) Pillowcases – two per vehicle, for ambulance cot

R) Sheets – two per vehicle, for ambulance cot

S) Blankets – two per vehicle, for ambulance cot

T) Opioid antagonist, including, but not limited to, Naloxone, with administration equipment appropriate for the licensed level of care

U) Urinal

V) Bedpan

W) Remains bag, optional

X) Nonporous disposable gloves

Y) Impermeable red biohazard-labeled isolation bag

Z) Face protection through any combination of masks and eye protection and field shields

AA) Suction catheters – sterile, single use, two each, 6, 8, 10, 12, 14 and 18F, plus three tonsil tip semi-rigid pharyngeal suction tip catheters per vehicle; all shall have a thumb suction control port

BB) Child and infant or convertible car seats

CC) Current equipment/drug dosage sizing tape or pediatric equipment/drug age/weight chart

DD) Flashlight, two per vehicle, for patient assessment

EE) Current Illinois Department of Transportation Safety Inspection sticker in accordance with Section 13-101 of the Illinois Vehicle Code

FF) Illinois Poison Center telephone number

GG) Department of Public Health Central Complaint Registry telephone number posted where visible to the patient

HH) Medical Grade Oxygen

II) Ten disaster triage tags

JJ) State-approved Mass Casualty Incident (MCI) triage algorithms (START/JumpSTART)

c) Equipment Requirements – Intermediate and Advanced Life Support Vehicles
Each ambulance used as an Intermediate Life Support vehicle or as an Advanced Life Support vehicle shall meet the requirements in subsections (b) and (d) and shall also comply with the equipment and supply requirements as determined by the EMS MD~~Medical Director~~ in the System in which the ambulance and its crew participate. Drugs shall include both adult and pediatric dosages. These vehicles shall have a current pediatric equipment/drug dosage sizing tape or pediatric equipment/drug dosage age/weight chart.

d) Equipment Requirements – Rescue and/or Extrication
The following equipment shall be carried on the ambulance, unless the ambulance is routinely accompanied by a rescue vehicle:

1) Wrecking bar, 24"

2) Goggles for eye safety

3) Flashlight – one per vehicle, portable, battery operated

4) Fire Extinguisher – two per vehicle, ABC dry chemical, minimum 5-pound unit with quick release brackets. One mounted in driver compartment and one in patient compartment

e) Equipment Requirements – Communications Capability
Each ambulance shall have reliable ambulance-to-hospital radio communications capability and meet the requirements provided in Section 515.400.

f) Equipment Requirements – Epinephrine

An EMT, EMT-I, A-EMT or Paramedic~~A person currently licensed as an EMT-B, EMT-I, or EMT-P~~ who has successfully completed a Department-approved~~Department-approved~~ course in the administration of epinephrine shall be required to carry epinephrine (both adult and pediatric doses) *with him or her* in the ambulance or drug box *as part of the EMS Personnel~~EMT~~ medical supplies whenever he or she is performing official~~the~~ duties, as determined by the EMS System~~of an emergency medical technician,~~* within the context of the EMS System plan. (Section 3.55(a-7) of the Act)

g) Personnel Requirements

1) Each Basic Life Support ambulance shall be staffed by a minimum of one System authorized EMT~~-Basic~~, A-EMT, EMT-I, Paramedic or PHRN~~Intermediate, Paramedic or Pre-Hospital RN~~ and one other System authorized EMT~~-Basic~~, A-EMT, EMT-I, Paramedic, PHRN~~Intermediate, Paramedic, Pre-Hospital RN~~ or physician on all responses.

2) Each ambulance used as an Intermediate Life Support vehicle shall be staffed by a minimum of one System authorized A-EMT, EMT-I, Paramedic or PHRN~~Intermediate, Paramedic or Pre-Hospital RN~~ and one other System authorized EMT~~-Basic~~, A-EMT, EMT-I, Paramedic, PHRN~~Intermediate, Paramedic, Pre-Hospital RN~~ or physician on all responses.

3) Each ambulance used as an Advanced Life Support vehicle shall be staffed by a minimum of one System authorized Paramedic or PHRN~~Paramedic or Pre-Hospital RN~~ and one other System authorized EMT~~-Basic~~, A-EMT, EMT-I, Paramedic, PHRN~~Intermediate, Paramedic, Pre-Hospital RN~~ or physician on all responses.

h) Alternate Rural Staffing Authorization

1) A Vehicle Service Provider *that serves a rural or semi-rural population of 10,000 or fewer inhabitants and exclusively uses volunteers,~~ or~~ paid-on-call* personnel *or a combination* to provide patient care may apply for alternate rural staffing authorization to authorize the ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle to be staffed by one EMS Personnel~~EMT~~ licensed at or above the level at which the vehicle is licensed, plus one EMR~~First Responder/Emergency~~

~~Medical Responder~~ when two licensed EMTs, A-EMTs, EMT-Is, Paramedics, PHRNs or physicians~~Emergency Services Personnel~~ are not available to respond. (Section 3.85~~2.85~~(b)(3) of the Act)

2) The EMS Personnel~~EMT~~ licensed at or above the level at which the ambulance is licensed shall be the primary patient care provider in route to the health care facility.

3) The Vehicle Service Provider shall obtain the prior written approval for alternate rural staffing from the EMS MD. The EMS MD shall submit to the Department a request for an amendment to the existing EMS System plan that clearly demonstrates the need for alternate rural staffing in accordance with subsection (h)(4) and that the alternate rural staffing will not reduce the quality of medical care established by the Act and this Part.

4) A Vehicle Service Provider requesting alternate rural staffing authorization shall clearly demonstrate all of the following:

A) That it has undertaken extensive efforts to recruit and educate~~train~~ licensed EMTs, A-EMTs, EMT-Is, Paramedics, or PHRNs~~EMS Personnel~~;

B) That, despite its exhaustive efforts, licensed EMTs, A-EMTs, EMT-Is, Paramedics or PHRNs~~EMS Personnel~~ are not available; and

C) That, without alternate rural staffing authorization, the rural or semi-rural population of 10,000 or fewer inhabitants served will be unable to meet staffing requirements as specified in subsection (g).

5) The alternate rural staffing authorization and subsequent authorizations shall include beginning and termination dates not to exceed 48 months. The EMS MD shall re-evaluate subsequent requests for authorization for compliance with subsections (h)(4)(A) through (C). Subsequent requests for authorization shall be submitted to the Department for approval in accordance with this Section.

6) Alternate rural staffing authorization may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation

of this Part has occurred. Alternate rural staffing authorization may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the alternate rural staffing authorization presents an immediate threat to the health or safety of the public. After summary suspension, the Vehicle Service Provider shall have the opportunity for an expedited hearing.

7) Vehicle Service Providers that cannot meet the alternate rural staffing authorization requirements of this Section may apply through the EMS MD to the Department for a staffing waiver pursuant to Section 515.150.

i) Alternate Response Authorization

1) A Vehicle Service Provider that exclusively uses volunteers or paid-on-call personnel or a combination to provide patient care who are not required to be stationed with the vehicle may apply to the Department for alternate response authorization to authorize the ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle licensed by the Department to travel to the scene of an emergency staffed by at least one licensed EMT, A-EMT, EMT-I, Paramedic, PHRN or physician.~~Emergency Medical Responder, Emergency Medical Technician, Advanced Emergency Medical Technician, Emergency Medical Technician-Intermediate, Paramedic or Pre-Hospital RN ("Emergency Services Personnel").~~

2) A Vehicle Service Provider operating under alternate response authorization shall ensure that a second licensed EMS ~~Emergency Services~~ Personnel is on scene or in route to the emergency response location.

3) The Vehicle Service Provider shall demonstrate to the Department that it has written safeguards to ensure that no patient will be transported with fewer than two EMTs, Paramedics or PHRNs or a physician or a combination, at least one of whom shall be licensed at or above the level of the license for the vehicle, unless the Vehicle Service Provider is approved for alternate rural staffing authorization under subsection (h).

4) Alternate response authorization may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate response authorization may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the alternate response authorization presents an immediate threat to the health or safety of the public. After summary suspension, the licensee shall have the opportunity for an expedited hearing (see Section 515.180).

j) Alternate Response Authorization – Secondary Response Vehicles

1) A Vehicle Service Provider that uses volunteers or paid-on-call personnel or a combination to provide patient care, and staffs its primary response vehicle with personnel stationed with the vehicle, may apply for alternate response authorization for its secondary response vehicles. The secondary or subsequent ambulance, Non-Transport Vehicle, Special-Use Vehicle, or Limited Operation Vehicle licensed by the Department at the BLS, ILS or ALS level, when personnel are not stationed with the vehicle, may respond to the scene of an emergency when the primary vehicle is on another response. The vehicle shall be staffed by at least one System authorized licensed EMT, A-EMT, EMT-I, PHRN or physician~~Emergency Services Personnel~~.

2) A Vehicle Service Provider operating under the alternate response authorization shall ensure that a second System authorized licensed EMT, A-EMT, EMT-I, Paramedic, PHRN or physician~~Emergency Services Personnel provider~~ is on the scene or in route to the emergency response location, unless the Vehicle Service Provider is approved for alternate rural staffing authorization, in which case the second individual may be an EMR or First Responder.

3) The Vehicle Service Provider shall demonstrate to the Department that it has written safeguards to ensure that no patient will be transported without at least ~~with fewer than~~ one EMT who is licensed at or above the level of ambulance, plus at least one of the following: EMT, Paramedic, PHRN or physician~~two EMTs, at least one of whom shall be licensed at or above the level of the license for the ambulance~~, unless the Vehicle Service Provider is approved for alternate rural staffing authorization under subsection (h).

4) Alternate response authorization for secondary response vehicles may be suspended or revoked, after an opportunity for hearing, if the Department determines that a violation of this Part has occurred. Alternate response authorization for secondary response vehicles may be summarily suspended by written order of the Director, served on the Vehicle Service Provider, if the Director determines that continued operation under the alternate response authorization for secondary vehicles presents an immediate threat to the health or safety of the public. After summary suspension, the Vehicle Service Provider shall have the opportunity for an expedited hearing (see Section 515.180).

k) Operational Requirements

1) An ambulance that is transporting a patient to a hospital shall be operated in accordance with the requirements of the Act and this Part.

2) A licensee shall operate its ambulance service in compliance with this Part, 24 hours a day, every day of the year. Except as required in this subsection (k), each individual vehicle within the ambulance service shall not be required to operate 24 hours a day, as long as at least one vehicle for each level of service covered by the license is in operation at all times. An ALS vehicle can be used to provide coverage at either an ALS, ILS or BLS level, and the coverage shall meet the requirements of this Section.

A) At the time of application for initial or renewal licensure, and upon annual inspection, the applicant or licensee shall submit to the Department for approval a list containing the anticipated hours of operation for each vehicle covered by the license.

i) A current roster shall also be submitted that lists the System authorized EMTs, A-EMTs, EMT-Is, Paramedics, PHRNs or~~EMS Personnel, Pre-Hospital RNs and~~ physicians who are employed or available to staff each vehicle during its hours of operation. The roster shall include each staff person's name, license number, license expiration date and ~~daytime~~ telephone number, and shall state whether the person is scheduled to be on site or on call.

ii) An actual or proposed four-week staffing schedule shall also be submitted that~~, which~~ covers all vehicles, includes staff names from the submitted roster, and states whether each staff member is scheduled to be on site or on call during each work shift.

B) Licensees shall obtain the EMS MD's approval of their vehicles' hours of operation prior to submitting an application to the Department. An EMS MD may require specific hours of operation for individual vehicles to assure appropriate coverage within the System.

C) A Vehicle Service Provider that advertises its service as operating a specific number of vehicles or more than one vehicle shall state in the advertisement the hours of operation for those vehicles, if individual vehicles are not available 24 hours a day. Any advertised vehicle for which hours of operation are not stated shall be required to operate 24 hours a day. (See Section 515.800(j).)

3) For each patient transported to a hospital, the ambulance staff shall, at a minimum, measure and record the information required in ~~Section 515.~~Appendix E.

4) A Vehicle Service Provider shall provide emergency service within the service area on a per-need basis without regard to the patient's ability to pay for the service.

5) A Vehicle Service Provider shall provide documentation of procedures to be followed when a call for service is received and a vehicle is not available, including copies of mutual aid agreements with other ambulance providers. (See Section 515.810(h).)

6) A Vehicle Service Provider shall not operate its ambulance at a level exceeding the level for which it is licensed (basic life support, intermediate life support, advanced life support), unless the vehicle is operated pursuant to an EMS System-approved in-field service level upgrade or ambulance service upgrades – rural population.

7) The Department will inspect ambulances each year. If the Vehicle Service Provider has no violations of this Section that threaten the health of safety of patients or the public for the previous five years and has no substantiated complaints against it, the Department will inspect the Vehicle Service Provider's ambulances in alternate years, and the Vehicle Service Provider may, with the Department's prior approval, self-inspect its ambulances in the other years. The Vehicle Service Provider shall use the Department's inspection form for self-inspection. Nothing contained in this subsection (k)(7) shall prevent the Department from conducting unannounced inspections.

l) A licensee may use a replacement vehicle for up to 10 days without a Department inspection, provided that the EMS System and the Department are ~~is~~ notified of the use of the vehicle by the second working day.

m) *Patients, individuals who accompany a patient, and* EMS Personnel~~*emergency services personnel*~~ *may not smoke while inside an ambulance or SEMSV. The Department of Public Health* shall *impose a civil penalty on an individual who violates this subsection* (m) *in the amount of $100.* (Section 3.155(h) of the Act)

n) Any provider may request a waiver of any requirements in this Section under the provisions of Section 515.150.

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

Section 515.860 Critical Care Transport

a) Critical care transport"~~*Critical care transport" means the pre-hospital or inter-hospital transportation of a critically injured or ill patient by a vehicle service provider, including the provision of medically necessary supplies and services, at a level of service beyond the scope of the EMT-Paramedic. When medically indicated for a patient, as determined by a physician licensed to practice medicine in all of its branches, an advanced practice nurse, or a physician's assistant, in compliance with Section 3.155(b) and (c) of* the *Act, critical care transport*~~ *may be provided by:*

1) *Department-approved critical care transport providers, not owned or operated by a hospital, utilizing EMT-Paramedics with additional training, nurses, or other qualified health professionals; or*

2) *Hospitals, when utilizing any vehicle service provider or any hospital-owned or operated vehicle service provider. Nothing in* the *Act requires a hospital to use, or to be, a Department-approved critical care transport provider when transporting patients, including those critically injured or ill. Nothing in* the *Act shall restrict or prohibit a hospital from providing, or arranging for, the medically appropriate transport of any patient, as determined by a physician licensed to practice* medicine *in all of its branches, an Advanced Practice Nurse~~advanced practice nurse~~, or a physician ~~physician's~~ assistant.* (Section 3.10(f-5) of the Act)

b) *All critical care transport providers must function within a Department-approved EMS System. Nothing in* this Part *shall restrict a hospital's ability to furnish personnel, equipment, and medical supplies to any vehicle service provider, including a critical care transport provider.* (Section 3.10(g-5) of the Act)

c) For the purposes of this Section, "expanded scope of practice" includes the accepted national curriculum plus additional ~~training,~~ education, experience~~,~~ and equipment (see Section 515.360) as approved by the Department pursuant to Section 3.55 of the Act. Tier I transports are considered "expanded scope of practice".

d) For the purposes of this Section, CCT~~critical care transport~~ plans are defined in three tiers of care. Tier II and Tier III are considered Critical Care Transports.

e) Tier I
Tier I provides a level of care for patients who require care beyond the Department-approved Paramedic ~~paramedic USDOT Curriculum~~ scope of practice, up to but not including the requirements of Tiers II and III. Tier I transport includes the use of a ventilator, the use of infusion pumps with administration of medication drips, and maintenance of chest tubes.

1) Personnel Staffing and Licensure

A) Licensure:

i) Licensed Illinois Paramedic or ~~Pre-Hospital Registered Nurse (~~PHRN~~)~~;

ii) Scope of practice more comprehensive than the national EMS scope of practice model ~~USDOT Curriculum, as~~ approved by the Department in accordance with the EMS System plan~~Plan~~ (see Sections 515.310 and 515.330); and

iii) Approved to practice by the Department in accordance with the EMS System plan~~Plan~~.

B) Minimum Staffing:

i) System authorized EMT, A-EMT, EMT-I, Paramedic or PHRN~~EMT-Basic, Intermediate or Paramedic/PHRN~~ as driver; and

ii) System authorized expanded scope of practice Paramedic,~~Paramedic Expanded Scope of Practice credentialed individual or~~ PHRN or physician~~,~~ who shall remain with the patient at all times.

2) Education, Certification~~,~~ and Experience

A) Initial Education: Documentation of initial education and demonstrated competencies of expanded scope of practice knowledge and skills as required by Tier I Level of Care and approved by the Department in accordance with the EMS System plan~~Plan~~.

B) CE ~~Continuing Education~~ Requirements:

i) Annual competencies of expanded scope of practice knowledge, equipment and procedures shall be completed; and

ii) The EMS vehicle service provider shall maintain documentation of competencies and provide documentation to the EMS Resource Hospital upon request.

C) Certifications − Tier I personnel shall maintain all of the following renewable ~~critical care~~ certifications and credentials in active status:

i) Advanced Cardiac Life Support (ACLS);

ii) Pediatric Education for Pre-Hospital Professionals (PEPP) or Pediatric Advance Life Support (PALS); ~~and~~

iii) International Trauma Life Support (ITLS) or Pre-Hospital Trauma Life Support (PHTLS); and~~.~~

iv) Any additional educational course work or certifications required by the EMS MD.

D) Experience:

i) Minimum of one year of experience functioning in the field at an ALS level or as a physician in an emergency department; and

ii) Documentation of education and demonstrated competencies of expanded scope of practice knowledge and skills required for Tier I Level of Care, approved by the Department and included in the EMS System plan~~Plan~~.

3) Medical Equipment and Supplies

A) Ventilator; and

B) Infusion pumps.

4) Vehicle Standards
Any vehicle used for providing expanded scope of practice care shall comply at a minimum with Section 515.830 (Ambulance Licensing Requirements) or Sections 515.900 (Licensure of SEMSV Programs – General) and 515.920 (SEMSV Program Licensure Requirements for All Vehicles) regarding licensure of SEMSV Programs~~programs~~ and SEMSV vehicle requirements, including additional medical equipment and

ambulance equipment as defined in this Section. Any vehicle used for expanded scope of practice transport shall be equipped with an onboard alternating current (AC) supply capable of operating and maintaining the AC current needs of the required medical devices used in providing care during the transport of a patient.

5) Treatment and Transport Protocols shall address the following:

A) EMS MD or designee~~System Medical Director or Designee~~ present at established Medical Control;

B) Communication points for contacting System authorized Medical Control and a written Expanded Scope of Practice Standard;

C) Written operating procedures and protocols signed by the EMS MD and approved for use by the Department in accordance with the System plan~~Plan~~; and

D) Use of a ventilator, infusion pumps with administration of medication drips, and maintenance of chest tubes.

6) Quality Assurance Program

A) The Tier I transport provider shall develop a written Quality Assurance (QA) plan~~Plan~~ approved by the EMS System and the Department in accordance with subsection (e)(6)(D). The provider shall provide quarterly QA reports to the assigned EMS Resource Hospitals for the first 12 months of operation.

B) The EMS System shall establish the frequency of quality reports after the first year if the System has not identified any deficiencies or adverse outcomes.

C) An EMS MD or a SEMSV~~A Medical Director~~ shall oversee the QA program~~Program~~.

D) The QA plan~~Plan~~ shall evaluate all expanded scope of practice activity for medical appropriateness and thoroughness of documentation. The review shall include:

i) Review of transferring physician orders and evidence of compliance with those orders;

ii) Documentation of vital signs and frequency and evidence that abnormal vital signs or trends suggesting an unstable patient were appropriately detected and managed;

iii) Documentation of any side effects/complications, including hypotension, extreme bradycardia or tachycardia, increasing chest pain, dysrhythmia, altered mental status and/or changes in neurological examination, and evidence that interventions were appropriate for those events;

iv) Documentation of any unanticipated discontinuation of a catheter or rate adjustments of infusions, along with rationale and outcome;

v) Review of any Medical Control contact for further direction;

vi) Documentation that any unusual occurrences were promptly communicated to the EMS System; and

vii) A root cause analysis of any event or care inconsistent with standards. The EMS System educator shall assess and carry out a corrective action plan.

E) The QA plan shall~~Plan will~~ be subject to review as part of an EMS System site survey and as deemed necessary by the Department (e.g., in response to a complaint).

f) Tier II

Tier II provides a level of care for patients who require care beyond the Department-approved national EMS scope of practice model ~~USDOT Curriculum~~ and expanded scope of practice ALS (Paramedic~~paramedic~~) transport program, and who require formal advanced education for ALS Paramedic~~paramedic~~ staff. Tier II transport includes the use of a ventilator, infusion pumps with administration of medication drips, maintenance of chest tubes, and other

equipment and treatment, such as, but not limited to: arterial lines; accessing central lines; medication-assisted intubation; patient assessment and titration of IV pump medications, including additional active interventions necessary in providing care to the patient receiving treatment with advanced equipment and medications.

1) Personnel Staffing and Licensure

A) Licensure − Licensed Illinois Paramedic or PHRN:

i) Expanded scope of practice more comprehensive than the national EMS scope of practice model and Tier I Level as approved by the Department~~USDOT Curriculum and expanded scope Tier I level~~; and

ii) Approved to practice by the EMS System and the Department in accordance with the EMS System plan~~Plan~~.

B) Minimum Staffing:

i) System authorized Paramedic or PHRN~~Paramedic/PHRN~~; and

ii) System authorized Paramedic,~~ or~~ PHRN or physician who is critical care prepared~~,~~ and who shall remain with the patient at all times.

2) Education, Certification and Experience

A) Initial Advanced Formal Education:

i) At a minimum, 80 didactic hours of established higher collegiate education or equivalent critical care education based on nationally recognized~~existing university~~ program models; and

ii) Demonstrated competencies, as documented by the EMS MD or SEMSV MD and approved by the Department~~System~~.

B) CE ~~Continuing Education~~ Requirements:

i) The EMS System shall document and maintain annual competencies of expanded scope of practice knowledge, equipment and procedures;

ii) The following current credentials, as a minimum, shall be maintained: ACLS, PEPP or PALS, ITLS or PHTLS;

iii) A minimum of 40~~Twelve~~ hours of critical care level education shall be completed every four years~~annually~~;

iv) The EMS provider shall maintain documentation of compliance with subsections (f)(2)(B)(i) through (iii) and shall provide documentation to the EMS Resource Hospital upon request; and

v) Nationally recognized critical~~Critical~~ care certifications~~certification (from formal education)~~ shall be maintained and renewed based on national recertification criteria.~~when criteria are available for renewal status of certification.~~

~~C)~~ ~~Certifications − Tier II personnel shall maintain the following renewable critical care certifications and credentials in active status:~~

~~i)~~ ~~ACLS;~~

~~ii)~~ ~~PEPP or PALS; and~~

~~iii)~~ ~~ITLS or PHTLS.~~

C~~D~~) Experience − Minimum of two years experience functioning in the field at an ALS level for Paramedics and PHRNs~~paramedic or PHRN~~ and one year experience in an emergency department for physicians.

3) Medical Equipment and Supplies

A) Ventilator; and

B) Infusion pumps.

4) Vehicle Standards
Any vehicle used for providing critical care transport shall comply at a minimum with Section 515.830 (Ambulance Licensing Requirements) or Sections 515.900 (Licensure of SEMSV Programs – General) and 515.920 (SEMSV Program Licensure Requirements for All Vehicles) regarding licensure of SEMSV Programs ~~programs~~ and SEMSV vehicle requirements, including additional medical equipment and ambulance equipment as defined in this Section. Any vehicle used for CCT ~~critical care transport~~ shall be equipped with an onboard AC supply capable of operating and maintaining the AC current needs of the required medical devices used in providing care during the transport of a patient.

5) Treatment and Transport Protocols shall address the following:

A) EMS MD~~System Medical Director~~ or designee present at established Medical Control communication points and a written Expanded Scope of Practice Standard Operating Procedure signed by the EMS MD and approved for use by the Department in accordance with the System plan~~Plan~~;

B) The use of a ventilator, infusion pumps with administration of medication drips, maintenance of chest tubes, and other equipment and treatment, such as, but not limited to: arterial lines, accessing central lines, and medication-assisted intubation; and

C) Patient assessment and titration of IV pump medications, including additional active interventions necessary in providing care to the patient receiving treatment with advanced equipment and medications.

6) Quality Assurance Program

A) The Tier II transport provider shall develop a written QA plan ~~Plan~~ approved by the EMS System and the Department in accordance with subsection (f)(6)(D). The participating provider shall provide quarterly reports to the assigned EMS Resource Hospitals for the first 12 months of operation.

B) The EMS System shall establish the frequency of quality reports after the first year if the System has not identified any deficiencies or adverse outcomes.

C) An EMS MD or SEMSV MD~~A Medical Director~~ shall oversee the QA program~~Program~~.

D) The QA plan~~Plan~~ shall evaluate all expanded scope of practice activity for medical appropriateness and thoroughness of documentation. The review shall include:

i) Review of transferring physician orders and evidence of compliance with those orders;

ii) Documentation of vital signs and frequency, and evidence that abnormal vital signs or trends suggesting an unstable patient were appropriately detected and managed;

iii) Documentation of any side effects or ~~/~~complications, including, but not limited to, hypotension, extreme bradycardia or tachycardia, increasing chest pain, dysrhythmia, altered mental status and/or changes in neurological examination, and evidence that interventions were appropriate for those events;

iv) Documentation of any unanticipated discontinuation of a catheter or rate adjustments of infusions, along with rationale and outcome;

v) Review of any Medical Control contact for further direction;

vi) Documentation that unusual occurrences were promptly communicated to the EMS System; and

vii) A root cause analysis shall be completed for~~of~~ any event or care inconsistent with standards. The EMS MD or the SEMSV MD shall recommend and implement~~System educator shall assess and carry out~~ a corrective action plan.

E) The QA plan~~Plan~~ shall be subject to review as part of an EMS System site survey and as deemed necessary by the Department (e.g., in response to a complaint).

g) Tier III
Tier III provides the highest level of ground transport care for patients who require nursing level treatment modalities and interventions.

1) Minimum Personnel Staffing and Licensure

A) EMT, A-EMT, EMT-I or Paramedic~~EMT-B/I/P~~ (as driver); and

B) Two critical care prepared providers, who shall remain with the patient at all times:

i) Paramedic or PHRN; and

ii) RN or PHRN.

2) Education, Certification, and Experience: Paramedic or PHRN

A) Initial Advanced Formal Education

i) Approval to practice by EMS System and the Department in accordance with the EMS program plan~~Program Plan~~;

ii) At a minimum, 80 didactic hours of established higher collegiate education or equivalent critical care education nationally recognized~~based on existing university~~ program models;~~ and~~

iii) Demonstrated competencies, as documented by EMS MD and SEMSV MD and approved by the Department; and

iv~~iii~~) Expanded~~Approved~~ scope of practice more comprehensive than the national EMS scope of practice model and Tier II level as approved by the Department.~~USDOT Curriculum and expanded scope of practice of Tier II Level.~~

B) CE ~~Continuing Education~~ Requirements

i) The EMS System shall document and maintain annual competencies of expanded scope of practice knowledge, equipment and procedures;~~Current certifications shall be maintained;~~

ii) The following valid credentials, at a minimum, shall be maintained: ACLS, PEPPO or PALS, ITLS or PHTLS;~~12 hours of critical care level education shall be completed annually; and~~

iii) A minimum of 40 hours of critical care level CE shall be completed every four years;~~The EMS vehicle service provider shall maintain documentation of compliance with subsections (g)(2)(B)(i) and (ii) and shall provide documentation to the EMS Resource Hospital upon request.~~

iv) The EMS provider shall maintain documentation of compliance with subsection (g)(2)(B)(i) and shall provide documentation to the EMS Resource Hospital upon request; and

v) Nationally recognized critical certifications shall be maintained and renewed based on national recertification criteria.

~~C) Certifications~~
~~Tier III personnel shall maintain the following renewable critical care certifications and credentials in active status:~~

~~i)~~ ~~ACLS;~~

~~ii)~~ ~~PEPP or PALS; and~~

~~iii)~~ ~~ITLS or PHTLS.~~

C~~D~~) Experience

i) Minimum of two years experience functioning in the field at an ALS Level;

ii) Documented demonstrated competencies; and

iii) Completion of annual competencies of expanded scope knowledge, equipment and procedures.

3) Education, Certification and Experience − Registered Nurse:

A) CE ~~Continuing Education~~ Requirements

i) A minimum of 48~~12~~ hours of critical care level education shall be completed every four years~~annually~~;

ii) The EMS provider shall maintain documentation of compliance with subsection (g)(3)(A)(i) and shall provide documentation to the EMS Resource Hospital upon request; and

iii) Annual competencies of expanded scope of practice knowledge, equipment and procedures shall be completed.

B) Certifications
Tier III personnel shall maintain the following valid ~~renewable~~ critical care certifications and credentials ~~in active status~~:

i) ACLS;

ii) PALS, PEPP or ENPC;

iii) ITLS, PHTLS, TNCC or TNS; and

iv) ECRN or equivalent.

C) Advanced Certifications Preferred but not Required

i) Certified Emergency Nurse (CEN);

ii) Critical Care Registered Nurse (CCRN);

iii) Critical Care Emergency Medical Technician-Paramedic (CCEMT-P);

iv) Certified Registered Flight Nurse (CFRN); and

v) Certified Transport Registered Nurse (CTRN).

D) Experience

i) Two years of experience with demonstrated competency in a critical care setting; and

ii) Documented demonstrated EMT System competencies.

4) Medical Equipment and Supplies
Tier III transport requires nursing level treatment modalities and interventions as agreed upon by the sending physician and the accepting physician at the receiving facility. If either physician is not available for consult, the EMS MD or SEMSV MD~~provider's Medical Director~~ or designee shall direct care.

5) Vehicular Standards
Any vehicle used for providing CCT~~critical care transport~~ shall comply, at a minimum, with Section 515.830 (Ambulance Licensing Requirements) or Sections 515.900 (Licensure of SEMSV Programs – General) and 515.920 (SEMSV Program Licensure Requirements for All Vehicles) regarding licensure of SEMSV Programs ~~programs~~ and SEMSV vehicle requirements, including additional medical equipment and ambulance equipment as defined in this Section. Any vehicle used for CCT~~critical~~

~~care transport~~ shall be equipped with an onboard AC supply capable of operating and maintaining the AC current needs of the required medical devices used in providing care during the transport of a patient.

6) Treatment and Transport Protocols shall address the following:

A) Paramedic or PHRN: EMS MD~~Medical Director~~ or designee present at established Medical Control communication points and written Critical Care Standard Operating procedure signed by the EMS MD and approved for use by the Department in accordance with the System plan~~Plan~~;

B) Registered Nurse: The provider's EMS MD or SEMSV Critical Care MD~~Medical Director~~ may establish standing medical orders for nursing personnel, or the RN may be approved to accept orders from the sending physician ~~and/~~or receiving physician.

7) Quality Assurance Program

A) The Tier III transport provider shall have a written QA plan ~~Plan~~ approved by the EMS System and the Department, in accordance with subsection (g)(7)(D). The provider shall provide quarterly reports to the assigned EMS Resource Hospitals for the first 12 months of operation.

B) The EMS System shall establish the frequency of quality reports after the first year if the System has not identified any deficiencies or adverse outcomes.

C) An EMS MD or SEMSV MD~~A Medical Director~~ shall oversee the QA program~~Program~~.

D) The QA plan~~Plan~~ shall evaluate all expanded scope of practice activity for medical appropriateness and thoroughness of documentation. The review shall include:

i) Review of transferring physician orders and evidence of compliance with those orders;

ii) Documentation of vital signs and frequency and evidence that abnormal vital signs or trends suggesting an unstable patient were appropriately detected and managed;

iii) Documentation of any side effects or ~~/~~complications, including, but not limited to, hypotension, extreme bradycardia or tachycardia, increasing chest pain, dysrhythmia, altered mental status ~~and/~~or changes in neurological examination, and evidence that interventions were appropriate for those events;

iv) Documentation of any unanticipated discontinuation of a catheter or rate adjustments of infusions, along with rationale and outcome;

v) Review of any medical control contact for further direction;

vi) Prompt communication of unusual occurrences to the EMS System;

vii) A root cause analysis shall be completed for~~of~~ any event or care inconsistent with standards. The EMS MD or the SEMSV MD~~System educator~~ shall recommend and implement~~assess and carry out~~ a corrective action plan.

E) The QA plan~~Plan~~ will be subject to review as part of an EMS System site survey and as deemed necessary by the Department (e.g., in response to a complaint).

h) The Department will approve vehicle service providers for CCT~~critical care transport~~ when the provider demonstrates compliance with an approved EMS System's CCT program plan~~Critical Care Transport Program Plan~~ for Tier II or Tier III transports. Only Department-approved agencies may advertise as CCT~~Critical Care Transport~~ providers.

i) The Department will suspend a vehicle service provider's approval for critical care transport if any part of the provider's QA plan is not followed or if a situation exists that poses a threat to the public health and safety. The Department will provide a notice of suspension of CCT~~critical care transport~~ approval and an

opportunity for hearing. If the vehicle service provider does not respond to the notice within 10 days after receipt, approval will be revoked.

j) The Director may summarily suspend any licensed provider's authorization to perform CCT~~critical care transports~~ under this Part if the Director or designee determines that continued CCT~~critical care transport~~ by the provider poses an imminent threat to the health or safety of the public. Any order for suspension will be in writing and effective immediately upon service of the provider or its lawful agent. Any provider served with an order of suspension shall immediately cease accepting all CCT~~critical care transport~~ cases and shall have the right to request a hearing if a written request is delivered to the Department within 15 days after receipt of the order of suspension. If a timely request is delivered to the Department, then the Department will endeavor to schedule a hearing in an expedited manor, taking into account equity and the need for evidence and live witnesses at the hearing. The Department is authorized to seek injunctive relief in the circuit court if the Director's order is violated.

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

SUBPART G: LICENSURE OF SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section 515.920 SEMSV Program Licensure Requirements for All Vehicles

a) The SEMSV Program shall be part of a Department-approved EMS System~~ that is located within the geographical area that the program serves~~.

b) The SEMSV Program shall meet and comply with all State and federal requirements governing the specific vehicles employed in the program. (See Section 515.930, 515.945~~,~~ or 515.970.)

c) The SEMSV Program shall comply with this Part during its hours of operation. The SEMSV Program shall operate 24 hours per day, every day of the year, in accordance with weather conditions, except when the service is committed to another medical emergency request, or is unavailable due to maintenance requirements.

d) The SEMSV Program shall provide pre-hospital emergency services within its service area on a per-need basis without regard to the patient's ability to pay for

the service.

e) The SEMSV Program shall be supervised and managed by a Medical Director, who shall be a physician who has met at least the following requirements:

1) Educational experience in those areas of medicine that are commensurate with the mission statement of the medical service (e.g., trauma, pediatric, neonatal, obstetrics) or utilize specialty physicians as consultants when appropriate;

2) Valid certification~~Training~~ and experience in Advanced Cardiac Life Support (ACLS), such as the American Heart Association's ACLS course or equivalent education;

3) Valid certification~~Training~~ and experience in Pediatric Advanced Life Support (PALS), such as the American Heart Association PALS course or PEPP~~ASEP~~/American Academy of Pediatrics Advanced Pediatric Life Support Course or equivalent education;

4) Valid certification~~Training~~ and experience in Advanced Trauma Life Support (ATLS), such as the American College of Surgeons' ATLS course or equivalent education;

5) In programs using air vehicles, documentation, such as certificates or proof of completion in course work designed to bring about:

A) Experience and knowledge in in-flight treatment modalities;

B) Experience and knowledge in altitude physiology;

C) Experience and knowledge in infection control as it relates to airborne and intra-facility transportation; and

D) Experience and knowledge in stress management techniques;

6) In programs using watercraft, documentation, such as certificates of completion in course work designed to bring about:

A) Experience and knowledge in treating persons suffering from

submersion incidents~~drowning~~ (cold, warm, fresh and salt water); and

B) Experience and knowledge in diving accident physiology and treatment.

7) In programs using air vehicles, the SESMV MD~~Medical Director~~ shall be knowledgeable and involved in the establishment of flight safety and weather-related parameters.

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

Section 515.930 Helicopter and Fixed-Wing Aircraft Requirements

In addition to the requirements specified in Sections 515.900 and 515.920, an SEMSV Program using helicopters or fixed-wing aircraft shall submit a program plan~~Program Plan~~ that includes the following:

a) Documentation of the SEMSV MD's~~Medical Director's~~ credentials as required by Section 515.920(e), and a statement signed by the MD ~~Medical Director~~ containing his or her commitment to the following duties and responsibilities:

1) Supervising and managing the program;

2) Supervising and evaluating the quality of patient care provided by the aeromedical crew;

3) Developing written treatment protocols and standard operating procedures to be used by the aeromedical crew during flight;

4) Developing and approving a list of equipment and drugs to be available on the SEMSV during patient transfer;

5) Providing periodic review, at least monthly, of patient care provided by the aeromedical crew;

6) Providing for the CE ~~continuing education~~ of the aeromedical team (see Section 515.940(a)(2));

7) Providing medical advice and expertise on the use, need and special requirements of aeromedical transfer;

8) Submitting documentation assuring the qualifications of the aeromedical crew;

9) Notifying the Department when the primary SEMSV is unavailable in excess of 24 hours, stating the reason for unavailability, the expected date of return to service, and the provisions made, if any, for replacement vehicles;

10) Assuring appropriate staffing of the SEMSV, with a minimum of one EMS pilot and one aeromedical crew member for BLS ~~Basic Life Support~~ missions. There shall be two aeromedical crew members for ALS~~Advanced Life Support~~ and CCT~~critical care transports~~, one of which must be an RN ~~a registered nurse~~ or physician with completion of education~~training~~ required by Section 515.940. Two EMS pilots shall be used for fixed-wing aircraft or helicopters when required by the Federal Aviation Administration (FAA) requiring that staffing. Additional aeromedical personnel may be required at the discretion of the SEMSV MD~~Medical Director~~. The SEMSV MD~~Medical Director~~ shall provide the Department with a list of all approved pilots and aeromedical crew members, and shall update the list whenever a change in those personnel is made;

b) The SEMSV MD's~~Medical Director's~~ list of required medical equipment and drugs for use on the aircraft (see Section 515.950);

c) The SEMSV MD's~~Medical Director's~~ treatment protocols and standard operating procedures;

d) The curriculum and requirements for orientation and education~~training~~ (see Section 515.940(a)(2), (3) and (4)), including mandatory CE ~~continuing education~~ for all aeromedical crew members consisting of at least 16 hours in specialized aeromedical transportation topics, eight hours of which may include quality assurance reviews; operational safety standards; and weather related parameters;

e) A description of the communications system accessing the aeromedical dispatch center, the medical control point, receiving and referring agencies (see Section

515.960~~ of this Part~~);

f) A description and map of the service area for each vehicle;

g) A description of the EMS System's method of providing emergency medical services using the SEMSV Program; and

h) The identification number and description of all vehicles used in the program.

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

Section 515.935 EMS Pilot Specifications

a) Approval for EMS System participation for a pilot shall be valid for a period of one year and may be renewed by the SEMSV MD~~Medical Director~~ if the pilot has completed renewal education~~training~~, which shall include, but is not limited to, the requirements of subsections (b)(1) and (5)(A) through (H) or subsections (c)(1) and (3)(A) through (F)~~ of this Section~~.

1) For helicopter programs only:

A) Four EMS pilots per helicopter, excluding relief support, shall be dedicated to the SEMSV Program. Temporary staffing by three full-time pilots is permitted for no more than six months while finding and educating~~training~~ a replacement pilot.

B) An EMS pilot assigned to SEMSV duty shall be physically present at the aircraft base to assure timely response.

C) An EMS pilot assigned to SEMSV duty shall be provided with work space to carry out assigned duties. If duty time exceeds 12 continuous hours, separate sleeping quarters shall be provided to assure physical rest.

2) For fixed-wing programs only: One EMS pilot per aircraft who will respond within one-half hour from the receipt of the request.

b) Each EMS pilot assigned to a helicopter shall be approved for participation in an EMS System by the EMS MD~~Medical Director~~ and shall meet the following

requirements:

1) Compliance with subparts E and F of Air Taxi Operations and Commercial Operators (14 CFR 135).

2) A minimum of 2000 flight hours with a minimum of 1500 rotorcraft flight hours and the following stipulations:

   A) Factory school or equivalent (ground and flight);

   B) A minimum of 1000 hours as the pilot in command (PIC) in a rotorcraft;

   C) 100 flight hours at night, unaided; and

   D) A minimum of 500 hours of turbine time.

3) A minimum of five hours day/night area flight orientation, of which two hours must be at night, and, in the judgment of the SEMSV MD~~Medical Director~~, special terrain flight orientation.

4) Instrument Flight Rules (IFR) certification by the Federal Aviation Administration (IFR Currency is recommended).

5) Documentation of completion of education~~training~~ that includes, but is not limited to, the following:

   A) Judgment and decision making;

   B) Local routine operating procedures, including day and night operations;

   C) Flight by reference to instruments, including Instrument Meteorological Conditions (IMC) recovery;

   D) Regional area weather phenomena;

   E) Area terrain hazards;

F) Scene procedures;

G) EMS System and SEMSV Program communications requirements;

H) Orientation to each hospital/pre-hospital health care system affiliated with the SEMSV Program; and

I) Crew resource management education~~training~~.

c) Each pilot assigned to a fixed-wing aircraft shall be approved by the EMS MD~~Medical Director~~ for participation in an EMS System and shall meet the following requirements:

1) Compliance with subparts E and F of Air Taxi Operations and Commercial Operators (14 CFR 135);

2) The pilot shall have a minimum of 2000 flight hours; a minimum of 1000 flight hours as PIC in a fixed wing aircraft; 100 night flight hours and 25 hours in the specific make and model of aircraft before flying as the PIC on patient missions; or completion of a commercially established education~~training~~ program for the specific make and model air craft and the successful completion of the check ride;

3) Provide documentation of completion of education~~training~~ that includes, but is not limited to, the following:

A) Judgment and decision making;

B) Local routine operating procedures, including day and night operations;

C) Flight by reference to instruments, including Instrument Meteorological Conditions (IMC) recovery;

D) Regional area weather phenomena;

E) Area terrain hazards;

F) EMS System and SEMSV Program communications requirements;

and

G) Crew resource management education~~training~~.

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

Section 515.940 Aeromedical Crew Member Education~~Training~~ Requirements

a) Except as provided for by subsection (b), each aeromedical crew member assigned to a helicopter or fixed-wing aircraft shall be approved by the SEMSV MD~~Medical Director~~ and shall meet the following requirements:

1) Be a Paramedic~~an EMT-P~~, RN ~~registered nurse~~ or a physician.

2) Each crew member shall be current in, or obtain within six months of hire:

A) Advanced Cardiac Life Support (ACLS);

B) Pre-Hospital Trauma Life Support (PHTLS) or International Trauma Life Support (ITLS);

C) Pediatric Advanced Life Support (PALS) or Emergency Nursing Pediatric Course (ENPC) or Pediatric Education for Prehospital Professionals (PEPP) Advanced;

D) ~~Trauma Nurse Specialist (~~TNS~~),~~ or Trauma Nurse Core Course~~Curriculum~~ (TNCC) ~~or Trauma Nurse Advanced Trauma Course (TNATC)~~;

E) Neonatal Resuscitation Program (NRP) or an equivalent as approved by the EMS MD.

3) Initial education~~training~~ program requirements for full-time and part-time critical care~~Critical Care~~ and ALS providers. Each critical care~~Critical Care~~ and ALS provider shall successfully complete a comprehensive education~~training~~ program or show proof of recent experience, education and competency~~/training~~ in the categories listed in subsections (a)(3)(A) and (B) prior to assuming independent responsibility.

A) Didactic Component − Shall be specified and appropriate for the mission statement and scope of the medical transport service:

i) Advanced airway management;

ii) Altitude physiology/stressors of flight if involved in rotor wing or fixed wing operations;

iii) Anatomy, physiology and assessment for adult, pediatric and neonatal patients;

iv) Aviation − aircraft orientation/safety and in-flight procedures/general aircraft safety, including depressurization procedures for fixed wing (as appropriate). Ambulance orientation/safety and procedures as appropriate;

v) Cardiac emergencies and advanced cardiac critical care;

vi) Hemodynamic monitoring, pacemakers, ~~automatic~~ implantable cardiac defibrillator (ICD~~AICD~~), intra-aortic balloon pump, and central lines, pulmonary artery and arterial catheters;

vii) Multiple patient incidents~~Disaster and triage~~;

viii) EMS radio communications;

ix) Environmental emergencies;

x) Hazardous materials recognition and response (all hazards recognition and response);

xi) High risk obstetric emergencies (bleeding, medical, and trauma);

xii) Infectious disease prevention, mitigation and treatment~~Infection control~~;

xiii) Metabolic/endocrine emergencies;

xiv) Multi-trauma (chest, abdomen, facial);

xv) Neonatal emergencies (respiratory distress, surgical, cardiac);

xvi) Oxygen therapy in the medical transport environment − mechanical ventilation and respiratory physiology for adult, pediatric and neonatal patients as appropriate to the mission statement and scope of care of the medical transport service;

xvii) Pediatric medical emergencies;

xviii) Pediatric trauma;

xix) Pharmacology;

xx) Quality Management − didactic education that supports the medical transport service mission statement and scope of care (e.g., adult, pediatric, neonatal);

xxi) Respiratory emergencies;

xxii) Scene management/rescue/extrication (rotor wing and ground ambulance);

xxiii) Stress recognition and management;

xxiv) Survival education~~training~~;

xxv) Record keeping;

xxvi) Thermal, chemical, inhalation, radiation and electrical burns;

xxvii) Legal aspects; and

xxviii) Toxicology.

B) Clinical Component − clinical experiences shall include, but not be limited to, the following (experiences shall be specific and appropriate for the mission statement and scope of care of the medical transport service):

i) Critical care;

ii) Emergency care;

iii) Invasive procedures or simulations~~mannequin~~ equivalent for practicing invasive procedures;

iv) Neonatal intensive care;

v) Obstetrics − five deliveries;

vi) Pediatric critical care;

vii) Pre-hospital care, for rotor wing programs only; and

viii) Tracheal intubations − 10 performed on live patients either in the field or in the hospital setting when in the presence of and under the direct supervision of a licensed physician or Certified Registered Nurse Anesthetist ~~certified registered nurse anesthetist~~ (CRNA); or performed on cadavers or a human patient simulator (HPS) while under direct supervision; or when in the presence of and under the direct and immediate supervision of the EMS MD or SEMSV MD or designee.~~Medical Director, a Human Patient Simulator (HPS).~~

4) CE ~~Continuing education~~/staff development shall be provided and documented for all full-time and part-time critical care~~Critical Care~~ and ALS providers. These shall be specific and appropriate for the mission statement and scope of care of the medical transport service.

A) Didactic CE ~~continuing education~~ shall include:

i) Aviation − safety issues (if involved in rotor wing or fixed wing operations);

ii) Requirements of this Part regarding ground and air transport;

iii) Altitude physiology/stressors of flight (if involved in both rotor wing and fixed wing operations);

iv) Critical care courses;

v) Emergency care courses;

vi) Hazardous materials recognition and response;

vii) Infection control;

viii) Stress recognition and management;

ix) Survival education~~training~~; and

x) Equipment reviews consistent with program scope and mission.

B) Clinical and laboratory CE ~~continuing education~~ shall include:

i) Emergency/trauma care;

ii) Critical care (adult, pediatric, neonatal);

iii) Invasive procedure labs;

iv) Labor and delivery;

v) Pre-hospital experience, for rotor wing programs only;

vi) Skills maintenance program documented to comply with number of skills required in a set period of time according

to policy of the medical transport service (i.e., endotracheal intubations, chest tubes);

vii) No fewer than five successful intubations per year are required for each Critical Care or ALS provider. These intubations may be on live patients, either in the field or in the hospital setting, when in the presence of and under the direct supervision of a licensed physician or CRNA; or cadavers or HPS while under direct supervision; or when in the presence of and under the direct and immediate supervision of the EMS MD or SEMSV MD~~Medical Director, a Human Patient Simulator (HPS)~~. Success rates for all live intubations are documented and monitored through the quality management process; and

viii) Live, HPS~~mannequin~~ or cadaver intubation experience within the following age ranges if served by the air medical/ground inter-facility service: birth to 28 days; 28 days to 12 months; 12 months to 2 years; 2 years to 8 years; and 8 years and older.

5) Yearly completion of the CE ~~continuing education~~ requirements as described in Section 515.930(d).

b) In addition to at least one aeromedical crew member for BLS ~~Basic Life Support~~ who has met the requirements of subsection (a), and two aeromedical crew members, one of whom must be an RN~~R.N.~~ or licensed physician, for ALS~~Advanced Life Support~~ or CCT~~critical care transport~~ missions who have met the requirements of subsection (a), the EMS MD or SEMSV MD ~~Medical Director~~ may approve and assign additional crew members to a helicopter or fixed-wing aircraft. The additional crew members shall meet the following requirements:

1) Provide documentation of completion of education~~training~~ that includes, but is not limited to, the following:

A) General patient care in-flight;~~,~~

B) Aircraft emergencies;~~,~~

C) Flight safety;~~,~~

D) EMS System and SEMSV Program communications;~~,~~

E) Use of all patient care equipment~~,~~ and

F) Rescue and survival techniques.

2) Yearly completion of the CE ~~continuing education~~ requirements as described in Section 515.930(d).

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

Section 515.945 Aircraft Vehicle Specifications and Operation

a) All vehicles shall meet the requirements of subparts A, B, C, and D of Air Taxi Operations and Commercial Operators (14 CFR 135).

b) All vehicles shall have communication equipment to permit both internal crew and air-to-ground exchange of information between individuals and agencies, including at least those involved in SEMSV medical control within the EMS System, the flight operations center, air traffic control and law enforcement agencies. Helicopters must be able to communicate with law enforcement agencies, EMS providers, fire agencies, and referring and receiving facilities.

c) Rotor wing vehicles shall be equipped with a Medical Emergency Radio Communications for Illinois (MERCI) radio.

d) All vehicles shall be designed to allow the loading and unloading of the patient without rotating the patient more than 30 degrees along the longitudinal axis or 45 degrees along the lateral axis.

e) All vehicles shall be climate controlled to prevent temperature extremes that would adversely affect patient care in the judgment of the EMS MD or SEMSV MD~~Medical Director~~.

f) All vehicles shall have interior lighting to permit patient care to be given and patient status to be monitored without interfering with the pilot's vision.

g) All vehicles shall carry survival equipment including but not limited to:

1) Two sources of heat or fire;~~,~~

2) Two forms of signaling device;~~,~~

3) Equipment to provide shelter: blanket, nylon cord and adhesive tape;~~,~~

4) Knife;~~,~~ and

5) Food and water supply.

h) All patients shall be restrained to the helicopter or fixed-wing aircraft litter to assure the safety of the patient and crew.

i) For helicopter programs:

1) Each rotorcraft shall be powered by at least one turbine engine. There shall be at least one dedicated turbine powered rotorcraft.

2) Each vehicle shall be staffed with at least one EMS pilot and at least one aeromedical crew member for BLS~~Basic Life Support~~ missions. There shall be two aeromedical crew members for ALS ~~Advanced Life Support~~ and CCT~~critical care transports~~, one of whom shall be an RN~~R.N.~~ or licensed physician.

3) Each vehicle shall be equipped with flight reference instruments to allow recovery from inadvertent Instrument Flight Rules (IFR) situations.

4) Each vehicle shall be equipped with a searchlight pivoting at least 180 degrees horizontal and 90 degrees vertical, controlled by the pilot without removing hands from the flight controls. The searchlight shall be at least 400,000 candlepower, mounted and operated in accordance with requirements of the Federal Aviation Administration (14 CFR 135).

5) The cockpit shall be isolated by a protective barrier to minimize in-flight distraction or interference.

6) All medical equipment, supplies and personnel shall be secured or restrained.

7) All equipment, litters/stretchers and seating shall be arranged so as not to block rapid egress by personnel or patient from the aircraft and shall be affixed or secured in racks or compartments approved by the Federal Aviation Administration (14 CFR 135) or by straps.

j) For fixed-wing aircraft programs:

1) All single engine fixed-wing aircraft shall be powered by a turbine engine. There shall be at least one dedicated fixed-wing aircraft.

2) Each vehicle shall be staffed with at least one EMS pilot and at least one aeromedical crew member for BLS~~Basic Life Support~~ missions. There shall be two aeromedical crew members for ALS ~~Advanced Life Support~~ and CCT~~critical care transports~~.

3) The aircraft shall be IFR equipped and certified.

4) All equipment, litters/stretchers and seating shall be arranged so as not to block rapid egress by personnel or patient from the aircraft and shall be affixed or secured in approved racks or compartments or by strap restraint.

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

Section 515.950 Aircraft Medical Equipment and Drugs

a) Each helicopter or fixed-wing aircraft shall be equipped with medical equipment and drugs that are appropriate for the various types of missions to which it will be responding, as specified by the SEMSV MD~~Medical Director~~.

b) The SEMSV MD~~Medical Director~~ shall submit for approval to the Department a list of medical equipment and drugs to be taken on any particular mission based on patient type (adult, child, infant), medical condition (high risk infant, cardiac, burn, etc.) and anticipated treatment needs en route. This shall include, but not be limited to:

1) Cardiac monitor with extra battery;

2) Defibrillator that is adjustable for all age groups;

3) External pacemaker;

4) Advanced airway equipment, including, but not limited to, laryngoscope and tracheal intubation supplies for all age ranges;

5) Mechanical ventilator available;

6) Two suction sources; one must be portable;

7) Pulse oximeter; central and peripheral sensors, adult and pediatric;

8) End tidal CO_2 − quantitative wave form capnography ~~electronic or chemical~~;

9) Automatic blood pressure monitor;

10) Doppler with dual capacity to obtain fetal heart tones as well as systolic blood pressure;

11) Invasive pressure monitor;

12) Intravenous pumps with adjustable rates for appropriate age groups;

13) Two sources of oxygen; one must be portable;

14) A stretcher that is large enough to carry the 95th percentile adult, full length in supine position, and that is rigid enough to support effective cardiopulmonary resuscitation and has the capability of raising the head 30°;

15) Electrical power source provided by an inverter or appropriate power source of sufficient output to meet the requirements of the complete specialized equipment package without compromising the operation of any electrical aircraft equipment;

16) If the patient weighs less than 60 lbs. (27 kg.), an appropriate (for height

and weight) restraint device shall be used, which shall be secured by a devise approved by the Federal Aviation Administration (14 CFR 135);

17) An isolette if the service mission profile includes neonate transports; and

18) Opioid antagonist, including, but not limited to, Naloxone, with administration equipment appropriate for the licensed level of care of the SEMSV.

c) The Department's approval shall be based on, but not limited to:

1) Length of time of the mission;

2) Possible environmental or weather hazards;

3) Number of individuals served; and

4) Medical condition of individuals served.

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

Section 515.955 Vehicle Maintenance for Helicopter and Fixed-wing Aircraft Programs

a) For helicopter programs:

1) The maintenance program shall meet the requirements of subpart J of Air Taxi Operations and Commercial Operators (14 CFR 135).

2) One certified airframe and power plant (A & P) mechanic with two years experience for each helicopter shall be available and dedicated to the program 24 hours per day.

3) Mechanics shall have completed factory-approved education~~training~~ for the makes and models of aircraft used in the SEMSV Program.

4) Back-up maintenance support shall be available when the primary mechanic is unavailable or during times of extensive maintenance needs.

5) Hangar facilities shall be available for major maintenance activities, as

specified in manufacturer's requirements. These facilities need not be located at the base of operations.

6) Progressive maintenance on aircraft used by the SEMSV Program is recommended, including routine daily inspections, as required by the aircraft manufacturer.

b) For fixed-wing aircraft programs:

1) The maintenance program shall meet the requirements of subpart J of Air Taxi Operations and Commercial Operators (14 CFR 135).

2) Mechanics shall be certified A & P with two years experience, and shall have completed education~~training~~ for the make and model of aircraft used by the SEMSV Program.

3) Hangar facilities shall be available for major maintenance activities as specified in manufacturer's requirements.

4) Progressive maintenance on aircraft used by the SEMSV Program is recommended, including routine daily inspections, as required by the aircraft manufacturer.

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

Section 515.960 Aircraft Communications and Dispatch Center

a) The SEMSV Program shall have a designated person assigned and available 24 hours per day every day of the year to receive and dispatch all requests for aeromedical services. For fixed-wing aircraft programs, a telephone answering service may be used.

b) Education~~Training~~ of the designated person shall be commensurate with the scope of responsibility of the communications center and pertinent to the air medical service, including:

1) Knowledge of EMS roles and responsibilities of the various levels of education~~training~~;

2) Knowledge of Federal Aviation Administration and Federal Communications Commission regulations;

3) General safety rules, emergency procedures and flight following procedures;

4) Navigation techniques/terminology and understanding weather interpretation;

5) Types of radio frequency bands used;

6) Stress recognition and management;

7) Medical terminology and obtaining patient information;

8) Assistance with all hazards~~hazardous materials~~ response and recognition procedure using appropriate reference materials; and

9) Crew resource management~~Resource Management~~.

c) The dispatch center shall have at least one dedicated telephone number for the SEMSV Program.

d) A pre-arranged emergency plan shall be in place to cover situations in which an aircraft is overdue, radio communication cannot be established, or an aircraft location cannot be verified.

e) A back-up power source shall be available for all communications equipment used at the SEMSV medical control point.

f) The dispatch center shall have a system for recording all incoming and outgoing telephone and radio transmissions with time recording and playback capabilities. Recordings shall be kept for 30 days.

g) In addition, for helicopter programs:

1) The dispatch center shall have the capability to communicate with the aircraft pilot and aeromedical crew for nonmedical purposes on a separate designated frequency.

2) Continuous flight following every 15 minutes shall be maintained and documented.

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

Section 515.963 Flight Program Safety Standards

For rotor-wing and fixed-wing programs:

a) Flight crews shall wear the following protective clothing:

1) Reflective material or striping on uniforms during night operations;

2) Flame-retardant clothing;

3) Flight helmets for all rotorcraft crews, including specialty teams; and

4) Boots or sturdy footwear for on-scene operations.

b) Safety and Environment

1) Oxygen storage shall be 10 feet from any heat source and 20 feet from any open flame.

2) All crews shall carry a photo ID with first and last names while on duty.

3) Family members or other passengers who accompany patients shall be identified and listed in the communications center.

4) A policy shall address the security of the aircraft and physical environment (i.e., hangar, fuel farm), including:

A) Security of the aircraft or ambulance if left unattended on a helipad, hospital ramp or unsecured airport or parking lot;

B) Education~~Training~~ for pilots, mechanics and medical personnel to recognize signs of aircraft tampering; and

C) A plan to address aircraft or ambulance tampering.

c) Completion of all of the following educational components shall be documented for each of the flight medical personnel:

1) General aircraft safety:

A) Aircraft evacuation procedures (exits and emergency release mechanisms), including emergency shutdown − engines, radios, fuel switches, and electrical and oxygen shutdown;

B) Aviation terminology and communication procedures, including knowledge of emergency communications and knowledge of emergency communications frequency;

C) In-flight and ground fire suppression procedures (use of fire extinguishers);

D) In-flight emergency and emergency landing procedures (i.e., position, oxygen, securing equipment);

E) Safety in and around the aircraft, including national aviation regulations pertinent to medical team members, landing zone personnel when possible, patients, and lay individuals;

F) Specific capabilities, limitations and safety measures for each aircraft used, including specific education~~training~~ for backup or occasionally used aircraft;

G) Use of emergency locator transmitter (ELT); and

H) All ground support ambulances used for fixed wing operations shall meet minimal State ambulance licensing requirements located in Section 515.830.

2) Ground operations rotor wing (RW)

A) Landing site policies consistent with Federal Aviation Administration Helicopter Emergency Medical Services (HEMS) requirements;

B) Patient loading and unloading – policy for rapid loading/unloading procedures;

C) Refueling policy for normal and emergency situations;

D) Hazardous materials recognition, response and training policy consistent with 2014 Aeronautical Information Manual, Chapter 10 (2014, US Department of Transportation);

E) Highway scene safety management policy that demonstrates coordination with local emergency response personnel;

F) Survival education~~training~~/techniques/equipment that are pertinent to the environment/geographic coverage area of the medical service based on the program risk assessment;

G) Smoke in the cockpit/cabin, firefighting in the cockpit/cabin; and

H) Emergency evacuation of crew and patients.

d) A planned and structured safety program shall be provided to public safety/law enforcement agencies and hospital personnel who interface with the medical service that includes:

1) Identifying, designating and preparing an appropriate landing zone (LZ).~~;~~

2) Personal safety in and around the helicopter for all ground personnel.~~;~~

3) Procedures for day/night operations, conducted by the medical team, specific to the aircraft, including:

A) High and low reconnaissance;

B) Two-way communications between helicopter and ground personnel to identify approach and departure obstacles and wind direction;

C) Approach and departure path selection; and

D) Procedures for the pilot to ensure safety during ground operations in an LZ with or without engines running.

4) Crash recovery procedures specific to the aircraft make and model shall minimally include:

A) Location of fuel tanks;

B) Oxygen shut-offs in cockpit and cabin;

C) Emergency egress procedures;

D) Aircraft batteries; and

E) Emergency shut-down procedures.

5) Education regarding "helicopter shopping" shall be included.

6) Records shall be kept of initial and recurrent safety education~~training~~ of pre-hospital, referring and receiving ground support personnel.

e) The program shall maintain a safety management system~~Safety Management System~~ that is proactive in identifying risks and eliminating injuries to personnel and patients and damage to equipment.

f) Special requirements for night operations; SEMSV rotorcraft programs shall incorporate use of night vision goggles (NVG) and shall be compliant by December 31, 2018:

1) Pilot required; and

2) Medical crew~~Crew~~ recommended.

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

Section 515.965 Watercraft Requirements

In addition to the requirements specified in Sections 515.900 and 515.920~~ of this Part~~, an SEMSV Program using watercraft shall submit a program plan that includes the following:

a) Documentation of the EMS MD's or SEMSV MD's~~Medical Director's~~ credentials as required by Section 515.920(e)~~ of this Part~~, and a statement signed by the EMS MD or SEMSV MD committing~~Medical Director containing his or her commitment~~ to the following duties and responsibilities:

1) Supervising and managing of the program;

2) Supervising and evaluating the quality of patient care provided by the watercraft crew;

3) Developing written treatment protocols and standard operating procedures to be used by the watercraft crew during vehicle operation;

4) Developing and approving a list of equipment and drugs to be available on the SEMSV during patient transfer;

5) Providing periodic review, at least quarterly, of patient care provided by the watercraft crew;

6) Providing medical advice/expertise on the use, need and special requirements of watercraft transfer;

7) Submitting documentation assuring the qualifications of the watercraft crew;

8) Assuring appropriate staffing of the SEMSV:

A) Each watercraft crew member assigned to a watercraft shall be approved by the EMS MD or SEMSV MD~~Medical Director~~, who shall provide the Department with a list of all approved crew members and watercraft operators and update the list whenever a change in such personnel is made.

B) For ~~Advanced Life Support (~~ALS~~)~~ operations, the watercraft shall be staffed by a crew of at least one Paramedic~~EMT-P~~, RN ~~registered nurse~~ or physician, and one other EMT, A-EMT, EMT-I, Paramedic, RN ~~registered nurse~~ or physician, in addition to the watercraft operator.

C) For ~~Basic Life Support (~~BLS~~)~~ operations, the watercraft shall be staffed by a crew of at least two of the following: EMT, A-EMT, EMT-I, Paramedic~~EMTs~~, RN ~~registered nurses~~ or physician~~physicians~~, one of whom may also be the watercraft operator.

D) Except as provided for by subsection (a)(8)(E) of this Section, each watercraft crew member shall document, appropriate to their scope of practice, ~~the~~ completion of education~~training~~ that includes, but is not limited, to the following:

i) Advanced life support;~~,~~

ii) Cardiac support;~~,~~

iii) Traumatic emergencies;~~,~~

iv) Pediatric emergencies;~~,~~

v) Psychiatric emergencies;~~,~~

vi) Crisis intervention;~~,~~

vii) Infection control;~~,~~

viii) Advanced ~~surgical and~~ airway management techniques;~~,~~

ix) Environmental emergencies;~~,~~

x) Radio or other EMS communications;~~,~~

xi) Rescue and survival techniques;~~,~~

xii) Record keeping;~~,~~

xiii) Legal aspects;~~,~~

xiv) Certification in Advanced Life Saving by the American Red Cross;~~,~~ and

xv) Completion of a boat safety course conducted pursuant to Section 5-18 of the Boat Registration and Safety Act [625 ILCS 45].

E) In addition to at least two watercraft crew members who have met the requirements of subsections (a)(8)(B) through (D)~~ of this Section~~, the EMS MD or SEMSV MD~~Medical Director~~ may approve and assign additional watercraft crew members to a watercraft. Such additional watercraft crew members shall document the completion of training that includes but is not limited to the following:

i) General patient care;~~,~~

ii) Watercraft emergencies;~~,~~

iii) Completion of a boat safety course conducted pursuant to Section 5-18 of the Boat Registration and Safety Act;~~,~~

iv) EMS System and SEMSV Program communications;~~,~~

v) Use of all patient care equipment;~~,~~

vi) Rescue and survival techniques;~~,~~ and

vii) Certification in Advanced Life Saving by the American Red Cross.

F) Watercraft operators shall be at least 21 years of age and shall meet the following requirements:

i) Certification in Advanced Life Saving by the American Red Cross;~~,~~ and

ii) Completion of a boat safety course conducted pursuant to Section 5-18 of the Boat Registration and Safety Act;

b) The EMS MD's or the SEMSV MD's~~Medical Director's~~ list of required medical equipment and drugs for use on the watercraft (see Section 515.975);

c) The EMS MD's or the SEMSV MD's~~Medical Director's~~ standing orders (treatment protocols, standard operating procedures);

d) A description of the communications system linking the watercraft with the SEMSV medical control point;

e) A description of the EMS System's method of providing emergency medical services using the SEMSV Program;

f) A description and map of the service area for each vehicle; and

g) The identification number and description of all vehicles used in the program.

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

Section 515.970 Watercraft Vehicle Specifications and Operation

a) All watercraft shall meet the requirements of Article IV of the Boat Registration and Safety Act.

b) All watercraft shall carry equipment including but not limited to the following:

1) One anchor with line attached that is three times the maximum depth of water in the areas of usual operation;~~,~~

2) Two docking fenders;~~,~~

3) Two mooring lines;~~,~~

4) Self or mechanical bailer;~~,~~

5) Search light with a minimum of 200,000 candle power;~~,~~

6) Swim harness attached to 75 feet of tethering line;~~,~~

7) Waterproof flashlight capable of operating for more than two hours;~~, six volt minimum,~~

8) Basic tool kit, to include at least:

A) Wrench, 12 inch with adjustable open end;~~,~~

B) Screw driver, 12 inch with straight blade;~~,~~

C) Locking pliers, minimum length, 10 inches;~~,~~

9) One life jacket for each member of the watercraft crew and two extra adult life jackets (Type I, II or III);~~,~~

10) Two child life jackets (Type I or II);~~,~~

11) Any watercraft 16 feet or more in length, except a canoe or kayak, shall have a least one Type IV (throwable) U.S. Coast Guard approved personal floatation device (PFD) or its equivalent on board, in addition to the PFDs required in subsections (b)(9) and (10);

12~~11~~) Knife, 6-inch blade, with sheath;~~,~~

13~~12~~) Boat hook, extendable to at least 10 feet;~~,~~

14~~13~~) A locking mechanism to secure a stretcher or litter below the gunwale level;~~,~~

15) Lanyard or engine cut-off device;

16) Lights (operational between the hours of sunset and sunrise);

17) Mufflers;

18) Whistle or electric or air powered horn;

19) Fire extinguisher;

20) Carburetor arrestors (except for outboard motors);

21) Ventilators (except for open boats);

22) Battery covers to prevent accidental shorting;

23~~14~~) For watercraft operating on Lake Michigan:

A) A VHF/FM~~UHF/FM~~ marine radio with at least 25 watts of power;~~,~~

~~B) Loran Navigational Aid,~~

B~~C~~) Navigational charts for service area and navigational aids, including compass or Global Positioning System (GPS);~~, and~~

C~~D~~) Speed capability of 20 knots per hour;~~.~~

D) Visual distress signal; and

E) Sealing of marine heads.

c) All watercraft shall have communication equipment to assure exchange of information between individuals and agencies, including at least those involved at the SEMSV medical control point within the EMS System, and law enforcement agencies.

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

Section 515.975 Watercraft Medical Equipment and Drugs

a) Each watercraft shall be equipped with medical equipment and drugs that are appropriate for the various types of missions to which it will be responding, as specified by the EMS MD or the SEMSV MD~~Medical Director~~.

b) Opioid antagonist, including, but not limited to, Naloxone, appropriate for the

licensed level of care of the SEMSV.

c) For ALS operations, the EMD MD or the SEMSV MD~~Medical Director~~ shall submit for approval a list of supplies available for each mission used. The EMS MD or the SEMSV MD~~Medical Director~~ shall decide on the medical equipment and drugs taken on any particular mission based on patient type (adult, child, infant), medical condition (high risk infant, cardiac, burn, etc.) and anticipated treatment needs en route.

d) The Department's approval shall be based on, but not limited to:

1) length of time of the mission;

2) possible environmental or weather hazards;

3) number of individuals served; and

4) medical condition of individuals served.

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

Section 515.980 Watercraft Communications and Dispatch Center

a) The SEMSV Program shall have a designated dispatch center assigned and available 24 hours per day every day of the year to receive and dispatch all requests for watercraft services.

b) The communications and dispatch center shall have the ability to communicate with the watercraft for nonmedical~~non-medical~~ purposes through approved telecommunications or on a separate designated radio frequency.

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

Section 515.985 Off-Road SEMSV Requirements

In addition to the requirements specified in Sections 515.900 and 515.920~~ of this Part~~, an SEMSV Program utilizing off-road SEMSV~~SEMS~~ vehicles shall submit a program plan~~Program Plan~~ that includes the following:

a) Documentation of the EMS MD's or the SEMSV MD's ~~Medical Director's~~ credentials as required by Section 515.920(e)~~ of this Part~~, and a statement signed by the EMS MD or the SEMSV MD~~Medical Director~~ containing his or her commitment to the following duties and responsibilities:

1) The supervision and management of the program;

2) Supervising and evaluating the quality of patient care provided by the off-road SEMSV crew;

3) Providing medical advice and ~~/~~expertise on the use, need and special requirements of off-road SEMSV transfer;

4) Submitting documentation assuring the qualifications of the off-road SEMSV crew; and

5) Assuring appropriate staffing of the off-road SEMS vehicle:

A) For ~~Advanced Life Support (~~ALS~~)~~ operations, the vehicle shall be staffed by a minimum of one Paramedic~~EMT-P~~, RN ~~registered nurse~~ or physician and one other EMT, A-EMT, EMT-I, Paramedic, RN~~registered nurse~~ or physician, one of whom may also be the driver of the off-road SEMSV~~SEMS vehicle~~; and

B) For ~~Basic Life Support (~~BLS~~)~~ operations, the vehicle shall be staffed by a minimum of two of the following: EMTs, A-EMTs, EMT-Is, Paramedics~~EMTs~~, RNs ~~registered nurses~~ or physicians, one of whom may also be the driver of the off-road SEMSV~~SEMS vehicle~~;

b) The EMS MD's or the SEMSV MD's~~Medical Director's~~ list of required medical equipment and drugs for use on the off-road SEMSV (see Section 515.995 of this Part);

c) The EMS MD's or the SEMSV MD's~~Medical Director's~~ standing orders (treatment protocols, standard operating procedures);

d) A description of the communications system linking the off-road SEMSV with the SEMSV medical control point;

e) A description and map of the service area for each vehicle;

f) The identification number and description of all vehicles used in the program;

g) An agreement/contract with a licensed ground provider for transportation of patients; and

h) A description of the EMS System's method of providing emergency medical services using the SEMSV Program.

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

Section 515.990 Off-Road Vehicle Specifications and Operation

a) The off-road SEMSV shall have sufficient space for the vehicle operator, a patient in a supine position, and personnel rendering medical care alongside the patient.

b) Each vehicle shall have a locking mechanism to secure the patient transport litter/stretcher ~~or backboard~~ to the off-road SEMSV.

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

Section 515.995 Off-Road Medical Equipment and Drugs

a) Each off-road SEMSV shall be equipped with medical equipment and drugs for the various types of missions to which it will be responding, as specified by the EMS MD or the SEMSV MD~~Medical Director~~.

b) Opioid antagonist, including, but not limited to, Naloxone, appropriate for the licensed level of care of the SEMSV.

c) For ~~Advanced Life Support (~~ALS~~)~~ operations, the EMS MD or the SEMSV MD~~Medical Director~~ shall submit for approval a list of supplies available for each mission. The SEMSV MD~~Medical Director~~ shall decide what medical equipment and drugs are taken on any particular mission based on patient type (adult, child, infant), medical condition (high risk infant, cardiac, burn, etc.) and anticipated treatment needs en route.

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

Section 515.1000 Off-Road Communications and Dispatch Center

a) The SEMSV Program shall have a designated dispatch center assigned and available 24 hours per day every day of the year to receive and dispatch all requests for off-road SEMSV services.

b) The communications and dispatch center shall have the ability to communicate with the off-road SEMSV for nonmedical~~non-medical~~ purposes through approved telecommunications or on a separate designated radio frequency.

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

SUBPART I: EMS ASSISTANCE FUND

Section 515.3000 EMS Assistance Fund Administration

a) *All licensing, testing and certification fees authorized by* the *Act, excluding ambulance licensure fees, within* the EMS Assistance Fund *shall be used by the Department for administration, oversight, and enforcement of activities authorized under* the Act. (Section 3.220(b-5) of the Act)

b) *All other moneys within the* EMS Assistance Fund *shall be distributed by the Department to the EMS Regions for disbursement in accordance with protocols established in the EMS Region Plans, for the purposes of organization, development and improvement of Emergency Medical Services Systems, including but not limited to training of personnel and acquisition, modification and maintenance of necessary supplies, equipment and vehicles.* (Section 3.220(c) of the Act)

c) Award of Funds

1) Any Illinois licensed and based EMS provider agency that provides EMS service within the State of Illinois may apply for funds through the Regional EMS Advisory Committee.

A) Application shall be made using a process~~on forms~~ prescribed and provided by the Department.

B) Applicants shall provide evidence of financial planning, to include but not be limited to: equipment replacement plans, budgeting plans, and fundraising plans.

C) Applicants shall submit a copy of their current provider license.

D) To be eligible for any grant, the EMS provider agency shall be in compliance with pre-hospital reporting requirements (see Section 515.350).

2) Programs, services and equipment funded by the EMS Assistance Fund shall comply with the Act, this Part and the EMS Regional Plan in which the applicant participates.

3) The award of funds shall be based upon demonstrated need and one or more of the following:

A) Establishment of a new EMS agency, program or service where needed to improve emergency medical services available in an area;

B) Expansion or improvement of an existing EMS agency, program or service;

C) Replacement of equipment that is unserviceable or procurement of new equipment; and

D) Establishment, expansion or improvement of EMS education and training programs including the adult and pediatric population.

4) All purchases and education~~training~~ shall occur during the fiscal year in which the grant is awarded.

5) The grant cycle runs from July 1 through June 30 of each year.

6) Grant recipients shall complete and return documentation as prescribed by the Department (e.g., grant application, Reimbursement Certification Form or Internal Revenue Service W-9 Form).

7) Grantees receiving grant funds are required to permit the Department, the Auditor General, and the Attorney General to inspect and audit any books, records or papers related to the program, project, equipment or use for which the EMS Assistance Grant funds were provided.

8) All funds remaining at the end of the period of time in which grant funds are available for expenditure (June 30 of the fiscal year in which the grant was awarded) shall be returned to the State within 45 days.

9) All grants shall be subject to all requirements and limitations imposed by Illinois law, including, without limitation, the Illinois Grant Funds Recovery Act ~~[30 ILCS 705]~~.

d) Emergency Grant Awards

1) The Regional EMS Advisory Committee may recommend that the Department issue emergency grant awards. Emergency grant awards shall not exceed 10 percent of the total funds available in a year.

2) Applications shall be made in accordance with subsections (c)(1) and (2) ~~of this Section~~.

3) The award of funds shall be based on the demonstrated needs arising from a natural or man-made disaster.

e) Amount of Grant Award

1) The amount of the grant award shall be based on the amount requested by the applicant, the recommendation of the Regional EMS Advisory Committee, the Department's review of the application, and the amount available in the Fund for distribution. The amount awarded shall not exceed the amount requested by the applicant.

2) The applicant shall provide adequate information to substantiate the requested amount or any hardship claim.

f) Modification of a Grant Agreement

1) Any change in the use of grant funds from that specified in the approved grant agreement will be permitted only by written modification of the grant agreement. The grantee may request modification of the grant agreement by submitting in writing to the Department the reasons and circumstances necessitating the request.

2) The grant award shall be suspended and all disbursements of funds held in situations including, but not limited to:

A) Failure to comply with the Act and this Part;

B) Failure to follow the EMS Region Plan in which the grantee participates; and

C) Violation of the terms of the grant agreement.

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

Section 515.APPENDIX D Administrative, Legal and EMS Protocols and Guidelines ~~Standing Medical Orders~~

Administrative, Legal and EMS Protocols and Guidelines shall include, but not be limited to the following:

1) Administrative and Legal:

- Patient disposition/selection of receiving facility
- Patient choice and refusal regarding treatment, transport or destination
- Patient abandonment
- Do Not Resuscitate (DNR)/Practitioner Orders for Life Sustaining Treatment (POLST)/Advance Directives/Health Care Power of Attorney (POA) status
- When and how to notify a coroner or medical examiner
- Appropriate interaction with law enforcement on the scene
- The duty to perform all services without unlawful discrimination
- Patient confidentiality and release of information/Health Insurance Portability and Accountability Act (HIPAA)
- Appropriate interaction with an independent physician/nurse on the scene
- Offering immediate and adequate information regarding services available to victims of abuse, for any person suspected to be a victim of domestic abuse
- Mandated reporting policy
- Relinquished newborn
- Consent for treatment of minors
- A policy that addresses the EMS System Participant safety, disinfection of EMS vehicles and equipment, and assessment, treatment, transport and follow-up of patients with suspected or diagnosed infectious diseases
- Significant or high risk occupational exposure of EMS System Participants to an infectious disease, including notification to the designated infection control officer of the EMS provider agency following exposure
- A policy concerning the use of latex-free supplies
- Medical records documentation and reporting policy
- Incident reporting/equipment malfunction/sentinel event reporting
- Crisis response and medical surge policy/multiple patient incidents
- Professional ethical standards and behavioral expectations
- Any procedures regarding disciplinary or suspension decisions and the review

of those decisions that the System has elected to follow in addition to those required by the Act

- Resource Hospital overrides (situations in which Associate Hospital orders are overruled by the Resource Hospital)
- Protocols for ILS and ALS personnel to assess the condition of a patient being initially treated in the field by BLS personnel, for the purpose of determining whether a higher level of care is warranted and transfer of care of the patient to the ILS or ALS personnel is appropriate; the protocols shall include a requirement that neither the assessment nor the transfer of care can be initiated if it appears to jeopardize the patient's condition, and shall require that the activities of the System personnel be under the immediate direction of the EMS MD or designee
- Any System policies regarding abuse of controlled substances or conviction of a felony crime by EMS Personnel, whether on or off duty

2) EMS Standing Medical Orders/Standard Operating Guidelines/Procedures

- **Cardiovascular:**
  - Adult and Pediatric Syncope and Pre-syncope
  - Chest Pain/Acute Coronary Syndrome (ACS)/ST-segment Elevation Myocardial Infarction (STEMI)
  - Tachycardia with a Pulse
  - Bradycardia with a Pulse
  - Health Failure/Pulmonary Edema/Cardiogenic Shock

- **Resuscitation:**
  - Cardiac Arrest (VF/VT/Asystole/PEA)
  - Adult Post-ROSC (Return of Spontaneous Circulation) Care
  - Determination of Death/Withholding or Termination of Resuscitative Efforts

- **Respiratory:**
  - Airway/Ventilatory Management
  - Acute Respiratory Conditions
  - Chronic Respiratory Conditions

- **Medical:**
  - Agitated or Violent Patient/Behavioral Emergency; Use of Restraints

- Anaphylaxis and Allergic Reaction
- Altered Mental Status
- Hypoglycemia/Hyperglycemia
- Pain Management
- Seizures
- Shock
- Suspected Stroke/Transient Ischemic Attack
- Nausea/Vomiting
- Functional Needs/Special Needs Populations

- **Pediatric Specific Guidelines:**
  - Apparent Life Threatening Event (ALTE)
  - Pediatric Respiratory Distress (Bronchiolitis)
  - Pediatric Respiratory Distress (Croup, Epiglottitis)
  - Neonatal Resuscitation
  - EMSC Medical Treatment Protocol at a minimum

- **GI/GU/Gyne:**
  - Childbirth/Complicated and Uncomplicated Delivery
  - Newborn Care
  - OB Complications/All Trimesters
  - Obstetrical/Gynecological Conditions

- **Trauma:**
  - General Trauma Assessment/Management
  - Blast Injuries
  - Head/Facial/Neck Injury
  - Thoracic
  - Abdominal/Pelvic
  - Musculoskeletal Trauma/External Hemorrhage Management
  - Acute Spine Trauma and Selective Spine Precautions
  - Conducted Electrical Weapon (e.g., TASER)
  - Blunt, Penetrating and Perforating Injuries

- **Environmental:**
  - Hyperthermia/Heat Exposure
  - Hypothermia/Cold Exposure
  - Submersion Incidents
  - SCUBA Injury/Accidents

- Altitude Illness

- **Burns:**
  - Electrical
  - Lightening/Lightening Strike Injury
  - Radiation Exposure
  - Thermal
  - Chemical
  - Inhalation

- **Toxins:**
  - Bites and Envenomation
  - Poisoning/Overdose Universal Care
  - Acetylcholinesterase Inhibitors (Carbamates, Nerve Agents, Organophosphates) Exposure
  - Stimulant Poisoning/Overdose
  - Central Nervous System Depressant Poisoning/Overdose
  - Cyanide Exposure
  - Hallucinogenic
  - Beta Blocker Poisoning
  - Calcium Channel Blocker Poisoning/Overdose
  - Carbon Monoxide/Smoke Inhalation
  - Biological Agents

~~1. STANDING MEDICAL ORDERS/CARDIAC PROTOCOLS shall include at a minimum:~~

~~Routine Cardiac Care~~
~~Cardiac Arrest~~
~~Cardiogenic Shock~~
~~Ventricular Fibrillation~~
~~Ventricular Tachycardia~~
~~Ventricular Ectopy~~
~~Electromechanical dissociation/pulseless electrical activity (EMD/PEA)~~
~~Paroxysmal supraventricular tachycardia (PVST)~~
~~Bradycardia~~
~~Asystole~~

~~2. STANDING MEDICAL ORDERS/TRAUMA PROTOCOLS shall include at a~~

~~minimum:~~

~~Field Triage Protocols~~
~~Shock (Hypovolemia)~~
~~Spinal Cord~~
~~Head Trauma~~
~~Load and Go Situations~~
~~Traumatic Arrest~~
~~Amputated Parts~~
~~Burns~~

~~3. STANDING MEDICAL ORDERS/PROTOCOLS FOR MEDICAL EMERGENCIES shall include at a minimum:~~

~~Asthma~~
~~Anaphylactic Shock~~
~~Diabetic Emergencies~~
~~Drug Overdose~~
~~Coma, Origin Unknown~~
~~Status Epilepticus~~
~~Seizures~~
~~Heat Emergencies~~
~~Cold Emergencies~~
~~Poisoning~~
~~Radiation Injuries~~
~~Renal Protocols (care of patients with shunts and fistulas)~~
~~Near Drowning~~
~~Stroke, in accordance with Section 515.220~~

~~4. STANDARD MEDICAL ORDERS/OBSTETRIC/GYNECOLOGICAL PROTOCOLS shall include at a minimum:~~

~~Normal Deliveries~~
~~Hemorrhage, including third trimester bleeding~~
~~Abnormal Deliveries (i.e., cord or breech presentation)~~
~~Resuscitation of the Newborn~~
~~Rape/Sexual Assault~~

~~5. STANDING MEDICAL ORDERS/PEDIATRIC PROTOCOLS shall include at a~~

~~minimum:~~

~~PEDIATRIC INITIAL ASSESSMENT/MEDICAL CARE – A foundation for all pediatric patient interactions, this protocol shall reinforce the need for consistent, methodical patient assessment. Commonly referred to as "routine medical care" in adult protocols, the protocol shall reinforce the following: Importance of rapid BLS interventions (i.e., CPR), specifically airway support; age-appropriate signs and symptoms of pediatric respiratory distress; age-appropriate airway interventions, including the use of "blow-by" oxygen administration; indicators of adequate ventilation and perfusion; age-appropriate immobilization of the pediatric trauma patient; recognition of and monitoring for imminent life threats; unique assessment considerations and emergent care requirements of children with special health care needs (CSHN), including those who are technologically dependent. The protocol shall emphasize the appropriate inclusion of parents/primary caregivers.~~

~~NEONATAL RESUSCITATION – Shall incorporate the specific heart rate parameters and requisite interventions according to the American Heart Association recommendations.~~

~~PEDIATRIC AED – Treatment shall be in accordance with the Department approved Pediatric AED protocol and in accordance with American Heart Association guidelines. AEDs can be used in children age one to eight years. Use of pediatric pads and cables is preferable.~~

~~PEDIATRIC ALLERGIC REACTION/ANAPHYLAXIS – Special attention to the differentiation between local reaction (hives), mild respiratory distress and severe cardio-respiratory compromise.~~

~~PEDIATRIC ALTERED LEVEL OF CONSCIOUSNESS – Emphasis on the importance of recognizing etiology, aggressive airway maintenance, glucose monitoring and naloxone administration.~~

~~PEDIATRIC BRADYCARDIA – Treatment in accordance with the American Heart Association recommendations.~~

~~PEDIATRIC BURNS – Special emphasis on the pediatric "rule of nines" for burn size estimation, aggressive airway management and triage to the appropriate~~

~~facility. Differentiation shall be made between thermal injuries, chemical injuries and electrical injuries.~~

~~PEDIATRIC ENVIRONMENTAL HYPERTHERMIA – Emphasis on appropriate assessment, cooling techniques and fluid replacement considerations of children presenting with environmental hyperthermia.~~

~~PEDIATRIC HYPOTHERMIA – Emphasis on the pediatric population at high risk for hypothermia: neonates and infants. Aggressive airway management, warming techniques and recognition of frostbite injury shall be addressed. Interventions for associated arrhythmias in accordance with the American Heart Association recommendations.~~

~~PEDIATRIC NEAR DROWNING – Emphasis on aggressive airway management and the potential for associated cervical spine injury and hypothermia.~~

~~PEDIATRIC PULSELESS ARREST – Treatment and recognition of the following dysrhythmias: asystole, pulseless electrical activity, ventricular fibrillation, ventricular fibrillation or pulseless ventricular tachycardia. Treatment modalities should be consistent with guidelines set forth by the American Heart Association's Pediatric Advanced Life Support. Appropriateness for intraosseous access should be included.~~

~~PEDIATRIC RESPIRATORY ARREST – Treatment shall be in accordance with the American Heart Association Pediatric Advanced Life Support guidelines.~~

~~PEDIATRIC RESPIRATORY DISTRESS – Differentiation shall be made between "upper airway obstruction" (i.e., croup, epiglottitis and foreign body) and lower airway disease (i.e., asthma, bronchiolitis, pneumonia). The potential for invasive airway interventions shall also be identified. Respiratory distress in children with a tracheostomy tube or on a ventilator shall also be addressed.~~

~~PEDIATRIC SEIZURE – Shall include the identification of rapid blood glucose monitoring in the field, considerations for febrile seizures and administration of rectal benzodiazepines (specifically in children less than three years old).~~

~~PEDIATRIC SHOCK – Differentiation should be made between hypovolemic (dehydration, hemorrhagic), cardiogenic and distributive (sepsis).~~

~~PEDIATRIC TACHYCARDIA – Interventions for both wide and narrow complex tachycardias in accordance with the American Heart Association guidelines.~~

~~PEDIATRIC TOXIC EXPOSURES/INGESTIONS – Accidental/ environmental toxic exposure or ingestion events commonly encountered in the pediatric population shall be incorporated.~~

~~PEDIATRIC TRAUMA – Emphasis on mechanism of injury, limited on-scene time, aggressive airway maintenance and field triage to the appropriate facility and addressing the unique needs of the head-injured child.~~

~~SUSPECTED CHILD ABUSE/NEGLECT – Special emphasis shall be on careful documentation of physical findings, discrepancy between history of injury and physical findings, interaction between child and parent/caregiver, and characteristics of the environment. The pre-hospital provider's responsibility as a mandated reporter and reporting suspicions to the emergency room staff shall be discussed. Directions for responding to parent/caregiver refusal to allow transport shall be included.~~

~~6. STANDING MEDICAL ORDERS/PROTOCOLS FOR SPECIAL SITUATIONS shall include at a minimum:~~

~~Psychological Emergencies~~
~~Spousal Abuse~~
~~Geriatric Abuse~~
~~Child Abuse~~

~~7. STANDING MEDICAL ORDERS/PROTOCOLS FOR THE PROCEDURES LISTED as well as any others that may be System specific:~~

~~Adult Intubation Procedure~~
~~Pediatric Intubation Procedure~~
~~Defibrillation~~
~~Transtracheal Ventilation-Cricothyrotomy~~
~~Chest Decompression~~
~~Cardioversion~~
~~Medication Administration-IV/ett~~

~~8. Standing medical orders may be organized as assessment based versus diagnostic, such as, altered mental status, abnormal vital signs, dysrhythmias and/or blocks, respiratory distress, chest pain.~~

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 515.APPENDIX E Minimum Prescribed Data Elements

Submit all data elements as listed in the Illinois Department of Public Health, Division of EMS and Highway Safety, National Emergency Medical Services Information System (NEMSIS) Prehospital Dataset.~~General information including but not limited to: agency and unit number, county, crash number (when available), date of call and incident location and type, destination location, type of medical control, transport and non-transport information, resource hospital, crew member identification number, incident number, patient zip code.~~

~~Response time information including: time call received, time dispatched, time enroute, arrival time at location, patient contact time, departure time from location, arrival time at destination.~~

~~Documentation of who, other than the crew, renders assistance at the scene and the nature of the assistance.~~

~~Patient assessment including but not limited to: initial vital signs (systolic, diastolic, pulse, respirations), skin condition, Glasgow Coma Scale, past medical history, current illness/symptom (chief and secondary), injury site and type, injury criteria, pupils and where the patient was sitting in the vehicle.~~

~~Patient information including but not limited to: gender, ethnic origin, date of birth, possible contributing factors to the injury/illness (i.e., motor vehicle, alcohol, equipment, HAZMAT, sports, etc.), protection used by the patient (i.e., seat belt, helmet, etc.), resuscitation status, approximate pediatric weight.~~

~~Patient treatment including but not limited to: actual treatment rendered, medications administered, IV type, rate, site and attempts, EKG, body substance isolation, and CPR information (arrest witnessed, defibrillation, etc.), intubations and number of attempted intubations.~~

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Service Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 140

3)

Section Numbers:	Proposed Actions:
140.101	Amendment
140.124	Repealed
140.125	Amendment
140.126	Amendment
140.301	Amendment
140.701	Amendment
140.1020	Repealed
140.1415	Repealed
140.1601	Amendment

4) Statutory Authority: 35 ILCS 115; 20 ILCS 2505/2505-100

5) A Complete Description of the Subjects and Issues Involved: These rules are being amended as part of a project to remove obsolete provisions from the regulations.

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, nor does it modify any existing State mandates.

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

Jerilynn T. Gorden

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Servicemen

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2018

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 140
SERVICE OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section
140.101 Basis and Rate of the Service Occupation Tax
140.105 Calculation of Tax Incurred by Servicemen – Threshold Determination of Cost Ratio
140.106 When Cost Ratio is 35% or Greater, Service Occupation Tax Liability Is Incurred by Servicemen on Their Selling Price
140.108 "De Minimis" Servicemen Who Incur Use Tax on Their Cost Price
140.109 "De Minimis" Servicemen Who Incur Service Occupation Tax on Their Cost Price
140.110 Example of Methods Used by Servicemen to Determine Liability
140.115 Occasional Sales to Servicemen by Suppliers (Repealed)
140.120 Meaning of Serviceman
140.124 Commercial Distribution Fee Sales Tax Exemption (Repealed)
140.125 Examples of Nontaxability
140.126 Taxation of Food, Drugs and Medical Appliances
140.127 Service Provided to Persons Who Lease Tangible Personal Property to Exempt Hospitals
140.128 Persons Who Lease Tangible Personal Property to Governmental Bodies
140.129 Taxation of Seminar Materials
140.130 Suppliers of Printers (Repealed)
140.135 Sales of Drugs and Related Items, to or by Pharmacists (Repealed)
140.140 Other Examples of Taxable Transactions
140.141 Warranty Repairs
140.145 Multi-Service Situations

SUBPART B: DEFINITIONS

Section
140.201 General Definitions

SUBPART C: BASE OF THE TAX

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section
140.301 Cost Price
140.305 Refunds by Supplier or Serviceman

SUBPART D: TAX RETURNS

Section
140.401 Monthly Returns When Due – Contents of Returns
140.405 Annual Tax Returns
140.410 Final Return
140.415 Taxpayer's Duty to Obtain Form
140.420 Annual Information Returns by Servicemen
140.425 Filing of Returns for Serviceman Suppliers by their Suppliers Under Certain Circumstances
140.430 Incorporation by Reference

SUBPART E: INTERSTATE COMMERCE

Section
140.501 Sales of Service Involving Property Originating in Illinois
140.505 Sales of Service Involving Property Originating Outside of Illinois (Repealed)

SUBPART F: REGISTRATION UNDER THE SERVICE OCCUPATION TAX ACT

Section
140.601 General Information

SUBPART G: BOOKS AND RECORDS

Section
140.701 Requirements

SUBPART H: PENALTIES, INTEREST AND PROCEDURES

Section
140.801 General Information

SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section
140.901 Written Opinions

SUBPART J: COLLECTION OF THE TAX

Section
140.1001 Payment of Tax
140.1005 Receipt to be Obtained for Tax Payments
140.1010 Payment of Tax Directly to the Department (Repealed)
140.1015 Itemization of the Tax by Suppliers (Repealed)
140.1020 Use of Bracket Chart (Repealed)
140.1025 Advertising in Regard to the Tax

SUBPART K: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING – MEANING OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR A HOLIDAY

Section
140.1101 Filing of Documents with the Department

SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
140.1201 When Lessee of Premises May File Return for Leased Department
140.1205 When Lessor of Premises Should File Return for Leased Department
140.1210 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section
140.1301 When Purpose of Serviceman's Purchase is Known (Repealed)
140.1305 When Purpose of Serviceman's Purchase is Unknown
140.1310 Blanket Percentage Exemption Certificates (Repealed)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
140.1401 Claims for Credit – Limitations – Procedure
140.1405 Disposition of Credit Memoranda by Holders Thereof

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

140.1410 Refunds
140.1415 Interest (Repealed)

SUBPART O: DISCONTINUATION OF A BUSINESS

Section
140.1501 Procedures

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section
140.1601 Requirements and Procedures

SUBPART Q: POWER OF ATTORNEY

Section
140.1701 General Information

AUTHORITY: Implementing the Service Occupation Tax Act [35 ILCS 115] and authorized by Section 2505-100 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-100].

SOURCE: Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 14090, effective August 11, 1987; emergency amendment at 12 Ill. Reg. 14419, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 9388, effective June 6, 1989; amended at 14 Ill. Reg. 262, effective January 1, 1990; amended at 14 Ill. Reg. 15480, effective September 10, 1990; amended at 15 Ill. Reg. 5834, effective April 5, 1991; amended at 18 Ill. Reg. 1550, effective January 13, 1994; amended at 20 Ill. Reg. 5379, effective March 26, 1996; amended at 20 Ill. Reg. 7008, effective May 7, 1996; amended at 20 Ill. Reg. 16211, effective December 16, 1996; amended at 24 Ill. Reg. 8125, effective May 26, 2000; emergency amendment at 25 Ill. Reg. 1811, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4971, effective March 23, 2001; amended at 25 Ill. Reg. 6531, effective May 3, 2001; amended at 26 Ill. Reg. 4905, effective March 15, 2002; amended at 27 Ill. Reg. 812, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11187, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; emergency amendment at 28 Ill. Reg. 15257, effective November 3, 2004,

for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 1940, effective January 24, 2005; amended at 29 Ill. Reg. 7070, effective April 26, 2005; amended at 32 Ill. Reg. 13845, effective August 11, 2008; amended at 42 Ill. Reg. _____, effective _____.

SUBPART A: NATURE OF TAX

Section 140.101 Basis and Rate of the Service Occupation Tax

a) The Service Occupation Tax Act (the Act) [35 ILCS 115] imposes a tax upon persons engaged in this State in the business of making sales of service, based on tangible personal property transferred incident to sales of service. These persons are referred to in this Part as servicemen.

b) Rate of Tax

1) The rate of Service Occupation Tax (SOT) incurred by a serviceman from October 1, 1969 through December 31, 1983, is 4%, and on and after January 1, 1984 and prior to January 1, 1990, is 5% of the serviceman's cost price of tangible personal property transferred by the serviceman incident to a sale of service. On and after January 1, 1990, if SOT is computed on the selling price or Use Tax is computed on the cost price of the tangible personal property transferred incident to sales of service, the rate is 6.25%. Effective January 1, 1990 and prior to July 1, 2003, sales of *"gasohol" (a motor fuel that is no more than 90% gasoline and at least 10% denatured ethanol that contains no more than 1.25% water by weight* [35 ILCS 105/3-40]) are subject to tax, based upon 70% of the proceeds of sales. On and after July 1, 2003 and on or before December 31, 2013, tax shall be based upon 80% of the proceeds from sales of gasohol. On and after January 1, 2014, tax shall be based upon 100% of the proceeds of sales of gasohol. However, from July 1, 1997 to June 30, 1998, the rate was 85% for gasohol sold in this State during the 12 months beginning July 1 following any calendar year for which the Department determined that the percentages in Section 10 of the Gasohol Fuels Tax Abatement Act were not met. The Gasohol Fuels Tax Abatement Act was repealed effective July 1, 1998. *Effective July 1, 2003, if at any time the tax under* the Service Occupation Tax Act (SOTA) *on sales of gasohol is imposed at the rate of 1.25%, then the tax imposed by* SOTA *applies to 100% of the proceeds of sales of gasohol made during that time. With respect to*

majority blended ethanol fuel, as defined in Section 3-44 of the Use Tax Act, the tax imposed by SOTA *does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2013, but applies to 100% of the proceeds of sales made thereafter. With respect to biodiesel blends, as defined in Section 3-42 of the Use Tax Act, with no less than 1% and no more than 10% biodiesel, the tax imposed by* SOTA *applies to 80% of the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2013 and 100% of the proceeds of sales made thereafter. If at any time, however, the tax under* SOTA *on sales of biodiesel blends, as defined in the Use Tax Act, with no less than 1% and no more than 10% biodiesel is imposed at the rate of 1.25%, then the tax imposed by* SOTA *applies to 100% of the proceeds of sales of biodiesel blends with no less than 1% and no more than 10% biodiesel made during that time. With respect to 100% biodiesel, as defined in Section 3-41 of the Use Tax Act, and biodiesel blends, as defined in Section 3-42 of the Use Tax Act, with more than 10% but no more than 99% biodiesel, the tax imposed by* SOTA *does not apply to the proceeds of sales made on or after July 1, 2003 and on or before December 31, 2013, but applies to 100% of the proceeds of sales made thereafter.* [35 ILCS 115/3-10] On and after January 1, 1993, if SOT is computed on the cost price of tangible personal property transferred incident to service, the rate is also 6.25%. Exceptions to these rules, however, are as follows:

A) On and after January 1, 1984, and prior to January 1, 1990, food for human consumption that is to be consumed off the premises where it is sold (other than soft drinks, alcoholic beverages and food that has been prepared for immediate consumption and except as provided in subsection (b)(1)(B)) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, for human use, will be taxed at the rate of 0%. On and after January 1, 1990, the rate of tax will be 1%.

B) Effective January 1, 1993 *food prepared for immediate consumption and transferred incident to a sale of service by an entity licensed under the Hospital Licensing Act* [210 ILCS 85] *or the Nursing Home Care Act* [210 ILCS 45] *shall be subject to tax at the rate of 1%. Effective August 13, 1999, the 1% rate shall also apply to food prepared for immediate consumption and*

transferred incident to a sale of service by an entity licensed under the Child Care Act of 1969 [225 ILCS 10]. (Section 3-10 of the Act)

C) *Beginning on July 1, 2000 through December 31, 2000, with respect to motor fuel and gasohol, the tax is imposed at the rate of 1.25%* (Section 3-10 of the Act). (See the provisions of 86 Ill. Adm. Code 130.101, which is incorporated by reference as if fully set forth in this subsection (b).)

2) *On and after January 1, 2001, prepaid telephone calling arrangements shall be considered tangible personal property subject to the tax imposed under the Act regardless of the form in which those arrangements may be embodied, transmitted, or fixed by any method now known or hereafter developed.* (Section 3 of the Act) *"Prepaid telephone calling arrangements" means the right to exclusively purchase telephone or telecommunications services that must be paid for in advance and enable the origination of one or more intrastate, interstate, or international telephone calls or other telecommunications using an access number, an authorization code, or both, whether manually or electronically dialed, for which payment to a retailer must be made in advance, provided that, unless recharged, no further service is provided once that prepaid amount of service has been consumed. Prepaid telephone calling arrangements include the recharge of a prepaid calling arrangement. For purposes of this Section, "recharge" means the purchase of additional prepaid telephone or telecommunications services whether or not the purchaser acquires a different access number or authorization code. For purposes of this Section, "telecommunications" means that term as defined in Section 2 of the Telecommunications Excise Tax Act* [35 ILCS 630~~6301~~]. *"Prepaid telephone calling arrangements" does not include an arrangement whereby the service provider reflects the amount of the purchase as a credit on an account for a customer under an existing subscription plan.* (Section 3-27 of the Act)

c) The date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property that the serviceman transfers as an incident to a sale of service.

d) *When a serviceman contracts to design, develop and produce special order*

machinery or equipment, the tax imposed under the Service Occupation Tax shall be based on the serviceman's cost price of the tangible personal property transferred incident to completion of the contracts regardless of that serviceman's annual threshold. (Section 3-10 of the Act)

e) *For the purpose of determining the tax base, selling price shall in no event be less than the cost price to the serviceman of the tangible personal property transferred. The selling price of each item of tangible personal property transferred incident to a sale of service may be stated as a distinct item by the serviceman to the service customer.~~ and the tax imposed by the Act shall when collected be stated as a distinct item separate and apart from the selling price of the tangible personal property.~~ If the selling price of each item of tangible personal property transferred incident to a sale of service is not stated as a separate item on the serviceman's billing to the service customer, then the tax imposed by the Act shall be based on 50% of the serviceman's entire billing to the service customer* (Section 3-10 of the Act), but in no event shall this amount be less than the cost price to the serviceman of the tangible personal property so transferred.

f) Taxpayers who are registered may purchase all tangible personal property for retransfer by providing their suppliers with valid resale certificates even if in some transactions the cost price of the tangible personal property will be less than 35% of the total gross receipts from the transaction. If the serviceman paid tax to his supplier in the expectation that the cost of parts would be less than 35% of the total transaction selling price, but the actual percentage was more than 35%, the serviceman would be able to take credit for the tax paid to the supplier but would be liable for tax on the selling price of the parts, if stated, or on 50% of the total transaction selling price. In the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, replace the references to 35% in this subsection with 75%. The serviceman may also be liable for penalties due to a failure to file returns.

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

Section 140.124 Commercial Distribution Fee Sales Tax Exemption (Repealed)

~~a) Qualifications for exemption through June 30, 2004. *Beginning on July 1, 2003 through June 30, 2004, sales of certain motor vehicles are not subject to the tax imposed under this Part if they meet all of the following tests:*~~

~~1)~~ ~~*The motor vehicle qualifies as a second division motor vehicle under Section 1-146 of the Illinois Vehicle Code*. First division motor vehicles, such as those motor vehicles that are designed for the carrying of not more than 10 persons, do not qualify for the exemption (See 625 ILCS 5/1-146.);~~

~~2)~~ ~~*The motor vehicle has a gross vehicle weight in excess of 8,000 pounds; and*~~

~~3)~~ ~~*The motor vehicle is subject to the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code*. [35 ILCS 115/2] The motor vehicle must be registered and remain registered in such a manner whereby it is subject to payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code [625 ILCS 5/3-815.1] and such fee is actually paid for any period in which the fee is in effect.~~

~~b)~~ ~~Qualifications for exemption beginning July 1, 2004. *Beginning on July 1, 2004 through June 30, 2005, sales of certain motor vehicles are not subject to the tax imposed under this Part if they meet all of the following tests:*~~

~~1)~~ ~~*The motor vehicle is a second division motor vehicle*. First division motor vehicles, such as those motor vehicles that are designed for the carrying of not more than 10 persons, do not qualify for the exemption (See 625 ILCS 5/1-146.);~~

~~2)~~ ~~The *motor vehicle must have a gross vehicle weight rating in excess of 8,000 pounds*. For purposes of this Section, Gross Vehicle Weight Rating means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. (See 625 ILCS 5/1-124.5.);~~

~~3)~~ ~~*The motor vehicle is subject to the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code*. The motor vehicle must be registered and remain registered in such a manner whereby it is subject to payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code [625 ILCS 5/3-815.1] and such fee is actually paid for any period in which the fee is in effect; and~~

~~4)~~ ~~*The motor vehicle is used primarily for commercial purposes.* [35 ILCS 115/2] For purposes of this Section, a motor vehicle used for commercial purposes means any motor vehicle used to transport persons or property in the furtherance of any commercial or industrial enterprise, whether for-hire or not-for-hire.~~

~~COMMERCIAL PURPOSE EXAMPLE: A motor vehicle that is used for transportation to work, school, or recreational activities would not be used for commercial purposes.~~

~~c)~~ ~~Documentation of exemption. To properly document the exemption, the seller must obtain a written certificate from the purchaser stating the following:~~

~~1)~~ ~~the name, address, and telephone number of purchaser;~~

~~2)~~ ~~the description and Vehicle Identification Number of the motor vehicle or motor vehicles being purchased;~~

~~3)~~ ~~the name and address of seller;~~

~~4)~~ ~~the date of purchase;~~

~~5)~~ ~~a statement that the motor vehicle will be used primarily for commercial purposes and will be registered under Section 3-815(a) or 3-818(a) of the Illinois Vehicle Code or in such other manner whereby the registration of that motor vehicle will require the payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code and that such vehicle will remain validly registered in such a manner for subsequent registration years;~~

~~6)~~ ~~the commercial purpose for which the vehicle will be used along with the purchaser's Illinois Business Tax (IBT) number or other business registration number; and~~

~~7)~~ ~~the signature of purchaser.~~

~~d)~~ ~~Liability for tax. If a purchaser claims the exemption provided in this Section and the vehicle is not considered subject to the Commercial Distribution Fee as described in subsection (a)(3) or (b)(3) of this Section or otherwise does not~~

~~qualify for this exemption, the purchaser will be liable for the tax based upon the purchase price of that vehicle and any applicable penalties and interest from the date of purchase.~~

~~e)~~ ~~Repair and replacement parts. The exemption provided in this Section may not be claimed for any repair part, replacement part, or other item attached or incorporated into the motor vehicle after the purchase of the motor vehicle. Such items may qualify for exemption from sales tax if the motor vehicle or trailer is used in a manner that qualifies for the rolling stock exemption. See 86 Ill. Adm. Code 130.340.~~

~~f)~~ ~~Trailers. For purposes of this Section, a trailer that is subject to the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code will qualify as a second division motor vehicle under subsection (a)(1) or (b)(1) of this Section. The term "trailer" includes a trailer as defined in Section 1-209 of the Illinois Vehicle Code, a semitrailer as defined in Section 1-187 of the Illinois Vehicle Code, and a pole trailer as defined in Section 1-161 of the Illinois Vehicle Code.~~

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

Section 140.125 Examples of Nontaxability

The tax does not apply to:

a) sales of intangible personal property;

b) sales of real property;

c) sales of personal services as such;

d) sales of tangible personal property that~~which~~ come within the protection of the Commerce Clause of the Constitution of the United States (see Subpart E of this Part);

e) *personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by*

the enterprise for the purpose of resale by the enterprise (Section 3-5(1) of the Act);

f) the retail selling of tangible personal property which is taxable under the Retailers' Occupation Tax Act [35 ILCS 120] or the Use Tax Act [35 ILCS 105];

g) a sale of tangible personal property for the purpose of resale apart from the purchaser's engaging in a service occupation, made in compliance with Section 2c of the Retailers' Occupation Tax Act (Section 2 of the Act);

h) sales of tangible personal property as an incident to sales of service to the orginations listed in this subsection (h). In order to qualify for exemption, all the organizations (including, on and after July 1, 2001, those described in subsection (h)(5)) must have been issued an active exemption identification number by the Department. To be exempt, the sales of tangible personal property must be incident to sales of service:

1) *to or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes* (Section 2(c) of the Act), in accordance with the provisions of 86 Ill. Adm. Code 130.2005, which is effective as if fully set forth in this subsection (h)(1);

2) *to or by any corporation, society, association, foundation or institution operated primarily for the recreation of persons aged 55 years or older which has no compensated officers or employees*, in accordance with the provisions of 86 Ill. Adm. Code 130.2005, which is effective as if fully set forth in this subsection (h)(2) (Section 2(c) of the Act);

3) *to or by any governmental body* (Section 2(c) of the Act), in accordance with the provisions of 86 Ill. Adm. Code 130.2055 and 130.2080, which are effective as if fully set forth in this subsection (h)(3);

4) *to a not-for-profit Illinois county fair association for use in conducting, operating or promoting the county fair* (Section 3-5(2) of the Act);

5) *to any not-for-profit arts or cultural organization that has received an exemption under section~~Section~~ 501(c)(3) of the Internal Revenue Code* (26 USCA 501) *and that is organized and operated for the presentation or*

support of arts or cultural programming, activities, or services. On and after July 1, 2001, the qualifying organizations listed above must also be organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. (Section 3-5 of the Act) ~~In order to qualify for exemption, all the above listed organizations (and on and after July 1, 2001, those described in subsection (h)(5)) must have been issued an active exemption identification number by the Department;~~

i) the sale, employment and transfer of such tangible personal property as newsprint and ink for physical incorporation into newspapers or magazines;

j) the incorporation of tangible personal property into real estate by a construction contractor, which activity constitutes a taxable "use" under the Retailers' Occupation Tax Act and the Use Tax Act, rather than the carrying on of a service occupation;

k) through June 30, 2003, the sale, employment and transfer, as an incident to a sale of service, of such tangible personal property as pollution control facilities, in accordance with the provisions of 86 Ill. Adm. Code 130.335, which are effective as if fully set forth in this subsection (k). The sale, employment and transfer, as an incident to a sale of service of such tangible personal property as low sulphur dioxide coal fueled devices, in accordance with the provisions of 86 Ill. Adm. Code 130.335, which are effective as if fully set forth in this subsection (k);

l) sales of stock tonics, serums and other medicinal products to veterinarians for retransfer as an incident to service in caring for animals that are to be sold or the products of which are to be sold;

m) sales of sprays and farm chemicals as an incident to service by persons engaged in the service occupation of spraying crops or applying farm chemicals for others, in accordance with the provisions of 86 Ill. Adm. Code 130.1955, which are effective as if fully set forth in this subsection (m);

n) sale of either new or used farm machinery, equipment or replacement parts transferred as an incident to a sale of service for use in production agriculture or

for use in State or federal agricultural programs, in accordance with the provisions of 86 Ill. Adm. Code 130.305, which are effective as if fully set forth in this subsection (n);

o) *a sale or transfer of machinery and equipment used primarily in the process of manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether such sale or lease is made apart from or as an incident to the seller's engaging in a service occupation and the applicable tax is a service occupation tax or service use tax, rather than retailers' occupation tax or use tax.* (Section 2 of the Act) (Amended by Public Act 87-876, effective January 1, 1993) The transfer of standard or stock parts in the repair of qualifying exempt manufacturing machinery and equipment is exempt. The provisions of 86 Ill. Adm. Code 130.330 are effective as if fully set forth in this subsection (o);

p) through August 12, 1999, a sale or transfer of graphic arts machinery and equipment, including repair and replacement parts used primarily for graphic arts production by means of printing or other processes or *defined in Major Group 27 of the U.S. Standard Industrial Classification Manual*. However, effective August 13, 1999 and through June 30, 2003, this exemption applies to a sale or transfer of graphic arts machinery and equipment, including repair and replacement parts used primarily for graphic arts production by means of printing, *including ink jet printing, by one or more of the processes as described in Groups 323110 through 323122 of Subsector 323, Groups 511110 through 511199 of Subsector 511 and Group 512230 of Subsector 512 of the North American Industry Classification System published by the United States Office of Management and Budget, 1997 edition,* in accordance with the provisions of 86 Ill. Adm. Code 130.325, which are effective as if fully set forth in this subsection (p) (Sections 3-5 and 3-30 of the Act);

q) through June 30, 2003, *sales of oil field exploration, drilling and production equipment and individual replacement parts*, in accordance with the provisions of 86 Ill. Adm. Code 130.345, which are effective as if fully set forth in this subsection (q) (Section 3-5(10) of the Act);

r) through June 30, 2003, *sales of coal exploration, mining, off highway hauling,*

processing, maintenance and reclamation equipment and repair parts, in accordance with the provisions of 86 Ill. Adm. Code 130.350, which are effective as if fully set forth in this subsection (r) (Section 3-5(12) of the Act);

s) *a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce*, in accordance with the provisions of 86 Ill. Adm. Code 130.340, which are effective as if fully set forth in this subsection (s);

t) *a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce*, in accordance with the provisions of 86 Ill. Adm. Code 130.340, which are effective as if fully set forth in this subsection (t);

u) through June 30, 2003, *the sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of such user and not subject to sale or resale* (Section 2(f) of the Act);

v) *sales by teacher-sponsored student organizations affiliated with Illinois elementary and secondary schools*, in accordance with the provisions of 86 Ill. Adm. Code 130.2006, which are effective as if fully set forth in this subsection (v) (Section 3-5(6) of the Act);

w) *sales of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States or any foreign country and bullion*, which shall mean gold, silver or platinum in a bulk state with a purity of not less than 980 parts per 1,000. In no circumstance shall items sold as jewelry

or mounted for wear as jewelry qualify for this exemption (Section 3-5(4) of the Act);

x) sales of modified or custom software are exempt. Sales of canned software in a service transaction are subject to tax. Computer software means all types of software including operational, applicational, utilities, compilers, templates, shells and all other forms. Software is considered to be tangible personal property regardless of the form in which it is transferred or transmitted, including tape, disc, card, electronic means or other media. The sale at retail or transfer of canned software intended for general or repeated use is taxable, including the sale of software which is subject to manufacturer licenses restricting the use or reproduction of the software. Tax applies to the entire charge made to the customer, including charges for all associated documentation and materials. Charges for updates and maintenance of software are considered to be sales of software. Charges for training, telephone assistance, installation and consultation are exempt if they are separately stated from the selling price of software. For purposes of this subsection, the provisions of 86 Ill. Adm. Code 130.1935 are effective as if fully set forth in this subsection (x);

y) *sales of semen used for artificial insemination of livestock for direct agricultural production*. Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, the purchaser's signature and date of signing, and a statement that the semen purchased will be used for artificial insemination of livestock for direct agricultural production. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit (Section 3-5(14) of the Act);

~~z)~~ ~~*beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, sales of personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.*~~ ~~Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a~~

~~description of the items being purchased for donation, and a statement that the property purchased will be donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area, and that entity's sales tax exemption identification number. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit (Section 3-5(18) of the Act);~~

~~aa)~~ ~~*beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, sales of personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within six months after the disaster*~~. ~~Exemption certifications must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the items being purchased, and a statement that the property purchased is for use in the performance of infrastructure repairs initiated on facilities located in the declared disaster area within six months after the disaster in this State resulting from a State or federally declared disaster area in Illinois or bordering Illinois. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit (Section 3-5(19) of the Act);~~

z~~bb~~) *beginning July 20, 1999, game or game birds purchased incident to a sale of service at:*

1) *a game breeding and hunting preserve area* licensed *by the Department of Natural Resources* (see Section 3.27 of the Wildlife Code [520 ILCS 5/3.27]),

2) *an exotic game hunting area* licensed *by the Department of Natural Resources* (see Section 3.34 of the Wildlife Code [520 ILCS 5/3.34]), or

3) *a hunting enclosure approved through rules adopted by the Department of Natural Resources* (Section 3-5 of the Act);

aa~~cc~~) Until June 30, 2013, *fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers* (Section 3-5(8) of the Act). Beginning July 1, 2013, fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment or storage in the conduct of its business as an air common carrier, for a flight that is engaged in foreign trade or is engaged in trade between the United States and any of its possessions and that transports at least one individual or package for hire from the city of origination to the city of final destination on the same aircraft, without regard to a change in the flight number of that aircraft;

bb~~dd~~) *proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed* (Section 3-5(9) of the Act);

cc~~ee~~) *photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, as photoprocessing is defined in Section 3-15 of the Act, and including photoprocessing machinery and equipment purchased for lease* (Section 3-5(11) of the Act);

dd~~ff~~) Sales of~~until May 31, 2000,~~ *horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes. This exemption applies to all periods beginning May 30, 1995 but no claim for credit is allowed on or after January 1, 2008 for taxes paid during the period beginning May 30, 2000 and ending January 1, 2018.* (Section 3-5(15) of the Act);

eegg) effective January 1, 1996 through December 31, 2000, and on and after August 2, 2001, *computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act* in accordance with the provisions of 86 Ill. Adm. Code 130.2011, which are effective as fully as if set forth in this subsection (eegg) (Section 3-5(16) of the Act);

ffhh) effective January 1, 1996 through December 31, 2000, and on and after August 2, 2001, *personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act,* in accordance with the provisions of 86 Ill. Adm. Code 130.2012, which are effective as fully as if set forth in this subsection (ffhh) (Section 3-5(17) of the Act);

~~ii) through June 30, 2003, *aggregate exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code*, in accordance with the provisions of 86 Ill. Adm. Code 130.351, which are effective as fully as if set forth in this subsection (ii) (Section 3-7 of the Act);~~

~~jj) effective August 20, 1999, *sales of a motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, a "corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual,*~~

~~*technical, mechanical, industrial, business, or commercial occupation.* (Section 3-5 of the Act) Exemption certificates must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address, the purchaser's registration number with the Department, if applicable, the purchaser's signature and date of signing, a description of the motor vehicle that is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes (see 86 Ill. Adm. Code 130.2005), such entity's tax exemption identification number, and a statement that the motor vehicle is being purchased for immediate donation to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. The certificates shall be retained by the retailer and made available to the Department for inspection or audit;~~

ggkk) Beginning August 23, 2001 and through June 30, 2016, *food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicine, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article V of the Illinois Public Aid Code* [305 ILCS 5/Art. V] *who resides in*:

1) *a licensed long-term care facility, as defined in the Nursing Home Care Act*; ~~[210 ILCS 45]~~ or

2) beginning July 1, 2010 through January 1, 2012, a licensed facility as defined in the MR/DD Community Care Act [210 ILCS 46]; or

3) beginning January 1, 2012, a licensed facility as defined in the ID/DD Community Care Act [210 ILCS 47]; or

4) beginning June 28, 2011, a licensed facility as defined in the Specialized Mental Health Rehabilitation Act [210 ILCS 49]. (Section 3-5(13) of the Act);

hh~~ll~~) *beginning January 1, 2000, personal property, including food, purchased through*

fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This subsection (hh~~ll~~) does not apply to fundraising events:

1) *for the benefit of private home instruction; or*

2) *for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity* (Section 3-5 of the Act). For purposes of this subsection (hh), the provisions of 86 Ill. Adm. Code 130.2009 are effective as if fully set forth in this subsection (hh~~ll~~);

ii~~mm~~) *of jet fuel and petroleum products sold to and used in the conduct of the business of sorting, handling and redistribution of mail, freight, cargo or other parcels in the operation of a high impact service facility located within an enterprise zone established pursuant to the Illinois Enterprise Zone Act* [20 ILCS 655], *provided that the business enterprise has waived its right to a tax exemption of the charges imposed under Section 9-222.1 of the Public Utilities Act* [220 ILCS 5/9-222.1] (Section 12 of the Act, referencing Section 1j.1 of the Retailers' Occupation Tax Act, 35 ILCS 120/1j.1). High impact service facilities qualifying under the Act and seeking the exemption for the~~such~~ jet fuel and petroleum products shall be ineligible for the exemptions of taxes imposed under Section 9-222.1 of the Public Utilities Act. High impact service facilities qualifying under the Act and seeking the exemption under Section 9-222.1 of the Public Utilities Act shall be ineligible for the exemption for jet fuel and petroleum products described in this subsection ii). *The certification of eligibility issued to the high impact service facility by the Department of Commerce and Community Affairs for exemption shall be presented by the high impact service facility to its supplier when making the purchase of jet fuel and petroleum products for which an exemption is granted, together with a certification by the high impact service facility that such jet fuel and petroleum product is exempt from taxation under Section 1j.1 of the Retailers' Occupation Tax Act, and by indicating the exempt status of each subsequent purchase on the face of the purchase order.* (Section 1i of the Act) (Section 12 of the Act, referencing Section 1i of the Retailers' Occupation Tax Act [35 ILCS 120/1i]).~~;~~

~~nn)~~ ~~*beginning January 1, 2000 through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002* and through June 30, 2003~~*, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts from the use of the commercial, coin-operated amusement and vending machines.* [35 ILCS 115/3-5 (23)] For purposes of this subsection, the provisions of 86 Ill. Adm. Code 130.332 are effective as if fully set forth in this subsection (nn).~~

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

Section 140.126 Taxation of Food, Drugs and Medical Appliances

a) Food for human consumption which is sold or transferred by a serviceman as an incident to a sale of service is generally subject to the high rate of tax (6.25%) if it is prepared for immediate consumption or is sold for consumption on the premises of the sale. However, effective January 1, 1993, food prepared for immediate consumption and transferred incident to a sale of service by an entity licensed under the Hospital Licensing Act or the Nursing Home Care Act shall be subject to tax at the rate of 1%. In addition, effective August 13, 1999, the 1% rate applies to food prepared for immediate consumption and transferred incident to a sale of service by an entity licensed under the Child Care Act of 1969. Food that~~which~~ is not prepared by the serviceman for immediate consumption or not sold for consumption on the premises of the sale and which is transferred as an incident to a sale of service is subject to the lower rate of 1% ~~(see 86 Ill. Adm. Code 130.310(b)(6))~~.

b) As provided at 86 Ill. Adm. Code 130.311~~130.310~~, which is effective as if fully set forth in this subsection (b), prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, are subject to the 1% rate of tax.

c) If a serviceman purchases tangible personal property at retail from an unregistered out-of-state~~State~~ supplier that he or she does not transfer to service customers, but ~~that he~~ instead uses or consumes, that supplier~~he~~ must self-assess Use Tax on that tangible personal property and remit Use Tax to the Department. The rate is

6.25% for general merchandise and 1% for food, drugs and medical appliances. (See 86 Ill. Adm. Code~~Part~~ 150, Use Tax.) Similarly, if a de minimis serviceman paying Use Tax (see Section 140.108) makes purchases of tangible personal property that he or she will transfer to service customers from suppliers who do not charge Illinois tax, the de minimis serviceman must register to self-assess and remit Use Tax directly to the Department. This would be the case, for example, when purchases were made from out-of-state~~State~~ suppliers not registered to collect Illinois tax.

1) EXAMPLE~~Example~~: A doctor purchases tongue depressors from an out-of-state~~State~~ supplier who does not collect Illinois tax. Since tongue depressors are not medical appliances, but rather are supplies used by the doctor, they are subject to Use Tax (6.25% rate), which must be self-assessed and remitted to the Department. The same would be true if the items were purchased from an Illinois retailer who did not charge tax for some reason.

2) EXAMPLE~~Example~~: A dentist purchases gold for dental fillings. If he is at or above the 35% threshold, he should purchase the gold with a resale certificate and pay Service Occupation Tax on his selling price at a 1% rate (Section 140.106). If he is below the 35% threshold, he may, as appropriate, pay either Use Tax or Service Occupation Tax at the 1% rate on his cost price as described in Section 140.108 or 140.109. If he is a de minimis serviceman incurring a Use Tax liability on his cost price and purchases gold from out-of-state~~State~~ suppliers, he must self-assess and remit the Use Tax to the Department. If he is a de minimis serviceman incurring Service Occupation Tax liability on his cost price, he should provide his suppliers with Certificates of Resale.

3) EXAMPLE~~Example~~: An optometrist makes sales of prescription glasses and non-prescription sunglasses. The sales of the non-prescription sunglasses are retail sales of general merchandise subject to Retailers' Occupation Tax at the 6.25% rate on the selling price. The prescription eyeglasses, however, are medical appliances subject to the 1% rate. If the optometrist is at or above the 35% threshold, he should purchase the eyeglass components with a resale certificate and pay Service Occupation Tax on his selling price at a 1% rate (see Section 140.106). If he is below the 35% threshold, he may pay Service Occupation Tax at the 1% rate on either his cost price as described in Section 140.109, or on his selling price

as described in Section 140.106. If he is a de minimis serviceman incurring Service Occupation Tax liability on his cost price, he should provide his suppliers with Certificates of Resale. If the optometrist purchased the lenses from an optical lab which ground the lenses to his special order prescription, a multi-service situation would exist. (See Section 140.145~~ for further information~~.)

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

SUBPART C: BASE OF THE TAX

Section 140.301 Cost Price

a) "Cost Price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier; but does not include charges that~~which~~ are added to prices by suppliers on account of the purchaser's tax liability under the~~this~~ Act or the Service Use Tax Act [35 ILCS 110]. Except as provided in Section 140.145(a), when a serviceman contracts out part or all of the services required in his or her sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to the serviceman~~him~~ by the~~his~~ subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of the~~such~~ property.

b) The following listing describes the taxation of various charges that may be made by servicemen.

1) Transportation and Delivery Charges

A) Transportation and delivery charges are considered to be freight, express, mail, truck or other carrier, conveyance or delivery expenses. Many times these charges are designated as shipping and handling charges.

B) Whether amounts charged by a serviceman to his or her customers in order to secure delivery of the property to those~~his~~ customers are taxable depends upon the method used by the serviceman to

calculate ~~his~~ tax liability. Delivery charges made by a de minimis serviceman paying either Use Tax (see Section 140.108) or Service Occupation Tax (see Section 140.109) on his or her cost price are not taxable, since tax in these instances is incurred only on the cost price of the tangible personal property transferred to the service customer incident to a sale of service. If, however, the serviceman remits Service Occupation Tax on his or her selling price, as provided in Section 140.106, delivery charges made to his or her customer may be taxable. If the serviceman calculates ~~his~~ tax liability on the basis of the separately stated selling price of tangible personal property transferred to service customers, the~~such~~ delivery charges are not taxable. However, if the serviceman does not separately state the selling price of the tangible personal property transferred to the customer and, rather, calculates tax~~his~~ liability on 50% of the entire service bill, delivery charges will become part of the tax base.

C) Incoming Transportation Costs – Servicemen Who Incur Service Occupation Tax on Their Selling Price. Incoming freight or other delivery expense incurred by a serviceman remitting Service Occupation Tax on his or her selling price in acquiring property for sale may not be deducted from the selling price charged by the serviceman for the tangible personal property transferred to the customer even if this type of delivery expense is priced and billed separately on the bill to the customer. It represents a serviceman's cost of doing business, which is never deductible from gross receipts subject to tax.

D) Incoming Transportation Costs – De Minimis Servicemen Who Incur Either Use Tax or Service Occupation Tax on Their Cost Price. In contrast to servicemen paying tax on their selling price, de minimis servicemen generally pay Use Tax on the cost price of the tangible personal property they acquire for transfer to service customers. Whether de minimis servicemen paying Use Tax to their suppliers are subject to tax on shipping charges made by their suppliers depends upon whether the supplier and the de minimis serviceman have a separate contract for delivery charges and whether the delivery charges are actually reflective of the costs of shipping, transportation and delivery. If the~~such~~ charges are

shown to be separately contracted for and reflective of actual shipping costs, they are not considered part of the cost price of the tangible personal property purchased by the serviceman. The same rule applies to de minimis servicemen paying Service Occupation Tax on their cost price. (See 86 Ill. Adm. Code 130.415.)

2) Finance or Interest Charges – Penalties – Discounts

A) When~~Where~~ any tangible personal property is sold by a supplier to a serviceman under an installment contract, the interest or finance charges on account of credit so extended are not considered to be a part of the cost price. The books and records of suppliers must clearly reflect the~~such~~ finance or interest charges. In the absence of an adequate showing of what those~~such~~ charges actually are, the Department will presume that the~~such~~ charges are not in excess of like charges that~~which~~ are customarily made in connection with similar installment sales.

B) If a "penalty" is added to the base cost price in the event that the serviceman does not pay that~~such~~ price within a specified time and if the~~such~~ penalty is paid to the supplier, the~~such~~ "penalty" is considered to be a part of the cost price.

C) If a discount is allowed for a payment in cash within a stated period of time, any amounts realized by suppliers through failure of a serviceman to take advantage of the~~such a~~ discount will be considered to be a part of the cost price. Conversely, if the supplier allows the serviceman a discount from the base cost price (such as a discount for prompt payment) and the serviceman avails himself or herself of the discount so that the supplier does not receive any receipts from that source, the amount of the~~such~~ discount is not a part of the cost price.

3) Maintenance Agreements. If a serviceman enters into an agreement to provide repair service for a particular piece of equipment for a stated period for a predetermined fee, the serviceman shall pay Use Tax to his or her supplier (or to the Department if the supplier is not registered to collect tax) on the cost price of tangible personal property purchased for transfer by the serviceman incident to completion of the maintenance

agreement (see Section 2 of the Act and Section 3-75 of the Use Tax Act). However, a serviceman will incur no tax liability on repairs made under a maintenance agreement for a person that is able to claim an exemption, either because of that person's exempt status (e.g., the person possesses an exemption identification number issued by the Department, such as the federal~~Federal~~ or State government) or because the tangible personal property being repaired is exempt from tax (e.g., due to the manufacturing machinery and equipment exemption)~~, graphic arts or pollution control equipment exemptions)~~.

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

SUBPART G: BOOKS AND RECORDS

Section 140.701 Requirements

a) Every supplier required or authorized to collect the tax imposed under the Act, and every serviceman making sales or transactions that~~which~~ are subject to the Act, shall keep all sales invoices, purchase orders, merchandise records and requisitions, inventory records, credit memos, debit memos, bills of lading, shipping records, and all other records pertaining to any and all purchases and sales of goods, whether or not the supplier or serviceman believes them to be taxable under the Act. The~~; and the~~ supplier or serviceman shall also keep summaries, recapitulations, totals, journal entries, ledger accounts, accounts receivable records, accounts payable records, statements, tax returns, and other documents listing, summarizing or pertaining to ~~such~~ sales, purchases, inventory changes, shipments or other transactions.

1) When these~~Where such~~ records are voluminous, they~~such records~~ must be kept in chronological order, or in some systematic order that~~which~~ is in accordance with the taxpayer's regular bookkeeping system.

2) Records kept on punched cards, magnetic tape, and other mechanical or electronic record keeping methods will be considered permissible. The~~; provided that the~~ taxpayer shall make~~makes~~ available all necessary codes and equipment to enable the Department to audit the~~such~~ records, or shall provide~~provides~~ a written transcript of those parts of the~~such~~ records ~~which~~ the Department wishes to examine.

b) These~~Such~~ books and records must clearly indicate and explain the complete information (deductions as well as cost price) that~~which~~ provide the basis for the information required for tax returns. The books and records ~~and~~ shall, at all times during business hours of the day, be subject to inspection and audit by the Department or its duly authorized agents and employees. The~~Such~~ books and records must be kept in the English~~American~~ language. They~~Such books and records~~ must be kept in Illinois except when~~in instances where~~ a business has several branches, with the head office being located outside Illinois, and when~~where~~ all books and records have been regularly kept outside the State at that~~such~~ head office. The taxpayer must, within a reasonable time after notification by the Department, make all pertinent books, records, papers and documents available at some point within Illinois for the purpose of the~~such~~ inspection and audit as the Department may deem necessary.

c) When~~Where~~ the nature of a business is such that a portion of sales are nontaxable for any reason, then any~~such~~ records that~~as~~ will clearly indicate the information required in filing tax returns must be kept. Entries in any books, records or other pertinent papers or documents of the taxpayer ~~in relation thereto~~ shall be in detail sufficient to show the name and address of each purchaser to whom a sale is made, the character of every such transaction (i.e., whether it is a sale for resale other than as an incident to a sale of service, a sale made within the protection of the Commerce Clause of the Constitution of the United States, etc.), the date of every such transaction, and the amount of cost price involved in every such transaction.

d) Books and records and other papers reflecting transactions during any period with respect to which the Department is authorized to issue Notices of Tax Liability as provided by Section 12 of the Act shall be preserved until the expiration of that~~such~~ period unless the Department, in writing, should authorize their destruction or disposal prior to ~~such~~ expiration. This means that, in the absence of fraudulent returns or the willful refusal to file returns for~~as to~~ which there is no limitation, books for a given 6-month period from January through June, or from July through December, as the case may be, must be preserved for 3 years after the end of the~~such~~ 6-month period (e.g., books for January through June, 1962, must be preserved through June 30, 1965, etc.). However, if a Notice of Tax Liability has been issued, and if the questions raised thereby have not been completely disposed of, books and records reflecting information relevant to transactions that~~which~~ took place during the period covered by the~~such~~ Notice of Tax Liability must be preserved until the termination of all proceedings before the

Department and before any court upon review.

e) In all cases, the Department may, in writing, authorize the destruction of books and records and other papers prior to the expiration of the periods of time during which the taxpayer, without this~~except for such~~ written authorization from the Department, is required to keep the~~his~~ books and records. (See 86 Ill. Adm. Code~~Retailers' Occupation Tax Regulations, Section~~ 130.825.)

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

SUBPART J: COLLECTION OF THE TAX

Section 140.1020 Use of Bracket Chart (Repealed)

~~Suppliers who are required to collect the tax from servicemen under the provisions of the Act shall use the applicable tax collection bracket chart as prescribed in Subpart D of the Use Tax Regulations (86 Ill. Adm. Code 150) for the rate of tax or combined taxes which apply to the transaction.~~

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

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section 140.1415 Interest (Repealed)

~~a)~~ ~~Effective February 1, 1985 until January 1, 1994, any credit or refund that is allowed under the Act shall bear interest at the rate of 1% per month or fraction thereof from the date when the erroneous payment for which the credit or refund is being allowed was made to the Department until the credit memorandum is issued or the refund is paid. *Interest shall not be paid on claims filed after the effective date of the* Uniform Penalty and Interest Act and 86 Ill. Adm. Code 700 *except such interest which is paid in accordance with the Act.* (Section 3-9 of the Uniform Penalty and Interest Act) [35 ILCS 735/3-9]~~

~~EXAMPLE: A taxpayer files a claim for credit with the Department on January 15, 1994 for an overpayment of Service Occupation Tax. The overpayment occurred in October 1992 when the taxpayer, an Illinois serviceman, made a sale of service to an Illinois service customer, collected service use tax and remitted service occupation tax to the Department. The sale of service involved the repair~~

~~of a piece of graphic arts machinery and equipment. The serviceman determined that the repair should have been made tax-free, refunded the tax to the service customer and filed a claim for credit with the Department. The credit memorandum is issued on June 15, 1994. Interest shall be paid at the rate of 1% per month for the period from October 1992 through December 31, 1993; and at the semiannually adjusted interest rate imposed pursuant to the Uniform Penalty and Interest Act from January 1, 1994 through June 15, 1994, the date on which the credit memorandum was issued by the Department.~~

~~b) No interest will be allowed if the overpayment is found by the Department to have been made deliberately for the purpose of drawing interest, or if the overpayment is ascertained not to have been bona fide for some other reason.~~

~~c) When a claim that is allowed is paid by means of a credit memorandum instead of by means of a cash refund, the claim will be considered to have been paid when the credit memorandum is issued by the Department to the claimant, and no interest will be allowed or paid by the Department for any period subsequent to that, even if the claimant does not use or assign the credit memorandum immediately after it is issued.~~

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

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section 140.1601 Requirements and Procedures

a) *If any taxpayer, outside the usual course of his business, sells or transfers the major part of any one or more of:*

1) *The stock of goods which he is engaged in the business of selling;*

2) *the furniture or fixtures;*

3) *the machinery and equipment; or*

4) *real property of any business that is subject to the provisions of the Act, the purchaser or transferee of such assets shall, no later than 10 business days after the sale or transfer, file a notice of sale or transfer of business assets with the Chicago Office of the Department disclosing the name and*

address of the seller or transferor, the name and address of the purchaser or transferee, the date of the sale or transfer, a copy of the sales contract and financing agreements, which shall include a description of the property sold, the amount of the purchase price or a statement of other consideration for the sale or transfer, the terms for payment of the purchase price and such other information as the Department may reasonably require. If the purchaser or transferee fails to file the above-described notice of sale with the Department within the prescribed time, the purchaser or transferee shall be personally liable for the amount owed by the seller or transferor to the Department up to the amount of the reasonable value of the property acquired by the purchaser or transferee. The seller or transferor shall pay the Department the amount of tax, penalty and interest (if any) due from him under the Act up to the date of the payment of tax. The seller or transferor, or the purchaser or transferee, at least 10 days before the date of the sale or transfer, may notify the Department of the intended sale or transfer and request the Department to audit the books and records of the seller or transferor or do whatever else may be necessary to determine how much the seller or transferor owes to the Department under the Act up to the date of the sale or transfer. The Department shall take such steps as may be appropriate to comply with such request ~~under this Section~~.

b) *Any order issued by the Department pursuant to the Act and this Section to withhold from the purchase price shall be issued within 10 business days after the Department receives notification of a sale as provided in the Act and this Section. The purchaser or transferee shall withhold such portion of the purchase price as may be directed by the Department, but not to exceed a minimum amount varying by type of business plus twice the outstanding unpaid liabilities and twice the average liability of preceding filings times the number of unfiled returns to cover the amount of all tax, penalty and interest due and unpaid by the seller or transferor under the Act or, if the payment of money or property is not involved, shall withhold the performance of the condition that constitutes the consideration for the sale or transfer. Within 60 business days after the issuance of the initial order to withhold, the Department shall provide written notice to the purchaser or transferee of the actual amount of all taxes, penalties and interest then due and whether or not additional amounts may become due as a result of unfiled returns, pending assessments and audits not completed. The purchaser or transferee shall continue to withhold the amount directed to be withheld by the initial order or such lesser amount as is specified by the final order or to withhold the*

performance of the condition which constitutes the consideration for the sale or transfer until the purchaser or transferee receives from the Department a certificate showing that such tax, penalty and interest have been paid or a certificate from the Department showing that no tax, penalty or interest is due from the seller or transferor under the Act.

c) *The purchaser or transferee is relieved of any duty to continue to withhold from the purchase price and of any liability for tax, penalty or interest due under the Act from the seller or transferor if the Department fails to notify the purchaser or transferee in the manner provided in this Section of the amount to be withheld within 10 business days after the sale or transfer has been reported to the Department or within 60 business days after issuance of the initial order to withhold, as the case may be. The Department shall have the right to determine amounts claimed on an estimated basis to allow for non-filed periods, pending assessments and audits not completed. However, the purchaser or transferee shall be personally liable only for the actual amount due when determined.*

d) *If the seller or transferor fails to pay the tax, penalty and interest (if any) due from him under the Act and the Department makes timely claim therefor against the purchaser or transferee as provided in subsection (b), then the purchaser or transferee shall pay the amount so withheld from the purchase price to the Department. If the purchaser or transferee fails to comply with the requirements of this Section or under the Act, the purchaser or transferee shall be personally liable to the Department for the amount owed under the Act by the seller or transferor to the Department up to the amount of the reasonable value of the property acquired by the purchaser or transferee.*

e) *Any person who shall acquire any property or rights thereto which, at the time of such acquisition, is subject to a valid lien in favor of the Department shall be personally liable to the Department for a sum equal to the amount of taxes secured by such lien but not to exceed the reasonable value of such property acquired by him.* (Section 5j of the Retailers' Occupation Tax Act)

f) Examples of situations in which~~where~~ bulk sales reporting is required:

1) When a store selling clothing and shoes sells the clothing inventory of the business to another entity, bulk sales reporting is required.

2) When a company sells its business on a contract for deed basis, bulk sales

reporting is required when the company enters into the contract.

g) Examples of situations in which~~where~~ bulk sales reporting is not required:

1) When a corporation is merged into another corporation pursuant to the Business Corporation Act of 1983 [805 ILCS 5], there are no bulk sales reporting requirements because the surviving corporation retains all of the liabilities of the merged corporation.

2) When one or more corporations are consolidated into a new corporation pursuant to the Business Corporation Act of 1983 [805 ILCS 5], there are no bulk sales reporting requirements because the new corporation retains all of the liabilities of the consolidated corporations.

3) A repossession of equipment and inventory by a lender upon default by a borrower does not constitute a transfer within the meaning of the bulk sales provisions of the Act. For example, when a company is in default on a loan for business furniture and fixtures and the holder of the security interest forecloses and enters the business to repossess the furniture and fixtures, bulk sales reporting is not required.

4) A transfer of the majority of assets from one location to another location when~~where~~ a business has multiple locations and operates those~~such~~ locations under the same Certificate of Registration number is not a transfer that requires bulk sales reporting.

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Use Tax

2) Code Citation: 86 Ill. Adm. Code 150

3)

Section Numbers:	Proposed Actions:
150.311	Repealed
150.340	Repealed

4) Statutory Authority: Use Tax Act [35 ILCS 105/Act]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking removes obsolete language.

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

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

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? Yes

11)

Section Number:	Proposed Action:	*Illinois Register* Citation:
150.802	New Section	41 Ill. Reg. 10532; August 18, 2017

11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

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

Samuel J. Moore
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2018

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 150
USE TAX

SUBPART A: NATURE OF THE TAX

Section
150.101 Description of the Tax
150.105 Rate and Base of Tax
150.110 How To Compute Depreciation
150.115 How To Determine Effective Date
150.120 Effective Date of New Taxes
150.125 Relation of Use Tax to Retailers' Occupation Tax
150.130 Accounting for the Tax
150.135 How to Avoid Paying Tax on Use Tax Collected From the Purchaser

SUBPART B: DEFINITIONS

Section
150.201 General Definitions

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section
150.301 Cross References
150.305 Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.306 Interim Use and Demonstration Exemptions
150.310 Exemptions to Avoid Multi-State Taxation
150.311 Commercial Distribution Fee Sales Tax Exemption (Repealed)
150.315 Non-resident Exemptions
150.320 Meaning of "Acquired Outside This State"
150.325 Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.330 Governmental Bodies as Buyers
150.331 Persons Who Lease Tangible Personal Property to Exempt Hospitals
150.332 Persons Who Lease Tangible Personal Property to Governmental Bodies
150.335 Game or Game Birds Purchased at Game Breeding and Hunting Areas or Exotic

Game Hunting Areas
150.336 Fuel Brought into Illinois in Locomotives
150.337 Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code
150.340 Manufacturing Machinery and Equipment; Production Related Tangible Personal Property; Department Determination of Amount of Exemption (Repealed)

SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

Section
150.401 Collection of the Tax by Retailers From Users
150.405 Tax Collection Brackets
150.410 Tax Collection Brackets for a 2¼% Rate of Tax (Repealed)
150.415 Tax Collection Brackets for a 2½% Rate of Tax (Repealed)
150.420 Tax Collection Brackets for a 2¾% Rate of Tax (Repealed)
150.425 Tax Collection Brackets for a 3% Rate of Tax (Repealed)
150.430 Tax Collection Brackets for a 3⅛% Rate of Tax (Repealed)
150.435 Tax Collection Brackets for a 3¼% Rate of Tax (Repealed)
150.440 Tax Collection Brackets for a 3½% Rate of Tax (Repealed)
150.445 Tax Collection Brackets for a 3¾% Rate of Tax (Repealed)
150.450 Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.455 Tax Collection Brackets for a 4⅛% Rate of Tax (Repealed)
150.460 Tax Collection Brackets for a 4¼% Rate of Tax (Repealed)
150.465 Tax Collection Brackets for a 4½% Rate of Tax (Repealed)
150.470 Tax Collection Brackets for a 4¾% Rate of Tax (Repealed)
150.475 Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.480 Tax Collection Brackets for a 5⅛% Rate of Tax (Repealed)
150.485 Tax Collection Brackets for a 5¼% Rate of Tax (Repealed)
150.490 Tax Collection Brackets for a 5½% Rate of Tax (Repealed)
150.495 Tax Collection Brackets for a 5¾% Rate of Tax (Repealed)
150.500 Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.505 Optional 1% Schedule (Repealed)
150.510 Exact Collection of Tax Required When Practicable
150.515 Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.520 Display of Tax Collection Schedule (Repealed)
150.525 Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

SUBPART E: RECEIPT FOR THE TAX

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section
150.601 Requirements

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section
150.701 When and Where to File a Return
150.705 Use Tax on Items that are Titled or Registered in Illinois
150.710 Procedure in Claiming Exemption from Use Tax
150.715 Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.716 Display Certificates for House Trailers
150.720 Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.725 Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.730 Direct Reporting of Use Tax to Department by Registered Retailers

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section
150.801 When Out-of-State Retailers Must Register and Collect Use Tax
150.805 Voluntary Registration by Certain Out-of-State Retailers
150.810 Incorporation by Reference

SUBPART H: RETAILERS' RETURNS

Section
150.901 When and Where to File
150.905 Deduction for Collecting Tax
150.910 Incorporation by Reference
150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST, STATUTE OF LIMITATIONS AND ADMINISTRATIVE PROCEDURES

Section
150.1001 General Information

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

SUBPART J: TRADED-IN PROPERTY

Section
150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

Section
150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section
150.1301 Users' Records
150.1305 Retailers' Records
150.1310 Use of Signs to Prove Collection of Tax as a Separate Item
150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax Separately From the Selling Price
150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
150.1401 Claims for Credit – Limitations – Procedure
150.1405 Disposition of Credit Memoranda by Holders Thereof
150.1410 Refunds
150.1415 Interest

150.TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-90].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623,

effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 25 Ill. Reg. 953, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1821, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 5059, effective March 23, 2001; amended at 25 Ill. Reg. 6540, effective May 3, 2001; amended at 25 Ill. Reg. 10937, effective August 13, 2001; amended at 26 Ill. Reg. 971, effective January 15, 2002; amended at 26 Ill. Reg. 9902, effective June 24, 2002; amended at 27 Ill. Reg. 1607, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 11209, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; emergency amendment at 28 Ill. Reg. 15266, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7079, effective April 26, 2005; emergency amendment at 32 Ill. Reg. 8806, effective May 29, 2008, for a maximum of 150 days; emergency expired October 25, 2008; amended at 32 Ill. Reg. 17554, effective October 24, 2008; amended at 32 Ill. Reg. 19149, effective December 1, 2008; amended at 38 Ill. Reg. 20022, effective October 1, 2014; amended at 39 Ill. Reg. 11085, effective July 21, 2015; amended at 40 Ill. Reg. 13471, effective September 12, 2016; amended at 42 Ill. Reg. _____, effective _____.

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section 150.311 Commercial Distribution Fee Sales Tax Exemption (Repealed)

~~a)~~ ~~Qualifications for exemption through June 30, 2004.~~
~~*Beginning on July 1, 2003 through June 30, 2004, sales of certain motor vehicles are not subject to the tax imposed under this Part if they meet all of the following tests:*~~

~~1)~~ ~~*The motor vehicle qualifies as a second division motor vehicle under Section 1-146 of the Illinois Vehicle Code*. First division motor vehicles, such as those motor vehicles that are designed for the carrying of not more than 10 persons, do not qualify for the exemption. (See 625 ILCS 5/1-146.);~~

~~2)~~ ~~*The motor vehicle has a gross vehicle weight in excess of 8,000 pounds; and*~~

~~3)~~ ~~*The motor vehicle is subject to the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code.* [35 ILCS 115/2] The motor vehicle must be registered and remain registered in such a manner whereby it is subject to payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code [625 ILCS 5/3-815.1] and such fee is actually paid for any period in which the fee is in effect.~~

~~b)~~ ~~Qualifications for exemption beginning July 1, 2004.~~
~~*Beginning on July 1, 2004 through June 30, 2005, sales of certain motor vehicles are not subject to the tax imposed under this Part if they meet all of the following tests:*~~

~~1)~~ ~~*The motor vehicle is a second division motor vehicle.* First division motor vehicles, such as those motor vehicles that are designed for the carrying of not more than 10 persons, do not qualify for the exemption. (See 625 ILCS 5/1-146.);~~

~~2)~~ ~~*The motor vehicle must have a gross vehicle weight rating in excess of 8,000 pounds.* For purposes of this Section, Gross Vehicle Weight Rating means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. (See 625 ILCS 5/1-124.5.);~~

~~3)~~ ~~*The motor vehicle is subject to the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code.* The motor vehicle must be registered and remain registered in such a manner whereby it is subject to payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code [625 ILCS 5/3-815.1] and such fee is actually paid for any period in which the fee is in effect; and~~

~~4)~~ ~~*The motor vehicle is used primarily for commercial purposes.* [35 ILCS 115/2] For purposes of this Section, a motor vehicle used for commercial purposes means any motor vehicle used to transport persons or property in the furtherance of any commercial or industrial enterprise, whether for-hire or not-for-hire.~~

~~COMMERCIAL PURPOSE EXAMPLE: A motor vehicle that is used for transportation to work, school, or recreational activities would not be used for commercial purposes.~~

~~b) Documentation of exemption. To properly document the exemption, the seller must obtain a written certificate from the purchaser stating the following:~~

~~1) the name, address, and telephone number of purchaser;~~

~~2) the description and Vehicle Identification Number of the motor vehicle or motor vehicles being purchased;~~

~~3) the name and address of seller;~~

~~4) the date of purchase;~~

~~5) a statement that the motor vehicle will be used primarily for commercial purposes and will be registered under Section 3-815(a) or 3-818(a) of the Illinois Vehicle Code or in such other manner whereby the registration of that motor vehicle will require the payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code and that such vehicle will remain validly registered in such a manner for subsequent registration years;~~

~~6) the commercial purpose for which the vehicle will be used along with the purchaser's Illinois Business Tax (IBT) number or other business registration number; and~~

~~7) the signature of purchaser.~~

~~c) Liability for tax. If a purchaser claims the exemption provided in this Section and the vehicle is not considered subject to the Commercial Distribution Fee as described in subsection (a)(3) or (b)(3) of this Section or otherwise does not qualify for this exemption, the purchaser will be liable for the tax based upon the purchase price of that vehicle and any applicable penalties and interest from the date of purchase.~~

~~d) Repair and replacement parts. The exemption provided in this Section may not be claimed for any repair part, replacement part, or other item attached or~~

~~incorporated into the motor vehicle after the purchase of the motor vehicle. Such items may qualify for exemption from sales tax if the motor vehicle or trailer is used in a manner that qualifies for the rolling stock exemption. See 86 Ill. Adm. Code 130.340.~~

~~e) Trailers. For purposes of this Section, a trailer that is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code will qualify as a second division motor vehicle under subsection (a)(1) or (b)(1) of this Section. The term "trailer" includes a trailer as defined in Section 1-209 of the Illinois Vehicle Code, a semitrailer as defined in Section 1-187 of the Illinois Vehicle Code, and a pole trailer as defined in Section 1-161 of the Illinois Vehicle Code.~~

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

Section 150.340 Manufacturing Machinery and Equipment; Production Related Tangible Personal Property; Department Determination of Amount of Exemption (Repealed)

~~a) General. Beginning on July 1, 2007 and ending on June 30, 2008, the manufacturing and assembling machinery and equipment exemption described in 86 Ill. Adm. Code 130.330 includes purchases of production related tangible personal property, subject to the limitations set forth in this Section. For purposes of this Section, terms used, unless defined in this Section, have the meaning ascribed to them in 86 Ill. Adm. Code 130.330.~~

~~b) Limitations. The exemption for production related tangible personal property is subject to the following limitations:~~

~~1) The exemption for production related tangible personal property allowed under this Section shall be awarded to the taxpayer in the form of a credit memorandum issued by the Department as provided in subsection (f). Retailers must collect tax on sales, and purchasers must pay tax on purchases, of production related tangible personal property at the time of the sale.~~

~~2) Purchases of production related tangible personal property made on or after July 1, 2007 and on or before June 30, 2008 are eligible for a credit memorandum equal to 5% of the purchase price.~~

~~3) Manufacturer's Purchase Credit (see 86 Ill. Adm. Code 130.331) may not be earned by the purchase of production related tangible personal property for which a credit memorandum is received under this Section and purchases otherwise eligible for the manufacturing and assembling machinery and equipment exemption are not eligible for a credit memorandum under this Section.~~

~~4) The maximum aggregate amount of credit memorandums for production related tangible personal property awarded under this Section to all taxpayers may not exceed $10,000,000. If the claims for the credit memorandums exceed $10,000,000, then the Department shall reduce the amount of the credit memorandum to each taxpayer on a pro rata basis.~~

~~5) Example. If a taxpayer submits a report that contains purchases of production related tangible personal property totaling $50,000 for the year, the amount of the credit memorandum, before proration, would be $2,500 (5% of the purchase price). If all of the reports submitted by taxpayers contain aggregate purchases of production related tangible personal property totaling $400,000,000 for the year, the aggregate amount of credit memorandums that would be issued, before proration, is $20,000,000 (5% of $400,000,000). Because $20,000,000 is twice the statutory limit of aggregate exemptions allowed, each exemption amount claimed will be reduced by one-half. So, the $2,500 credit memorandum claimed will be reduced to $1,250.~~

~~e) Production Related Tangible Personal Property.~~

~~1) "Production related tangible personal property" means all tangible personal property used or consumed in a production related process by a manufacturer in a manufacturing facility in which a manufacturing process described in Section 3-50 of the Use Tax Act takes place.~~

~~2) "Production related tangible personal property" includes, without limitation, tangible personal property that is purchased for incorporation into real estate within a manufacturing facility and tangible personal property that is used or consumed in activities such as research and development, preproduction material handling, receiving, quality control, inventory control, storage, staging, and packaging for shipping and transportation purposes.~~

~~3) "Production related tangible personal property" does not include:~~

~~i) tangible personal property that is used, within or without a manufacturing facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping; or~~

~~ii) tangible personal property that is required to be titled or registered with a department, agency, or unit of federal, State or local government.~~

~~d) By way of illustration and not limitation, the following uses of tangible personal property will be considered production related:~~

~~1) Tangible personal property purchased by a manufacturer for incorporation into real estate within a manufacturing facility for use in a production related process.~~

~~2) Supplies and consumables used in a manufacturing facility, including fuels, coolants, solvents, oils, lubricants, cleaners and adhesives.~~

~~3) Hand tools (not electrically, pneumatically or otherwise powered), protective apparel, and fire and safety equipment used or consumed in a manufacturing facility.~~

~~4) Tangible personal property used or consumed in a manufacturing facility for purposes of pre-production and post-production material handling, receiving, quality control, inventory control, storage, staging and packing for shipping or transportation.~~

~~5) Fuel used in a ready-mix cement truck to rotate the mixing drum in order to manufacture concrete or cement. However, only the amount of fuel used to rotate the drum will qualify. The amount of fuel used or consumed in transportation of the truck will not qualify as production related tangible personal property.~~

~~e) By way of illustration and not limitation, the following uses of property will not be considered production related:~~

~~1) The use of trucks, trailers and motor vehicles that are required to be titled or registered pursuant to the Illinois Vehicle Code [625 ILCS 5], and aircraft or watercraft required to be registered with an agency of State or federal government.~~

~~2) Office supplies, computers, desks, copiers and equipment that are used for sales, purchasing, accounting, fiscal management, marketing and personnel recruitment or selection activities, even if that use takes place within a manufacturing facility.~~

~~3) Tangible personal property used or consumed for aesthetic or decorative purposes, including landscaping and artwork.~~

~~4) Tangible personal property used or consumed outside the manufacturing facility, including tangible personal property listed in subsection (d)(4), with the exception of tangible personal property used or consumed for research and development purposes.~~

~~5) Tangible personal property purchased by a construction contractor for incorporation into a manufacturing facility.~~

~~6) Tangible personal property transferred to a manufacturer's customer.~~

~~7) Tangible personal property used in the process of graphic arts production.~~

~~f) Administration of Exemption Claims. In order to meet the $10,000,000 exemption cap set forth in subsection (b), which may require that exemptions be prorated, and in accordance with specific rulemaking authority granted in 35 ILCS 105/3-50(5), the Department shall implement the exemption under this Section through Exemption Reports filed by purchasers only. The exemption report procedure shall be as provided in this subsection (f).~~

~~1) Purchasers must file with the Department an Exemption Report, in the form and manner prescribed by the Department, for tax paid on purchases of production related tangible personal property that is purchased on or after July 1, 2007 and on or before June 30, 2008. The Exemption Report must be filed after the close of the eligibility period on June 30, 2008, but no later than September 1, 2008.~~

~~2) Subject to audit, purchasers must maintain records, as to each purchase of production related tangible personal property for which the purchaser files an Exemption Report, that:~~

~~A) Identify the vendor or supplier (including either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);~~

~~B) Identify the date of purchase, purchase price and description of the production related tangible personal property; and~~

~~C) Contain a certificate signed by the vendor or supplier (on a form provided by the Department or on the purchaser's own form containing the appropriate information) that:~~

~~i) acknowledges that the purchaser will file an Exemption Report for the production related tangible personal property; and~~

~~ii) certifies that the vendor or supplier will not file a claim against the taxes paid to the Department on that production related tangible personal property.~~

~~3) To claim the exemption for purchases of production related tangible personal property, the purchaser must report to the Department his or her purchases of production related tangible personal property made and for which tax was paid during the period beginning on July 1, 2007 and ending on June 30, 2008. The purchaser must make this report by signing and filing a Production Related Tangible Personal Property Exemption Report with the Department after the close of the eligibility period on June 30, 2008, but no later than September 1, 2008. Original Exemption Reports filed after September 1, 2008 shall be disallowed. The Production Related Tangible Personal Property Exemption Report must be filed on forms prescribed or approved by the Department and must state:~~

~~A) The total purchase price of all production related tangible personal property purchased from July 1, 2007 through June 30, 2008 (excluding taxes paid);~~

~~B) The amount of the exemption claimed, which shall be equal to 5% of the amount in subsection (f)(3)(A); and~~

~~C) Such other information as the Department may reasonably require. (See Section 3-50(5) of the Use Tax Act.)~~

~~4) In order to efficiently administer this exemption within the statutory limitations, the Department shall proceed as provided in this subsection (f)(4).~~

~~A) As soon as possible after the September 1, 2008 deadline for filing Exemption Reports, but no later than November 1, 2008, the Department shall review each Report timely filed.~~

~~B) The Department shall first determine all of those Exemption Reports that meet the requirements under this Section for approval in the full amount claimed (before proration) and hold them pending final determination on all Reports filed.~~

~~C) If an Exemption Report is timely filed that the Department does not approve in the full amount claimed (before proration), the Department shall notify the taxpayer that it has not approved the exemption in the amount claimed and explain the basis for its decision. The taxpayer shall have 30 days after the date of the notice to submit a corrected Exemption Report or provide evidence that the original Exemption Report is correct.~~

~~D) If, within 30 days after the date of the notice in subsection (f)(4)(C), the taxpayer submits a corrected Exemption Report that meets the requirements under this Section for approval, or if the taxpayer submits evidence that the original Exemption Report is correct and the Department agrees with that evidence, then the exemption amount claimed will be approved and included with the other approved Exemption Reports under this Section.~~

~~E) If, within 30 days after the date of the notice in subsection (f)(4)(C), the taxpayer responds to the notice and the Department changes the amount of the exemption approved as a result, but~~

~~does not approve the full amount claimed in the corrected Exemption Report or based on the evidence provided, the Department shall include this final amount approved with the other approved Exemption Reports under this Section.~~

~~F)~~ ~~If, within 30 days after the date of the notice in subsection (f)(4)(C), the taxpayer responds to the notice, but the taxpayer submits a corrected Exemption Report that does not meet the requirements under this Section for approval or the taxpayer submits evidence that the original Exemption Report is correct and the Department does not agree with that evidence, then the Exemption Report shall be approved only in the amount the Department determined to be eligible based on the original Exemption Report filed, which, in some instances will be a denial of all exemption amounts claimed.~~

~~G)~~ ~~If the taxpayer does not respond to the notice in subsection (f)(4)(C) within 30 days after the date of the notice, then the Exemption Report shall be approved only in the amount the Department determined to be eligible based on the original Exemption Report filed, which, in some instances will be a denial of all exemption amounts claimed.~~

~~5)~~ ~~After making the final determination, as provided in subsection (f)(4), of which Exemption Reports meet the requirements for approval, the Department shall determine the aggregate amount of approved Exemption Reports for purchases of production related tangible personal property. If the aggregate amount of exemptions approved exceeds $10,000,000, the Department shall reduce the exemption amount allowed to each claimant on a pro rata basis. After determining the pro rata amount approved for each Exemption Report, the Department shall notify each purchaser that the Report is approved and the pro rata amount of the exemption claimed that was allowed. This notification shall be made within 30 days after the Department makes the final determination.~~

~~EXAMPLE: Purchaser files an Exemption Report claiming an exemption of $10,000 that the Department approves. The aggregate of all approved exemption claims equals $20,000,000. All exemption claimants will be allowed a prorated exemption~~

~~equal to one-half the Department-approved amount claimed. The purchaser who claimed a $10,000 exemption will be allowed an exemption of $5,000.~~

~~6)~~ ~~All exemption reports approved by the Department under this Section shall be awarded by the Department in the form of a credit memorandum. The taxpayer in the example in subsection (f)(5) would be awarded a credit memorandum in the amount of $5,000 that he or she may use to satisfy State Use Tax and State and local occupation tax liability on future returns filed with the Department. A credit memorandum that is not used to offset the tax liability of the taxpayer may be assigned or transferred in accordance with 86 Ill. Adm. Code 130.1505. No interest shall be paid on exemption claims allowed under this Section.~~

~~7)~~ ~~A purchaser who is issued a credit memorandum under this Section for tax paid on the purchase of property that is later determined not to qualify as production related tangible personal property may be liable for tax, penalty and interest on the purchase of that property as of the date the credit memorandum is issued.~~

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Vehicle Use Tax

2) Code Citation: 86 Ill. Adm. Code 151

3)

Section Numbers:	Proposed Actions:
151.105	Amendment
151.110	Amendment
151.115	Amendment

4) Statutory Authority: 20 ILCS 2505/2505-795

5) A Complete Description of the Subjects and Issues Involved: This rulemaking removes obsolete language and makes technical changes.

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, nor does it modify any existing State mandates.

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

Debra M. Boggess
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

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: January 2018

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 151
VEHICLE USE TAX

Section
151.101 Nature of Vehicle Use Tax
151.105 Basis and Rate of the Tax
151.110 Title Application – Returns and Payment
151.115 Nontaxable Transactions

AUTHORITY: Implementing and authorized by Article X of the Illinois Vehicle Title & Registration Law [625 ILCS 5/3].

SOURCE: Adopted at 13 Ill. Reg. 14080, effective August 25, 1989; amended at 24 Ill. Reg. 12087, effective July 28, 2000; amended at 42 Ill. Reg. _____, effective _____.

Section 151.105 Basis and Rate of the Tax

~~a)~~ ~~*Prior to January 1, 1988, the rate of tax shall be 5% of the selling price for each purchase of a motor vehicle.*~~

a~~b~~) *Except as hereinafter provided, beginning January 1, 1988, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is less than $15,000:*

NUMBER OF YEARS TRANSPIRED AFTER MODEL YEAR OF MOTOR VEHICLE	APPLICABLE TAX
1 OR LESS	$390
2	290
3	215
4	165
5	115
6	90
7	80

8	65
9	50
10	40
OVER 10	25

b~~e~~) *Except as hereinafter provided, beginning January 1, 1988, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is $15,000 or more:*

SELLING PRICE	APPLICABLE TAX
$15,000 – 19,999	$ 750
$20,000 – $24,999	$1,000
$25,000 – $29,999	$1,250
$30,000 and over	$1,500

c~~d~~) Effective January 1, 1988, the tax rate shall be $15 for each motor vehicle acquired in the following transactions:

1) *When the transfer is a gift to a beneficiary in the administration of an estate;*

2) *When a motor vehicle which has once been subjected to the Illinois retailers' occupation tax or use tax is transferred in connection with the organization, reorganization, dissolution or partial liquidation of an incorporated or unincorporated business wherein the beneficial ownership is not changed;*

3) *When the transferee or purchaser is the spouse, mother, father, brother, sister or child of the transferor.* (Section 3-1001 of the Illinois Vehicle Title & Registration Law)~~.~~

d~~e~~) A claim that a transaction is taxable under subsection (c~~d~~)(3) of this Section must be supported by a certification of family relationship. The certificate must be executed by the transferee and submitted at the time of filing the return. The certification must include the transferor's name and address, the transferee's name and address and a statement that describes the family relationship between them.

e~~f~~) *For a transaction in which a motorcycle, motor driven cycle or motorized pedalcycle is acquired the tax rate shall be $25.* (Section 3-1001 of the Illinois

Vehicle Title & Registration Law).

fg) For a transaction in which an all terrain vehicle is acquired, the tax rate shall be $25.

gh) For purposes of this Section, "selling price" means the consideration received for a motor vehicle subject to the tax imposed by this Section valued in money, whether received in money or otherwise, including cash, credits, service or property. In the case of gifts or transfers without reasonable consideration, "selling price" shall be deemed to be the fair market value as determined by the Department or the Department's vendor. In determining the fair market value, the Department or its vendor shall consider the year, make, model and Vehicle Identification Number.

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

Section 151.110 Title Application – Returns and Payment

a) *The purchaser shall file a return signed by the purchaser with the Department of Revenue on a form prescribed by the Department.*

b) *Such return and payment from the purchaser shall be submitted to the Department after the sale and shall be a condition to securing the title to the motor vehicle from the Secretary of State.* (Section 3-1002 of the Illinois Vehicle Title & Registration Law (Ill. Rev. Stat. 1987, ch. 95½, par. 3-1002).)

c) When the applicable tax depends upon the "model age" of the vehicle, thatsuch "model age" shall be calculated on the date of title application.

d) The "model age" of the vehicle shall be determined by subtracting the model year of the vehicle from the year of the date of title application.

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

Section 151.115 Nontaxable Transactions

The tax does not apply to receipts from sales:

a) *If the use of the vehicle is otherwise taxed under the Use Tax Act* [35 ILCS 105]*;*

b) *If the motor vehicle is bought and used by a governmental agency or a society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes;*

c) *If the use of the motor vehicle is not subject to the Use Tax Act by reason of Section 3(A), (B), (C), (D), (E) or (F) of that Act dealing with the prevention of actual or likely multistate taxation;*

d) *Of implements of husbandry;*

e) *When a Junking Certificate is issued pursuant to Section* 3-117.1(a) of *the Illinois Vehicle Title & Registration Law*~~(Ill. Rev. Stat. 1987, ch. 95½, par. 3-117.1)~~;

f) *When a vehicle is subject to the replacement vehicle tax imposed by Section* 3-2001 *of* the Illinois Vehicle Title & Registration Law. (Section 3-1001 of the Illinois Vehicle Title and Registration Act)

g) *When the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse.*

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Service Use Tax

2) Code Citation: 86 Ill. Adm. Code 160

3)

Section Numbers:	Proposed Actions:
160.101	Amendment
160.111	Repealed
160.116	Amendment
160.117	Amendment
160.165	Repealed

4) Statutory Authority: 35 ILCS 110; 20 ILCS 2505/2505-100

5) A Complete Description of the Subjects and Issues Involved: These rules are being amended to make technical changes and to remove obsolete provisions.

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, nor does it modify any existing State mandates.

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

Jerilynn T. Gorden
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Service customers

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Regulatory Agenda on which this rulemaking was summarized: January 2018

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 160
SERVICE USE TAX

Section

160.101 Nature of the Tax
160.105 Definitions
160.110 Kinds of Uses And Users Not Taxed
160.111 Commercial Distribution Fee Sales Tax Exemption (Repealed)
160.115 Collection Of The Service Use Tax By Servicemen
160.116 Persons Who Lease Tangible Personal Property to Exempt Hospitals
160.117 Persons Who Lease Tangible Personal Property to Governmental Bodies
160.120 Receipt For The Tax (Repealed)
160.125 Special Information For Users
160.130 Registration Of Servicemen
160.135 Serviceman's Return
160.140 Penalties, Interest, Statute of Limitations and Administrative Procedures
160.145 Incorporation Of Illinois Service Occupation Tax Regulations By Reference
160.150 Claims To Recover Erroneously Paid Tax − Limitations − Procedures
160.155 Disposition Of Credit Memoranda By Holders Thereof
160.160 Refunds
160.165 Interest (Repealed)

AUTHORITY: Implementing the Service Use Tax Act [35 ILCS 110] and authorized by Section 2505-100 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-100].

SOURCE: Adopted May 21, 1962; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 8619, effective June 5, 1984; amended at 11 Ill. Reg. 5322, effective March 17, 1987; amended at 11 Ill. Reg. 9963, effective May 8, 1987; amended at 13 Ill. Reg. 9399, effective June 6, 1989; amended at 15 Ill. Reg. 5845, effective April 5, 1991; amended at 18 Ill. Reg. 1557, effective January 13, 1994; amended at 20 Ill. Reg. 7015, effective May 7, 1996; amended at 20 Ill. Reg. 16219, effective December 16, 1996; amended at 24 Ill. Reg. 8135, effective May 26, 2000; amended at 25 Ill. Reg. 5015, effective March 23, 2001; amended at 26 Ill. Reg. 4929, effective March 15, 2002; amended at 27 Ill. Reg. 822, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11216, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; emergency amendment at 28 Ill. Reg. 15275, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7088,

effective April 26, 2005; amended at 38 Ill. Reg. 20034, effective October 1, 2014; amended at 42 Ill. Reg. _____, effective _____.

Section 160.101 Nature of the Tax

a) The Service Use Tax is a privilege tax imposed on the privilege of using, in this State, tangible personal property that is received anywhere as an incident to a purchase of service from a serviceman, as "serviceman" is defined in the Act. However, if the serviceman would not be taxable under the Service Occupation Tax Act [35 ILCS 115] despite all elements of the sale of service occurring in Illinois, then the tax imposed by the Service Use Tax Act does not apply to the use of that~~such~~ property in this State. Transfers of tangible personal property by de minimis servicemen who incur Use Tax as described in 86 Ill. Adm. Code 140.108 do not constitute sales of service under Section 2(g) of the Service Occupation Tax Act. As a result, customers of ~~such~~ de minimis servicemen do not incur Service Use Tax liability on these~~such~~ transfers.

b) Any evidence that property was sold by any person for delivery to a person residing in or engaged in business in this State shall be prima facie evidence that the~~such~~ property was sold for use in this State.

c) Rate

1) The rate of the Service Use Tax~~ after December 31, 1989,~~ is 6.25% of either the serviceman's selling price or cost price of the tangible personal property transferred by the serviceman as an incident to a sale of service.

2) *On and after January 1, 2001, prepaid telephone calling arrangements shall be considered tangible personal property subject to the tax imposed under the Act regardless of the form in which those arrangements may be embodied, transmitted, or fixed by any method now known or hereafter developed.* (Section 3 of the Act) *"Prepaid telephone calling arrangements" means the right to exclusively purchase telephone or telecommunications services that must be paid for in advance and enable the origination of one or more intrastate, interstate, or international telephone calls or other telecommunications using an access number, an authorization code, or both, whether manually or electronically dialed, for which payment to a retailer must be made in advance, provided that, unless recharged, no further service is provided once that prepaid amount*

of service has been consumed. Prepaid telephone calling arrangements include the recharge of a prepaid calling arrangement. For purposes of this Section, "recharge" means the purchase of additional prepaid telephone or telecommunications services whether or not the purchaser acquires a different access number or authorization code. For purposes of this Section, "telecommunications" means that term as defined in Section 2 of the Telecommunications Excise Tax Act [35 ILCS 630]. *"Prepaid telephone calling arrangement" does not include an arrangement whereby the service provider reflects the amount of the purchase as a credit on an account for a customer under an existing subscription plan.* (Section 3-27 of the Act)

d) If the property that is purchased from a serviceman as an incident to a sale of service is acquired outside Illinois and used outside Illinois before being brought to Illinois for use here and is nevertheless taxable under the Service Use Tax Act, the tax base on which the tax is computed shall be reduced by an amount that~~which~~ represents a reasonable allowance for depreciation for the period of the~~such~~ prior out-of-State use. A "reasonable allowance for depreciation" is deemed by the Department to be the amount of depreciation determined by use of the straight line method of depreciation.

e) The date of the purchase of service is deemed to be the date of the delivery, to the user, of the tangible personal property ~~which~~ the serviceman transfers as an incident to a sale of service.

f) The Service Use Tax Act complements the Service Occupation Tax Act. That is why the Service Use Tax is restricted to cases in which the property is purchased from a serviceman as an incident to a sale of service.

g) If a serviceman incurring Service Occupation Tax liability~~Liability~~ is required or authorized to collect the Service Use Tax (see Section 160.115~~ for further information~~), the purchaser must pay the tax to the serviceman. The Department will presume that a serviceman is required or authorized to collect the Service Use Tax if he or she bills tax to the service customer. Stated conversely, if an invoice from a serviceman does not show the tax, the Department will presume that the serviceman is either registered and has included the Service Use Tax in the selling price of the tangible personal property transferred or is a de minimis serviceman incurring a Use Tax liability, in which case there is no collection obligation on the part of the purchaser. This presumption will be overcome only when~~where~~ the

Department has evidence that the serviceman and/or the service customer were both aware that the proper tax due was the Service Use Tax and that no action was taken to remit the Service Use Tax by either party to the Transaction. A serviceman need not remit that part of any Service Use Tax collected ~~by him~~ to the extent that the serviceman~~he~~ is required to pay and does pay Service Occupation Tax to the Department on his or her sales of service involving the transfer ~~by him of~~ the same property, provided, however, that the amount paid to the Department is equal to or exceeds the amount collected from the service customer.

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

Section 160.111 Commercial Distribution Fee Sales Tax Exemption (Repealed)

~~a)~~ ~~Qualifications for exemption through June 30, 2004. *Beginning on July 1, 2003 through June 30, 2004, sales of certain motor vehicles are not subject to the tax imposed under this Part if they meet all of the following tests:*~~

~~1)~~ ~~*The motor vehicle qualifies as a second division motor vehicle under Section 1-146 of the Illinois Vehicle Code*. First division motor vehicles, such as those motor vehicles that are designed for the carrying of not more than 10 persons, do not qualify for the exemption. (See 625 ILCS 5/1-146.);~~

~~2)~~ ~~*The motor vehicle has a gross vehicle weight in excess of 8,000 pounds; and*~~

~~3)~~ ~~*The motor vehicle is subject to the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code*. [35 ILCS 110/2] The motor vehicle must be registered and remain registered in such a manner whereby it is subject to payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code [625 ILCS 5/3-815.1] and such fee is actually paid for any period in which the fee is in effect.~~

~~b)~~ ~~Qualifications for exemption beginning July 1, 2004. *Beginning on July 1, 2004 through June 30, 2005, sales of certain motor vehicles are not subject to the tax imposed under this Part if they meet all of the following tests:*~~

~~1)~~ ~~*The motor vehicle is a second division motor vehicle.* First division motor vehicles, such as those motor vehicles that are designed for the carrying of not more than 10 persons, do not qualify for the exemption. (See 625 ILCS 5/1-146.);~~

~~2)~~ ~~*The motor vehicle must have a gross vehicle weight rating in excess of 8,000 pounds.* For purposes of this Section, Gross Vehicle Weight Rating means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. (See 625 ILCS 5/1-124.5.);~~

~~3)~~ ~~*The motor vehicle is subject to the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code.* [35 ILCS 110/2] The motor vehicle must be registered and remain registered in such a manner whereby it is subject to payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code [625 ILCS 5/3-815.1] and such fee is actually paid for any period in which the fee is in effect; and~~

~~4)~~ ~~*The motor vehicle is used primarily for commercial purposes.* [35 ILCS 110/2] For purposes of this Section, a motor vehicle used for commercial purposes means any motor vehicle used to transport persons or property in the furtherance of any commercial or industrial enterprise, whether for-hire or not-for-hire.~~

~~COMMERCIAL PURPOSE EXAMPLE: A motor vehicle that is used for transportation to work, school, or recreational activities would not be used for commercial purposes.~~

~~c)~~ ~~Documentation of exemption. To properly document the exemption, the seller must obtain a written certificate from the purchaser stating the following:~~

~~1)~~ ~~the name, address, and telephone number of purchaser;~~

~~2)~~ ~~the description and Vehicle Identification Number of the motor vehicle or motor vehicles being purchased;~~

~~3)~~ ~~the name and address of seller;~~

~~4)~~ ~~the date of purchase;~~

~~5) a statement that the motor vehicle will be used primarily for commercial purposes and will be registered under Section 3-815(a) or 3-818(a) of the Illinois Vehicle Code or in such other manner whereby the registration of that motor vehicle will require the payment of the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code and that such vehicle will remain validly registered in such a manner for subsequent registration years;~~

~~6) the commercial purpose for which the vehicle will be used along with the purchaser's Illinois Business Tax (IBT) number or other business registration number; and~~

~~7) the signature of purchaser.~~

~~d) Liability for tax. If a purchaser claims the exemption provided in this Section and the vehicle is not considered subject to the Commercial Distribution Fee as described in subsection (a)(3) or (b)(3) of this Section or otherwise does not qualify for this exemption, the purchaser will be liable for the tax based upon the purchase price of that vehicle and any applicable penalties and interest from the date of purchase.~~

~~e) Repair and replacement parts. The exemption provided in this Section may not be claimed for any repair part, replacement part, or other item attached or incorporated into the motor vehicle after the purchase of the motor vehicle. Such items may qualify for exemption from sales tax if the motor vehicle or trailer is used in a manner that qualifies for the rolling stock exemption. See 86 Ill. Adm. Code 130.340.~~

~~f) Trailers. For purposes of this Section, a trailer that is subject to the Commercial Distribution Fee imposed under Section 3-815.1 of the Illinois Vehicle Code will qualify as a second division motor vehicle under subsection (a)(1) or (b)(1) of this Section. The term "trailer" includes a trailer as defined in Section 1-209 of the Illinois Vehicle Code, a semitrailer as defined in Section 1-187 of the Illinois Vehicle Code, and a pole trailer as defined in Section 1-161 of the Illinois Vehicle Code.~~

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section 160.116 Persons Who Lease Tangible Personal Property to Exempt Hospitals

a) Effective January 1, 1996 through December 31, 2000, and on and after August 2, 2001, computers and communications equipment utilized for any hospital purpose that are transferred incident to the sale of service to persons who lease those items to exempt hospitals are not subject to Service Use Tax providing:

1) the computers and communications equipment described in subsection (a) ~~above~~ must be leased to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;

2) the lease must be for a period of one year or longer; and

3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 1g of the Retailers' Occupation Tax Act [35 ILCS 120] (see 86 Ill. Adm. Code 130.2007).

b) Effective January 1, 1996, equipment, other than that specified in subsection (a), used in the diagnosis, analysis, or treatment of hospital patients that is transferred incident to the sale of service to persons who lease that equipment to exempt hospitals is not subject to Service Use Tax providing:

1) the equipment described in subsection (b)~~above~~ must all be purchased for lease to a tax exempt hospital under a lease that has been executed or is in effect at the time of purchase;

2) the lease must be for a period of one year or longer; and

3) the lease must be to a hospital that has an active tax exemption identification number issued by the Department under Section 1g of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2007).

c) The service customer must provide the certification described in this subsection (c)~~below~~ to the serviceman.

1) When this exemption may be properly claimed for computer or other communications equipment, the service customer must give the serviceman a certification stating that the computer or other

communications equipment is for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase.

2) When this exemption may be properly claimed for equipment used in the diagnosis, analysis, or treatment of hospital patients, the service customer must give the serviceman a certification stating that the equipment is for lease to a tax exempt hospital under a lease for a period of one year or longer executed or in effect at the time of the purchase, and that the equipment is for use in the diagnosis, analysis, or treatment of hospital patients.

3) The certification described in subsections (c)(1) and (c)(2)~~ of this Section~~ must also contain all of the following:

A) The serviceman's name and address;

B) The service customer's name and address;

C) A description of the tangible personal property;

D) The service customer's signature and date of signing;

E) The name and address of the hospital and its tax exemption identification number issued by the Department; and

F) The date the lease was executed and the lease period.

d) For purposes of this Section, "hospital patients" means persons who seek any form of medical care including, but not limited to, medical treatment, testing, diagnosis, or therapy at a hospital or at another location under the control and supervision of a hospital. For example, persons who are sent by doctors for X-rays or other tests at qualifying hospitals, even though those persons are not admitted to those hospitals, are considered hospital patients.

e) If the computers or other equipment is used in a manner that does not qualify for the exemption or is used in any other non-exempt manner, the lessor is liable for the appropriate tax imposed under the Service Use Tax Act. In that event, the amount of Service Use Tax liability incurred is based on the fair market value of

the computers or other equipment at the time the non-qualifying use occurred.

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

Section 160.117 Persons Who Lease Tangible Personal Property to Governmental Bodies

a) Effective January 1, 1996 through December 31, 2000, and on and after August 2, 2001, tangible personal property transferred incident to a sale of service to a lessor who leases that property to a governmental body is not subject to Service Use Tax provided that:

1) the property must be leased to a governmental body under a lease that has been executed or is in effect at the time of purchase;

2) the lease must be for a period of one year or longer; and

3) the lease must be to a governmental body that has an active tax exemption identification number issued by the Department under Section 1g of the Retailers' Occupation Tax Act (see 86 Ill. Adm. Code 130.2007).

b) When this exemption may be properly claimed, the service customer must give the serviceman a certification stating that the property is for lease to a governmental body, under a lease of one year or longer executed or in effect at the time of the purchase~~,~~ and containing all of the following:

1) The serviceman's name and address;

2) The service customer's name and address;

3) A description of the tangible personal property being purchased;

4) The service customer's signature and date of signing;

5) The name of the governmental body and its tax exemption identification number issued by the Department; and

6) The date the lease was executed and the lease period.

c) If the property is used in a manner that does not qualify for the exemption or is

used in any other non-exempt manner, the lessor is liable for the appropriate tax imposed under the Service Use Tax Act. In that event, the amount of Service Use Tax liability incurred is based on the fair market value of the property at the time the non-qualifying use occurred.

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

Section 160.165 Interest (Repealed)

~~a)~~ ~~Any credit or refund that is allowed under the Act shall bear interest at the rate of 1% per month or fraction thereof from the date when the erroneous payment for which the credit or refund is being allowed was made to the Department until the credit memorandum is issued or the refund is paid until January 1, 1994. *Interest shall not be paid on claims filed after the effective date of the* Uniform Penalty and Interest Act and 86 Ill. Adm. Code 700 *except such interest which is paid in accordance with the Act.* (Section 3-9 of the Uniform Penalty and Interest Act) [35 ILCS 735/3-9]~~

~~EXAMPLE: A taxpayer files a claim for credit with the Department on January 15, 1994 for an overpayment of Service Use Tax. The overpayment occurred in October 1992 when the taxpayer, an out-of-state registered serviceman, made a sale of service to an Illinois service customer, collected Service Use Tax on 50% of the total bill to the service customer and remitted the tax to the Department. The sale of service involved the repair of a piece of graphic arts machinery and equipment. The serviceman determined that the repair should have been made tax-free, refunded the tax to the service customer and filed a claim for credit with the Department. The credit memorandum is issued on June 15, 1994. Interest shall be paid at the rate of 1% per month for the period from October 1992 through December 31, 1993; and at the semiannually adjusted interest rate imposed pursuant to the Uniform Penalty and Interest Act from January 1, 1994 until June 15, 1994, the date on which the credit memorandum was issued by the Department.~~

~~b)~~ ~~No interest will be allowed if the overpayment is found by the Department to have been made deliberately for the purpose of drawing interest, or if the overpayment is ascertained not to have been bona fide for some other reason.~~

~~c)~~ ~~When a claim that is allowed is paid by means of a credit memorandum instead of by means of a cash refund, the claim will be considered to have been paid when~~

~~the credit memorandum is issued by the Department to the claimant, and no interest will be allowed or paid by the Department for any period subsequent to that, even if the claimant does not use or assign the credit memorandum immediately after it is issued.~~

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

DEPARTMENT ON AGING

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Long-Term Care Insurance Partnership Program

2) Code Citation: 89 Ill. Adm. Code 260

3)

Section Numbers:	Adopted Actions:
260.100	Repealed
260.200	Repealed
260.300	Repealed
260.400	Repealed

4) Statutory Authority: 20 ILCS 105/4.01 and 4.01(11)

5) Effective Date of Repealer: March 23, 2018

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 8187; July 14, 2017

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter 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 repeals the rules in Part 260 for the Long-Term Care Insurance Partnership Program at the Department on Aging. PA 95-200 repealed the Partnership for Long-Term Care Act, effective August 16, 2007. Administrative responsibility now rests with the Department of Healthcare and Family

DEPARTMENT ON AGING

NOTICE OF ADOPTED REPEALER

Services and the Department of Financial and Professional Regulation under the Illinois Long-Term Care Partnership Program Act.

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

Tracey Trigillo
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271

Phone: 217/785-3346

DEPARTMENT ON AGING

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Board and Care Homes Registration

2) Code Citation: 89 Ill. Adm. Code 290

3)

Section Numbers:	Adopted Actions:
290.100	Repealed
290.105	Repealed
290.200	Repealed
290.205	Repealed
290.210	Repealed
290.215	Repealed
290.220	Repealed
290.300	Repealed
290.305	Repealed
290.400	Repealed
290.405	Repealed

4) Statutory Authority: 20 ILCS 105/4.01 and 8.09

5) Effective Date of Repealer: March 23, 2018

6) Does this repealer contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 41 Ill. Reg. 8192; July 14, 2017

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.

13) Will this rulemaking replace an emergency rule currently in effect? No

DEPARTMENT ON AGING

NOTICE OF ADOPTED REPEALER

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking repeals the rules in Part 290 for the Board and Care Homes Registration Program at the Department on Aging. PA 94-21 transferred authority from Aging to the Illinois Department of Public Health, effective January 1, 2006.

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

Tracey Trigillo
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271

Phone: 217/785-3346

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Economic Development for a Growing Economy Program (EDGE)

2) Code Citation: 14 Ill. Adm. Code 527

3)

Section Numbers:	Adopted Actions:
527.20	Amendment
527.30	Amendment
527.40	Amendment
527.50	Amendment
527.60	Amendment
527.70	Amendment
527.80	Amendment
527.90	Amendment
527.100	Amendment
527.110	New Section

4) Statutory Authority: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80] and the Business Location Efficiency Incentive Act. [35 ILCS 11].

5) Effective Date of Rules: March 20, 2018

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. 12953; October 20, 2017.

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Grammatical and stylistic changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: The majority of these rules changes address the amendments to the EDGE Tax Credit Act as a result of the passage of HB 162. The amendments as a result of HB 162 include, but are not limited to: revised definitions and provisions related to the amount of credit available to participating taxpayers, the qualifications and showing necessary by companies seeking to enter into agreements under the EDGE program, amended provisions directed towards increasing participation by small business, additional transparency provisions with respect to reporting, including reporting related to supplier diversity goals, and enhanced recapture and reallocation of recaptured credits. These amendments also address prior amendments to the EDGE Tax Credit Act, eliminate provisions that are no longer effective, and recognize standing policies and procedures with respect to the program.

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

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
500 East Monroe
Springfield IL 62701

217/557-1820

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 527
ECONOMIC DEVELOPMENT FOR A GROWING ECONOMY PROGRAM (EDGE)

Section
527.10 Purpose
527.20 Definitions
527.30 Eligibility Determination
527.40 Form of Application
527.50 Application Review
527.60 Application Denial/Approval
527.70 Determination of Amount and Term of the Credit
527.80 Tax Credit Agreement
527.90 Certificate of Verification
527.100 Noncompliance with the Agreement
527.110 Recapture and Reallocation of Recaptured Amounts

AUTHORITY: Implementing Section 5-15 and authorized by Section 5-80 of the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10/5-15 and 5-80] and the Business Location Efficiency Incentive Act [35 ILCS 11].

SOURCE: Emergency rules adopted at 23 Ill. Reg. 10862, effective August 16, 1999, for a maximum of 150 days; emergency expired on January 22, 2000; adopted at 24 Ill. Reg. 6884, effective April 19, 2000; amended at 29 Ill. Reg. 1186, effective January 5, 2005; amended at 31 Ill. Reg. 8085, effective May 23, 2007; amended at 32 Ill. Reg. 8916, effective June 3, 2008; emergency amendment at 41 Ill. Reg. 13104, effective October 3, 2017, for a maximum of 150 days; emergency expired March 1, 2018; emergency expired March 1, 2018; amended at 42 Ill. Reg. 6320, effective March 20, 2018.

Section 527.20 Definitions

The following definitions are applicable to this Part.

"Accessible and affordable mass transit" means access to transit stops with regular and frequent service within one mile from the project site and pedestrian access to transit stops.

"Act" means the Economic Development for a Growing Economy Tax Credit Act [35 ILCS 10].

"Affordable workforce housing" means owner-occupied or rental housing that costs, based on current census data for the municipality where the project is located or any municipality within 3 miles of the municipality where the project is located, no more than 35% of the median salary at the project site, exclusive of the highest 10% of the site's salaries. If the project is located in an unincorporated area, "affordable workforce housing" means no more than 35% of the median salary at the project site, excluding the highest 10% of the site's salaries, based on the median cost of rental or of owner-occupied housing in the county where the unincorporated area is located.

"Agreement" means the ~~Tax Credit~~ Agreement between a Taxpayer and the Department under the provisions of Section 5-50 of *the* Act. ~~created pursuant to~~ [35 ILCS 10/5-5~~50~~]~~.~~

"Applicant" means a Taxpayer that is operating a business located, or that the Taxpayer plans to locate, within the State of Illinois and that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, assembling, warehousing, or distributing products, conducting research and development, providing tourism services, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, retail food, health, or professional services. "Applicant" does not include a Taxpayer who closes or substantially reduces an operation at one location in the State and relocates substantially the same operation to another location in the State. This does not prohibit a Taxpayer from expanding its operations at another location in the State, provided that existing operations of a similar nature located within the State are not closed or substantially reduced. This also does not prohibit a Taxpayer from moving its operations from one location in the State to another location in the State for the purposes of expanding the operation, provided that the Department determines that expansion cannot reasonably be accommodated within the municipality in which the business is located or, in the case of a business located in an incorporated area of the county, within the county in which the business is located, after conferring with the chief elected official of the municipality or county and taking into consideration any evidence offered by the municipality or county regarding the ability to accommodate expansion within the municipality or county. [35 ILCS 10/5-5]

"Business Location Efficiency Incentive" means the incentive created by the Business Location Efficiency Incentive Act [35 ILCS 11].

"Capital improvements" shall include the purchase, renovation, rehabilitation, or construction of permanent tangible land, buildings, structures, equipment and furnishings in an approved project sited in Illinois and in expenditures for goods or services that are normally capitalized, including organizational costs and research and development costs incurred in Illinois. For land, buildings, structures and equipment that are leased, the lease must equal or exceed the term of the Tax Credit Agreement and the cost of the property shall be determined from the present value, using the corporate interest rate prevailing at the time of the application, of the lease payments.

"Credit" means the amount agreed to between the Department and Applicant~~applicant~~ under the Act, but not to exceed the lesser of:

the sum of:

50% of the Incremental Income Tax~~incremental~~ ~~payroll~~ attributable to New Employees at the Applicant's~~applicant's~~ project; and

10% of the training costs of New Employees; or

100% of the Incremental Income Tax attributable to New Employees at the Applicant's project.

However, if the project is located in an underserved area, then the amount of the Credit may not exceed the lesser of:

the sum of:

75% of the Incremental Income Tax attributable to New Employees at the Applicant's project and

10% of the training costs of New Employees; or

100% of the Incremental Income Tax attributable to New Employees at the Applicant's project.

If an Applicant agrees to hire the required number of New Employees, then the maximum amount of the Credit for that Applicant may be increased by an amount not to exceed 25% of the Incremental Income Tax attributable to Retained Employees at the Applicant's project; provided that, in order to receive the increase for Retained Employees, the Applicant must provide the additional evidence required under Section 5-25(b)(3). [35 ILCS 10/5-5~~15~~]

"Department" means the Illinois Department of Commerce and Economic Opportunity~~, formerly known as the Illinois Department of Commerce and Community Affairs~~. [35 ILCS 10/5-5]

"Director" means the Director of the Illinois Department of Commerce and Economic Opportunity~~, formerly known as the Illinois Department of Commerce and Community Affairs~~. [35 ILCS 10/5-5]

"Employee housing or transportation remediation plan" means a plan to increase affordable housing or transportation options, or both, for employees earning up to the median annual salary of the workforce at the project. The plan may include, but is not limited to, an employer-financed assisted housing program that can be supplemented by State or federal grants or shuttle services between the place of employment and existing transit stops or other reasonably accessible places.

"Existence of infrastructure" means the existence, within 1,500 feet of the proposed site, of roads, sewers, sidewalks, and other utilities and a description of the investments or improvements, if any, that an applicant expects State or local government to make to that infrastructure.

"Full-time Employee~~*employee*~~*" means an individual who is employed for consideration for at least 35 hours each week or who renders any other standard of service generally accepted by industry custom or practice as full-time employment.* [35 ILCS 10/5-5] Annually scheduled periods for inventory or repairs, vacations, holidays and paid time for sick leave, vacation or other leave shall be included in this computation of full-time employment. *An individual for whom a W-2 is issued by a Professional Employer Organization (PEO) is a full-time employee if employed in the service of the Applicant for consideration for at least 35 hours each week or who renders any other standard of service generally*

accepted by industry custom or practice as full-time employment to the Applicant. [35 ILCS 10/5-5] For example, an employee who works 25 hours per week is considered the industry standard for full-time in the package delivery industry and an employee who is employed for a least 35 hours per week during the historical seasonal production is considered the industry standard for full-time in the candy manufacturing industry.

"Incremental Income Tax" means the *total amount withheld during the taxable year from the compensation of New Employees and, if applicable, Retained Employees under Article 7 of the Illinois Income Tax Act* [35 ILCS 5] *arising from employment at*~~incremental payroll attributable to~~ *a project that is the subject of an Agreement*. [35 ILCS 10/5-5]

~~"Incremental payroll" means the total amount withheld by the taxpayer during the taxable year from the compensation of new employees and retained employees under Article 7 of the Illinois Income Tax Act [35 ILCS 5/Art. 7] arising from such employees' employment at a project that is the subject of an Agreement.~~

"Labor Surplus Area" or "LSA" must have an average unemployment rate at least 20 percent above the average rate for all states (plus the District of Columbia and Puerto Rico) during the previous two calendar years. However, the 20 percent ratio is disregarded:

when this 2-year average for all states is 8.3 percent or above, an average unemployment rate of 10 percent or more will qualify an area;~~,~~ and

when the all-states' average is 5.0 percent or less, an area will qualify with a 6.0 percent average.

The U.S. Department of Labor issues the labor surplus area listing on a fiscal year basis. The listing becomes effective each October 1 and remains in effect through the following September 30, but may be updated at any time during the fiscal year based on exceptional circumstance petitions. LSAs are classified on the basis of civil jurisdictions (cities with a population of at least 25,000 and all counties). LSAs are authorized by Public Law 96-302 and 20 CFR 654.

"Local workforce investment area" means a single county or multiple counties designated by the Governor, which allows for the receipt of an allotment of funds

under Sections 127(b) or 132(b) of the Workforce Innovation and Opportunity Act, PL 113 through 128 (2014) (WIOA), with considerations consisting of the extent to which the areas:

are consistent with labor market areas in the State;

are consistent with regional economic development areas in the State; and

have available the federal and non-federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of WIOA,

including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools.

"Location efficient" means a project that maximizes the use of existing investments in infrastructure, avoids or minimizes additional government expenditures for new infrastructure, and has nearby housing affordable to the permanent workforce of the project or has accessible and affordable mass transit or its equivalent or some combination of both.

"Location efficiency report" means a report that is prepared by an applicant for increased State economic development assistance, under Section 10 of the Business Location Efficiency Incentive Act [35 ILCS 11/10] *and follows that Act, and that describes the existence of affordable workforce housing or accessible and affordable mass transit or its equivalent.* [35 ILCS 11/5]

"New Employee~~employee~~" means a full-time employee first employed by a Taxpayer~~taxpayer~~ in the project that is the subject of an Agreement and who is hired after the Taxpayer~~taxpayer~~ enters into the tax credit~~Tax Credit~~ Agreement and who continues to be employed by the Taxpayer on the last day of the taxable year for which the Taxpayer seeks a Credit under this Act.

The term "New Employee~~new employee~~" does not include:

an employee of the Taxpayer~~taxpayer~~ who performs a job that was previously performed by another employee, if that job existed for at least 6 months before hiring the employee;

an employee of the Taxpayer~~taxpayer~~ who was previously employed in Illinois by a Related Member~~related member~~ of the Taxpayer~~taxpayer~~ and whose employment was shifted to the Taxpayer~~taxpayer~~ after the Taxpayer~~taxpayer~~ entered into the tax credit~~Tax Credit~~ Agreement;

~~an employee of the taxpayer who was previously employed in Illinois by the taxpayer and whose employment was shifted to the taxpayer project after the taxpayer entered into the Tax Credit Agreement; or~~

any individual who has a direct or an indirect ownership interest of at least 5% in the profits, equity, capital, or value of the Taxpayer or *a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has a direct or an indirect ownership interest of at least 5% in the profits, equity, capital, or value of the Taxpayer; or~~taxpayer.~~*

an employee of the Taxpayer who was previously employed in Illinois by the Taxpayer and whose employment was shifted to the project after the Taxpayer entered into the tax credit Agreement.

Notwithstanding the first indented paragraph under the employees that are not included in the term "New Employees", an~~An~~ *employee may be considered a New Employee~~new employee~~ under the Agreement if the employee performs a job that was previously performed by an employee who was:*

treated under the Agreement as a New Employee~~new employee~~; and

promoted by the Taxpayer~~taxpayer~~ to another job. [35 ILCS 10/5-5]

Notwithstanding the first paragraph of this definition, *the Department may award a Credit to an Applicant with respect to an employee hired prior to the date of the Agreement if:*

the Applicant is in receipt of a letter from the Department stating an intent to enter into a credit Agreement;

the letter described in the first indented paragraph under the employees that are not included in the term "New Employees" *is issued by the Department not later than 15 days after* the *effective date of the Act; and*

the employee was hired after the date the letter described in the first indented paragraph under the employees that are not included in the term "New Employees" *was issued.*

An employee shall be considered a new employee under the Agreement if the employee fills a job vacancy that had been continuously vacant for the 184 day period immediately preceding the date of the Agreement. A job vacancy whose incumbent is on approved leave, is locked out or is on strike is not a vacancy.

"Noncompliance Date" means, in the case of a Taxpayer that is not complying with the requirements of the Agreement or the provisions of the Act, the day following the last date upon which the Taxpayer was in compliance with the requirements of the Agreement and the provisions of the *Act, as determined by the Director, pursuant to Section 5-65* of the Act. [35 ILCS 10/5-5]

"Pass Through Entity" means an entity that is exempt from the tax under Section 205(b) or (c) of the Illinois Income Tax Act. [35 ILCS 10/5-5]

"Placed in service" means the state or condition of readiness and availability for a specifically assigned function.

"Professional Employer Organization" or "PEO" means an employee leasing company that is an individual or entity contracting with a client to supply or assume responsibility for personnel management of one or more workers to perform services for the client on an on-going basis rather than under a temporary help arrangement, *as defined in Section 206.1(A)(2) of the Illinois Unemployment Insurance Act* [820 ILCS 405]. [35 ILCS 10/5-5]

"Professional services" means a taxpayer engaged in the practice of law or medicine.

"Project" means a for-profit economic development activity or activities at a single site, or of one or more taxpayers at multiple sites if the economic activities are vertically integrated.

"Project costs" includes cost of the project incurred or to be incurred by the taxpayer including: *capital investment, including, but not limited to, equipment, buildings, or land; infrastructure development; debt service, except refinancing of current debt; research and development; job training and education; lease costs or relocation costs,* but excludes the value of State incentives, including discretionary tax credits, discretionary job training grants, or the interest savings of below market rate loans. [35 ILCS 10/5-30]

"Related Member" means a person that, with respect to the Taxpayer during an portion of the taxable year, is any one of the following:

An individual stockholder, if the stockholder and the members of the stockholder's family (as defined in section 318 of the Internal Revenue Code (26 USC)) own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the Taxpayer's outstanding stock.

A partnership, estate, or trust of any partner or beneficiary, if the partnership, estate, or trust, and its partners or beneficiaries own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the profits, equity, *capital, stock, or value of the Taxpayer.*

A corporation, and any party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code, if the Taxpayer owns directly, indirectly, beneficially, or constructively at least 50% of the value of the corporation's outstanding stock.

A corporation and any party related to that corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code, if the corporation and all such related

parties own in the aggregate at least 50% of the profits, equity, *capital, stock, or value of the Taxpayer.*

A person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code, except, for purposes of determining whether a person is a Related Member under this paragraph, 20% shall be substituted for 5% wherever 5% appears in section 1563(e) of the Internal Revenue Code. [30 ILCS 10/5-5]

"Retained Employee~~employee~~" means a Full~~full~~-Time Employee~~time employee~~ employed by a Taxpayer~~taxpayer~~ during the term of the Agreement~~agreement~~ whose job duties are directly and substantially-related to the project. For purposes of this definition, "directly and substantially-related to the project" means at least two-thirds of the employee's job duties must be directly related to the project and the employee must devote at least two-thirds of his or her time to the project. The term "Retained Employee ~~retained employee~~" does not include any individual who has a direct or an indirect ownership interest of at least 5% in the profits, equity, capital, or value of the Taxpayer or a child, grandchild, parent, or spouse, other than a spouse who is legally separated from the individual, of any individual who has direct or indirect ownership interest of at least 5% in the profits, equity, capital, or value of the taxpayer.

"Taxpayer" means an individual, corporation, partnership, or other entity that has any Illinois Income Tax liability. [35 ILCS 10/5-5]

"Training costs" means costs incurred to upgrade the technological skills of Full-Time Employees in Illinois and includes: curriculum development; training materials (including scrap product costs); trainee domestic travel expenses; instructor costs (including wages, fringe benefits, tuition and domestic travel expenses); rent, purchase or lease of training equipment; and other usual and customary training costs. "Training costs" do not include costs associated with travel outside the United States (unless the Taxpayer receives prior written approval for the travel by the Director based on a showing of substantial need or other proof the training is not reasonably available within the United States), wages and fringe benefits of employees during periods of training, or administrative cost related to Full-Time Employees of the Taxpayer.

"Underserved area" means a geographic area that meets one or more of the following conditions:

the area has a poverty rate of at least 20% according to the latest federal decennial census, the most recent American Community Survey released by the U.S. Census Bureau, or other appropriate data source produced by the U.S. Census Bureau;

75% or more of the children in the area are eligible to *participate in the federal free lunch* or reduced-price meals *program according to reported statistics from the State Board of Education;*

at least 20% of the households in the area receive assistance under the Supplemental Nutrition Assistance Program (SNAP) according to data from the U.S. Census Bureau*; or*

the area has an average unemployment rate, as determined by the Illinois Department of Employment Security, that is more than 120% of the national unemployment average, as determining by the U.S. Department of Labor, for a period of at least two consecutive calendar years preceding the date of the application. [35 ILCS 10/5-5]

(Source: Amended at 42 Ill. Reg. 6320, effective March 20, 2018)

Section 527.30 Eligibility Determination

a) Any *Taxpayer~~taxpayer~~ that is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, assembling, warehousing, or distributing products, conducting research and development, providing tourism services, or providing services in interstate commerce, office industries, or agricultural processing, but excluding retail, retail food, health, or professional services* is an eligible business. [35 ILCS 10/5-5]

b) A Taxpayer~~taxpayer~~ who is operating an eligible business that is located, or plans to be located, in the State of Illinois may be an "Applicant~~applicant~~". *Applicant does not include a Taxpayer~~taxpayer~~ who closes or substantially reduces an operation at one location in the State and relocates substantially the same operation to another location in the State.*

1) *This does not prohibit a Taxpayer~~taxpayer~~ from expanding its operations at another location in the State, provided that existing operations of a*

similar nature located within the State are not closed or substantially reduced within the last two years. For the purpose of this Section, "substantially reduced" means a reduction in employment of 33.33% or more. A Taxpayer may not enter into more than one Agreement with respect to a single address or location for the same period of time. This provision does not preclude the Applicant from entering into an additional Agreement after the expiration of an earlier Agreement to the extent the Taxpayer's application otherwise satisfies the terms and conditions of the Act and is approved by the Department.

2) *This also does not prohibit a Taxpayer~~taxpayer~~ from moving its operations from one location in the State to another location in the State for the purpose of expanding the operation, provided that the Department determines that the expansion cannot reasonably be accommodated within the municipality in which the business is located, or in the case of a business located in an incorporated area of the county, within the county in which the business is located.* A determination under this subsection (b)(2) shall be made by the Department *after conferring with the chief elected official of the municipality or county and taking into consideration any evidence offered by the municipality or county regarding the ability to accommodate expansion within the municipality or county.* [35 ILCS 10/5-15]

c) *In order to qualify for Credits under the Act, an Applicant's Project~~applicant's project~~* must:

1) if the Applicant has more than 100 employees, *involve an investment of at least $2,500,000~~5,000,000~~ in capital improvements to be placed in service ~~and employ at least 25 new employees~~ within the State as a direct result of the Project~~project~~* and the Applicant must *employ a number of New Employees in the State equal to the lesser of 10% of the number of Full-Time employees employed by the Applicant world-wide on the date the application is filed with the Department or 50 New Employees~~if the applicant has more than 100 employees at the time of the EDGE application~~*; or

2) *if the Applicant has 100 or fewer employees, there is no capital improvement requirement* but the Applicant must *employ a number of New Employees in the State equal to the lesser of 5% of the number of Full-*

Time Employees employed by the Applicant world-wide on the date the application is filed with the Department or 50 New Employees~~*involve an investment of at least $1,000,000 in capital improvements to be placed in service and to employ at least 5 new employees within the State as a direct result of the project if the applicant has 100 or fewer* employees at the time of the EDGE application~~.

~~3)~~ ~~*involve an investment* at a level *specified by the Department in capital improvements to be placed in service; employ new employees within the State* at a level specified by the Department; and *provide a substantial economic benefit to the State* [35 ILCS 10/5-20], as determined by the Department.~~

~~A)~~ ~~The Director may approve projects that do not meet the minimum job creation and investment thresholds specified in Section 527.30(c)(1) for an applicant meeting all other requirements in the Act and this Part provided that one or more of the following conditions are met:~~

~~i)~~ ~~the applicant business is located in a distressed community with an unemployment rate that is higher than the State's average;~~

~~ii)~~ ~~the applicant business is located in an area with limited economic development prospects as evidenced by prior and current development activities;~~

~~iii)~~ ~~approval would support a business with potential to generate additional growth in the area and create jobs as a result of spin-off businesses; or~~

~~iv)~~ ~~approval would avert loss of one of the area's major sources of employment.~~

~~B)~~ ~~The greater the impact on the economy of the area in which the applicant is located, the lower the amount of job creations and investment by the applicant that will be necessary for the Director to approve the application; or~~

d) The Applicant~~applicant~~ must demonstrate *that, if not for the Credit,~~credit~~ the Project~~project~~ would not occur in Illinois, which may be demonstrated by evidence that receipt of the Credit is essential to the Applicant's decision to create new jobs in the State, such as the magnitude of the cost differential between Illinois and a competing state.* In the event that *the Applicant is seeking an increase in the amount of the Credit for Retained Employees, the Applicant must~~by~~* provide~~providing~~ documentation~~ evidencing that~~:

1) evidencing that *the Applicant~~applicant~~ has multi-state location options and could reasonably and efficiently locate outside of the State; or*

2) demonstrating that *at least one other state is being considered for the Project.* [35 ILCS 10/5-25]~~*project; or*~~

~~3) *receipt of the credit is a major factor in the applicant's decision and that, without the credit, the applicant likely would not create new jobs in Illinois; or*~~

~~4) *the credit is essential to the applicant's decision to create or retain new jobs in the State.*~~

e) Identify a *cost differential, using best available data, in the projected costs for the Applicant's~~applicant's~~ Project~~project~~ compared to the costs in the competing state, including the impact of the competing state's incentive programs*~~ [35 ILCS 10/5-25]~~, for example, by demonstrating:

1) specific costs of labor, utilities, taxes and other costs of an out-of-state site or the industry's cost structure in the competing region; or

2) specific cost differential due to the impact of a competing state's incentive programs.

f) In order to qualify for increased EDGE benefits under the Business Location Efficiency Incentive Act, the applicant must submit a location efficiency report that:

1) describes the existence of infrastructure at the Project site and satisfies Business Location Efficiency Incentive Act's standards for affordable workforce housing or affordable and accessible mass transit; or

2) if the Department determines from the location efficiency report that the applicant is seeking assistance in an area that is not location efficient, the Department may award an increase in State economic development assistance if an applicant submits, and the Department accepts, an employee housing and transportation remediation plan or creates jobs in a labor surplus area as defined by the Department of Employment Security at the end of each calendar year.

(Source: Amended at 42 Ill. Reg. 6320, effective March 20, 2018)

Section 527.40 Form of Application

a) Applications will be accepted at any time during the year. The Department will provide interested Applicants with an application package upon request. Submittal of an application does not commit the Department to award assistance or to pay any costs, including the application fee, incurred by the Applicant in the preparation of an application.

b) *Any Taxpayer proposing a Project located or planned to be located in Illinois may request consideration of its Project*, by application *to the Department, in which the Applicant states its intent to make at least a specified level of investment*, if the Applicant has more than 100 employees, *and intends to hire or retain a specified number of Full-time Employees~~full-time employees~~ at a designated location in Illinois* as set forth in Section 5-20 of the Act. [35 ILCS 10/5-20(a)]

c) Written applications will be required and must be submitted on the standard application form provided by the Department. Applications shall be submitted to the Department office location identified on the application. The application shall include:

1) Application Cover Page – containing name, address, and telephone number of Applicant~~applicant~~; key contact and title; total number of new employees to be hired and, when applicable, the number of Full-time Employees to be retained; company Federal Employer Identification Number (F.E.I.N.); Standard Industrial Code (S.I.C.); if available, Illinois Unemployment Insurance Account Code; State Senate District number; State Representative District number; authorized signatures; and related

information.

2) Project Summary – *a detailed description of the Project that* is to be *the subject of the Agreement.* [35 ILCS 10/5-50(l)]

3) Site Map – an outline of the general location of the Project on a site map, including the location of any flood plain areas and wetland areas.

4) Jobs Impact – *a detailed description of the number of New Employees to be hired and the occupation and payroll of the full-time jobs to be created* [35 ILCS 10/5-50(9)] as a result of the Project, and a schedule of anticipated starting dates of the new hires. In addition, the Applicant must provide the total number of Full-time Employees employed by the Applicant and any Related Member, subsidiary, parent, or sister company in the State of Illinois at the time of the application. If the Applicant seeks a Credit with respect to Retained Employees, the application shall include, the occupation and payroll of the Full-time Employees to be retained as a result of the Project.

5) Capital Improvements Planned – a detailed description of *the investment the* Taxpayer *will make in Capital Improvements, and the designated location in Illinois for the investment.* [35 ILCS 10/5-50(10)] This shall include but not be limited to a description (or specifications or lists) of the planned Capital Improvements demonstrating the investment is qualified; documentation to substantiate the value of the investment (value of Capital Improvements as provided by appraisers, vendors, contractors and/or architects and engineers); and a schedule regarding when the eligible investment will be placed in service.

6) Total Project Costs – a detailed description of total Project Cost as defined in Section 527.20.

7) Competitive Requirements of the Project – evidence supplied by the Applicant demonstrating that, *if not for the Credit, the Project would not occur in Illinois, which may be demonstrated by evidence that receipt of the Credit is essential to the Applicant's decision to create new jobs in the State, such as the magnitude of the cost differential between Illinois and a competing state*. In the event that *the Applicant is seeking an increase in the amount of the credit for Retained Employees, the Applicant must*

provide documentation:~~*any means, including, but not limited to:*~~

A) evidencing that ~~*evidence*~~ *the Applicant has multi-state location options and could reasonably and efficiently locate outside of the State*. An~~, for~~ example of this evidence includes~~,~~ documentation indicating firm interest in alternative non-Illinois locations, such as a prospective offer or letter; *or*

B) demonstrating~~*demonstration*~~ *that at least one other state is being considered for the Project*, for example, disclosure of sites of out-of-state location options that would receive the proposed investment and job creation in the event the business is not designated, which may include documentation such as incentive letters or prospective offers from other states. [35 ILCS 10/5-25]~~;~~ ~~*or*~~

~~C)~~ ~~*evidence the receipt of the Credit is a major factor in the Applicant's decision and that, without the Credit, the Applicant likely would not create new jobs in Illinois*, for example, an affidavit signed by the Applicant stating that the Credit is a precondition to the Applicant's decision to create new jobs in the State; *or*~~

~~D)~~ ~~*demonstration that receiving the Credit is essential to the Applicant's decision to create or retain new jobs in the State* [35 ILCS 10/5-25(b)], for example, an affidavit signed by the Applicant stating that without the Credit the Applicant would not be inclined to create new jobs in the State.~~

8) Cost Differential – documentation of a cost differential of alternative out-of-state sites, such as written information on non-Illinois sites under consideration, comparison of industry costs in other states, cost/benefit analyses of moving or closing the business, financial statements, internal memoranda, or any other financial documentation evidencing cost differential.

9) Financial Statement – a balance sheet and a profit and loss statement of the Taxpayer for the last two years.

10) Other Provisions – any other provisions or information the Department determines is necessary to facilitate the Department's evaluation of the application.

d) The Applicant is responsible for the accuracy of all data, information and documentation included in its application. Once submitted, applications shall become the property of the Department.

e) Applications will not be evaluated unless the application fee has been included.

f) *Any documentary materials or data made available or received by any member of a* business development or other~~Business Investment~~ *Committee* formed by the Department~~("Committee") of the Illinois Economic Development Board~~ *or any agent or employee of the Department shall be deemed confidential and shall not be deemed public records to the extent that the materials or data consist of trade secrets, commercial or financial information regarding the operation of the business conducted by the Applicant for, or recipient of, any tax credit~~Tax Credit~~ under the Act, or any information regarding the competitive position of a business in a particular field of endeavor.* [35 ILCS 10/5-90(a)]

(Source: Amended at 42 Ill. Reg. 6320, effective March 20, 2018)

Section 527.50 Application Review

a) Prior to substantive evaluation of an application, the Department shall screen all applications to determine that all requirements of the application package have been addressed. Applicants will be notified of deficiencies in applications and given an opportunity to correct those deficiencies through submission of additional documentation.

b) The Department shall evaluate applications in accordance with the policies ~~that have been~~ adopted by the Department or its Director~~Business Investment Committee~~. In evaluating applications, the Department shall determine that all of the following conditions exist:

1) *the Applicant's Project intends to make the required investment in the State and intends to hire the required number of New Employees* and, when applicable, to maintain the required number of Retained Employees *in Illinois as a result of that Project.*

2) *the Applicant's Project is economically sound and will benefit the people of the State of Illinois by increasing opportunities for employment and strengthen the economy of Illinois.*

3) *that, if not for the Credit, the Project would not occur in Illinois, which may be demonstrated by evidence that receipt of the Credit is essential to the Applicant's decision to create new jobs in the State, such as the magnitude of the cost differential between Illinois and a competing state. In the event that the Applicant is seeking an increase in the amount of the Credit for Retained Employees, the Applicant must provide documentation evidencing that ~~any means, including, but not limited to, evidence~~ the Applicant has multi-state location options and could reasonably and efficiently locate outside of the State, or demonstrating~~demonstration~~ that at least one other state is being considered for the Project~~, or evidence the receipt of the Credit is a major factor in the Applicant's decision and that, without the Credit, the Applicant likely would not create new jobs in Illinois, or demonstration that receiving the Credit is essential to the Applicant's decision to create or retain new jobs in the State~~.*

4) *a cost differential is identified, using best available data, in the projected costs for the Applicant's Project compared to the costs in the competing state, including the impact of the competing state's incentive programs. The competing state's incentive programs shall include state, local, private, and federal funds available.*

5) *the political subdivisions affected by the Project have committed local incentives with respect to the Project, considering local ability to assist.*

6) *awarding the Credit will result in an overall positive fiscal impact to the State, as certified by the Committee, using the best available data.* [35 ILCS 10/5-25(b)]

7) if appropriate, an Applicant that has moved its operations from one political subdivision in the State to another political subdivision (and that has been determined by the Department to be an eligible Applicant) has demonstrated that it is not claiming a tax credit with respect to any jobs that the Taxpayer relocates from one site in Illinois to another site in Illinois.

c) An Applicant may not enter into more than one Agreement with the Department with respect to the same location or address for the same period of time. This provision does not preclude the Applicant from entering into an additional Agreement after the expiration of an earlier Agreement to the extent the Taxpayer's application otherwise satisfies the terms and conditions of the Act and is approved by the Department.

d) The Department reserves the right to request the Committee *to convene, make inquiries, and conduct studies in the manner and by the methods it deems desirable, review information with respect to Applicants, and make recommendations on Projects to benefit the State. Recommendations that an Applicant's application for Credit should or should not be accepted shall occur within a reasonable time frame as determined by the nature of the application.* [35 ILCS 10/5-25(b)]

(Source: Amended at 42 Ill. Reg. 6320, effective March 20, 2018)

Section 527.60 Application Denial/Approval

a) Applicants shall be notified in writing as to the Department's evaluation of all completed applications. If the Department denies an application for the Credit, it will specify the reasons for the denial in writing and allow the Applicant 30 days to amend and resubmit its application for evaluation. If the Applicant disagrees with the Department's decision it may seek relief through the process afforded in the Department's Administrative Hearing Rules set forth at 56~~47~~ Ill. Adm. Code 2605~~10 (Review and Appeal Procedures)~~.

b) The Department will negotiate a formal Agreement with Applicants determined to be eligible for the award of a Credit. *For tax years beginning on or after January 1, 1999, a Taxpayer who has entered an Agreement under the Economic Development for a Growing Economy Tax Credit Act is entitled to a credit against the taxes imposed under Section 201(a) and (b) of the Illinois Income Tax Act* ~~[35 ILCS 5/201(a) and (b)]~~ *in an amount to be determined in the Agreement.* [35 ILCS 5/211]

(Source: Amended at 42 Ill. Reg. 6320, effective March 20, 2018)

Section 527.70 Determination of Amount and Term of the Credit

a) *The Department shall determine the amount and duration of the Credit awarded under the Act. The duration of the Credit may not exceed 10 taxable years.* [35 ILCS 10/5-45] In determining the appropriate amount and duration of a Credit to be awarded to a Taxpayer, *the Department shall take into consideration the following additional factors:*

1) *The number and location of jobs created and retained in relation to the economy of the county where the projected investment is to occur.*

2) *The potential impact of the Project on the economy of Illinois.*

3) *The magnitude of the cost differential between Illinois and the competing states.*

4) *The incremental payroll attributable to the Project.*

5) *The capital investment attributable to the Project.*

6) *The amount of the average wage and benefits paid by the Applicant in relation to the wage and benefits of the area of the Project.*

7) *The costs to Illinois and the affected political subdivisions with respect to the Project.*

8) *The financial assistance that is otherwise provided by Illinois and the affected political subdivisions.* [35 ILCS 10/5-40]

b) *The Credit may be stated as a percentage of the Incremental Income Tax attributable to the Applicant's Project and may include a fixed dollar limitation.* [35 ILCS 10/5-45]

c) *The Credit shall not exceed the Incremental Income Tax~~Payroll~~ attributable to the Project that is the subject of* an *Agreement.* [35 ILCS 10/5-15(d)]

d) *The total amount of the Credit allowed during all tax years may not exceed the aggregate amount of costs incurred by the Taxpayer during all prior tax years to the extent provided in the Agreement~~ of Project Costs~~.* [35 ILCS 10/5-30]

e) Applicants that qualify for increased EDGE benefits under the Business Location Efficiency Incentive Act may receive:

1) up to 10 percent more than the maximum allowable tax credits for which they are eligible under the Act, but not to exceed 100 percent of the applicant's tax liability; or

2) such other adjustments of those tax credits, including but not limited to authorizing the term of the credit to exceed 10 taxable years, as the Department deems appropriate to foster job creation and retention in Illinois.

f) Nothing in this Section shall prohibit a Tax Credit Award to an Applicant that uses a Professional Employer Organization if all other award criteria are satisfied.

(Source: Amended at 42 Ill. Reg. 6320, effective March 20, 2018)

Section 527.80 Tax Credit Agreement

The Department and each Taxpayer whom the Department determines qualifies for a Credit under the Act shall enter into an Agreement that specifies terms and conditions regarding the provision of the Credit and defines the rights and responsibilities of the Taxpayer and the Department. Provisions that the Taxpayer will be contractually bound to comply with include, but are not limited to, the following:

a) *A detailed description of the project that is the subject of the Agreement, including the location and amount of the investment and jobs created or retained.*

b) *The duration of the Credit and the first taxable year for which the Credit may be claimed.*

c) *The Credit amount that will be allowed for each taxable year.*

d~~a~~) *A requirement that the Taxpayer shall maintain operations at the project~~Project~~ location that shall be stated as a minimum number of years* not to exceed 10~~less than 10~~.

e~~b~~) *A specific method for determining the number of New Employees* and Retained Employees *employed during a taxable year*.

f~~e~~) *A requirement that the Taxpayer shall annually report to the Department the number of New Employees* and Retained Employees*, the Incremental Income Tax~~Payroll~~ withheld in connection with the New Employees* and Retained Employees*, and any other information the* Department requires to ensure compliance with the Act, the Agreement, or other applicable law.

g~~d~~) *A requirement that the* Director or Department *is authorized to verify with the appropriate State agencies* information required to be reported by the Taxpayer.

h~~e~~) *A requirement that the Taxpayer shall provide written notification to the* Department *not more than 30 days after the Taxpayer makes or receives a proposal that would transfer the Taxpayer's State tax liability obligations to a successor Taxpayer.*

i) *A detailed description of the number of New Employees to be hired* and Retained Employees to be maintained*, and the occupation and payroll of the full-time jobs to be created or retained as a result of the Project.*

j) The Agreement shall include the total number of Full-time Employees employed by the Applicant and any Related Member, subsidiary, parent, sister, and any other related or associated company in the State of Illinois at the time of the Application (the "baseline"), and a provision that allowance of the Credit shall be suspended if the number of Full-time Employees employed by the Taxpayer in Illinois falls below that baseline until the number of Full-time Employees equals or exceeds the baseline amount identified in the Agreement.

k) *The minimum investment the business enterprise will make in capital improvements*, if applicable*, the time period for placing the property in service, and the designated location in Illinois for the investment.*

l~~f~~) *A requirement that the Taxpayer shall provide written notification to the* Department *not more than 30 days after the Taxpayer determines that the minimum job creation or retention, employment payroll, or investment no longer is being or will be achieved or maintained as set forth in the terms and conditions of the Agreement.*

m~~g~~) *A provision that, if the total number of New Employees* and Retained Employees *falls below a specified level, the allowance of Credit shall be suspended until the*

number of New Employees and Retained Employees *equals or exceeds the Agreement amount.* ~~[35 ILCS 10/5-50]~~

n) *A detailed description of the items for which the costs incurred by the Taxpayer will be included in the limitation on the Credit provided in Section 5-30.*

o) *A provision that, if the Taxpayer never meets either investment or job creation and retention requirements specified in the Agreement during the entire 5-year period beginning on the first day of the first taxable year in which the Agreement is executed and ending on the last day of the fifth taxable year after the Agreement is executed, then the Agreement is automatically terminated on the last day of the fifth taxable year after the Agreement is executed and the Taxpayer is not entitled to the award of any credits for any of that 5-year period.*

p) *A provision specifying that, if the Taxpayer ceases principal operations with the intent to shut down the Project in the State permanently during the term of the Agreement, then the entire Credit amount awarded to the Taxpayer prior to the date the Taxpayer ceases principal operations shall be returned to the Department and shall be reallocated to the Local Workforce Investment Area in which the Project is located.*

q~~h~~) Any other performance conditions or contract provisions ~~that~~ the Department determines are necessary to comply with the Act and other applicable State laws and administrative rules. [35 ILCS 10/5-50]

(Source: Amended at 42 Ill. Reg. 6320, effective March 20, 2018)

Section 527.90 Certificate of Verification

a) The Taxpayer shall notify the Department on forms provided by the Department when the minimum eligible capital improvement investments have been placed in service and the minimum New Employee jobs have been created and that Retained Employees remain employed by the Taxpayer.

b) The Taxpayer shall provide, for land and/or building acquisition, a copy of the purchase agreement; for building construction or renovation, a contractor's or architect's cost certification; for space rental, a rental/lease agreement.

c) *For a Taxpayer to be eligible for a certificate of verification, the Taxpayer shall*

provide proof as required by the Department prior to the end of each calendar year, including, but not limited to, attestation by the Taxpayer that the Project:

1) *has achieved the level of* Full-time New Employees and Retained Employees *specified in* the *Agreement*;~~.~~

2) *has achieved the level of annual payroll in Illinois specified in the Agreement*;~~.~~

3) *has achieved the level of capital investment in Illinois specified in the Agreement*;~~.~~

4) has maintained the baseline employment specified in the Agreement; and

5) the Taxpayer has materially complied with the terms of the Agreement and is not otherwise in violation of any provision of the Act.

d) Upon receipt of valid proof from the Taxpayer, the Department shall provide the Taxpayer with a Certificate of Verification.

e) *A Taxpayer claiming a Credit under the Act shall submit to the Department of Revenue a copy of the Director's certificate of verification under the Act for the taxable year. However, failure to submit a copy of the certificate with the Taxpayer's tax return shall not invalidate a claim for a Credit.* [35 ILCS 10/5-55]

(Source: Amended at 42 Ill. Reg. 6320, effective March 20, 2018)

Section 527.100 Noncompliance with the Agreement

a) *If the Department determines that a Taxpayer who has received a Credit under the Act is not complying with the requirements of the Agreement or all of the provisions of the Act, the Director shall provide notice to the Taxpayer of the alleged noncompliance, and allow the Taxpayer a hearing under the provisions of the Illinois Administrative Procedure Act* [5 ILCS 100]. *If, after notice and any hearing, the Director determines that a noncompliance exists, the Director shall issue to the Department of Revenue notice to that effect, stating the Noncompliance Date.* [35 ILCS 10/5-65] Alleged noncompliance shall include:

1) a demonstration that the Taxpayer would have placed in service the capital

investment and created or retained the requisite number of New Employee jobs without the benefits of certification. Proof of this shall include, but is not limited to, correspondence, financial plans and prospectuses, internal memoranda and other written documentation demonstrating the Taxpayer would have taken the actions without the designation;~~.~~

2) a demonstration that the Taxpayer failed materially to comply with the terms and conditions of the Agreement;~~.~~

3) a determination upon investigation that the Taxpayer or any of its agents or representative provided false or misleading~~business falsified application~~ information to the Department~~in violation of 14 Ill. Adm. Code 520.730(f);~~~~.~~

4) a failure to submit the annual report required by Section 5-57 of the Act; or

5) a failure to submit an annual progress report ~~by an applicant~~ pursuant to an employee housing and transportation plan or a determination by the Department that adequate progress is not being made by the Taxpayer~~applicant~~ to implement the plan, which will result in the revocation of the increased tax credits, extension of the term of the Credit~~credit~~ and/or other adjustments awarded pursuant to the Business Location Efficiency Incentive Act.

b) The Department shall notify a Taxpayer in writing that it is subject to revocation. Such notice shall include the reason for revocation and the date and location of a hearing to be held pursuant to 56~~47~~ Ill. Adm. Code 2605~~10~~ (Administrative Hearing Rules~~Review and Appeal Procedures~~).

c) Following revocation the Department will contact the Director of the Illinois Department of Revenue who shall begin proceedings to recover wrongfully exempted State taxes.

(Source: Amended at 42 Ill. Reg. 6320, effective March 20, 2018)

Section 527.110 Recapture and Reallocation of Recaptured Amounts

a) *If, during the term of an Agreement, the Taxpayer ceases* principal *operations at a*

Project location that is the subject of that Agreement with the intent to terminate operations in the State, the Department and the Department of Revenue shall recapture from the Taxpayer the entire Credit amount awarded under the Agreement prior to the date the Taxpayer ceases principal *operations.*

1) If the Department determines that a *Taxpayer ceases* principal *operations at a Project location that is the subject of that Agreement with the intent to terminate operations in the State,* the Director shall provide notice to the Taxpayer of that determination and allow the Taxpayer a hearing under the Illinois Administrative Procedure Act [5 ILCS 100]. Example of activities that evidence a cessation of operation at a Project location with an intent to terminate operations in the State include, but are not limited to, WARN notices reflecting layoffs in excess of 65% of the Full-time Employees located at the Project site, public announcements or other media reflecting an intent to relocate operations outside the State, or any other information the Department determines reflects an intent to discontinue operations at the Project site.

2) The Department shall notify a Taxpayer in writing that it is subject to recapture. The notice shall include the reason for revocation and the date and location of a hearing to be held pursuant to 56 Ill. Adm. Code 2605 (Administrative Hearing Rules).

3) Following a determination that Credits received pursuant to an Agreement are subject to recapture, the Department will contact the Director of the Illinois Department of Revenue who shall begin proceedings to determine the amounts to be reallocated by the Department pursuant to Section 6-65 of the Act.

b) *The Department shall, subject to appropriation, reallocate the recaptured amounts to the Local Workforce Investment Area*, either by direct use of those or through grants as set forth in this subsection (b), *in which the Project was located for the purposes of workforce development, expanded opportunities for unemployed persons, and expanded opportunities for women and minorities in the workforce.* [35 ILCS 10/5-65]

1) Any county, municipality, or other entity ("Grant Applicant") may apply for a grant from the Department under this Section *for the purposes of workforce development, expanded opportunities for unemployed persons,*

and expanded opportunities for women and minorities in the workforce in the Local Workforce Investment Area (a "Grant").

i) An application should be submitted on the standard application form provided by the Department specifically setting forth how grant-related activities would directly support *workforce development, expanded opportunities for unemployed persons, and expanded opportunities for women and minorities in the workforce* in the Local Workforce Investment Area.

ii) The Department will evaluate applications based on the extent to which the Grant Applicant demonstrates that the proposed grant-related activities will directly support the purposes of this Section.

iii) Grant Applicants shall be notified in writing as to the Department's evaluation of all completed Grant Applications. If the Department denies a Grant Application, it will specify the reasons for the denial in writing and allow the Grant Applicant 30 days to amend and resubmit its application for evaluation.

iv) The Department shall determine the amount of funds awarded to any Grant Applicant under this Section.

v) Upon approval of a Grant Application, the Department shall enter into a Grant Agreement with the Grant Applicant in accordance with the Grant Accountability and Transparency Act (GATA) [30 ILCS 708], containing such terms and conditions as the Department deems necessary and proper to effect the purposes of the Act.

2) Grant funds shall be distributed in accordance with GATA, and any other applicable State laws.

(Source: Added at 42 Ill. Reg. 6320, effective March 20, 2018)

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Low Income Home Energy Assistance Program

2) Code Citation: 47 Ill. Adm. Code 100

3)

Section Numbers:	Adopted Actions:
100.40	Amendment
100.50	Amendment
100.60	Amendment

4) Statutory Authority: Implementing and authorized by the Energy Assistance Act [305 ILCS 20], Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95], the Low-Income Home Energy Assistance Act of 1981 (42 USCA 8621) and Executive Order 2009-2.

5) Effective Date of Rule: March 20, 2018

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. 13921; November 17, 2017.

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Grammatical and stylistic changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: Under the existing Low-Income Home Energy Assistance Program (LIHEAP) rules, certain eligible entities are designated as Local Action Agencies (LAAs) for purposes of administering the State of Illinois' LIHEAP and Illinois Home Weatherization Assistance Program (IHWAP) by offering energy assistance and weatherization services to the State's most vulnerable populations, namely the low-income community, in a specific service area approved by the Department. The proposed rules provide modifications, including but not limited to, (i) adding the option of a suspension of an LAA's designation to address situations in which immediate action is necessary to protect the public interest, including during the pendency of a designation revocation proceeding and (ii) providing a more flexible and streamlined process for LAA designation revocation proceedings. The proposed amendments also implement the option of a temporary assignment of a qualified alternate provider to operate the LIHEAP and IHWAP programs in the designated LAA's service area for that program year during the pendency of a suspension or revocation proceeding in order to ensure continuity of LIHEAP and IHWAP services for those low-income households.

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

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
500 East Monroe
Springfield IL 62701

217/557-1820

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 100
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
100.10 Legislative Base
100.20 Purpose and Scope
100.30 Definitions
100.40 Local Administering Agency Designation
100.50 Local Administering Agency Application for Funding
100.60 Local Administering Agency Designation Suspension, Termination and Revocation~~Grant Termination~~
100.70 Administrative Requirements
100.80 Nondiscrimination
100.90 Dispute Procedures
100.100 Complaint Process
100.110 Incorporation by Reference

SUBPART B: ENERGY ASSISTANCE

Section
100.200 Energy Assistance Program
100.210 Allocation of Block Grant Funds
100.220 Assistance Available
100.230 Applicant Assistance
100.240 Summer Energy Assistance
100.250 Determination of Household Eligibility

SUBPART C: WEATHERIZATION

Section
100.400 Allocation of Funds
100.410 Minimum Program Requirements
100.420 Allowable Costs

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

100.430 Cost Restrictions
100.440 Standards and Techniques for Weatherization
100.450 Eligible Dwelling Units

100.APPENDIX A LIHEAP Payment Matrix
100.APPENDIX B Medical Certification
100.APPENDIX C Assistance Level Chart Map

AUTHORITY: Implementing and authorized by the Energy Assistance Act [305 ILCS 20], Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95], the Low-Income Home Energy Assistance Act of 1981 (42 USC 8621) and Executive Order 2009-2.

SOURCE: Adopted and codified at 7 Ill. Reg. 2956, effective March 9, 1983; amended at 8 Ill. Reg. 8184, effective May 31, 1984; amended at 8 Ill. Reg. 16004, effective August 27, 1984; amended at 8 Ill. Reg. 20669, effective October 6, 1984; amended at 9 Ill. Reg. 10710, effective July 1, 1985; amended at 9 Ill. Reg. 18134, effective November 12, 1985; amended at 10 Ill. Reg. 8684, effective May 12, 1986; amended at 10 Ill. Reg. 21064, effective December 9, 1986; amended at 11 Ill. Reg. 682, effective December 18, 1986; recodified at 11 Ill. Reg. 4631; amended at 12 Ill. Reg. 757, effective December 23, 1987; amended at 12 Ill. Reg. 14639, effective September 6, 1988; amended at 12 Ill. Reg. 15530, effective September 19, 1988; amended at 13 Ill. Reg. 10827, effective June 27, 1989; amended at 13 Ill. Reg. 13568, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 17870, effective November 1, 1989, for a maximum of 150 days; emergency expired March 31, 1990; amended at 14 Ill. Reg. 13440, effective August 8, 1990; amended at 15 Ill. Reg. 3437, effective February 25, 1991; emergency amendment at 15 Ill. Reg. 14604, effective September 30, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3940, effective February 26, 1992; emergency amendment at 16 Ill. Reg. 17136, effective October 26, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 3836, effective March 5, 1993; amended at 27 Ill. Reg. 2123, effective January 24, 2003; emergency amendment at 27 Ill. Reg. 14838, effective September 2, 2003, for a maximum of 150 days; emergency expired January 29, 2004; recodified from the Department of Commerce and Economic Opportunity (47 Ill. Adm. Code 100) to the Department of Public Aid (89 Ill. Adm. Code 109) at 29 Ill. Reg. 2791; recodified from the Department of Healthcare and Family Services (89 Ill. Adm. Code 109) to the Department of Commerce and Economic Opportunity (47 Ill. Adm. Code 100) at 33 Ill. Reg. 9466; emergency amendment at 41 Ill. Reg. 14119, effective November 6, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 6350, effective March 20, 2018.

SUBPART A: GENERAL PROVISIONS

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED AMENDMENTS

Section 100.40 Local Administering Agency Designation

a) Certain~~The following local~~ entities are eligible to apply for LAA designation under this Part as follows~~as LAAs under the LIHEAP~~:

1) Any organization which was officially designated as a Community Action Agency under the applicable provisions of ~~section 210 of~~ the Economic Opportunity Act of 1964, as amended (42 USC 2701);~~.~~

2) Any non-profit private community organization determined by the Department to be capable of planning, conducting and administering the LIHEAP and IHWAP programs~~an Energy Assistance or Weatherization Program~~ according to the guidelines established by the Department and in accordance with this Section; and~~.~~

3) A (Unit~~unit~~ or combination of Units)~~units~~ of General Purpose Local Governments~~general purpose local governments~~ of the State (as defined in Section 100.30).

b) The~~In designating LAAs, the~~ Department will designate LAAs in compliance with the federal standards set forth in Section 100.10, the HHS~~comply with those rules and~~ regulations~~ set forth in~~ (45 CFR 96) (October 1, 2017), ~~(October 1, 1990 edition)~~ and the DOE regulations (10 CFR 440~~.15 (January 1, 1991 edition~~) (January 1, 2017)~~,which provide the federal standards governing LAA selection~~ for the LIHEAP and IHWAP programs under this Part~~Energy Assistance Program (the HHS and the U.S. Department of Energy (DOE) weatherization assistance program). LAAs must be designated by the Department, in accordance with this Section, to operate the DOE funded component of the Illinois Home Weatherization Assistance Program (IHWAP) in order to be eligible to receive financial assistance for the IHWAP covered by this Part~~.

c) Only a designated LAA may apply for grant funding from the State, pursuant to Section 100.50, to operate the LIHEAP and IHWAP programs and only in the specific county or counties approved by the Department (Service Area). If, however, the designated LAA fails to timely submit an application for grant funding from the State for a certain Program Year, the Department has the right to assign an alternate LAA to operate the LIHEAP and IHWAP programs in that

LAA's Service Area for that Program Year in order to ensure continuity of services and to protect the public interest.

d) In the event that the Department commences a designation revocation proceeding against a designated LAA, or the Department temporarily suspends a designated LAA, or an LAA provides written notice to the Department stating its desire to discontinue operation of its LIHEAP and IHWAP programs in its Service Area, as set forth in Section 100.60, the Department, in its sole discretion, may assign an alternate LAA to operate the LIHEAP and IHWAP programs (that meets all requisite eligibility criteria in accordance with Section 100.40) during the pendency of the suspension or the designation revocation proceeding, or following the LAA's requested termination, as applicable, in order to ensure continuity of services in the Service Area.~~When designating LAAs to carry out LIHEAP, the Department shall give special consideration in the designation of such agencies to any local public or private non-profit agency which was receiving federal funds under any low-income energy assistance program or weatherization program, if the agency demonstrates that it meets the requirements of section 2605(a)(2)(b)(6) of Title VII of the Low-Income Home Energy Assistance Act of 1981. Special consideration shall mean: when service and accounting capability measures are compared and found to be equal or within 20% of equal, the specially considered agency will be selected.~~

(Source: Amended at 42 Ill. Reg. 6350, effective March 20, 2018)

Section 100.50 Local Administering Agency Application for Funding

~~a) To be eligible for financial assistance, a local agency must be designated by the Department to operate the Energy Assistance or Weatherization Program contained in this Part.~~

~~1) Where a local agency has been designated by the Department, in accordance with Section 100.40, to operate the Energy Assistance or Weatherization Program for a county or counties, only that designated local agency may apply for financial assistance.~~

~~2) Where no local agency has been designated by the Department to operate these programs, that agency which is successful in its request for proposal bid to operate the aforementioned programs shall be awarded financial~~

~~assistance under this Part. The proposal will be evaluated in accordance with 10 CFR 440.15(a) (1989) and Subparts A, B, C, D, E, F and H of 45 CFR 96 (1988).~~

a~~b~~) Designated LAAs~~Applicants~~ will be required to meet program and fiscal requirements for operation of the LIHEAP and IHWAP programs under this Part prior to the submittal of an application for grant funding from the State. Applications will not be processed nor grants awarded prior to the Department's review of the LAA's~~applicant's~~ performance in the following four areas:~~.~~

1) an effective outreach referral program (evidenced by services to clients in accordance with their incidence in the census-based client population of the service area);

2) a continuing planning process and capability (evidenced by demonstrated applicant staff capability to complete federal and/or state grant applications and reporting documents containing qualitative and quantitative objectives);

3) an accounting system in accordance with current generally accepted accounting principles of the American Institute of Certified Public Accountants (AICPA)~~ (1989)~~, 1211 Avenue of the Americas, New York, NY 10036-8775; and

4) an effective citizen participation/community involvement program.

b~~c~~) In preparing the grant application, LAAs~~ for funding assistance for programs contained in this Part, applicants~~ will be required to submit the following items:

1) Application for Assistance: The Department will require the submittal of a form provided by the Department which requires the basic information needed for grant award documentation and for the Department's review purposes.

2) Annual Implementation Plan~~Work Program~~: The work program will narrate the activities as required by the Department to be undertaken utilizing the grant funds. The work program must include at a minimum such items as provisions for staff, coordination with other delivery

agencies and a description of how the LAA~~agency~~ intends to deliver its basic services.

3) Annual Budget: The LAA~~applicant~~ shall submit a grant budget by cost categories, on the budget summary form and detail sheets provided by the Department.

4) Statement of Coordination: The LAA~~grant applicant~~ will be required to outline its program of coordination with other agencies and programs. The statement shall include coordination mechanisms established by the LAA~~applicant~~ and cite interagency agreements or contractual arrangements used in support of coordinated service delivery.

5) Assurances and Certifications: In a form and manner provided by the Department, the LAA~~applicant~~ will be required to certify its compliance with all applicable state and federal laws and regulations as detailed in this Part dealing with the receipt and expenditure of grant funds~~monies~~, as provided on the grant application.

6) Additional Grant Application Submittals: These include:

A) Name, address, telephone number of the LAA~~agency~~ responsible for administering the projects as well as signatures designating responsibility for the grants;

B) The "Notice of Grant Award" and grantee acceptance;

C) The "Method of Compensation, Fiscal Recording/Reporting Requirements";

D) The "Terms and Conditions Governing the Grant";

E) The "Scope of Work" that~~which~~ insures programmatic controls, such as training, staffing, outreach, and reporting; and

F) Any information that~~which~~ the Department deems necessary to clarify or document information provided in the application.

c~~d~~) The Department will use the following standards to select certain LAAs~~grantees~~ for special demonstration projects. The weight to be given to each standard will be dependent on the nature of the project, keeping in mind the Department's goal of equally representing all areas of the State.

1) The Department will consider the LAA's~~applicant's~~ experience in the particular type of energy assistance or weatherization project to be implemented.

2) The Department will consider the qualifications of the LAA's~~applicant's~~ personnel as related to the particular type of energy assistance or weatherization project to be implemented.

3) The Department will evaluate the methodology proposed by the LAA~~applicant~~ for completion of the project under consideration.

4) The Department will evaluate the ability of the LAA~~applicant~~ to complete the project under consideration as evidenced by factors specified in subsections (c~~d~~)(1), (2), (3), (5) and (6).

5) The Department will evaluate the LAA's~~applicant's~~ timetable for completion of the project both in terms of other applicants and whether or not the timetable appears to consist of a realistic statement of goals.

6) The Department will evaluate the LAA's~~applicant's~~ budget both in comparison to other applicants and to determine whether or not the proposal is a realistic assessment of the costs of the project.

(Source: Amended at 42 Ill. Reg. 6350, effective March 20, 2018)

Section 100.60 Local Administering Agency Designation Suspension, Termination and Revocation~~Grant Termination~~

~~If the Department determines that it is in the best interests of the program to revoke the designation of a LAA, the designation of a new administering agency shall be made by the Department in consultation with the government (or combination of governments) which has jurisdiction over the entire community to be served by the program. The determination of the "best interests" of the program will depend on the agency's success in complying with the grant~~

~~agreement.~~

a) A designated LAA will be permitted to apply for and receive funding available from the State to operate its~~Any LAA, either established (i.e., local designation and state recognition) under the~~ LIHEAP and~~/or~~ IHWAP programs in its Service Area~~accordance with the Low-Income Home Energy Assistance Act of 1981 will be awarded continuing program administering responsibilities in its established jurisdiction~~ unless one or more of the following events~~shall~~ occur:

1) an LAA fails to comply with the current applicable federal and State statutes, regulations and rules, grant agreement terms and conditions or Department policies and procedures governing the LIHEAP and IHWAP programs under this Part, as determined by the Department;~~written communication to the Department stating its desire to discontinue operation of the program;~~

2) an LAA or any of its principals have:

A) made a false representation in connection with the LIHEAP and IHWAP programs under this Part, or any grant award issued by the State;

B) been convicted of or entered a plea of guilty or plea of nolo contendere to a felony or to a misdemeanor, an essential element of which is dishonesty; or

C) been convicted of fraud or other criminal behavior, either related or unrelated to the LIHEAP and IHWAP programs;~~material failure by the LAA to comply with the Low-Income Home Energy Assistance Act of 1981, 10 CFR 440, 45 CFR 96, the provisions of the grant agreement, and the provisions of 47 Ill. Adm. Code 1 and this Part. Material failure includes, but is not limited to, fraud, disallowance of costs which could render a LAA insolvent, and denial of access to records of grant-related transactions.~~

3) insolvency or potential insolvency of an LAA or, in the case of a non-governmental entity, loss of non-profit status;

4) an LAA denies the Department access to the LAA's books and records, including but not limited to financial documents;

5) an LAA is suspended or debarred from receiving contracts or grants by any governmental entity; or

6) any other event, as determined by the Department, to be in the best interest of the State.

b) Upon discovery of one or more of the events~~conditions noted~~ set forth in subsection (a), the Department will take the following actions, as applicable~~action~~:

1) conduct a detailed review and investigation of the LAA;

2) temporarily suspend the LAA, withhold further grant payments, and prohibit the LAA from incurring additional obligations pending corrective action by the LAA or a decision by the Department to revoke the LAA's designation. The Department may allow necessary and proper costs that the LAA could not reasonably avoid during the period of suspension;

3) commence a proceeding to revoke the LAA's designation;

4) assign an alternate LAA to operate the LIHEAP and IHWAP programs (that meets all requisite eligibility criteria in accordance with Section 100.40) during the pendency of the suspension or the designation revocation proceeding. The alternate LAA will have the same rights and obligations as any other designated LAA during the temporary assignment.

c) In the event that a designated LAA fails to timely submit an application for grant funding from the State for a certain Program Year, the Department reserves the right to assign an alternate LAA to operate the LIHEAP and IHWAP programs (that meets all requisite eligibility criteria in accordance with Section 100.40) for that Program Year in order to ensure continuity of services and to protect the public interest. The alternate LAA will have the same rights and obligations as any other designated LAA during the temporary assignment.

d) The Department shall provide written notice to the LAA, sent via certified mail, return receipt requested, of the initiation of a suspension or a designation revocation proceeding. The notice will include:

1) the grounds for the suspension or proposed designation revocation;

2) a statement that all funding from the Department will be withheld during the pendency of the suspension and/or designation revocation proceeding;

3) a statement that funding from other State agencies also may be withheld during this period;

4) information regarding the alternate LAA during the pendency of the suspension or designation revocation proceeding, if applicable;

5) a reference to the applicable State law and current Department procedures and policies regarding LAA suspension and designation revocation proceedings; and

6) an opportunity for the LAA to respond to the notice.

e) Any LAA designation revocation proceeding or suspension will adhere to the applicable State law and current Department procedures and policies regarding LAA suspension and designation revocation proceedings for the LIHEAP and IHWAP programs under this Part.

f) If the Department determines that it is in the best interest of the State to revoke the designation of an LAA, the Department will designate a replacement LAA in accordance with current applicable Department procedures and policies. The replacement LAA will have the same rights and obligations as any other designated LAA.

g) When assigning an alternate or replacement LAA under this Section, the Department will give consideration to an entity that is currently designated as an LAA based on performance measures.

h) A designated LAA that desires to discontinue operation of its LIHEAP and IHWAP programs in its Service Area shall send a written communication to the

Department stating the reasons for the request. If the Department approves of the LAA's request, the Department shall terminate the LAA's designation and designate a replacement LAA pursuant to this Part. Any LAA designation termination and replacement shall be conducted in a manner to ensure continuity of services in the applicable Service Area.

~~1) The Department shall notify the LAA in writing of its initiation of the termination process and the reasons for termination. The notice will advise the LAA that, in accordance with this Part, it is entitled to a hearing. The LAA will be given fifteen (15) days from receipt of such notification to inform the Department that it wishes to exercise its right to a hearing. The hearing will be conducted within thirty (30) days of the original notification of initiation of the termination process. The notification shall also include:~~

~~A) a requirement that the LAA (in order to receive continued funding) shall agree to submit to a Department appointed official, throughout the termination process, to serve as a reviewer of all program-related expenditures which are reimbursable under Sections 100.70 and 100.420 of this Part) and which comply with the objectives and program activities specified in accordance with Subparts A and B of this Part; or~~

~~B) in the event the LAA does not agree to submit to the Department review specified in subsection (b)(1)(A), notice of funding suspension pending termination pursuant to this Part.~~

~~2) The services of a hearing officer, who must be an attorney licensed to practice law in Illinois under Article VII of the Illinois Supreme Court Rules, will be obtained by the Department, as will the services of a certified shorthand reporter under the Illinois Certified Shorthand Reporters Act of 1984 [215 ILCS 415]. Notice of the actual hearing time and date will be provided, with proof of receipt of notice, to both the LAA and grantor agency at least ten (10) days prior to the hearing. The cost of the certified shorthand reporter and the original transcript of the proceedings shall be borne by the Department. The LAA shall bear the cost of its copy of the transcript of proceedings.~~

~~c) The hearing shall be conducted in accordance with 56 Ill. Adm. Code 2605. The report of the hearing officer will be sent via registered mail to both parties within thirty (30) days of the hearing's completion.~~

~~d) The Director of the Department will review the hearing officer's recommendation and will base his/her decision on findings of fact and conclusions of laws that substantiate grant termination pursuant to this Section. The Department will notify the LAA in writing of the Department's final determination within thirty (30) days.~~

(Source: Amended at 42 Ill. Reg. 6350, effective March 20, 2018)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

1) Heading of the Part: Medication Takeback Program

2) Code Citation: 35 Ill. Adm. Code 889

3)

Section Numbers:	Adopted Actions:
889.100	New Section
889.105	New Section
889.110	New Section
889.115	New Section
889.200	New Section
889.205	New Section
889.210	New Section
889.215	New Section
889.220	New Section

4) Statutory Authority: Implementing and authorized by Section 22.55(l) of the Environmental Protection Act [415 ILCS 5/22.55(l)].

5) Effective Date of Rules: May 1, 2018

6) Do these rules contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rules is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276 Springfield, Illinois 62794-9276 and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 5012; May 19, 2017

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between Proposal and Final Version: Illinois EPA made the following changes: in Section 889.100(b), added "and" before "that the Agency"; in Section 889.105, moved the definition of "pharmaceutical product" after the definition of "person"; in Section 889.200, deleted subsection (b)(7) and renumbered subsections (b)(8)–(b)(10) accordingly; in Section 889.200(b)(6), added ", according to the most recent decennial census" after "location"; in Section 889.205(b)(3), added “, according to the most recent decennial census" after "location"; in Section 889.205(b)(4), deleted

"point" and "and"; in Section 889.205, changed the numbering of subsection (5) (regarding "The estimated cost…") to subsection (6) and added "The names and locations of other known entities that collect pharmaceutical products within a 25 mile radius of the medication takeback location; and" as subsection (5); in Section 889.205(d), replaced "shall" with "will" in both the first and second sentences; in Section 889.210(f), added "The Agency will make a copy of the sign available for downloading from its website." after the first sentence; in Section 889.215(b), changed the paragraph to read "Records maintained pursuant to subsection (a) must be kept and made available to the Agency. The medication takeback location must have the appropriate equipment on the premises to provide readily retrievable information in the course of an on-site inspection. A hard copy printout must be provided to the Agency, upon request, within 48 hours. These records must be maintained for a minimum of three calendar years after the date of acceptance."; in Section 889.220(b), replaced "shall" with "will".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: Illinois EPA adopts these rules pursuant to Section 22.55(l) of the Illinois Environmental Protection Act, which requires Illinois EPA to establish a medication takeback program to ensure that there are pharmaceutical product disposal options available for residents across the State. There are currently over one hundred local law enforcement entities and pharmacies that collect unused pharmaceutical products in Illinois. In addition, federal law mandates that certain unused pharmaceutical products be disposed of through manufacturer-funded takeback programs. These rules have been crafted to account for such existing collection opportunities and to afford other entities the opportunity to request Illinois EPA-sponsored disposal of collected pharmaceutical products, subject to available appropriation. Among other things, the rules reiterate the statutory requirements regarding permissible takeback locations, require pharmaceutical products to be managed separately from other waste and secured to prevent unauthorized access, and identify the criteria considered by Illinois EPA for program participation.

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

Gabriel H. Neibergall

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19726
Springfield IL 62794-9276

217/782-5544

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

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 889
MEDICATION TAKEBACK PROGRAM

SUBPART A: GENERAL

Section
889.100 Purpose and Applicability
889.105 Definitions
889.110 Compliance with Applicable Law
889.115 Severability

SUBPART B: APPLICATION, SELECTION AND OPERATION
Section
889.200 Application
889.205 Agency Action
889.210 Operating Requirements
889.215 Records
889.220 Termination

AUTHORITY: Implementing and authorized by Section 22.55(l) of the Environmental Protection Act [415 ILCS 5/22.55(l)].

SOURCE: Adopted at 42 Ill. Reg. 6364, effective May 1, 2018.

SUBPART A: GENERAL

Section 889.100 Purpose and Applicability

a) The purpose of this Part is to establish a medication takeback program, pursuant to Section 22.55(l) of the Act, *to ensure that there are pharmaceutical product disposal options regularly available for residents across the State.* [415 ILCS 5/22.55(l)]

b) This Part applies to any person that accepts pharmaceutical products at a household waste drop-off point in accordance with Section 22.55(c) of the Act

and that the Agency has selected to arrange for the disposal of accepted pharmaceutical products.

c) Nothing in this Part shall prevent any person from accepting pharmaceutical products at a household waste drop-off point in accordance with Section 22.55(c) of the Act or any other location and arranging for the disposal of accepted pharmaceutical products in accordance with applicable State and federal law.

Section 889.105 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part shall be the same as that applied to the same words or terms in Title I or Title V of the Environmental Protection Act.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency. [415 ILCS 5/3.105]

"Controlled substance" means a controlled substance as defined in the Illinois Controlled Substances Act [720 ILCS 570]. [415 ILCS 5/22.55(b)]

"Household waste" means waste generated from a single residence or multiple residences. [415 ILCS 5/22.55(b)]

"Household waste drop-off point" means the portion of a site or facility used solely for the receipt and temporary storage of household waste. [415 ILCS 5/22.55(b)]

"Medication takeback location" means a household waste drop-off point that accepts pharmaceutical products for which the Agency has agreed to make disposal arrangements.

"Operator" means a person responsible for the operation and maintenance of a household waste drop-off point at which pharmaceutical products are accepted.

"Owner" means a person who has an interest, directly or indirectly, in land, including a leasehold interest, on which a person operates or maintains a medication takeback who operates or maintains that medication takeback location.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, including the United States government and each department, agency and instrumentality of the United States. [415 ILCS 5/58.2]

"Pharmaceutical product" means a medicine or a product containing medicine. A pharmaceutical product may be sold by prescription or over the counter. "Pharmaceutical product" does not include medicine or a product that contains a radioactive component. [415 ILCS 5/22.55(b)]

Section 889.110 Compliance with Applicable Law

Any person subject to this Part must comply with all applicable State and federal laws and regulations, including but not limited to State and federal laws and regulations that govern the collection and disposal of controlled substances and other pharmaceutical products or State and federal regulations that require pharmaceutical product manufacturers to provide a product stewardship program or product takeback program as part of a managed risk evaluation and mitigation strategy.

Section 889.115 Severability

If any Section, subsection, sentence or clause of this Part is judged invalid, that adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence or clause of this Part not judged invalid.

SUBPART B: APPLICATION, SELECTION AND OPERATION

Section 889.200 Application

a) Any person seeking to have the Agency arrange for the disposal of pharmaceutical products accepted at a medication takeback location must submit to the Agency an application requesting that the Agency arrange for the disposal.

b) Applications must be on the forms prescribed by the Agency. The application must include:

1) The name and address of the medication takeback location;

2) The name and address of the operator of the medication takeback location;

3) The name and telephone number of the operator of the medication takeback location;

4) The name and address of the owner of the site on which the medication takeback location is located;

5) The geographic area served by the medication takeback location;

6) The population of the geographic area served by the medication takeback location, according to the most recent decennial census;

7) The dates and times that pharmaceutical products will be accepted at the medication takeback location;

8) The volume of pharmaceutical products accepted at the medication takeback location during the preceding calendar year, if applicable; and

9) The requested duration of Agency-sponsored disposal.

Section 889.205 Agency Action

a) Subject to appropriation, the Agency may provide for the disposal of pharmaceutical products accepted at one or more medication takeback locations selected pursuant to subsection (b).

b) Subject to appropriation, the Agency will review applications submitted in accordance with this Section and select applicants for whom the Agency will provide for the disposal of accepted pharmaceutical products. In making its selection, the Agency will consider site-specific factors, including but not limited to:

1) The geographic location of the medication takeback location;

2) The geographic area served by the medication takeback location;

3) The population of the area served by the medication takeback location, according to the most recent decennial census;

4) The volume of pharmaceutical products accepted at the medication takeback location during the previous calendar year, if applicable;

5) The names and locations of other known entities that collect pharmaceutical products within a 25 mile radius of the medication takeback location; and

6) The estimated cost to the Agency of accepting and disposing the pharmaceutical products collected at the medication takeback location.

c) The Agency will inform selected applicants, in writing, of the Agency's decision. Written notifications made under this subsection (c) will include, but not be limited to, the following information:

1) The date on which the Agency will first arrange for the disposal of accepted pharmaceutical products;

2) The duration of the Agency's disposal arrangement;

3) The volume of pharmaceutical products accepted at the medication takeback location for which the Agency will make disposal arrangements; and

4) The Agency-provided method of disposal for the accepted pharmaceutical products.

d) The Agency will post on its website a list of all selected medication takeback locations. The Agency will also post on its website the location of other known sites that accept pharmaceutical products for disposal.

Section 889.210 Operating Requirements

a) Medication takeback locations must be located at a site or facility where pharmaceutical products are lawfully sold, distributed or dispensed. This subsection (a*) does not apply to household waste drop-off points operated by a*

government or by an association or other organization of government. [415 ILCS 5/22.55(c)(2)(A)]

b) *The location of acceptance* of pharmaceutical products at the medication takeback location *must be clearly identified*. [415 ILCS 5/22.55(c)(3)]

c) Pharmaceutical products that are accepted at medication takeback locations may only be accepted in accordance with the Act, this Part, and other applicable law. Pharmaceutical products accepted at the medication takeback location *must be accepted only from private individuals*. Pharmaceutical products *must not be accepted from other persons, including, but not limited to, owners and operators of rented or leased residences where the household waste was generated, commercial haulers, and other commercial, industrial, agricultural and government operations or entities*. [415 ILCS 5/22.55(c)(4)]

d) Pharmaceutical products accepted at the medication takeback location *must be managed separately* from all other household waste accepted at the medication takeback location *prior to its packaging for off-site transfer*. [415 ILCS 5/22.55(c)(5)]

e) Security of Accepted Pharmaceutical Products

1) Pharmaceutical products must be accepted and managed *in a manner that protects against releases of the* pharmaceutical products, *prevents nuisances, and otherwise protects human health and the environment.* [415 ILCS 5/22.55(c)(7)]

2) Accepted pharmaceutical products must be properly secured *to prevent unauthorized public access to the* pharmaceutical products, *including, but not limited to, preventing access to the pharmaceutical products during the non-business hours of the site or facility on which the household waste drop-off point is located.* [415 ILCS 5/22.55(c)(7)]

3) Accepted pharmaceutical products must not be stored *for longer than 90 days after receipt, except as otherwise approved by the Agency in writing*. [415 ILCS 5/22.55(c)(6)]

f) A copy of the sign developed by the Agency in accordance with Section 22.55(j) of the Act must be clearly posted at the medication takeback location. The Agency will make a copy of the sign available for downloading from its website.

Section 889.215 Records

a) The operator of any medication takeback location must maintain records that identify the volume of pharmaceutical products accepted for Agency arranged disposal.

b) Records maintained pursuant to subsection (a) must be kept and made available to the Agency. The medication takeback location must have the appropriate equipment on the premises to provide readily retrievable information in the course of an on-site inspection. A hard copy printout must be provided to the Agency, upon request, within 48 hours. These records must be maintained for a minimum of three calendar years after the date of acceptance.

Section 889.220 Termination

a) Operator Notification

1) Any operator of a medication takeback location that ceases to accept pharmaceutical products for Agency arranged disposal must submit a written notification to the Agency within 30 days after the date the collection terminates.

2) At a minimum, the written notification required by subsection (a)(1) must state:

A) the date acceptance of pharmaceutical products for Agency arranged disposal was terminated;

B) the volume of pharmaceutical products accepted for Agency arranged disposal prior to collection termination.

b) The Agency may terminate disposal arrangements made pursuant to this Part for any reason, including but not limited to the operation of a medication takeback location in violation of Section 22.55(c) of the Act. The Agency will provide written notice of termination to the operator of the medication takeback location.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Schedules of Maximum Rates to be Charged for Check Cashing and Writing Money Orders by Community and Ambulatory Currency Exchanges

2) Code Citation: 38 Ill. Adm. Code 130

3)

Section Numbers:	Adopted Actions:
130.10	Amendment
130.20	Amendment
130.30	Amendment
130.40	Amendment
130.50	Amendment
130.60	Repealed

4) Statutory Authority: Implementing Sections 19.3 and 19.4 and authorized by Section 19 of the Currency Exchange Act [205 ILCS 405].

5) Effective Date of Rules: March 23, 2018

6) Does this rule 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 principal office of the Division of Financial Institutions and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 10220; July 28, 2017

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: A few technical corrections were made to the proposed 1st Notice text, which DFI identified to JCAR and interested parties when we moved to 2nd Notice. Since that time, JCAR interested parties and the Division of Financial Institutions hammered-out agreed to language for subsection 130.30(b), as indicated below. Because this new language includes operative effective dates for the rates, DFI was also able to repeal Section 130.60.

"b) The rates established in this subsection (b) shall be effective beginning July 1, 2018.

1) Public Assistance Checks
For all public assistance checks, 1.5% of the face value of the check. For purposes of these rates, a public assistance check means a check issued by a federal or State government agency for payment to a recipient of federal or State monetary assistance, Social Security, Unemployment Compensation, Railroad Retirement, veteran's benefits, or housing assistance.

2) Government Checks
For purposes of these rates, government check includes a check issued by the federal government, State government, or local government, other than a public assistance check.

For government checks $100 or less, 2.40% of the face value of the check plus a service charge of $1.00.

For government checks between $100 and $1250, 2.33% of the face value of the check.

For government checks over $1250, 3.0% of the face amount of the check.

3) Personal Checks
For purposes of these rates, personal check is any check bearing the name of an individual as the maker of the check that is not a printed payroll check.

For personal checks $100 or less, 2.45% of the face value of the check plus a service charge of $1.00.

For personal checks between $100 and $1250, 3.0% of the face amount of the check.

For personal checks over $1250, 3.5% of the face amount of the check.

4) Printed Payroll Check
For purposes of these rates, a printed payroll check means a check for wages issued by an employer to an employee subject to withholding, other than a payroll check issued by the federal government, State government,

or local government. Printed payroll checks must be typewritten, electronically generated, or computer generated.

For printed payroll checks $100 or less, 2.40% of the face value of the check plus a service charge of $1.00.

For printed payroll checks between $100 and $1250, 2.33% of the face amount of the check.

For printed payroll checks over $1250, 3.5% of the face amount of the check.

5) All Other Checks

A) For all other checks $100 or less, 2.40% of the face value of the check plus a service charge of $1.00.

B) For all other checks between $100 and $1250, 2.4% of the face amount of the check.

C) For all other checks over $1250, 3.5% of the face amount of the check."

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: Currency exchange entities are regulated by the Illinois Department of Financial and Professional Regulation, Division of Financial Institutions ("Division"), pursuant to the Currency Exchange Act [205 ILCS 405], Section 19.3 of the Act provides that the Secretary shall set the maximum rate currency exchanges are allowed to charge for cashing checks. In February 2017, the currency exchange industry petitioned the Secretary for an increase in the maximum allowable rate for check-cashing. The request was granted and a hearing was held in Chicago on May 9, 2017. The currency exchange industry presented witnesses who offered testimony in support of increasing the check-cashing rates. The Woodstock Institute also appeared and

expressed their objections to increasing the check-cashing rates. The Division issued its Statement of Findings on June 19, 2017, indicating that a rate increase is appropriate and stipulating that the Division shall have 30 days thereafter to initiate rulemaking to amend 38 Ill. Admin. Code 130 to codify the new rates.

This rulemaking amends Section 130.30 by updating the allowable checking-cashing rates, making numerous non-substantive changes to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Financial Institutions, and updating statutory citations.

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

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 130
SCHEDULES OF MAXIMUM RATES TO BE CHARGED FOR
CHECK CASHING AND WRITING OF MONEY ORDERS BY
COMMUNITY AND AMBULATORY CURRENCY EXCHANGES

Section

130.10 Authority
130.20 Purposes
130.30 Maximum Rate – Check Cashing
130.40 Maximum Rate – Issuance of Money Orders
130.50 Disclosure Requirements – Check Cashing and Money Orders
130.60 Effective Date (Repealed)

AUTHORITY: Implementing Sections 19.3 and 19.4 and authorized by Section 19 of the Currency Exchange Act [205 ILCS 405].

SOURCE: Adopted at 2 Ill. Reg. 5, p. 1, effective January 27, 1978; amended at 4 Ill. Reg. 51, p. 104, effective January 1, 1981; emergency amendment at 5 Ill. Reg. 265, effective December 19, 1980, for a maximum of 150 days; codified at 7 Ill. Reg. 11721; amended at 9 Ill. Reg. 1375, effective January 17, 1985; amended at 10 Ill. Reg. 11892, effective July 1, 1986; amended at 20 Ill. Reg. 13596, effective October 1, 1996; amended at 32 Ill. Reg. 170, effective December 21, 2007; amended at 42 Ill. Reg. 6374, effective March 23, 2018.

Section 130.10 Authority

These rates are issued by the Director of the Department of Financial and Professional Regulation-Division of Financial Institutions (hereinafter referred to as the "Director") pursuant to Sections 19.3 and 19.4 of the Currency Exchange Act [205 ILCS 405] (the Act)~~(Ill. Rev. Stat. 1983, ch. 16 1/2, pars. 49.3 and 49.4)~~ and Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100]~~(Ill. Rev. Stat. 1991, ch. 127, par. 1005-35)~~.

(Source: Amended at 42 Ill. Reg. 6374, effective March 23, 2018)

Section 130.20 Purposes

Pursuant to the authority set forth in Section 130.10, this Part establishes the~~these Rules~~

~~accomplish the purpose of setting~~ maximum rates that~~which~~ can be charged by community and ambulatory currency exchanges for check cashing and writing money orders.

(Source: Amended at 42 Ill. Reg. 6374, effective March 23, 2018)

Section 130.30 Maximum Rate − Check Cashing

a) The Maximum Rate. Through June 30, 2018, the ~~The~~ maximum rate to be charged by community and ambulatory currency exchanges for cashing any check shall not exceed the following:

1) For all checks $100 or less, an amount equal to 1.4% of the face amount of the check plus a service charge of $1.00;

2) For all checks $100.01 or greater, an amount equal to 2.25% of the face amount of the check.

b) The rates established in this subsection (b) shall be effective beginning July 1, 2018.

1) Public Assistance Checks
For all public assistance checks, 1.5% of the face value of the check. For purposes of these rates, a public assistance check means a check issued by a federal or State government agency for payment to a recipient of federal or State monetary assistance, Social Security, Unemployment Compensation, Railroad Retirement, veteran's benefits, or housing assistance.

2) Government Checks
For purposes of these rates, government check includes a check issued by the federal government, State government, or local government, other than a public assistance check.

A) For government checks $100 or less, 2.40% of the face value of the check plus a service charge of $1.00.

B) For government checks between $100 and $1250, 2.33% of the face value of the check.

C) For government checks over $1250, 3.0% of the face amount of the check.

3) Personal Checks
For purposes of these rates, personal check is any check bearing the name of an individual as the maker of the check that is not a printed payroll check.

A) For personal checks $100 or less, 2.45% of the face value of the check plus a service charge of $1.00.

B) For personal checks between $100 and $1250, 3.0% of the face amount of the check.

C) For personal checks over $1250, 3.5% of the face amount of the check.

4) Printed Payroll Check
For purposes of these rates, a printed payroll check means a check for wages issued by an employer to an employee subject to withholding, other than a payroll check issued by the federal government, State government, or local government. Printed payroll checks must be typewritten, electronically generated, or computer generated.

A) For printed payroll checks $100 or less, 2.40% of the face value of the check plus a service charge of $1.00.

B) For printed payroll checks between $100 and $1250, 2.33% of the face amount of the check.

C) For printed payroll checks over $1250, 3.5% of the face amount of the check.

5) All Other Checks

A) For all other checks $100 or less, 2.40% of the face value of the check plus a service charge of $1.00.

B) For all other checks between $100 and $1250, 2.4% of the face

amount of the check.

C) For all other checks over $1250, 3.5% of the face amount of the check.

c~~b~~) Prohibition. No community or ambulatory currency exchange may charge a fee for cashing any check in excess of the maximum rate ~~as~~ set forth in subsections~~subsection~~ (a) or (b).

(Source: Amended at 42 Ill. Reg. 6374, effective March 23, 2018)

Section 130.40 Maximum Rate – Issuance of Money Orders

a) The Maximum Rate. The maximum~~Maximum~~ rate to be charged by community and ambulatory currency exchanges for issuing any money order shall not exceed an amount equal to 1% of the face amount of the money order plus a service charge~~charged~~ of ~~seventy-five cents (~~$.75~~)~~.

b) Prohibition. No community or ambulatory currency exchange may charge a fee for issuing any money order in excess of the maximum rate ~~as~~ set forth in subsection (a)~~ above~~.

(Source: Amended at 42 Ill. Reg. 6374, effective March 23, 2018)

Section 130.50 Disclosure Requirements – Check Cashing And Money Orders

a) Charging by Means~~means~~ of Brackets~~brackets~~ – Definition. Charging by means of brackets is a method of establishing fees for cashing checks or issuing money orders in which~~whereby~~ a community or ambulatory currency exchange establishes a set fee to be charged uniformly for cashing all checks or issuing all money orders within a certain range of stated face amounts.

b) Checks – $500~~.00~~ or Less~~less~~. For all checks of the face amount of $500~~.00~~ or less, each community and ambulatory currency exchange must post and display to the public the fees to be charged for cashing those~~said~~ checks by means of brackets as defined in subsection~~Subsection~~ (a)~~ above~~, provided that no fee charged within any bracket shall exceed the maximum rate ~~as~~ set forth in Section 130.30(a), and provided further~~,~~ that all fees and brackets for all checks of the face amount of $500~~.00~~ or less must be fully and completely stated without resort

to language such as "repeat" or its equivalent.

c) Checks in Excess of $500~~.00~~. For all checks of face amounts in excess of $500~~.00~~, community and ambulatory currency exchanges need not, but may, post and display to the public the fees to be charged by means of brackets ~~as~~ set forth in subsections (a) and (b)~~ above~~. They must post and display to the public a statement setting forth the rate of fees to be charged for cashing checks in excess of their posted and displayed bracketed fees, and the~~such~~ posting and display must be done without resort to language such as "repeat" or its equivalent. In no event shall the rate or fee to be charged exceed the maximum rate for cashing checks ~~as~~ set forth in Section 130.30(a).

d) Money Orders – $500 or~~.00 Or~~ Less. For all money orders of the face amount of $500~~.00~~ or less, each community and ambulatory currency exchange must post and display to the public the fees to be charged to issue ~~said~~ money orders by means of brackets as defined in subsection (a)~~ above~~, provided that no fee charged within any bracket shall exceed the maximum rate as set forth in Section 130.40(a), and provided further that all fees and brackets for all money orders of the face amount of $500~~.00~~ or less must be fully and completely stated without resort to language such as "repeat" or its equivalent.

e) Money Orders in~~In~~ Excess of $500~~.00~~. For all money orders of face amounts in excess of $500~~.00~~, community and ambulatory currency exchanges need not, but may, post and display to the public the fees to be charged by means of brackets as set forth in subsections (a) and (d)~~ above~~. They must post and display to the public a statement setting forth the rate or fees to be charged for issuing money orders in excess of their posted and displayed bracketed fees, and the~~such~~ posting and display must be done without resort to language such as "repeat" or its equivalent. In no event shall the rate or fee to be charged exceed the maximum rate for issuing money orders ~~as~~ set forth in Section 130.40(a). Nothing in this Part~~Rule~~ shall be construed to modify, amend or abrogate any rule or regulation of the Department of Financial and Professional Regulation~~Institutions~~ relating to the issuance of money orders.

f) Posting Requirements. The public posting and display ~~as~~ required by subsections ~~Sections 130.50~~(b), (c) and (e) must be complete, detailed and unambiguous in lettering and numerals of no less than one-half inch in height and the~~such~~ posting or display must be in a conspicuous place on the premises of the community currency exchange or in the location being served by the ambulatory currency

exchange in such a manner that the posting or display is unobstructed and is clearly and easily visible and legible to the customers of the community or ambulatory currency exchange.

g) Filing of Fees with Director. Within ~~thirty (~~30~~)~~ days after~~of~~ licensure, each community and ambulatory currency exchange must file with the Director ~~of the Department of Financial Institutions~~ a full, complete and accurate statement of all charges and fees for rendering all services authorized by the Currency Exchange Act, ~~of the State of Illinois~~ including, but not limited to, all fees and charges for cashing checks and issuing money orders. Within ~~thirty (~~30~~)~~ days after~~of~~ the effective date of either any increase or decrease in any fees or charges for rendering any service authorized by the ~~Currency Exchange~~ Act ~~of the State of Illinois~~, including, but not limited to, fees and charges for cashing checks and issuing money orders, community and ambulatory currency exchanges must file with the Director a full, complete and accurate statement of all such increases or decreases.

(Source: Amended at 42 Ill. Reg. 6374, effective March 23, 2018)

Section 130.60 Effective Date (Repealed)

~~The Schedules of Maximum Rates to be Charged for Check Cashing and Writing Money Orders by Community and Ambulatory Currency Exchanges willbe effective as of January 1, 1997.~~

(Source: Repealed at 42 Ill. Reg. 6374, effective March 23, 2018)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Illinois Athlete Agents Act

2) Code Citation: 68 Ill. Adm. Code 1155

3)

Section Numbers:	Adopted Actions:
1155.5	Repealed
1155.10	Repealed
1155.20	Repealed
1155.30	Repealed
1155.40	Repealed
1155.50	Repealed
1155.60	Repealed
1155.70	Repealed
1155.80	Repealed

4) Statutory Authority: Implementing the Illinois Athlete Agents Act [225 ILCS 401] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

5) Effective Date of Repealer: April 6, 2018

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

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposed Repealer published in the *Illinois Register*: 41 Ill. Reg. 14989; December 15, 2017

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.

13) Will this repealer replace any emergency rule currently in effect? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED REPEALER

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Repealer: PA 100-534 repealed the following 4 professions licensure Acts: the Illinois Athlete Agents Act, internet auction listing services (within the Auction License Act), the Land Sales Registration Act of 1999 and the Real Estate Time Shares Act of 1999. Under the Illinois Athlete's Agent Act, an athlete agent was defined as an individual who enters into an agency contract with a student-athlete or, directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract. Given the small number of active licensed athlete agents in Illinois and the very small number of complaints against these agents, it had been determined by the Department that continued regulation of this profession was unworthy of the cost ($750.00 fee) needed to sustain the regulation of this profession.

16) Information and questions regarding this Adopted Repealer shall be directed to:

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Real Estate Appraiser Licensing

2) Code Citation: 68 Ill. Adm. Code 1455

3)

Section Numbers:	Adopted Actions:
1455.10	Amendment
1455.100	Amendment
1455.110	Amendment
1455.130	Amendment
1455.140	Amendment
1455.150	Amendment
1455.160	Amendment
1455.190	Amendment
1455.240	Amendment
1455.316	Amendment

4) Statutory Authority: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

5) Effective Date of Rules: March 23, 2018

6) Does this rules contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes. Please see Section 1455.10 for updated AQB and USPAP references.

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Division of Real Estate and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 12643; October 13, 2017

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version

a) Section 1455.10, in the definition of "USPAP" change "January 1, 2016 through December 31, 2017" to "January 1, 2018 through December 31, 2019".

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

b) Section 1455.160(a)(2), in the second sentence strike "but less than two years," and following "required" add "for that year". Also, the following sentence has been added to the end of this subsection "An additional 14 hours of CE is required for the following year, pursuant to subsection (a)(1)."

c) Section 1455.240(a), on the first line, change "2017" to "2018-2019".

d) Section 1455.316(a)(3), on the last line, following "competence" add " in accordance with the Competency Rule of USPAP".

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rules currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: These amendments have updated references to the latest USPAP Standards edition, amended various provisions to coincide with federal regulatory guidelines at the request of the Appraisal Subcommittee, established a new continuing education completion deadline, made minor administrative changes to the disciplinary process and criminal background check requirements, and other minor clean up.

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

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

PART 1455
REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section
1455.10 Definitions

SUBPART B: LICENSING REQUIREMENTS

Section
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Trainee Appraiser License; Application by Non-Resident for Licensure by Endorsement
1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Reinstatement of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate; Appraiser License, and Associate Real Estate Trainee Appraiser License; Application for Military Deferral; Expiration Date
1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License (Repealed)
1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice
1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

Section
1455.150 Qualifying Education Requirements; State Certified General Real Estate

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser; Non-Resident Qualifying Education; In Lieu of Requirements; Foreign Degrees
1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, and Associate Real Estate Trainee Appraiser; Non-Resident Continuing Education Approval

SUBPART D: EXPERIENCE REQUIREMENTS

Section
1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License
1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License
1455.190 Verification of Experience Credit
1455.195 Acceptable Experience Credit and Request for Reconsideration
1455.200 Acceptable Appraisal Experience Credit

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section
1455.205 Record Keeping Requirements
1455.210 Notification of Name Change
1455.220 Assumed Name
1455.230 Address Change
1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)
1455.245 Scope of Property Condition Inspections by Real Estate Appraisers

SUBPART F: ENFORCEMENT PROVISIONS

Section
1455.250 Appraiser Responsibilities as Relating to Appraisal Management Companies
1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
1455.270 Additional Education; Reporting Requirements
1455.280 Administrative Warning Letter
1455.290 Cooperation Required with the Division
1455.300 Felony Convictions; Discipline of Other Professional License; Notification

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1455.310 Unprofessional Conduct
1455.315 Supervisor and Trainee Requirements (Repealed)
1455.316 Supervisor and Trainee Requirements

SUBPART G: ADMINISTRATIVE PROVISIONS

Section
1455.320 Fees
1455.330 Granting of Variances
1455.335 Refusal to Issue an Appraiser License Based on Criminal History Record
1455.340 Duties of the Secretary
1455.345 IDFPR Coordinator of Real Estate Appraisal

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section
1455.350 Education Provider Application; Requirements
1455.355 USPAP Course Titles
1455.360 Qualifying Education Course Requirements of Education Providers
1455.365 Practicum Course Requirements
1455.370 Qualifying Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser
1455.375 Prerequisite~~Prequisite~~ Education Course – Supervisor-Trainee Course
1455.380 Instructors for the Supervisor-Trainee Conditional Education Course
1455.390 Continuing Education Course Requirements of Education Providers
1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student
1455.410 Distance Education
1455.420 Expiration Date and Renewal for Education Providers and Qualifying Education and Continuing Education Courses
1455.430 Continuing Education Reporting
1455.440 Transcript or Certificate of Completion
1455.445 Grounds for Education Provider Discipline

SUBPART I: TRANSITION PROVISIONS

Section

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1455.450 Appraiser Applicants − Transition Provisions (Repealed)
1455.460 Education Providers, Pre-License and Continuing Education Courses − Transition Provisions (Repealed)

SUBPART J: HEARINGS

Section
1455.470 Applicability (Repealed)
1455.480 Administrative Law Judges (Repealed)
1455.490 Disqualification of an Administrative Law Judge (Repealed)

1455.APPENDIX A Caption for a Case Filed by the Division (Repealed)
1455.APPENDIX B Caption for a Case Filed by the Petitioner (Repealed)

AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a

maximum of 150 days; amended at 28 Ill. Reg. 824, effective December 29, 2003; amended at 29 Ill. Reg. 16445, effective October 13, 2005; amended at 31 Ill. Reg. 4741, effective March 9, 2007; amended at 33 Ill. Reg. 7121, effective May 14, 2009; amended at 35 Ill. Reg. 1967, effective January 20, 2011; amended at 35 Ill. Reg. 19505, effective November 17, 2011; amended at 37 Ill. Reg. 2668, effective April 1, 2013; amended at 37 Ill. Reg. 19189, effective December 31, 2013; amended at 38 Ill. Reg. 5887, effective February 24, 2014; amended at 39 Ill. Reg. 7939, effective June 1, 2015; amended at 41 Ill. Reg. 12583, effective October 6, 2017; amended at 42 Ill. Reg. 6386, effective March 23, 2018.

SUBPART A: DEFINITIONS

Section 1455.10 Definitions

Unless otherwise clarified by this Part, definitions set forth in the Act also apply for the purposes of this Part.

"Act" means the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

"Applicant" means a person applying for licensure under this Act as a State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser. Any applicant or any person who holds himself or herself out as an applicant is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act [5 ILCS 100].

"Appraisal management company" means any corporation, limited liability company, partnership, sole proprietorship, subsidiary, unit, or other business entity that directly or indirectly performs the following appraisal management services:

administers networks of independent contractors or employee appraisers to perform real estate appraisal assignments for clients;

receives requests for real estate appraisal services from clients and, for a fee paid by the client, enters into an agreement with one or more independent appraisers to perform the real estate appraisal services contained in the request; or

otherwise serves as a third-party broker of appraisal management services between clients and appraisers. [225 ILCS 459/10]

"AQB" means the Appraiser Qualification Board of the Appraisal Foundation.

"AQB 2015 Criteria" means the Real Property Appraiser Qualification Criteria (effective January 1, 2015, no later amendments or editions), published July 2016 by the Appraiser Qualifications Board of The Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington DC 20005.

"Board" means the Real Estate Appraisal Administration and Disciplinary Board.

"CE Completion Deadline" means June 30 of each odd-numbered year.

"Classroom hour" or "hour" as it pertains to the education requirements means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance education program approved by the Division.

"Client" means the party or parties who engage an appraiser, by employment or contract, in a specific assignment. If an appraisal management company is the party engaging the appraiser, the appraisal management company is considered the client.

"Continuing education" means education that is creditable toward the education requirements that must be satisfied to renew licensure or certification, as set forth in Section 1455.160.

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

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

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

"Experience/work log" means the form described in Section 1455.190 that verifies an appraiser's experience and work history.

"Extraordinary assumption" means a specifically labeled assumption, directly related to a specific assignment that, if found to be false, could alter the appraiser's opinions or conclusions

"Hypothetical condition" means a condition that is specifically stated to be contrary to what exists, but is supposed to exist for the purpose of analysis.

"Jurisdictional exception" means an assignment condition established by applicable law or regulation, which precludes an appraiser from complying with a part of USPAP.

"License" means a certificate of authority, permit or registration issued by the Division.

"Licensee" means a person who has been issued a license under the Act or this Part. Anyone who holds himself or herself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Master agreement" means a written service agreement between a traditional client and a real estate appraiser, appraisal firm, appraisal management company or panel of approved appraisers.

"Non-traditional client" means the Division or an approved practicum course provider.

"Practicum course instructor" means a Certified Residential Appraiser or a Certified General Appraiser in good standing with the Division who is authorized to conduct an approved practicum course.

"Prerequisite education" means any education course that does not meet AQB requirements under qualifying education but is necessary prior to being issued an Illinois appraiser credential as an Associate Real Estate Trainee Appraiser.

"Qualifying education" means education that is creditable toward the requirements set forth in Section 1455.150.

"Quantitative experience" means actual time spent on the appraisal process.

"Renewal Deadline" means September 30 of each odd-numbered year.

"Required core curriculum" means a set of appraisal subject matter major headings known as modules that requires a specified number of educational hours at each credential level. (See 225 ILCS 458/5-10(a)(5).)

"Residential" means composed of 1 to 4 residential units.

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

"Traditional client" means a client who hires an appraiser to complete an assignment by employment or contract for business purposes.

"True copy" means a photocopy or an electronic copy of the entire report transmitted to the client.

"USPAP" means the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board pursuant Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 USC 3331 et seq.) published biennially by the Appraisal Standards Board of The Appraisal Foundation, 1155 15th Street N.W., Suite 1111, Washington DC 20005 (effective January 1, 2018 through December 31, 2019,~~January 1, 2014 through December 31, 2015,~~ no later amendments or editions).

"Waiver valuation" means a specific valuation product utilized by the Illinois Department of Transportation, under Section 5-5(e-5) of the Act, to establish a basis for determining just compensation.

"Waiver valuator" means an employee of the Illinois Department of Transportation, a registered county or municipal engineer, or a municipal employee who is permitted to complete or co-sign a waiver valuation, not to exceed $10,000, prepared in accordance with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601-4655) or prepared pursuant to the federal Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs regulations (49 CFR 24)

"Work-file" means documentation necessary to support an appraiser's analyses, opinions and conclusions, including, but not limited to, the name of the client and the identity, by name or type, of any other intended users; true copies of any written reports, documented on any type of media; summaries of any oral reports or testimony, or a transcript of testimony, including the appraiser's signed and dated certification; and all other data, information and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with USPAP, or references to the locations of other documentation. A work-file in support of a Restricted Use or Restricted Appraisal Report must be sufficient for the appraiser to produce an Appraisal Report.

"Web Form" means a web page that allows a user to enter data that is sent to a server for processing.

"Written Engagement" means a defined relationship between a real estate appraiser or appraisers and the client. It states the terms, conditions and scope of the appraisal service request, including but not limited to compensation.

(Source: Amended at 42 Ill. Reg. 6386, effective March 23, 2018)

SUBPART B: LICENSING REQUIREMENTS

Section 1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Trainee Appraiser License; Application by Non-Resident for Licensure by Endorsement

a) Each applicant for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License shall submit to the Division:

1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

2) The fee required by Section 1455.320;

3) Proof of successful completion of the qualifying education requirements

as provided by Section 1455.150;

4) A score report/application that provides proof of successful completion of the qualifying education and experience requirements as provided by Subparts C and D;

5) Proof of successful completion of the examination authorized by the Division and endorsed by the AQB; and

6) Satisfactory completion of a criminal background check, as required by Section 5-22 of the Act.

b) Each applicant for an Associate Real Estate Trainee Appraiser License shall submit to the Division:

1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

2) The fee required by Section 1455.320;

3) Proof of successful completion of the qualifying education requirements within 5 years prior to initial application, as provided by Subpart C;

4) A score report/application that provides proof of successful completion of the examination authorized by the Division;

5) Proof of successful completion of any required conditional education offering; and

6) Satisfactory completion of a criminal background check, as required by Section 5-22 of the Act.

c) Each non-resident applicant for a State Certified General Real Estate Appraiser license or a State Certified Residential Real Estate Appraiser license applying by endorsement shall submit to the Division:

1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

2) The fee required by Section 1455.320; ~~and~~

3) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the Appraisal Subcommittee's (ASC) National Registry history that may be obtained from the ASC at 1401 H Street N.W., Suite 760, Washington DC 20005 or at its website at www.asc.gov; and~~.~~

4) Satisfactory completion of a criminal background check, as required by Section 5-22 of the Act.

(Source: Amended at 42 Ill. Reg. 6386, effective March 23, 2018)

Section 1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Reinstatement of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Application for Military Deferral; Expiration Date

a) Each applicant for renewal of a State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License shall submit to the Division:

1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

2) The fee required by Section 1455.320; ~~and~~

3) Proof of successful completion of the continuing education requirements as provided by Subpart C; and~~.~~

4) Satisfactory completion of a criminal background check, as required by Section 5-22 of the Act.

b) Any person who fails to submit a renewal application and renew his or her license by the expiration date of the license may renew his or her license for a period of 2 years following the expiration date of his or her license by submitting to the Division:

1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

2) The fee and late penalty required by Section 1455.320; ~~and~~

3) Proof of successful completion of the continuing education requirements as provided by Subpart C; and~~.~~

4) Satisfactory completion of a criminal background check, as required by Section 5-22 of the Act.

c) For the purposes of this Section, all licenses shall expire on September 30 of odd numbered years.

d) Any person who fails to renew pursuant to subsection (b) shall not be eligible to renew his or her license, and must meet the requirements of a new applicant as required by the Act and subsection (f).

e) License renewals shall not be processed until proof of successful completion of continuing education is submitted and awarded credit by the Division. Licensees unable to provide satisfactory evidence of completed continuing education for the prescribed renewal cycle shall have their license automatically suspended.

f) Each applicant for reinstatement of a State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License shall submit to the Division:

1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

2) The fee required by Section 1455.320; ~~and~~

3) Proof of successful completion of the continuing education requirements as provided by Subpart C; and.

4) Satisfactory completion of a criminal background check, as required by Section 5-22 of the Act.

g) Licensees with military deferrals, upon returning from active duty, shall submit to the Division:

1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

2) A copy of their DD 214 (Report of Separation);

3) The fee required by Section 1455.320;

4) Proof of successful completion of the continuing education requirements as provided by Subpart C; and

5) Effective January 1, 2015, an applicant in a Reserve component of the U.S. Armed Forces who was pursuing an appraiser license or certification prior to December 1, 2011, and who was called to active duty between December 1, 2011 and December 31, 2014, may satisfy the qualifications required under the AQB 2008 Criteria for an additional time period after January 1, 2015. The extension of time shall be equal to the applicant's time of active duty, plus 12 months.

(Source: Amended at 42 Ill. Reg. 6386, effective March 23, 2018)

Section 1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

a) Each non-resident applicant for a temporary practice permit issued pursuant to Section 5-50 of the Act shall submit to the Division:

1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

2) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the ASC National Registry; ~~and~~

3) The fee required by Section 1455.320; and~~.~~

4) Satisfactory completion of a criminal background check, as required by Section 5-22 of the Act.

b) The term for a temporary practice permit shall be 6 months from the date of issuance and may be extended for a period of an additional 6 months by request in writing to the Division. The Division shall not issue contemporaneous temporary practice permits involving multiple clients within any 6 month period.

c) Any person issued a temporary practice permit shall be limited to a specific appraisal assignment. For the purposes of this Section, the term "assignment" shall mean one or more real estate appraisals and written appraisal reports that are covered by a contract to provide an appraisal. A copy of the master agreement, as defined in Section 1455.10, must be supplied to the Division in the absence of a specific engagement.

d) Any person issued a temporary practice permit shall be subject to the provisions of the Act and this Part, and the Division shall take regulatory responsibility for any person violating any provisions of the Act and this Part while the person is practicing in the State of Illinois.

e) If the Division takes any disciplinary action against an appraiser practicing in the State of Illinois under a temporary practice permit, it shall notify the jurisdiction of the appraiser's place of residence.

f) Persons issued a temporary practice permit shall affix the temporary practice permit number, issuance date, expiration date of the temporary practice permit, and permit title within the body of the report beneath the licensee's signature, on the certification page and wherever the signature appears.

g) The permit title is "Illinois Temporary Practice Permit". Temporary Practice Permit assignments covered by a master agreement, as defined in Section 1455.10, or a written engagement must include, at a minimum, the date of the

master agreement, the intended user, the intended use, the property type and the location of the Illinois property that is the subject of the report.

(Source: Amended at 42 Ill. Reg. 6386, effective March 23, 2018)

Section 1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

a) The Division shall issue a certificate of licensure ~~and a pocket card~~ to all real estate appraisers approved for licensure under the Act and this Part. The certificate shall include the name, license number, address and rank of the real estate appraiser and the date of expiration.

b) The Division shall issue a certificate for a temporary practice permit to all real estate appraisers approved to practice on a temporary permit. The certificate shall include the name, temporary practice permit number and address of the real estate appraiser and the expiration date of the temporary practice permit.

(Source: Amended at 42 Ill. Reg. 6386, effective March 23, 2018)

SUBPART C: EDUCATION REQUIREMENTS

Section 1455.150 Qualifying Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser; Non-Resident Qualifying Education; In Lieu of Requirements; Foreign Degrees

a) Residential
An applicant for licensure as a State Certified Residential Real Estate Appraiser shall meet the following criteria:

1) 2500 hours of experience obtained during no fewer than 24 months is required, of which, no less than 50% must be in residential 1 to 4 families, USPAP compliant, appraisal work. While the hours may be cumulative, the required number of months must accrue before an individual can be certified;

2) 200 hours of modular appraisal education as stated in the Guide Notes

(GN-1) of the AQB 2015 Criteria;

3) Bachelor's degree or higher or equivalent (see subsection (g)) from an accredited college, community college or university; and

4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the AQB and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.

b) Any person who makes application for an Associate Real Estate Trainee Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 75 classroom hours of qualifying education in subjects related to real estate appraisal, as outlined by Subpart H, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All qualifying education requirements shall only be accepted from education providers and courses approved by the Division. All 75 hours of qualifying education for the Associate Real Estate Trainee Appraiser credential must be completed within 5 years prior to the date of initial application.

c) The Division may accept evidence of successful completion of qualifying education credit from another jurisdiction, if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the minimum licensing requirements of the AQB 2015 Criteria and may be in modular format for licensure after January 1, 2015. A real estate appraiser who wishes to obtain credit for qualifying education courses not licensed by the Division shall submit to the Division:

1) An application provided by the Division requesting approval for qualifying education credit, signed by the applicant, on which all questions are answered;

2) A certificate of successful completion provided by the education provider, a certification by the jurisdiction of the appraiser's place of residence of

successful completion of the requested qualifying education credit, or any other evidence to be considered by the Division; and

3) The fee required by Section 1455.320.

d) General
An applicant for licensure as a State Certified General Real Estate Appraiser who has not gained appraisal experience shall meet the following criteria:

1) 3000 hours of experience obtained during no fewer than 30 months is required, of which 1,500 hours must be in non-residential appraisal work. While the hours may be cumulative, the required number of months must accrue before an individual can be certified;

2) 300 hours of modular appraisal education as stated in the Required Core Curriculum of the AQB 2015 Criteria;

3) Bachelors degree or higher or equivalent (see subsection (g)), from an accredited college or university; and

4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the AQB and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.

e) The Division may accept evidence of successful completion of qualifying education credit from another jurisdiction, if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the minimum licensing requirements of the AQB 2015 Criteria and may be in modular format for licensure after January 1, 2015. A real estate appraiser who wishes to obtain credit for qualifying education courses not licensed by the Division shall submit to the Division:

1) An application provided by the Division requesting approval for

qualifying education credit, signed by the applicant, on which all questions are answered;

2) A certificate of successful completion provided by the education provider, a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested qualifying education credit, or any other evidence to be considered by the Division; and

3) The fee required by Section 1455.320.

f) Credit toward qualifying education requirements may also be obtained via the completion of a graduate (masters or doctoral) degree in Real Estate from an accredited college or university approved by The Association to Advance Collegiate Schools of Business, or a regional or national accreditation agency recognized by the U.S. Secretary of Education, provided that the college or university has had its curriculum reviewed and approved by the AQB.

g) Applicants seeking credit for foreign degrees shall have an evaluation of their education credentials to convert the credentials to American equivalent semester credits and courses. Only vendors and organizations recognized by the Illinois State Board of Education will be permitted to conduct the evaluations.

(Source: Amended at 42 Ill. Reg. 6386, effective March 23, 2018)

Section 1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, and Associate Real Estate Trainee Appraiser; Non-Resident Continuing Education Approval

a) CE Credit

1) A State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser who makes application to renew his or her real estate appraiser license shall successfully complete the equivalent of 14 hours of approved continuing education per year preceding the renewal, e.g., a total of 28 hours of approved continuing education for a 2 year renewal. Continuing education credit will only be accepted from education providers and courses approved by the Division.

2) If a real estate appraiser was issued an initial license for less than 185 days prior to the expiration of the license, then no continuing education is required for that renewal. If a real estate appraiser has held a license 185 days or more prior to the expiration, ~~but less than two years,~~ then 14 hours of approved continuing education is required for that year. An additional 14 hours of CE is required for the following year, pursuant to subsection (a)(1).

3) A real estate appraiser must complete the 7-hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB taught by an AQB certified instructor who also hold a current appraiser certification by a state during each pre-renewal period prior to renewing or converting his or her real estate appraiser license, unless the real estate appraiser was issued his or her initial license for a period of less than 185 days prior to the expiration date. A real estate appraiser must complete the 7-hour National USPAP Update Course or its equivalent by June 30 of an even-numbered year, following the release of USPAP. Those real estate appraisers issued a license more than 6 months after the effective date of USPAP shall complete the 7-hour National USPAP Update Course within 6 months after licensure.

4) Pursuant to 1455.320(g)(7), the Department, at its discretion, may assess an administrative fee at a rate of $100 per credit hour for CE courses completed after the deadline. The administrative fee shall not exceed $2,000.

5) Beginning in 2019, and for each renewal thereafter, a licensee seeking renewal shall complete CE by the June 30 CE Completion Deadline. The Division shall conduct audits to verify compliance with this Section. If, during an audit, the Division determines that a licensee may be deficient in complying with CE requirements, the Division may notify the licensee of the possible deficiency. The licensee shall have until the September 30 Renewal Deadline to submit to the Division evidence of compliance with CE requirements.

A) If satisfactory evidence of compliance with CE requirements is submitted by the September 30 Renewal Deadline that indicates

that the licensee complied with the June 30 CE Completion Deadline, the Division will process the licensee renewal.

B) If the licensee cannot submit evidence of having been in compliance with CE requirements by the June 30 CE Completion Deadline, the licensee shall have until the September 30 Renewal Deadline to submit evidence of having attained compliance with CE requirements by completing courses offered after the June 30 CE Completion Deadline. The evidence of course completion must be accompanied by an administrative fee of $100 per credit hour for courses completed after the June 30 CE Completion Deadline. The administrative fee shall not exceed $2,000. The evidence will not be considered if the required fee is not submitted. If the evidence is satisfactory, the Division will process a license renewal. Credit hours taken or submitted after the June 30 CE Completion Deadline in satisfaction of a CE deficiency may not be used as credit for the next renewal period.

C) If the licensee submits an application for renewal and fails to submit satisfactory evidence of compliance with CE requirements, or fails to pay any administrative fee by the September 30 Renewal Deadline, the failure shall be evidence of a violation of Section 1455.310(e) regarding unprofessional conduct in applying for renewal of, or to procure, a license, and as set forth in Section 15-10 of the Act. The Division shall send notice to the licensee, indicating the commencement of disciplinary proceedings that may result in public discipline.

b) CE Credit from Another Jurisdiction

The Division may accept evidence of successful completion of continuing education credit from another jurisdiction if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the recommendations of the AQB, and if the credit was earned and submitted by the June 30 CE Compliance Deadline~~during the appropriate pre-renewal period~~. A real estate appraiser who wishes to obtain credit for continuing education courses not licensed by the Division shall submit to the Division:

1) An application provided by the Division requesting approval for continuing education credit, signed by the applicant, on which all questions are answered;

2) A certificate of successful completion provided by the education provider or a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested continuing education credit; and

3) The fee required by Section 1455.320.

c) CE Requirements Regarding Renewal, Restoration or Reinstatement
Prior to returning to active status, a licensee not authorized to practice must complete all required CE hours that would have been required if the licensee was in an active status. The required hours must also include the current 7 hour National USPAP Update Course or its equivalent. The license will not be restored to active status unless and until all requirements of this Part are met.

(Source: Amended at 42 Ill. Reg. 6386, effective March 23, 2018)

SUBPART D: EXPERIENCE REQUIREMENTS

Section 1455.190 Verification of Experience Credit

All applicants shall verify experience credit on forms provided by the Division. Those forms shall include information on the type of property, date of report, address of appraised property, description of work performed and number of work hours. The Division may audit such verification and, if requested, the applicant must provide experience documentation in the form of reports or file memoranda and should support the experience claimed. The Division, at its discretion, will determine the validity of all appraisal experience credit in conformity with criteria recommended by the AQB. All experience must be USPAP compliant. An applicant's experience must be in appraisal work conforming to Standards 1, 2, 3, 4, 5 and/or 6 in which the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), and reporting conclusions. The Division, at its discretion, will determine the validity of all appraisal experience credit in conformity with criteria recommended by the AQB.

a) For applicants intending to upgrade to a State Certified Residential Real Estate Appraiser License:

1) No more than 30% of the residential experience shall be claimed for appraisal review or appraisal consulting assignments.

2) No more than 30% of the residential experience shall be claimed for the appraisal of vacant land.

3) No more than 30% of the total experience shall be non-residential assignments.

4) No less than 50% of the total experience submitted shall contain signed certifications by the applicant.

5) All experience logs must contain original signatures.

b) For applicants intending to upgrade to a State Certified General Real Estate Appraiser License:

1) No more than 30% of the experience shall be claimed for appraisal review or appraisal consulting assignments.

2) No more than 30% of the residential experience shall be claimed for the appraisal of vacant land.

3) No less than 50% of the total experience submitted shall contain signed certifications by the applicant.

4) All experience logs must contain original signatures (not stamps or digital signatures).

~~c) Real Estate Mass Appraisal/Ad Valorem Experience~~

~~1) Each applicant seeking acceptance of experience as an assessment official, or as deputy or employee of an assessment official, in applying for a State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, or Associate Real Estate Trainee Appraiser License shall submit to the Division:~~

~~A) An application, provided by the Division and signed by the applicant, on which all questions have been answered;~~

~~B) A notarized Real Estate Mass Appraisal/Ad Valorem Affidavit;~~

~~C) The Assessment Experience Certification;~~

~~D) A completed work log;~~

~~E) The fee required by Section 1455.320.~~

~~2) The applicant must demonstrate qualitative experience through no fewer than 5 appraisals for ad valorem tax/assessment purposes utilizing or considering the three approaches to value. If the applicant is intending to upgrade to a State Certified General Real Estate Appraiser License, then 3 of the 5 must be non-residential samples.~~

c~~d~~) Practicum courses that are approved by the AQB Course Approval Program or by the Division shall satisfy the non-traditional client experience requirement.

(Source: Amended at 42 Ill. Reg. 6386, effective March 23, 2018)

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

a) Pursuant to Section 10-10 of the Act, the 2018-2019~~2015~~ USPAP are hereby incorporated by reference with no later amendments or editions.

b) All real estate appraisers licensed under the Act shall practice in accordance with USPAP except where the standards are contrary to Illinois law or public policy (USPAP, Jurisdictional Exception).

c) All investigators, board members, auditors and examiners employed or retained by the Division are exempt from the requirements of USPAP Standard 3 while performing an investigation, audit or examination.

d) If the Division files a formal complaint alleging violations of USPAP, a USPAP Standard 3 review shall be utilized by the Division at a formal hearing. The Division may limit the scope of the USPAP Standard 3 review to exclude valuation.

(Source: Amended at 42 Ill. Reg. 6386, effective March 23, 2018)

SUBPART F: ENFORCEMENT PROVISIONS

Section 1455.316 Supervisor and Trainee Requirements

a) Requirements of a Supervising Appraiser

1) A supervising appraiser shall provide to the Division in writing the name and address of each Associate Real Estate Trainee Appraiser within 10 days after engagement, and notify the Division in writing within 10 days after termination of the engagement on a form provided by the Division.

2) A supervising appraiser shall instruct and directly supervise an Associate Real Estate Trainee Appraiser for any classification of license or certificate in the entire preparation of each appraisal. A supervising appraiser shall provide direct supervision, being personally and physically present, during a minimum of the first 500 hours of experience for no fewer than 25 assignments or thereafter until such time as the supervising appraiser determines the Associate Real Estate Trainee is competent within the meaning of the AQB's "Real Property Qualification Criteria" effective January 1, 2015. If a State Certified General Real Estate Appraiser is supervising an Associate Real Estate Trainee Appraiser, all appraisals completed during the first 500 hours of experience may be non-residential appraisals. The supervising appraiser shall approve and sign all final appraisal documents certifying that the appraisals are in compliance with USPAP.

3) A supervising appraiser's determination of competence shall not be unreasonably withheld. A supervising appraiser shall not cause a trainee to exceed an additional 350 hours of experience beyond the 500 hours required by subsection (a)(2), without good cause, in determining that a

trainee lacks competence in accordance with the Competency Rule of USPAP.

4) A supervising appraiser shall hold an active valid license issued under the Act as a Certified General Real Estate Appraiser or a Certified Residential Real Estate Appraiser. The license held by the supervising appraiser shall be in good standing and shall not have been subject to any disciplinary action within any jurisdiction within the last 3 years that affects the supervisory appraiser's legal eligibility to engage in appraisal practice. A supervisory appraiser subject to a disciplinary action would be considered to be in "good standing" 3 years after the successful completion/ termination of the sanction imposed against the appraiser. An Illinois certified appraiser seeking to supervise any Associate Real Estate Trainee Appraisers, prior to being permitted to supervise, must complete:

A) the six-hour Illinois Supervisor-Trainee Course; or

B) the three-hour AQB portion of the Illinois Supervisor-Trainee Course followed within one-year by the Illinois jurisdictional portion.

b) Requirements of an Associate Real Estate Trainee Appraiser

1) An Associate Real Estate Trainee Appraiser shall provide to the Division, in writing, the name and address of each supervising appraiser within 10 days of engagement, on a form provided by the Division, and shall notify the Division, on a form provided by the Division, within 10 days after termination of the engagement.

2) An Associate Real Estate Trainee Appraiser shall maintain an appraisal log for each supervising appraiser. The supervising appraiser and the trainee shall be jointly responsible for maintaining the appraisal experience log. The log must, at a minimum, include the following ~~in the log~~ for each appraisal:

A) Type of property;

B) Date of report;

C) Property description;

D) Description of work performed by the trainee and scope of review and supervision by the supervising appraiser;

E) Number of actual work hours by the trainee on the assignment; and

F) The signature and State license number of the supervising appraiser.

(Source: Amended at 42 Ill. Reg. 6386, effective March 23, 2018)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Outfitter Regulations

2) Code Citation: 17 Ill. Adm. Code 640

3)

Section Numbers:	Adopted Actions:
640.10	Amendment
640.20	Amendment
640.30	Amendment
640.50	Amendment
640.80	Amendment

4) Statutory Authority: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3].

5) Effective Date of Rules: March 21, 2018

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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.

9) Notice of Proposal published in *Illinois Register*: 41 Ill. Reg. 15011; December 15, 2017

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: In Section 640.20, number 13 has been added and Section 640.80 has been added to amend subsection (a).

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any rulemakings pending on this Part? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: This Part has been amended to simplify and reduce reporting requirements and to clarify what constitutes "guidance or opportunity on private or leased lands".

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

Javonna Ackerman, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 640
OUTFITTER REGULATIONS

Section
640.10 Definitions
640.20 Minimum Standards
640.30 Application Requirements
640.40 Permit Fees
640.50 Acceptance or Rejection of Applications
640.60 Term of Permit
640.70 Violations
640.80 Penalty

AUTHORITY: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3].

SOURCE: Adopted at 26 Ill. Reg. 18019, effective February 1, 2003; amended at 29 Ill. Reg. 12483, effective July 28, 2005; amended at 39 Ill. Reg. 9373, effective June 26, 2015; amended at 42 Ill. Reg. 6414, effective March 21, 2018.

Section 640.10 Definitions

Class A Permit – permit required for deer and turkey outfitters.

Class B Permit – permit required for waterfowl outfitters.

Client – an individual who provides, or who has provided on his or her behalf, financial or other consideration to an outfitter in exchange for outfitting services.

Department − the Illinois Department of Natural Resources (IDNR).

Guide – an individual providing guide services to clients of an outfitter.

Guide Services − any of the following: providing advice to the hunter while hunting about how and/or where to conduct his/her hunt, setting decoys, calling,

stalking, pursuing, tracking, retrieving game, field dressing, caring for meat, field preparation of trophies including skinning or capeing, carriage of hunters in the field, carriage of hunter's equipment in the field or carriage of waterfowl, deer or turkey harvested by hunters.

Harvest Information Program or HIP – an annual registration mandated for gamebird hunters by the National Migratory Bird Harvest Program to compile annual wildlife estimates for waterfowl, doves and other migratory game birds.

Outfitter – a person (as defined in the Wildlife Code [520 ILCS 5/1.2*l*]), including an officer or employee of a person, who provides or offers to provide outfitting services for waterfowl, deer or wild turkey hunting.

Outfitting Services – any service that, for financial or other consideration, offers or promises waterfowl, deer and/or wild turkey hunting access, assistance, guidance or opportunity on private or leased lands by way of one or more of the following:

guides, guide services, or bringing or retrieving equipment, stands, blinds, decoys or a client to or from the field; or

access to property that the person providing access leases or rents for waterfowl, deer and/or wild turkey hunting; or

access to property subleased, at least in part, for waterfowl, deer or wild turkey hunting.~~; or~~

~~an individual or business that solicits or secures waterfowl, deer and/or turkey hunting clients for a landowner or tenant or another outfitter.~~

The following are not considered outfitting services for the purposes of this Part:

a hunting lease granted by a landowner to a hunter or group of hunters;

providing transportation to or from a place of accommodation or a hub of public transportation;

for the purpose of waterfowl hunting, landowners or waterfowl hunting

clubs or organizations that:

do not take compensation or fees other than annual membership and annual maintenance fees;

do not accept paying hunters on a day-to-day basis and are otherwise closed to the public; or

provide only waterfowl blinds or pits.

Resident Corporation – for the purpose of outfitter permitting, a resident corporation is an Illinois corporation that has been in existence for at least 30 days prior to submitting an application for an outfitter permit, and in which more than 50% of the stock is owned by Illinois resident individuals.

Resident Limited Liability Company – for the purpose of outfitter permitting, a resident limited liability company (LLC) is an Illinois LLC that has been in existence at least 30 days prior to submitting an application for an outfitter permit and in which more than 50% of the value of all units is held by Illinois resident individuals.

Waterfowl Blind or Pit – an area of concealment that is used to hide hunters from the sight of waterfowl.

(Source: Amended at 42 Ill. Reg. 6414, effective March 21, 2018)

Section 640.20 Minimum Standards

a) An outfitter shall:

1) have a current valid Illinois outfitter permit;

2) be at least 21 years of age; if the outfitter permit is held by a business entity, then a responsible individual who is an officer in the business entity must be designated on the application as the contact person;

3) not have had his or her hunting privileges under the Wildlife Code suspended, or any of his or her hunting licenses revoked, within any period during the last 5 years. If the outfitter is a business entity, no

officer, employee or contact person shall have had hunting privileges or licenses suspended or revoked within any period during the past 5 years;

4) provide to each client, prior to commencement of outfitting services, in writing, the following: the type of service provided, the dates of service, the cost of services, and a copy of the outfitter's refund policy;

5) be responsible for ensuring each client has the necessary permits, stamps, Harvest Information Program (HIP) registration and licenses prior to any hunting;

6) indicate clearly to each client the boundaries of the property on which the client is to hunt and instruct each client as to how to conduct the hunt (i.e., special rules, restricted areas, etc.);

7) make no guarantees, either oral or written, as to the success of the hunt;

8) not misrepresent his or her facilities, prices, equipment, services or hunting opportunities;

9) not take or attempt to take any wildlife on behalf of the client;

10) for Class A Permit ~~only~~: maintain a current log~~, on forms provided by the Department,~~ of all individuals who hunt on the property controlled under the outfitter permit, including the following: name, dates they hunted, ~~their~~ Department customer identification number, permit number and harvest information (including the species, harvest confirmation numbers and sex of the harvested animal~~and approximate age of the harvested animals, whether the hunter was a paying client or a free hunter~~). This log must be submitted to the Department within 30 days after the close of the seasons in which the Class A outfitter is operating. A copy must also be maintained by the outfitter for 5 years~~A copy of this log must be maintained by the outfitter for 5 years and the original shall be submitted to the Department within 30 days after the close of the seasons in which the Class A outfitter is operating~~;

11) for Class B Permits: maintain a current log of all individuals who hunt on the property controlled under the outfitter permit, including the following: name, dates hunted, Department customer identification number and

harvest information (including the species and sex of the harvested animal). This log must be submitted to the Department within 30 days after the close of the latest waterfowl seasons in which the Class B outfitter is operating. A copy must also be maintained by the outfitter for 5 years; ~~require all waterfowl hunters to register daily, on the daily registration forms provided by the Department, prior to entering the field to hunt on the area covered by his/her permit. Each hunter shall personally enter his or her name, Department customer identification number and mailing address on the daily registration form.~~

~~A)~~ ~~The outfitter shall require each hunter, at the completion of each hunting day, to report the number of species (including sex for mallard ducks only) of migratory waterfowl that the hunter has taken using forms provided by the Department. The hunter must personally complete this report and certify by signature that the information is accurate.~~

~~B)~~ ~~The outfitter shall make all records described in this Part available for inspection upon request by authorized employees of the Department or any federal or State law enforcement officer, and shall keep a copy of the hunter registration forms for at least 7 years after completion. Failure to comply with any required recordkeeping obligations can result in the revocation of a permit or suspension of permit privileges for a period of up to 5 years.~~

~~C)~~ ~~The original hunter registration forms (waterfowl kill sheets) shall be submitted to the Department, at the address specified on the forms provided by the Department, within 30 days after the close of the latest waterfowl season;~~

~~12)~~ ~~for outfitters whose only service is to solicit and secure clients for a landowner or tenant or other outfitters, keep a record, on forms provided by the Department, of all clients and landowners or tenants utilizing their services. The record must contain the client, landowner and tenant (if applicable) names, addresses, phone numbers, and both a legal description and common address of the property to be hunted. This record shall be submitted to the Department by the permit holder within 30 days after completion of any agreement between a hunter and a landowner or tenant; and~~

12~~13~~) if the permit holder performs guide services in addition to outfitting services, comply with the requirements of subsection (b);~~.~~

13) comply with all obligations under this Part. Failure to comply may be used as the basis for denial of any future outfitter permit. Failure to comply may also result in revocation of a permit or suspension of privileges in accordance with Section 640.80 and 17 Ill. Adm. Code 2530.

b) A guide shall:

1) not have had his or her hunting license revoked or hunting privileges suspended under the Wildlife Code for any period of time during the past 5 years;

2) unless exempt by law, have a current Illinois hunting license and habitat stamp (Class A Permit only) or a current hunting license, State and federal waterfowl stamp, and HIP registration (Class B Permit only);

3) have proof of successful completion of a State-approved hunter-safety course;

4) comply with, and ensure that all clients comply with, all State and federal wildlife and weapons laws and regulations; and

5) not take or attempt to take any wildlife on behalf of the client.

(Source: Amended at 42 Ill. Reg. 6414, effective March 21, 2018)

Section 640.30 Application Requirements

In order to obtain a permit to operate as an outfitter, the applicant must submit to the Department of Natural Resources, Outfitter Services, One Natural Resources Way, Springfield IL 62702-1271, an application containing the following information:

a) The name, address, date of birth, phone number and Social Security Number of the applicant, if an individual; or if a business entity, the company, corporation, limited liability company or partnership name, along with a copy of the organization papers filed with the Secretary of State and/or the certification of

compliance with the Assumed Business Name Act from the County Clerk, and the name, address, date of birth, phone number and Social Security Number of the contact person, with a certification the applicant is an Illinois resident or a non-resident of Illinois.

b) A listing of the county, township, range, section, acres and landowner name of the property where the outfitting services will be provided.

c) A description of hunting activities proposed for the current year, including the approximate number of hunters, type of hunting to occur (waterfowl, deer or turkey hunting), and the type of hunting devices~~weapons~~ to be used.

d) Class A outfitters must provide a management plan for each species (deer or turkey) to be hunted by providing complete and accurate information as requested on the standardized form provided by the Department. ~~A management plan is not required for outfitters who only solicit or secure waterfowl, deer and/or turkey hunting clients for a landowner or tenant or another outfitter.~~

e) Proof of current commercial liability insurance for property damage, personal injury and death with a minimum benefit of $1,000,000.

f) A list of any guides to be employed, and any guides who quit or whose employment was terminated, with the name, address, date of birth, and Social Security Number of each guide. This list may be modified at any time by providing the change in writing to the Office of Law Enforcement, IDNR, One Natural Resources Way, Springfield IL 67202-1271.

(Source: Amended at 42 Ill. Reg. 6414, effective March 21, 2018)

Section 640.50 Acceptance or Rejection of Applications

a) Incomplete or inadequate applications shall be returned to the applicant with a summary of deficiencies.

b) Incomplete or inadequate applications may be completed and re-submitted within 15 days, or until the end of the application period, whichever is longer.

c) Applications for permits will be accepted January 31 through July 15 of each year, inclusive. Addendums adding acreage may be added to the outfitter's permit

by notifying the Department within 24 hours after gaining legal access to the property. Addendums shall include the information required under Section 640.30(b). Acceptable methods of notification to the Department will be email, fax or online. Addendums for properties obtained and utilized only during the emergency light goose season shall be exempt from reporting as required in this Section.

~~d) For Class A Permits: If an outfitter allows deer/turkey populations to increase to the point that they have an abnormal detrimental impact on crops, public safety or environmental conditions in the immediate area, the Department will inform the outfitter of that impact or effect. If, after one year, no reasonable effort has been made to resolve the impact or effect, that outfitter will be warned that remedial action must be taken or his/her outfitter permit will not be renewed. If, after the warning, the outfitter does not institute a reasonable remedial action, the application for renewal will be rejected and that person shall be ineligible for an outfitter permit for a year. Eligibility for a new permit shall be dependent upon submission of a complete new application along with a management plan detailing actions or modifications to be employed to remedy the problem and responsibly manage the wildlife.~~

d~~e~~) Full applications shall be required every 5 years. The annual renewal shall require:

1) payment of the fee required by Section 640.40;

2) proof of insurance;

3) a new complete property listing as required by Section 640.30(b); and

4) regardless of whether the hunter was a paying client or a free hunter, a report of harvest that provides:

A) the number of hunter days; and

B) the total number taken of:

i) male and female deer (Class A);

ii) male and female turkey (Class A); and

iii) waterfowl, with a separate listing for ducks and geese (Class B).

(Source: Amended at 42 Ill. Reg. 6414, effective March 21, 2018)

Section 640.80 Penalty

a) Any person who violates any provision of this Part shall be guilty of a Class B misdemeanor, which may result in the revocation of a permit or suspension of permit privileges for a period of up to 5 years (see 520 ILCS 5/3.1-3 and 17 Ill. Adm. Code 2530).

b) Any person found guilty of operating as an outfitter without an outfitter's permit, or of failure to pay the appropriate permit fees, shall, in addition to any criminal penalties, be assessed a civil penalty of three times the amount that should have been paid. This penalty is payable to the Department's Conservation Police Operations Assistance Fund.

c) The Department shall not issue an outfitter permit to:

1) any person who has not successfully paid the permit fee required by Section 640.40;

2) any person who has been subjected to criminal or civil penalties, until the penalty is paid in full; and

3) any organization or business entity of which a person described in subsection (c)(1) or (c)(2) is an officer, agent or employee.

(Source: Amended at 42 Ill. Reg. 6414, effective March 23, 2018)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: HIV/AIDS Confidentiality and Testing Code

2) Code Citation: 77 Ill. Adm. Code 697

3)

Section Numbers:	Adopted Actions:
697.20	Amendment
697.30	Amendment
697.110	Amendment
697.120	Amendment
697.140	Amendment

4) Statutory Authority: Implementing and authorized by the AIDS Confidentiality Act [410 ILCS 305]; the AIDS Registry Act [410 ILCS 310]; the Communicable Disease Prevention Act [410 ILCS 315]; the Perinatal HIV Prevention Act [410 ILCS 335]; and Sections 2310-10, 2310-315, 2310-325, and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10, 2310-315, 2310-325 and 2310-580]

5) Effective Date of Rules: March 21, 2018

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. 3795; March 31, 2017

10) Has JCAR issued a State of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: In response to public comment, the Department made the following changes:

In Section 697.110(a), a sentence was deleted regarding to whom the health care professional may delegate the responsibility of providing pre-test information;

Section 697.120 (a)(2) was deleted in its entirety;

In Section 697.120(a)(4) a typographical error was corrected; and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

In Section 697.140(a)(3), "HIV-related" was inserted and "medical" was stricken with regard to the type of information.

In addition, in response to comments and suggestions of JCAR, Section 697.120(a) was deleted in its entirety and corresponding form changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace 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 amends the HIV/AIDS Confidentiality and Testing Code to implement PA 99-54.

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

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 697
HIV/AIDS CONFIDENTIALITY AND TESTING CODE

SUBPART A: GENERAL PROVISIONS

Section
697.10 Applicability (Repealed)
697.20 Definitions
697.30 Incorporated and Referenced Materials
697.40 Administrative Hearings

SUBPART B: HIV TESTING

Section
697.100 Approved HIV Tests and Testing Procedures
697.110 HIV Pre-Test Information
697.120 Informed Consent
697.130 Anonymous Testing
697.140 Nondisclosure of the Identity of a Person Tested or Test Results
697.150 Marriage License Testing Requirements (Repealed)
697.155 Delivery of HIV Test Results
697.160 HIV Testing for Insurance Purposes
697.170 Enforcement of the AIDS Confidentiality Act
697.180 HIV Testing for Blood and Human Tissue Donations

SUBPART C: HIV/AIDS REGISTRY SYSTEM

Section
697.200 HIV/AIDS Registry System
697.210 Reporting Requirements
697.220 Release of HIV/AIDS Registry Data

SUBPART D: HIV COUNSELING AND TESTING CENTERS

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

697.300 HIV Counseling and Testing Centers (Repealed)

SUBPART E: MISCELLANEOUS PROVISIONS

Section
697.400 Notification of School Principals (Repealed)
697.410 Guidelines for the Management of Chronic Infectious Diseases in School Children (Repealed)
697.420 Testing, Treatment or Counseling of Minors

697.APPENDIX A Sample HIV Testing Forms (Repealed)
697.ILLUSTRATION A Sample Written Informed Consent for HIV Antibody Testing (Repealed)
697.ILLUSTRATION B Sample Marriage License Testing Certificate (Repealed)
697.APPENDIX B Statutory and Regulatory References to AIDS (Repealed)
697.APPENDIX C Sample Written Informed Consent for Rapid HIV Antibody Testing (Repealed)

AUTHORITY: Implementing and authorized by the AIDS Confidentiality Act [410 ILCS 305]; the AIDS Registry Act [410 ILCS 310]; the Communicable Disease Prevention Act [410 ILCS 315]; the Perinatal HIV Prevention Act [410 ILCS 335]; and Sections 2310-10, 2310-315, 2310-325, and 2310-580 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10, 2310-315, 2310-325 and 2310-580].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 1601, effective January 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 9952, effective May 27, 1988; amended at 13 Ill. Reg. 11544, effective July 1, 1989; amended at 15 Ill. Reg. 11646, effective August 15, 1991; emergency amendment at 17 Ill. Reg. 1204, effective January 7, 1993, for a maximum of 150 days; emergency expired on June 7, 1993; amended at 17 Ill. Reg. 15899, effective September 20, 1993; amended at 19 Ill. Reg. 1117, effective January 20, 1995; amended at 22 Ill. Reg. 21994, effective December 9, 1998; amended at 28 Ill. Reg. 13905, effective October 8, 2004; emergency amendment at 29 Ill. Reg. 14558, effective September 14, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 2373, effective February 3, 2006; amended at 36 Ill. Reg. 7613, effective May 4, 2012; amended at 38 Ill. Reg. 20811, effective October 15, 2014; amended at 42 Ill. Reg. 6425, effective March 21, 2018.

SUBPART A: GENERAL PROVISIONS

Section 697.20 Definitions

"Act" means the AIDS Confidentiality Act.

"*AIDS" means acquired immunodeficiency syndrome* (Section 3(a~~b~~) of the Act).

"Blood Bank" means any facility or location at which blood or plasma is procured, furnished, donated, processed, stored or distributed.

"*Department" means the Illinois Department of Public Health or its designated agents*. (Section 3(f~~a~~) of the Act)

"Designated Agent" means an organization designated by the Department to conduct public health activities in accordance with a written ~~service~~ agreement with the Department.

"Director" means the Director of the Illinois Department of Public Health.

"Health Care Facility" or "Facility" means any institution, building or agency, or portion of any institution, building or agency, whether public or private (for-profit or nonprofit) that is used, operated or designed to provide health services, medical treatment or nursing, rehabilitative or preventive care to any person or persons, as well as *a hospital, nursing home, blood bank, blood center, sperm bank, or other health care institution, including any "health facility" as that term is defined in the Illinois Finance Authority Act* [20 ILCS 3501] (Section 3(k) of the Act).

"Health Care Professional" means any of the following:

a licensed physician;

a physician assistant to whom the physician assistant's supervising physician has delegated the provision of AIDS and HIV-related health services;

an advanced practice registered nurse who has a written collaborative agreement with a collaborating physician which authorizes the provision of AIDS and HIV-related health services;

an advance practice nurse or physician assistant who practices in a hospital or ambulatory surgical treatment center and possesses

appropriate clinical privileges;

a licensed dentist;~~ or~~

a licensed podiatric physician; or

an individual certified to provide HIV testing and counseling by a State or local public health department. (Section 3(i) of the Act)~~*podiatrist.* (Section 3(f-5) of the Act)~~

"*Health Care Provider"* has the meaning *ascribed by HIPAA as specified in 45 CFR 160.103~~means any physician, nurse, paramedic, psychologist or other person providing medical, nursing, psychological, or other health care services of any kind~~*. (Section 3(j~~f~~) of the Act)

"Health Information Exchange" or "HIE" means a health information exchange or health information organization that oversees and governs the electronic exchange of health information that:

is established pursuant to the Illinois Health Information Exchange and Technology Act and any administrative rules adopted under that Act;

has established a data sharing arrangement with the Authority; or

as of August 16, 2013, was designated by the Authority Board as a member of, or was represented on, the Authority Board's Regional Health Information Exchange Workgroup;

provided that designation shall not require the establishment of a data sharing arrangement or other participation with the Illinois Health Information Exchange or the payment of any fee. In certain circumstances, in accordance with HIPAA, an HIE will be a business associate. (Section 3(l) of the Act)

"HIPAA" means the Health Insurance Portability and Accountability Act of 1996. (Section 3(n) of the Act)

"HIV" means the human immunodeficiency virus~~ or any other identified causative agent of AIDS~~. (Section 3(o~~e~~) of the Act)

"HIV Infection" means infected with HIV, as evidenced by a positive or reactive supplemental laboratory test result.

"HIV-related information" means the identity of a person upon whom an HIV test is performed, the results of an HIV test, as well as diagnosis, treatment, and prescription information that reveals a patient is HIV-positive, including information contained in a limited data set. HIV-related information does not include information that has been de-identified in accordance with HIPAA. (Section 3(p) of the Act)

~~"HIV Test" means an HIV test method approved by the federal Food and Drug Administration (FDA) or validated under a laboratory's Clinical Laboratory Improvement Amendments of 1988 (CLIA) certification.~~

"*Informed Consent" means*:

when *a health care provider, health care professional, or health facility has implemented opt-in testing, a process by which an individual or* his or her *legal representative receives pre-test information, has an opportunity to ask questions, and consents verbally or in writing to the test without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion; or*

when *a health care provider, health care professional, or health care facility has implemented opt-out testing, the individual or* his or her *legal representative has been notified verbally or in writing that the test is planned, has received pre-test information, has been given the opportunity to ask questions and the opportunity to decline testing, and has not declined testing.* (Section 3(q) of the Act) ~~*a written or verbal agreement by the subject of a test or the subject's legally authorized representative* obtained *without undue inducement or any element of force, fraud, deceit, duress or other form of constraint or coercion.* (Section 3(d) of the Act)~~

"Laboratory" means a CLIA approved or licensed facility at which tests are performed to determine the presence of a sexually transmitted infection (STI).

"Legally Authorized Representative" means an individual who is authorized to consent to HIV testing and/or disclosure of HIV test results and HIV-related

information for an individual who is:

Under the age of 12;,

Deceased;,

Declared incompetent by a court of law;, or

Otherwise not competent to consent (for reasons other than age, such as the apparent inability to understand or communicate with the health care professional) as determined by the health care professional seeking the consent.

The following individuals shall be authorized to consent, in the stated order of priority:

For a living or deceased child under the age of 18:

Parent, except as limited by Section 9(k) of the Act providing limitations on the ability of a parent or legal guardian to receive the child's test results, and Sections 4 and 5 of the Consent by Minors to Medical Procedures Act regarding release of test results involving a sexually transmitted infection;,

Legal guardian or other court-appointed personal representative;,

Adult next-of-kin.

For a living or deceased adult age 18 or over:

Agent authorized by durable power of attorney for health care;,

Legal guardian or other court-appointed personal representative;,

Spouse;,

Person in a civil union;,

Adult children;,

Parent;~~,~~

Adult next-of-kin.

"Local Health Authority" means the full-time official health department or board of health recognized by the Department as *having jurisdiction over a particular area*. (Section 3(2) of the Illinois Sexually Transmissible Disease Control Act)

"Opt-in testing" means an approach in which *an HIV test is presented by offering the test and the patient accepts or declines testing.* (Section 3(s-1) of the Act)

"Opt-out testing" means an approach in which *an HIV test is presented such that a patient is notified that HIV testing may occur unless the patient declines.* (Section 3(s-2) of the Act)

~~"Opt-Out Testing" means a process in which the test subject is informed that the health care facility or health care professional routinely tests patients for HIV unless the patient refuses, is provided pre-test information as described in this Part, and is given an opportunity to ask questions and told how to decline testing without penalty to his or her ability to receive health care or other services.~~

"Physician" means a physician licensed to practice medicine under the Medical Practice Act of 1987.

"Pre-test information" means:

a reasonable explanation of the test, including its purpose, potential uses, limitation, and the meaning of its results; and

a reasonable explanation of the procedures to be followed, including the voluntary nature of the test, the availability of a qualified person to answer questions, the right to withdraw consent to the testing process at any time, the right to anonymity to the extent provided by law with respect to participation in the test and disclosure of test results, and the right to confidential treatment of information identifying the subject of the test and the results of the test, to the extent provided by law. (Section 3(w-5) of the Act)

"Rapid HIV Test" means any test approved by the U.S. Food and Drug Administration (FDA) or validated under a laboratory's CLIA certification for the detection of HIV that can be collected and processed within 60 minutes.

"Screening Test" means any HIV test approved by the FDA or validated under a laboratory's CLIA certification that must be followed by a supplemental test to confirm a positive result.

"Sexually Transmissible Infection" or "STI" means infection with syphilis, gonorrhea, chlamydia, chancroid or HIV.

"Supplemental Test" means any HIV test approved by the FDA or validated under a laboratory's CLIA certification used to confirm the positive result of a screening test.

"Test" or "HIV Test" means a test to determine the presence of the antibody or antigen to HIV, or of HIV infection approved by the FDA or validated under a laboratory's CLIA certification. (Section 3(aa) of the Act)

"Treatment" means the provision, coordination or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party; consultation between health care providers relating to a patient; or the referral of a patient for health care from one health care provider to another. Treatment includes services for prevention, diagnosis and medical management of STIs, including examination, laboratory testing, medication and immunization.

(Source: Amended at 42 Ill. Reg. 6425, effective March 21, 2018)

Section 697.30 Incorporated and Referenced Materials

a) The following materials are referenced in this Part:

1) Illinois Statutes

A) AIDS Confidentiality Act [410 ILCS 305]

B) AIDS Registry Act [410 ILCS 310]

C) Unified Code of Corrections [730 ILCS 5]

D) Medical Patient Rights Act [410 ILCS 50]

E) Perinatal HIV Prevention Act [410 ILCS 335]

F) Civil Administrative Code of Illinois [20 ILCS 2310/55 to 55.45].

G) Abused and Neglected Child Reporting Act [325 ILCS 5]

H) Illinois Insurance Code [215 ILCS 5]

I) Consent by Minors to Medical Procedures Act [410 ILCS 210]

J) Illinois Sexually Transmissible Disease Control Act [410 ILCS 325]

K) Medical Practice Act of 1987 [225 ILCS 60]

L) Perinatal HIV Prevention Act [410 ILCS 335]

M) Criminal Code of 2012~~1961~~ [720 ILCS 5]

N) Code of Civil Procedure [735 ILCS 5]

O) Illinois Anatomical Gift Act [755 ILCS 50]

P) Organ Donation Request Act [755 ILCS 60]

Q) Illinois Finance Authority Act [20 ILCS 3501]

R) Illinois Health Information Exchange and Technology Act [20 ILCS 3860]

2) Illinois Rules

A) Control of Communicable Disease Code (77 Ill. Adm. Code 690) (see in particular Section 697.140(a)(4) of this Part)

B) Control of Sexually Transmissible Infections Code (77 Ill. Adm. Code 693) (see in particular Sections 697.140(a)(4) and 697.210(a) of this Part)

C) Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450) (see in particular Section 697.180(c) and (e))

D) Sperm Bank and Tissue Bank Code (77 Ill. Adm. Code 470) (see in particular Section 697.180(c) and (e))

E) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (see in particular Section 697.40 of this Part)

F) Hospital Licensing Requirements (77 Ill. Adm. Code 250)

G) Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

H) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)

I) Illinois Veterans' Home Code (77 Ill. Adm. Code 340)

J) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)

K) Long-term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)

L) Community Living Facilities Code (77 Ill. Adm. Code 370)

M) Illinois Health and Hazardous Substances Registry (77 Ill. Adm. Code 840)

3) Federal Statutes

Clinical Laboratory Improvement Amendments of 1988 (42 USC 263(a))

b) The following materials are incorporated by reference in this Part:

1) Federal Regulations

A) 42 CFR 2a.4(a)-(j), 2a.6(a)-(b), and 2a.7(a)-(b), Protection of Identity – Research Subjects (October 1, 2007~~2004~~)

B) 45 CFR 164, Subparts A and E~~.501~~, Privacy Rule (Standards for Privacy of Individually Identifiable Health Information) of the Health Insurance Portability and Accountability Act of 1996 (February 5, 2016~~October 1, 2013~~)

C) 45 CFR 160.103, Definitions of the Health Insurance Portability and Accountability Act of 1996 (January 25, 2013)

2) Other Guidelines

A) Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings, Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR), September 22, 2006, Vol. 55, No. RR-14

B) Recommendations for Use of Antiretroviral Drugs in Pregnant HIV-1-Infected Women for Maternal Health and Interventions to Reduce Perinatal HIV Transmission in the United States, May 24, 2010; US Department of Health and Human Services, Panel on Treatment of HIV-Infected Pregnant Women and Prevention of Perinatal Transmission (A Working Group of the Office of AIDS Research Advisory Committee)

c) All incorporations by reference of federal regulations or guidelines refer to the regulations or guidelines on the date specified and do not include any amendments or editions subsequent to the date specified.

(Source: Amended at 42 Ill. Reg. 6425, effective March 21, 2018)

SUBPART B: HIV TESTING

Section 697.110 HIV Pre-Test Information

a) No health care professional may order an HIV test without making available to the person tested pre-test information.~~*No health care professional may order an HIV test without making available to the person tested pre-test information,* except as provided in subsection (b). (Section 5 of the Act)~~ *Pre-test information may be provided in writing, verbally, or by video, electronic, or other means and may be provided as designated by the supervising health care professional or health facility*. (Section 3(w-5) of the Act) The subject must be offered an opportunity to ask questions about the HIV test, or to decline testing.~~*The subject must be offered an opportunity to ask questions about the HIV test and decline testing.* (Section (3)(d) of the Act) The health care professional may delegate the responsibility of providing pre-test information only to another individual who is knowledgeable about HIV infection, including possible medical and psychosocial aspects of the infection.~~

b) Pre-test information may be included along with other medical information generally provided to a subject. The required pre-test information consists of the following information:

1) *A reasonable explanation of the test, including its purpose, potential use, limitations, and the meaning of the results;~~The meaning of the test results,~~* ~~including the purpose, potential uses, and limitations of the test and test results, and procedures to be followed;~~

2) *A reasonable explanation of the procedures to be followed, including the voluntary nature of the test;*

3~~2~~) *The availability of a qualified person to answer questions;~~That testing for HIV is voluntary, and consent to be tested may be withdrawn at any time before testing of the specimen has been initiated;~~*

4~~3~~) *The right to withdraw consent to the test process at any time;~~The availability of referrals for further information or counseling~~ (Section 5 of the Act);*

5~~4~~) *The right to anonymity, to the extent provided by law, with respect to participation in the test and disclosure of test results~~The subject's right to be tested anonymously at a site that offers anonymous testing, and a referral to a site at the request of the patient~~; ~~and~~

6~~5~~) *The right to confidential treatment of information identifying the subject of the test and the results of the test, to the extent provided by law* (Section 3(w-5) of the Act); and ~~The right to confidentiality, including nondisclosure of information identifying the subject of the test and the results of the test, to the extent provided by law.~~

7) The availability of referrals for further information or counseling.

c) For the purposes of this Section, *a qualified person to answer questions is a health care professional or, when acting under the supervision of a health care professional, a registered nurse, medical assistant, or other person determined to be sufficiently knowledgeable about HIV testing, its purpose, potential uses, limitations, the meaning of the test results, and the testing procedures in the professional judgment of a supervising health care professional or as designated by a health care facility.* (Section 3(w-5) of the Act)

d~~b~~) Pre-test information when ordering an HIV test is not required in the situations listed in Section 697.120(b)(1), (2), (5) and (7).

(Source: Amended at 42 Ill. Reg. 6425, effective March 21, 2018)

Section 697.120 Informed Consent

a) *No person may order an HIV test without first providing pre-test information and receiving the* documented *informed consent of the subject of the test or the subject's legally authorized representative*, except as provided in subsection (b). ~~*A health care facility or provider may offer opt-out HIV testing where the subject or the subject's legally authorized representative is informed that the subject will be tested for HIV unless he or she refuses. The health care facility or* professional *must document the provision of informed consent, including pre-test information, and whether the subject or the subject's legally authorized representative declined the offer of HIV testing.*~~ (Section 4 of the Act)

1) The health care professional ordering the test or another health care professional involved in the patient's care shall obtain the informed consent.

~~2) The health care professional may delegate the responsibility of obtaining informed consent only to another individual who is knowledgeable about~~

~~HIV infection, including possible medical and psychosocial aspects of that infection.~~

2)~~3)~~ *A health care provider, health care professional, or health care facility undertaking an informed consent process for HIV testing may combine~~A health care professional may combine~~ a form used to obtain informed consent for HIV testing with forms used to obtain written consent for general medical care or any other medical test or procedure, provided that the forms make it clear that the subject may consent to general medical care, tests, or ~~medical~~ procedures without being required to consent to HIV testing, and clearly explain how the subject may decline~~opt-out of~~ HIV testing. Health facility clerical staff or other staff members may obtain consent for HIV testing through a general consent form.* (Section 3(q)~~(d)(2)~~ of the Act)

3)~~4)~~ *A health care provider, health care professional, or health care facility conducting opt-in testing and obtaining informed consent shall document verbal or written consent in the general consent for medical care, a separate consent form, or elsewhere in the medical record.~~The person obtaining the informed consent shall document receipt of consent in the subject's medical record or as part of the consent form for medical care or HIV testing completed by the patient.~~*

4) *A health care provider, health care professional, or health care facility conducting opt-out testing shall document the subject's or the subject's legally authorized representative's declination of the test in the medical record. Individual documentation of the provision of pre-test information to each test subject is not required. A health care provider, health care professional, or health care facility conducting opt-out testing shall establish and implement a written procedure for conducting opt-out testing and for providing pre-test information.* (Section 4 of the Act)

5) When *the person providing informed consent is a participant in an HIE, informed consent requires a fair explanation that the results of the patient's HIV test will be accessible through an HIE and meaningful disclosure of the patient's opt-out right.* (Section 3(q) of the Act)

b) Informed consent to perform an HIV test is not required in the following situations:

1) *When the health care* professional *or health care facility procures, processes, distributes or uses a human body part donated for a purpose~~purposes~~ specified under the Illinois Anatomical Gift Act* or the Organ Donation Request Act, *and the test is necessary to assure the medical acceptability of the gift~~human body part~~*. (Section 7 of the Act)

2) *When the health care professional or health care facility procures, processes, distributes or uses semen provided prior to September 21, 1987, for the purpose of artificial insemination and* the *test is necessary to assure medical acceptability of* the *semen*. (Section 7 of the Act)

3) When the testing is *for the purpose of research* and *performed in such a way that the identity of the test subject is not known and may not be retrieved by the researcher, and in such a way that the test subject is not informed of the results of the testing*. (Section 8 of the Act)

4) When an HIV test is performed *upon a person who is specifically required by* state or federal *law to be tested*, such as blood, plasma, semen and human tissue donors and persons required to be tested pursuant to Section 5-5-3 of the Unified Code of Corrections. (Section 11 of the Act)

5) *When an insurance company,* fraternal benefit society, health services corporation, health maintenance organization, or any other insurer subject to regulation under the Illinois Insurance Code *requires any insured patient or applicant for new or continued insurance or coverage to be tested for infection with HIV or any other identified causative agent of AIDS*. (Section 3 of the Medical Patient Rights Act) (See Section 697.160.)

6) *When a health care provider or employee of a health facility, or a firefighter or an EMR, EMT,~~EMT-B,~~ EMT-I, A-EMT, paramedic, or PHRN~~ or EMT-P~~, is involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his or her medical judgment. Should such test prove to be positive, the patient and the health care provider, health facility employee, firefighter, EMR, EMT, EMT-I, A-EMT, paramedic, or PHRN shall be provided appropriate counseling consistent with* the *Act.~~EMT-B, EMT-~~*I, ~~or EMT-P shall be~~

~~provided appropriate counseling consistent with the *Act.*~~ (Section 7 of the Act)

7) *When in the judgment of the physician, such testing is medically indicated to provide appropriate diagnosis and treatment to the subject of the test, provided that the subject of the test has otherwise provided his or her consent to such physician for medical treatment.* (Section 8 of the Act)

8) *For a health care* professional *or health care facility to perform a test when a law enforcement officer is involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his* or her *medical judgment. Should such test prove to be positive, the patient shall be provided appropriate counseling consistent with* the *Act. For purposes of* Section 7*(c)* of the Act*, "law enforcement officer" means any person employed by the State, a county or a municipality as a policeman, peace officer, auxiliary-policeman, correctional officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life.* (Section 7 of the Act)

9) When an individual is charged with a sex crime in accordance with the Criminal Code of 2012~~1961~~.

(Source: Amended at 42 Ill. Reg. 6425, effective March 21, 2018)

Section 697.140 Nondisclosure of the Identity of a Person Tested or Test Results

a) *No person may disclose or be compelled to disclose HIV-related information~~the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test~~, except to the following persons.* (Section 9 of the Act)The term "disclose" as used in this subsection (a) shall not prohibit internal use by a person, or a person's agents or employees, for the purposes of treatment, payment and health care operations, as those terms are defined in the HIPAA Privacy Rule.~~45 CFR 164.501.~~ Any internal use shall be limited to those agents or employees, and the minimum necessary information, needed to accomplish the intended purposes of treatment, payment or health care operations.

1) *The subject of the test or the subject's legally authorized representative. A physician may notify the spouse or civil union partner of the test subject, if the test is positive, and has been confirmed, provided the physician has first sought unsuccessfully to persuade the patient to notify the spouse or civil union partner, or that, a reasonable time after the patient has agreed to make the notification, the physician has reason to believe that the patient has not provided the notification.* (Section 9(a) of the Act).

2) *Any person designated in a legally effective authorization for release of HIV-related information~~the test results~~ executed by the subject of the HIV-related information~~test~~ or the subject's legally authorized representative*. (Section 9(b) of the Act) A legally effective release means a time-limited written release of HIV-related ~~medical~~ information signed by the test subject.

3) *An authorized agent or employee of a health care facility or health care* professional or referring, treating or consulting health care professional of the test subject, *if*:

   A) *The health care facility or health care* professional *is authorized to obtain the test results.* Health care facility or health care professional, for the purposes of this subsection (a)(3)(A), includes personnel who handle and process medical records for that health care facility or health care professional;

   B) *The agent or employee* or referring, treating or consulting health care professional of the test subject *provides patient care or handles or processes specimens of body fluids or tissues;*

   C) The agent or employee or the test subject's referring, treating or consulting health care professional *has a need to know such information*. (Section 9(c) of the Act); or

   D) The agent or employee when involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of a patient that is of a nature likely to transmit HIV, such as needle stick or percutaneous exposure, as certified by a health care professional.

4) *The Department* or the local health authority, *in accordance with rules for reporting and controlling the spread of disease*, or *as otherwise provided by State law*. (See 77 Ill. Adm. Code 690, 693, 250, 300, 330, 340, 350, 370, 390, and 840.) The Department, local health department or designated agent shall not *disclose HIV test results and HIV-related information~~information and records held by them relating to known or suspected cases of AIDS or HIV infection~~, publicly or in any action of any kind in any court or before any tribunal, board or agency. HIV test results and HIV-related information~~AIDS and HIV Infection~~ shall be protected from disclosure in accordance with the provisions of Sections* 8-2101 *through* 8-2105 *of the Code of Civil Procedure.* (Section 9(d) of the Act)

5) *A health care facility, health care provider, or health care professional~~professional~~ which procures, processes, distributes or uses*:

A) *A human body part from a deceased person with respect to medical information regarding the person; or*

B) *Semen provided prior to September 21, 1987, for the purpose of artificial insemination.* (Section 9(e) of the Act)

6) *Health* care *facility staff committees for the purpose of conducting program monitoring, program evaluation or service reviews* conducted by, but not limited to, the Department, local health authority or designated agent. (Section 9(f) of the Act)

7) *Any health care provider, health care professional,~~professional~~ or employee of a health care facility, and any firefighter or any EMR, EMT, A-EMT, paramedic, PHRN,* or *~~EMT-B,~~ EMT-I~~, EMT-P~~ involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his* or her *medical judgment.* (Section 9(h) of the Act)

8) *Any law enforcement officer, as defined in ~~subsection (c) of~~ Section 7(c)* of the Act, *involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his* or her *medical judgment.* (Section 9(i) of the Act)

9) *A temporary caretaker of a child taken into temporary protective custody by the Department of Children and Family Services pursuant to Section 5 of the Abused and Neglected Child Reporting Act.* (Section 9(j) of the Act)

10) *In the case of a minor under 18 years of age whose test result is positive and has been confirmed, the health care professional who ordered the test shall make a reasonable effort to notify the minor's parent or legal guardian if, in the professional judgment of the health care professional, notification would be in the best interest of the child and the health care professional has first sought unsuccessfully to persuade the minor to notify the parent or legal guardian or, a reasonable time after the minor has agreed to notify the parent or legal guardian, the health care professional has reason to believe that the minor has not made the notification.* (Section 9(k) of the Act)

b) HIV test results may be disclosed to researchers when done in a manner that does not reveal the identity of the subject of the test. The de-identification of test results may be performed by an authorized agent or employee of a health facility or health care professional. Any test results that cannot be revealed without identifying the subject of the test shall be disclosed only in accordance with subsection (a). The Department shall disclose test results and demographic data without identifying information to researchers, in accordance with Section 697.220.

c) No person may disclose unconfirmed HIV test results in a manner that permits the identification of the subject of the test, except in accordance with Section 697.100(a)(1).

d) Documentation of informed consent~~, including written forms, if any,~~ and HIV-related information~~HIV test results~~ may be maintained, documented, and transmitted in a confidential manner in an electronic medical record system, medical record or confidential fax that allows disclosure only to persons authorized to receive the information under subsection (a).

e) Liability and Sanctions

1) *Nothing in* the *Act* or this Part *shall be construed to impose civil liability*

or criminal sanction for disclosure of a test result in accordance with any reporting requirement of the Department for a diagnosed case of HIV infection, AIDS or a related condition. (Section 15 of the Act)

2) *Nothing in* the *Act* or this Part *shall be construed to impose civil or criminal sanction for performing a test without informed consent pursuant to the provisions of Section 7(b) or (c) of the Act.* (Section 15 of the Act)

3) The *intentional or reckless violation of the* Act or this Part *shall constitute a Class A misdemeanor*. (Section 12 of the Act)

4) *No civil liability or criminal sanctions shall be imposed for any disclosure or non-disclosure of a test result to a spouse or civil union partner by a physician acting in good faith. For the purposes of any proceedings, civil or criminal, the good faith of any physician shall be presumed.* (Section 9(a) of the Act)

5) *No civil liability or criminal sanctions shall be imposed for any notification or non-notification of a minor's test result* to a parent or legal guardian *by a health care professional acting in good faith. For the purposes of any proceedings, civil or criminal, the good faith of any health care professional shall be presumed.* (Section 9(a) of the Act)

f) Sections 697.110, 697.120, 697.130 and 697.140 *shall not apply to* eligibility and coverage requirements established by *a health maintenance organization nor to any insurance company, fraternal benefit society, or other insurer regulated under the Illinois Insurance Code*. (Section 15.1 of the Act)

(Source: Amended at 42 Ill. Reg. 6425, effective March 21, 2018)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Claiming Races

2) Code Citation: 11 Ill. Adm. Code 510

3) Section Number: 510.250 — Adopted Action: Amendment

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rulemaking: March 26, 2018

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

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Agency's central office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 704; January 12, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No changes were made.

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

14) Are there any other rulemakings pending in this Part? No

15) Summary and Purpose of Rulemaking: Section 510.250(a) currently requires that for a period of 20 days after the claim of a thoroughbred horse, it shall not start in a race in which the eligibility price is less than 25% more than the price at which it was claimed. For a period of 10 days thereafter, a thoroughbred horse is eligible to run back for the same claiming price or higher. Section 510.250 (b) states that these requirements shall not apply to starter handicap races. This proposed rulemaking also excludes "starter allowance" races from such requirements.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 510
CLAIMING RACES

Section

510.10 Definition
510.20 Claiming Eligibility
510.30 Form and Deposit of Claim
510.40 Errors which Invalidate Claim
510.50 Refund of Voided Claim
510.60 Prohibited Action with Respect to Claim
510.70 Horses under Lien
510.80 Affidavit May be Required
510.90 Claimant's Responsibility
510.100 Claimed Horse's Certificate
510.110 Engagements of a Claimed Horse
510.120 Protests of a Claim
510.130 Title to a Claimed Horse
510.140 Distribution of the Purse
510.150 Delivery of a Claimed Horse
510.160 Trainer Responsibility for Post-Race Tests
510.170 Excusing Claimed Horse
510.180 Stable Eliminated by Fire or Other Hazard
510.190 Entering Claimed Horse (Repealed)
510.195 Determining Eligibility Dates
510.200 Claimed Horse Racing Elsewhere
510.210 Sale of a Claimed Horse
510.220 Illinois Rules Govern Claimed Horse
510.230 Extension of Regular Meeting (Repealed)
510.240 Claiming Authorization
510.250 Claiming Price
510.260 Option to Declare Horse Ineligible to be Claimed

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5].

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective September 1, 1996; amended at 21 Ill. Reg. 951, effective January 7, 1997; amended at 24 Ill. Reg. 7386, effective May 1, 2000; amended at 24 Ill. Reg. 12722, effective August 1, 2000; amended at 24 Ill. Reg. 17480, effective November 8, 2000; amended at 25 Ill. Reg. 6393, effective May 1, 2001; amended at 25 Ill. Reg. 8814, effective July 1, 2001; amended at 27 Ill. Reg. 533, effective January 1, 2003; amended at 31 Ill. Reg. 15094, effective November 1, 2007; amended at 32 Ill. Reg. 10161, effective July 1, 2008; amended at 33 Ill. Reg. 11318, effective July 21, 2009; amended at 36 Ill. Reg. 12371, effective July 23, 2012; amended at 39 Ill. Reg. 2648, effective February 9, 2015; amended at 42 Ill. Reg. 6447, effective March 26, 2018.

Section 510.250 Claiming Price

a) For a period of 20 days after the claim of a thoroughbred horse, it shall not start in a race in which the eligibility price is less than 25% more than the price at which it was claimed. For a period of 10 days thereafter, a thoroughbred horse is eligible to run back for the same claiming price or higher.

b) Starter~~This Section shall not apply to starter~~ handicap or starter allowance races are not subject to subsection (a).

(Source: Amended at 42 Ill. Reg. 6447, effective March 26, 2018)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Income Tax

2) Code Citation: 86 Ill. Adm. Code 100

3) Section Number: 100.7300 — Adopted Action: Amendment

4) Statutory Authority: 35 ILCS 5/704A

5) Effective Date of Rule: March 21, 2018

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. 15041; December 15, 2017

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: The only changes made were the ones agreed upon with JCAR. All changes made were grammar and punctuation or technical.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes

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

Section Number:	Proposed Action:	*Illinois Register* Citation:
100.2850	New Section	41 Ill. Reg. 15198; December 26, 2017

15) Summary and Purpose of Rulemaking: This rulemaking amends regulation Section 100.7300 to implement the amendments to IITA Section 704A in Public Act 100-303,

which allow the Department to require electronic filing of withholding returns and W-2 information, beginning with calendar 2017 withholding.

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

Brian Stocker
Staff Attorney
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield IL 62796

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000 Introduction
100.2050 Net Income (IITA Section 202)
100.2055 Standard Exemption (IITA Section 204)
100.2060 Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

SUBPART B: CREDITS

Section
100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA Section 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA Section 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone and River Edge Redevelopment Zone (IITA Section 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA Section 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2171 Angel Investment Credit (IITA 220)
100.2175 Invest in Kids Credit (IITA 224)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA Section 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193 Student-Assistance Contributions Credit (IITA 218)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS OCCURRING PRIOR TO DECEMBER 31, 1986

Section
100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) − Scope
100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) − Definitions
100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) − Current Net Operating Losses: Offsets Between Members
100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) − Carrybacks and Carryforwards
100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) − Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) − Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES OCCURRING ON OR AFTER DECEMBER 31, 1986

Section
100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or

After December 31, 1986
100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
100.2435 Addition Modification for Student-Assistance Contribution Credit (IITA Sections 203(a)(2)(D-23), (b)(2)(E-16), (c)(2)(G-15), (d)(2)(D-10))
100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
100.2465 Claim of Right Repayments (IITA Section 203(a)(2)(P), (b)(2)(Q), (c)(2)(P) and (d)(2)(M))
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
100.2480 Enterprise Zone and River Edge Redevelopment Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

100.2510 Subtraction for Contributions to Illinois Qualified Tuition Programs (Section 529 Plans) (IITA Section 203(a)(2)(Y)
100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART H: BASE INCOME OF TRUSTS AND ESTATES

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

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

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

SUBPART K: COMPENSATION

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

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

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Residents (IITA Section 303)

SUBPART M: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
100.3310 Business Income of Persons Other Than Residents (IITA Section 304) − In General
100.3320 Business Income of Persons Other Than Residents (IITA Section 304) − Apportionment (Repealed)
100.3330 Business Income of Persons Other Than Residents (IITA Section 304) − Allocation
100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
100.3350 Property Factor (IITA Section 304)
100.3360 Payroll Factor (IITA Section 304)
100.3370 Sales Factor (IITA Section 304)
100.3371 Sales Factor for Telecommunications Services
100.3373 Sales Factor for Publishing
100.3380 Special Rules (IITA Section 304)
100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400 Apportionment of Business Income of Financial Organizations for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
100.3405 Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3450 Apportionment of Business Income of Transportation Companies (IITA Section 304(d))
100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART N: ACCOUNTING

Section
100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART O: TIME AND PLACE FOR FILING RETURNS

Section
100.5000 Time for Filing Returns (IITA Section 505)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040 Innocent Spouses
100.5050 Frivolous Returns
100.5060 Reportable Transactions (IITA Section 501(b))
100.5070 List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
100.5080 Registration of Tax Shelters (IITA Section 1405.5)

SUBPART P: COMPOSITE RETURNS

Section
100.5100 Composite Returns: Eligibility (IITA Section 502(f))
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income (IITA Section 502(f))
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits on Separate Returns
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180 Composite Returns: Overpayments and Underpayments

SUBPART Q: COMBINED RETURNS

Section
100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5215 Filing of Separate Unitary Returns (IITA Section 304(e))
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest
100.5260 Combined Amended Returns
100.5265 Common Taxable Year

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

100.5270 Computation of Combined Net Income and Tax
100.5280 Combined Return Issues Related to Audits

SUBPART R: PAYMENTS

Section
100.6000 Payment on Due Date of Return (IITA Section 601)

SUBPART S: REQUIREMENT AND AMOUNT OF WITHHOLDING

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

SUBPART T: AMOUNT EXEMPT FROM WITHHOLDING

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

SUBPART U: INFORMATION STATEMENT

Section
100.7200 Reports for Employee (IITA Section 703)

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

Section
100.7300 Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)
100.7310 Returns Filed and Payments Made on Annual Basis (IITA Sections 704 and 704A)
100.7320 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)
100.7325 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
100.7330 Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)
100.7350 Domestic Service Employment (IITA Sections 704 and 704A)
100.7360 Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
100.7370 Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
100.7380 Economic Development for a Growing Economy (EDGE) and Small Business Job Creation Credit (IITA Section 704A(g) and (h))

SUBPART W: ESTIMATED TAX PAYMENTS

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

SUBPART X: COLLECTION AUTHORITY

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

SUBPART Y: NOTICE AND DEMAND

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART Z: ASSESSMENT

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

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

SUBPART AA: DEFICIENCIES AND OVERPAYMENTS

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

SUBPART BB: CREDITS AND REFUNDS

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

SUBPART CC: INVESTIGATIONS AND HEARINGS

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

SUBPART DD: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

SUBPART EE: DEFINITIONS

Section
100.9700 Unitary Business Group Defined (IITA Section 1501)
100.9710 Financial Organizations (IITA Section 1501)
100.9720 Nexus

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

100.9730 Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART FF: LETTER RULING PROCEDURES

Section
100.9800 Letter Ruling Procedures

SUBPART GG: MISCELLANEOUS

Section
100.9900 Tax Shelter Voluntary Compliance Program
100.9910 State Tax Preparer Oversight Act [35 ILCS 35]

100.APPENDIX A Business Income Of Persons Other Than Residents
100.TABLE A Example of Unitary Business Apportionment
100.TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25,

1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26,

2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013; amended at 37 Ill. Reg. 20751, effective December 13, 2013; recodified at 38 Ill. Reg. 4527; amended at 38 Ill. Reg. 9550, effective April 21, 2014; amended at 38 Ill. Reg. 13941, effective June 19, 2014; amended at 38 Ill. Reg. 15994, effective July 9, 2014; amended at 38 Ill. Reg. 17043, effective July 23, 2014; amended at 38 Ill. Reg. 18568, effective August 20, 2014; amended at 38 Ill. Reg. 23158, effective November 21, 2014; emergency amendment at 39 Ill. Reg. 483, effective December 23, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 1768, effective January 7, 2015; amended at 39 Ill. Reg. 5057, effective March 17, 2015; amended at 39 Ill. Reg. 6884, effective April 29, 2015; amended at 39 Ill. Reg. 15594, effective November 18, 2015; amended at 40 Ill. Reg. 1848, effective January 5, 2016; amended at 40 Ill. Reg. 10925, effective July 29, 2016; amended at 40 Ill. Reg. 13432, effective September 7, 2016; amended at 40 Ill. Reg. 14762, effective October 12, 2016; amended at 40 Ill. Reg. 15575, effective November 2, 2016; amended at 41 Ill. Reg. 4193, effective March 27, 2017; amended at 41 Ill. Reg. 6379, effective May 22, 2017; amended at 41 Ill. Reg. 10662, effective August 3, 2017; amended at 41 Ill. Reg. 12608, effective September 21, 2017; amended at 41 Ill. Reg. 14217, effective November 7, 2017; emergency amendment at 41 Ill. Reg. 15097, effective November 30, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 4953, effective February 28, 2018; amended at 42 Ill. Reg. 6451, effective March 21, 2018.

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

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

a) Quarterly Returns~~returns~~. Except as otherwise provided in Section 100.7310 or 100.7350, every employer required to deduct and withhold tax on compensation paid in Illinois shall make a return for the first calendar quarter in which the tax is deducted and withheld and for each subsequent calendar quarter (whether or not compensation is paid in that quarter) until a final return is filed. (See IITA Sections 704(c) and 704A(b).) Each return required under this subsection must be made *in the form and manner required by the Department*. (IITA Sections 704(b) and 704A(b)) *With respect to taxes withheld in 2017 and subsequent calendar years, the Department may, by rule, provide that any return (including any amended return) and any W-2 Form due under this Section must be submitted on magnetic media or electronically*. (IITA Section 704A(f)) *The due date for submitting W-2 Forms shall be as prescribed by the Department by rule*. (IITA Section 704A(f)) ~~[35 ILCS 5/704(b) and 704A(b)].~~

1) For calendar years after 2009 and prior to 2017, payroll providers who withhold Illinois income tax for employers during the year and who are required to file federal withholding returns on magnetic media under 26 CFR 301.6011-2 shall file returns due under this subsection (a) with the Department using the same magnetic media used for their federal filing.

2) For calendar years after 2016, all employers shall file returns due under this subsection (a) with the Department electronically or using the same magnetic media used for their federal filing, provided that, upon petition by an employer, the Department may waive this requirement if the employer demonstrates that it does not have access to the Internet.

3) All other returns required under this subsection (a) may be filed with the Department at the address provided on the Form IL-941, Illinois Quarterly Withholding Income Tax Return, or its instructions.

b) Filing and Retention~~retention~~ of Copies~~copies~~ of Combined~~combined~~ W-2

1) For Calendar Years Prior~~calendar years prior~~ to 2008

A) Every employer required under this Section or Section 100.7310 or 100.7350 to make a return of tax withheld from compensation for a period ending December 31, or for any period for which a return is made as a final return, shall retain a copy of each wage and tax statement on the combined W-2 required under Section 100.7200

to be furnished by the employer with respect to compensation paid during the calendar year. For calendar years prior to 2008, every employer shall maintain copies of the combined W-2 forms for three years from the due date of the IL-W-3 for that period. For each calendar year after 2007, every employer shall maintain copies of the combined W-2 forms until January 31 of the fourth year following that calendar year. If the Department makes a written request for copies of the combined W-2 forms, the copies shall be forwarded to the Department within 30 days after the written request.

B) If an employer issues a corrected copy of a combined W-2 to an employee for a prior calendar year (see Section 100.7200(d) above), a copy shall be retained for a period of four years from the date fixed for filing the employer's return of tax withheld for the period ending December 31 of the year in which the correction is made, or for any period in the year for which the return is made as a final return. A statement explaining the corrections shall also be retained and, if the Department requests, a copy of the corrected W-2 shall be submitted within 30 days after the written request.

C) Each year, the Department will contact a sample of Illinois employers and require those employers to provide copies of their employee W-2s. Employers chosen by the Department will be required to file W-2s in the same manner they are required to file W-2s federally.

i) Employers with more than 250 employees in the State of Illinois will be required to provide the W-2s on magnetic tape, diskette, or cartridge meeting the specifications required by the Social Security Administration (see 26 CFR 301.6011-2).

ii) All other employers may provide the W-2s on magnetic media or paper.

D) An extension of time for providing statements requested by the Department shall be granted upon a showing of good cause.

2) W-2s Filed Electronically or on Magnetic Media~~magnetic media~~

A) The following persons~~, if they are required to file copies of the W-2s on magnetic media under 26 CFR 301.6011-2,~~ shall file copies of the W-2s with the Department electronically or using the same magnetic media used for their federal filing:

i) for calendar years after 2007 and prior to 2017, payroll providers who withhold Illinois income tax for employers during the year and who are required to file copies of the W-2s on magnetic media under 26 CFR 301.6011-2;~~; and~~

ii) for calendar years after 2008 and prior to 2017, all employers who are required to file copies of the W-2s on magnetic media under 26 CFR 301.6011-2; and

iii) for calendar years after 2016, all employers and payroll providers who withhold Illinois income tax for employers, provided that, upon petition by an employer or payroll provider, the Department may waive the magnetic media filing requirement if the employer or payroll provider demonstrates that it does not have access to the Internet.

B) For calendar years prior to 2014, the copies of W-2s shall be filed no later than March 31 of the year following the year of the withholding, unless a later due date is prescribed under federal law for filing the copies of the W-2s, in which case filing of copies with the Department is~~shall be~~ due on the same date. For calendar years after 2013 and prior to 2017, the copies of W-2s shall be filed no later than February 15 of the year following the year of the withholding. For calendar years after 2016, the copies of W-2s shall be filed no later than January 31 of the year following the year of the withholding.

C) For all calendar years, if the IRS has granted an extension of time to file a federal information return that would otherwise be due from the employer on the due date for filing under this subsection (b)(2) because of natural disaster under IRC section 7508A, an employer who files copies of its W-2s on or before the extended

due date of the federal information return is deemed to have reasonable cause for the late filing. (See IITA Sections 704(f) and 704A(f).)

3) For calendar years after 2007, with respect to copies of W-2s other than those ~~required to be~~ filed electronically or on magnetic media ~~under subsection (b)(2)~~:

A) Every employer required under this Section or Section 100.7310 or 100.7350 to make a return of tax withheld from compensation for a period ending December 31, or for any period for which a return is made as a final return, shall retain a copy of each wage and tax statement on the combined W-2 required under Section 100.7200 to be furnished by the employer with respect to compensation paid during the calendar year. Every employer shall maintain copies of the combined W-2 forms until January 31 of the fourth year following that calendar year. If the Department makes a written request for copies of the combined W-2 forms, the copies shall be forwarded to the Department within 30 days after the written request.

B) If an employer issues a corrected copy of a combined W-2 to an employee for a prior calendar year (see Section 100.7200(d)), a copy shall be retained for a period of four years from the date fixed for filing the employer's return of tax withheld for the period ending December 31 of the year in which the correction is made, or for any period in the year for which the return is made as a final return. A statement explaining the corrections shall also be retained and, if the Department requests, a copy of the corrected W-2 shall be submitted within 30 days after the written request.

C) Each year, the Department will contact a sample of Illinois employers and require those employers to provide copies of their employee W-2s.

D) An extension of time for providing statements requested by the Department shall be granted upon a showing of good cause.

c) Payments of amounts withheld prior to January 1, 2008. Except as otherwise provided in Section 100.7310 or 100.7350, with respect to amounts withheld or required to be withheld prior to January 1, 2008:

1) Quarter-monthly tax payments. Every employer required to file a quarterly return under subsection (a) shall also file a quarter-monthly tax payment form if the amount of tax deducted and withheld during any quarter-monthly period plus the amount previously withheld and not remitted to the Department exceeds $1,000. An employer need not file a quarter-monthly form if no quarter-monthly payment is due. Certain taxpayers with tax liabilities exceeding statutory thresholds are required to pay their tax liabilities by electronic funds transfer. 86 Ill. Adm. Code 750 sets forth the rules of the Department concerning payment of taxes by electronic funds transfer, as well as the statutory payment thresholds.

2) Monthly tax payments. Every employer required to file a quarterly return under subsection (a) shall also file a monthly tax payment form if the amount of tax deducted and withheld during any calendar month plus the amount previously withheld and not remitted to this Department exceeds $500 including amounts previously withheld and not remitted to the Department, but does not exceed $1,000. An employer need not file a monthly form if no monthly payment is due. No monthly form is required for the third month in any calendar quarter. The information otherwise required to be reported on the monthly form for the third month in a calendar quarter shall be reported on the quarterly return filed for that quarter and no monthly form need be filed for that month.

d) Payments of amounts withheld on or after January 1, 2008. Except as provided in Section 100.7310 or 100.7350, with respect to amounts withheld or required to be withheld on or after January 1, 2008:

1) Semi-Weekly Tax Payments~~weekly tax payments~~

A) An employer who withheld or was required to withhold more than $12,000 during the look-back period for a calendar year must make semi-weekly payments for the entire calendar year.

B) An employer who withholds or is required to withhold more than $12,000 in any quarter of a calendar year is required to make

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

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

(Source: Amended at 42 Ill. Reg. 6451, effective March 21, 2018)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Special Education Facilities under Section 14-7.02 of the School Code

2) Code Citation: 23 Ill. Adm. Code 401

3)

Section Numbers:	Adopted Actions:
401.2	New Section
401.5	Amendment
401.10	Amendment
401.20	Amendment
401.30	Amendment
401.110	Amendment
401.120	Amendment
401.130	Amendment
401.140	Amendment
401.145	Amendment
401.150	Amendment
401.210	Amendment
401.220	Amendment
401.230	Amendment
401.240	Amendment
401.250	Amendment
401.260	Amendment
401.270	Amendment
401.280	Amendment

4) Statutory Authority: 105 ILCS 5/14-7.02

5) Effective Date of Rules: March 21, 2018

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

7) Does this rulemaking contain incorporations by reference? No

8) A statement that 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 *Illinois Register*: 41 Ill. Reg. 3831; March 31, 2017

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version:

- Throughout the Part
  - Clarified when programs are approved or are seeking approval from the State Board of Education.
  - Changed all references from school days to business days.
  - Clarified professional and educator credentials may be certificates or licenses.
  - Updated deadlines to come into compliance to the 2019-20 or 2020-21 school year, depending on renewal cycle.
  - Other grammatical changes to align this Part with the Administrative Code.
- Section 401.2
  - Clarified this Part is applicable when an IEP Team determines no less restrictive setting on the continuum of alternative placements is available in the home district.
  - Made clear providers approved pursuant to this Part are not precluded from accepting students placed via alternative means.
- Section 401.5
  - Added definitions for the following:
    - Business Day
    - Individual Student Aide (noninstructional)
    - Paraprofessional Educator
    - SBE Approval or SBE Approved
  - Revised the following definitions:
    - Educational Program: Removed language limiting educational programs to special education programs.
    - Professional Staff: Clarified what types of out-of-state credentials are acceptable.
  - Deleted the following definitions:
    - Residential-Only
    - School Days
- Section 401.10
  - Clarified approval being sought through the application is for SBE approval.
  - Removed the application period for acceptance of initial applications.
  - Changed the application requirements to include a description of the program's philosophy and methodology for reintegrating students.
  - Clarified a provider's regular school year must be at least 176 days of student attendance for at least five instructional hours per day. Added instructional

hours may include lunch, passing time, or recess, if included in the IEP.
  - Detailed the federal laws and State laws and regulations applicants are attesting to follow when signing the Statement of Assurances.
  - Clarified in State facilities that are not currently certified or licensed may take placements on or before July 1, 2018. After that date, no new placements may be made and current placements will remain unless the IEP Team determines another placement is more appropriate or the student reaches an age he or she is no longer eligible for services under the IEP.
  - Clarified out-of-state facilities whose programs are not regulated cannot enter into contractual agreements on or after July 1, 2018. No contractual agreements in effect on or before June 30, 2018, are affected. Siblings of students in placements before June 30, 2018, may be placed in the same facility after July 1, 2018, if the sibling's IEP Team determines that is the most appropriate placement.
  - Clarified locked facilities may be used as provided for in Section 14-7.02 of the School Code.
  - Clarified initial applicants must complete an orientation with State Board staff outlining information in this Part.
  - Made clear programs must have program changes/additions approved by the State Superintendent prior to implementation.
  - Detailed process for when initial applications do not meet the requirements of this Part.
- Section 401.20
  - Clarified approval being sought through the application is for SBE approval.
- Section 401.30
  - Clarified approval being sought through the application is for SBE approval.
  - Removed language prohibiting public school districts from being eligible for reimbursement for placements in programs on "Nonapproved" status.
  - Removed requirement that providers on "Nonapproved" status must wait one year to reapply for SBE approval.
- Section 401.130
  - Clarified a provider's regular school year must be at least 176 days of student attendance for at least five instructional hours per day. Added instructional hours may include lunch, passing time, or recess, if included in the IEP.
  - Clarified locked facilities may be used as provided for in Section 14-7.02 of the School Code.
  - Added other professional staff as allowable staff to increase maximum class size.
  - Clarified when requests for deviations in class size are allowed.

- Section 401.250
  - Added individual student aides (noninstructional) to individuals each provider must provide training to before assuming their duties.
- Section 401.280
  - Clarified that on and after July 1, 2019, providers shall not engage in pre-billing, billing public school districts for services until the services have been provided, and charging parents for related services as outlined in the IEP.
  - Clarified that parents of students enrolled in programs pursuant to this Part shall not be charged for related services as outlined in the IEP.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking is intended to create greater clarity and specificity to providers and public school districts attempting to serve special education students who are placed in nonpublic special education programs. The rules are being revised with student safety and academic and social emotional outcomes at the forefront consistent with the Board's goals. Changes outline with greater specificity that Part 401 programs are to be considered and classified as a highly restrictive option when less restrictive options on the continuum of alternative placements have already been exhausted and are not appropriate for the student. The changes are designed to provide equity for students placed in these programs in terms of services and instructional time.

This rulemaking makes the following specific changes:

- Section 401.2
  - Clarifies that the requirements of this Part do not preclude an approved provider from serving other students who are not reimbursable under Section 14-7.02 of the School Code, so long as the services being provided to students served in accordance with Section 14-7.02 remain sufficient and appropriate for the student to make progress and meet the requirements to provide students with a free and appropriate public education.
- Section 401.5: Defines the following:
  - Business Day
  - Combination Program

- Educational Program
- Facility
- Individualized Education Program (IEP) Team
- Imminent Danger
- Individual Student Aide (noninstructional services)
- Paraprofessional Educator
- Program
- Programmatic Outcomes
- SBE Approval or SBE Approved
- School Code

- Section 401.10:
  - Clarifies that eligible applicants must be nonpublic special education programs that provide highly specialized options when an IEP team determines no less restrictive setting will meet the student's needs, consistent with Sections 401.2 and 401.5.
  - Starting with the 2020-21 school year, the regular school year must consist of at least 176 days of student attendance with at least five instructional hours per day, which may not include lunch, passing time, or recess unless specified in the student's IEP. Providers may have two days of parent/teacher conferences for a total number of student attendance days of 174. Educational programs outside of the regular school year in Illinois must provide at least 120 instructional hours per year. Out-of-state facilities may have fewer than 120 instructional hours per year if the responsible authority in that state approves those hours.
  - Details the federal laws and State laws and regulations applicants are attesting to follow when signing the Statement of Assurances.
  - Clarifies in State facilities that are not currently certified or licensed may take placements on or before July 1, 2018. After that date, no new placements may be made and current placements will remain unless the IEP team determines another placement is more appropriate or the student reaches an age he or she is no longer eligible for services under the IEP.
  - Clarifies out-of-state facilities whose programs are not regulated cannot enter into contractual agreements on or after July 1, 2018. No contractual agreements in effect on or before June 30, 2018, are affected. Siblings of students in placements before June 30, 2018, may be placed in the same facility after July 1, 2018, if the sibling's IEP Team determines that is the most appropriate placement.

  - Starting in the 2019-20 school year, providers that use disciplinary or behavioral techniques that are prohibited in Illinois are not eligible for approval.
  - All facilities are required to participate in a scheduled nonpublic special education orientation with the State Board to discuss this Part when submitting initial applications.
  - Approved programs must have program changes/additions approved by the State Superintendent prior to implementation.
  - Initial applications that do not meet the requirements of this Part will be sent notices of deficiencies. If the deficiencies are not remedied within one year of receipt of that notice, the provider will receive a denial of application.
- Section 401.30:
  - Prohibits programs placed on "Pending Further Review" status from accepting new placements. Directs school districts to discontinue new placements at the facilities and identify alternative placements for students currently at the facility should it be placed on "Nonapproved" status.
  - Providers on "Nonapproved" status are ineligible to receive reimbursement pursuant to Section 14-7.02 of the School Code.
  - Clarifies that, if the State Superintendent finds the reason for "Nonapproved" status is a danger to student health or safety, then the program will stay on the last assigned status prior to nonapproval, pending the outcome of an administrative hearing.
  - Clarifies that admission holds placed on an out-of-state residential facility by the licensing agent is a reciprocal admissions hold for Illinois public school districts to make placements.
  - Initial applicants that are not approved may resubmit the initial application one year after the effective date of nonapproval.
- Section 401.110: Clarifies that public school districts are responsible for monitoring the programs in which they place students and that public school districts must continue to ensure students placed in a program receive all programing and related services required by his or her IEP.
- Section 401.130: Updates operational schedule requirements such that, starting with the 2019-20 school year, the regular school year must consist of at least 176 days of student attendance with at least five instructional hours per day, which may not include lunch, passing time, or recess unless specified in the student's IEP. Providers may have two days of parent/teacher conferences for a total number of student attendance days of 174.
- Section 401.140:

  - Clarifies that providers that use disciplinary or behavioral techniques prohibited in Illinois are not eligible for approval beginning in the 2019-20 school year.
  - States the maximum number of students enrolled in a program is five students per licensed teacher, but may be increased to 10 students if a full-time paraprofessional or other professional staff is provided.
  - Clarifies the type of situation a provider can request a deviation from class size requirements (e.g., when a facility experiences an unforeseen loss of staff due to resignation immediately before the start of the school year and the facility is actively looking for, but has not yet found, a replacement).
  - Section 401.220: Clarifies that Illinois facilities must maintain the most recent State Fire Marshal inspection report (not to be more than 36 months old) or, if the State Fire Marshal inspection report is unavailable, an inspection report not more than 12 months old from a local governmental agency.
- Section 401.230:
  - Clarifies that the public school of residence must be notified after five or more consecutive days of absence. (Currently, the school must be informed after five or more days of consecutive unexcused absences.)
  - Requires responsible staff at the facility to notify the public school of residence of a student's change in residence or guardianship immediately.
- Section 401.240: Clarifies that licenses issued by the Illinois Department of Financial and Professional Regulation or similar out-of-state licensing agency are acceptable credentials for professional and paraprofessional staff.
- Section 401.260: Clarifies that staff records must be maintained at the school for inspection. Criminal background investigations will be submitted to the public school districts currently contracting with the facility. Staff will be checked against the Illinois Murderer and Violent Offender Against Youth Registry or an out-of-state comparable registry.
- Section 401.270: Clarifies that student records must be stored in a secured central location on the premises of the facility.
- Section 401.280
  - Clarifies on and after July 1, 2019, providers shall not engage in pre-billing, billing public school districts for services until the services have been provided, and charging parents for related services as outlined in the IEP.
  - Clarifies parents of students enrolled in programs pursuant to this Part shall not be charged for related services as outlined in the IEP.

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Lindsay M. Bentivegna
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001

217/782-5270
rules@isbe.net

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER l: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 401
SPECIAL EDUCATION FACILITIES UNDER
SECTION 14-7.02 OF THE SCHOOL CODE

SUBPART A: APPROVAL OF PROGRAMS

Section
401.2 Regulatory Intent
401.5 Definitions
401.10 Application for Eligibility
401.20 Notification Requirements
401.30 Changes in Approval Status

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section
401.110 Use by Public School Districts
401.120 Placement Procedures
401.130 Operating Schedule
401.140 Provision of Educational Program
401.145 Administration of State Assessment
401.150 Classroom Records

SUBPART C: OPERATIONAL REQUIREMENTS

Section
401.210 General Requirements
401.220 Health and Safety Requirements
401.230 Student Progress Reports and Reviews
401.240 Staffing Requirements
401.250 Staff Training
401.260 Staff Records
401.270 Student Records
401.280 Fiscal Provisions

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by Sections 14-7.02 and 14-8.01 of the School Code [105 ILCS 5/14-7.02 and 14-8.01].

SOURCE: Adopted July 25, 1973; emergency amendment at 4 Ill. Reg. 39, p. 323, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 4576, effective April 9, 1981; codified at 7 Ill. Reg. 14966; Part repealed, new Part adopted at 19 Ill. Reg. 7185, effective May 10, 1995; amended at 30 Ill. Reg. 8818, effective April 25, 2006; amended at 31 Ill. Reg. 14050, effective September 24, 2007; emergency amendment at 32 Ill. Reg. 4843, effective March 21, 2008, for a maximum of 150 days; emergency amendment suspended at 32 Ill. Reg. 9764, effective June 17, 2008; suspension withdrawn at 32 Ill. Reg. 13093, effective July 16, 2008; emergency amendments repealed by emergency rulemaking at 32 Ill. Reg. 13079, effective July 16, 2008, for the remainder of the 150 days; amended at 33 Ill. Reg. 15285, effective October 20, 2009; amended at 39 Ill. Reg. 14758, effective October 22, 2015; amended at 42 Ill. Reg. 6471, effective March 21, 2018.

SUBPART A: APPROVAL OF PROGRAMS

Section 401.2 Regulatory Intent

An SBE approved provider under this Part shall administer special education programs. These programs are appropriate when an IEP Team determines that no less restrictive setting on the continuum of alternative placements is appropriate within the home district to meet the student's needs. This requirement shall not preclude the SBE approved provider from serving other students placed via alternative means, so long as the services provided to the student placed pursuant to the decision of a public school district's IEP team are sufficient and appropriate for the student to make progress.

(Source: Added at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.5 Definitions

"Business Day" means Monday through Friday, except federal and State holidays.

"Combination Program" is one that includes both educational and residential services.

"Educational Program" is one that consists of special education and related services intended to meet the specific needs of the unique populations served.

"Facility" is the physical premises where a provider offers services.

"IEP Team" has the meaning ascribed in 34 CFR 300.23.

"Imminent Danger" is an act committed when the life or health of a child is knowingly or blatantly disregarded by causing a real, significant or impending risk of harm; permitting the life or health of the student with a disability (as defined in the Individuals with Disabilities Education Act (20 USC 1400 et seq.)) to be threatened; or causing or permitting a child to be placed in circumstances that endanger the student's life or health.

"Individualized Education Program" or "(IEP)" is a written statement for a student with a disability that conforms to the requirements of 34 CFR 300.320 and, for Illinois students, meets the requirements of 23 Ill. Adm. Code 226.230 (Content of the IEP).

"Individual Student Aide (noninstructional duties)" shall have the meaning ascribed in 23 Ill. Adm. Code 226.860.

"Paraprofessional Educator" or "Paraprofessional" shall have the meaning ascribed in 23 Ill. Adm. Code 226.860.

"Professional Staff" means administrators, supervisors, teachers, and providers of related services, appropriately licensed in accordance with 23 Ill. Adm. Code 25 or 226.800 or Section 401.240 of this Part, who either provide or direct the provision of special education instruction or related services specified in the IEPs of students served, or who evaluate student progress or evaluate the provision of those special education such instruction or related services. Facilities located outside the State of Illinois shall provide evidence of professional licensure/certification granted by their respective state licensing agencies for all employed personnel. The qualifications of each position shall be reviewed by the State Board to ensure comparability to the qualifications of Illinois personnel established by regulation and/or law. Professional staff does not include persons providing services other than special education instructional and related services specified in the IEP or whose duties are limited to assisting professional staff.

"Program" is a set of educational and/or residential services, with professional staff to meet specific needs of the unique population served.

"Programmatic Outcomes" are evidence of progress towards goals established by the program and are intended to demonstrate continuous program improvement. The provider shall not only establish goals for itself, but additionally collect/analyze data for enrolled students with disabilities, in alignment with these self-established goals. Further, this information shall be shared with the State Board of Education and with contracting districts, so that the nature of future technical assistance to the provider can be determined and to promote transparency.

"Provider" is any organization that offers special education and/or residential services to students with disabilities under contract with~~to~~ one or more Illinois public school districts and pursuant to Section 14-7.02 of the School Code.

~~"Facility" is the physical premises where a provider offers services.~~

~~"Program" is a set of educational and/or residential services designed to serve students who have similar educational needs.~~

~~A "combination program" is one that includes both educational and residential services.~~

~~An "educational program" is one that consists of instruction and other activities intended to meet the annual goals and the short-term objectives set forth in IEPs for students with disabilities.~~

~~A "residential-only program" is one that provides room and board and may also include related services but provides no educational services.~~

"Related Services" has the meaning ascribed~~given to that term~~ in ~~the rules of the State Board of Education for special education (see~~ 23 Ill. Adm. Code 226.75 (special education).

"SBE Approved" or "SBE Approval" means approval of a program in accordance with this Part.

"School Code" means 105 ILCS 5.

"Special Education" has the meaning ascribed in~~given to that term at~~ 23 Ill. Adm. Code 226.75.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.10 Application for Eligibility

Each provider seeking to become eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code ~~[105 ILCS 5/14-7.02]~~ shall be subject to the SBE ~~program~~ approval process described in this Section. The provider shall be a nonpublic special education program designed to serve students with disabilities. In accordance with 23 Ill. Adm. Code 226.330 (Placement by School District in State-Operated or Nonpublic Special Education Facilities), SBE approved nonpublic special education programs shall provide a highly specialized option for public school districts to use when an IEP Team determines that no less restrictive setting on the continuum of alternative placements will meet the student's needs. SBE approval ~~Approval~~ shall be specific to individual programs offered by a provider, and the same type of program conducted at two separate facilities shall be treated as two separate programs for purposes of approval. A program not approved in accordance with the requirements of this Part shall not be used by public school districts to serve students with disabilities under Section 14-7.02 of the School Code.

a) An application for initial SBE approval of educational programs and/or residential programs, presented on forms supplied by the State Superintendent ~~of Education~~ and containing all the items enumerated in this subsection (a), shall be submitted to the State Superintendent. Each application shall include the following:

1) An accurate, written description of each program for which SBE approval is requested shall include the following:~~, which shall indicate the~~

A) The disability categories and ages of students with disabilities for whom it is specifically intended;~~,~~

B) The purpose and scope of the provider and its specific program services;

C) The~~the~~ data that will be collected on the programmatic outcomes achieved by those students, which shall~~must~~ reflect the students' learning goals as described in their respective IEPs;~~, and~~

D) The~~the~~ maximum number of students the program is intended to accommodate; and~~.~~

E) A description of the program's philosophy and methodology behind working towards reintegrating students into the general education environment and/or supporting students towards the least restrictive environment.

2) A written plan for the administration and organization of the programs, including, but not limited to, the following:

~~A)~~ ~~The stated purpose and scope of the facility and its programs;~~

A~~B~~) A plan for the allocation of space solely for program purposes; and

B~~C~~) An organizational chart that reflects the provider's governance, administrative~~,~~ and educational structures.

3) The provider's proposed calendar for the program for which approval is sought shall meet the following requirements:~~, setting forth an operating schedule reflecting at least 176 days of operation, for at least five hours per school day during the regular school year and, with respect to a summer session, if any is to be offered, at least 120 hours of operation if the facility is located in Illinois or, if the facility is located in another state, the number of hours approved by the responsible authority in that state.~~

A) Regular School Year
Each provider's operating schedule shall include at least 176 days of student attendance for at least 5 instructional hours per school day during the regular school year. Related services listed in the student's IEP are included in meeting the instructional hour requirement. Instructional hours shall not include lunch, passing time or recess, unless otherwise specified by the individual student's IEP. A provider may have two full day parent/teacher conferences. This option reduces the required number of student days to 174. This subsection (a)(3)(A) will be effective beginning with the 2020-2021 school year.

B) Educational Programing Outside of the Regular School Year

If programing takes place and is operated at a facility located within Illinois, it shall consist of at least 120 hours of instruction. Programing operated at a facility in another state may consist of fewer than 120 hours of instruction if approved by the responsible authority in that state. This subsection (a)(3)(B) will be effective beginning with the 2020-2021 school year.

4) A copy of the State Fire Marshal's most recent inspection report for the facility, which shall be no more than 36 months old at the time the application is approved, or, if the State Fire Marshal's report is unavailable, an inspection report for the facility from a local governmental agency that is no more than 12 months old, neither of which shall indicate violations, or, as applicable, the following:

A) For~~for~~ an Illinois facility that is subject to the provisions of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools), the report of the regional superintendent's most recent inspection conducted pursuant to Section 3-14.21 of the School Code ~~[105 ILCS 5/3-14.21]~~; or

B) For~~for~~ an out-of-state facility, equivalent, current documentation of compliance with applicable state fire codes, or, if there is no state fire code, the applicable local fire code, clearly identifying the issuing authority.

5) The Application for Nonpublic Programs, provided by the State Board of Education, includes a Statement of Assurances that requires the signature of the facility's chief administrator acknowledging that the program is in compliance with the following laws and regulations:

A) Federal Laws

i) Adam Walsh Child Protection and Safety Act of 2006 (42 USC 16911)

ii) Title IX of the Education Amendments of 1972 (20 USC 1681)

iii) Age Discrimination in Employment Act of 1967 (29 USC 621)

iv) Individuals with Disabilities Education Act (20 USC 1400)

v) Americans With Disabilities Act of 1990 (42 USC 12101)

vi) Titles IV and VII of the Civil Rights Act of 1964 (42 USC 2000d)

B) State Laws and Regulations

i) Administrative Hearings [5 ILCS 100/Art. 10]

ii) Provisions of the School Code [105 ILCS 5/2-3.64a-5, 3-14.21, 10-20.14b, 10-22.21b, 10-21.4a, 14-4.01 and 14-7.02]

iii) Illinois School Student Records Act [105 ILCS 10]

iv) Uniform Conviction Information Act [20 ILCS 2635]

v) Sex Offender Community Notification [730 ILCS 152]

vi) Certification of Information to Licensing Agencies [305 ILCS 5/10-17.6]

vii) Illinois Murderer and Violent Offender Against Youth Registry [730 ILCS 154/85]

viii) Illinois Human Rights Act [775 ILCS 5]

ix) Public Works Employment Discrimination Act [775 ILCS 10]

x) Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1.30, 1.50, 1.280 and 1.285)

xi) Educator Licensure (23 Ill. Adm. Code 25.510)

xii) Health/Life Safety Code for Public Schools (23 Ill. Adm. Code 180)

xiii) Special Education (23 Ill. Adm. Code 226)

xiv) Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475)

xv) Illinois Purchased Care Review Board (89 Ill. Adm. Code 900) ~~Assurances, signed by the facility's chief administrator, conveying such information as the State Superintendent of Education may require regarding the facility's compliance with other applicable federal, state, and local laws, ordinances, and regulations (such as public health and safety codes, building codes, and licensure requirements).~~

6) If the facility is located in Illinois and offers a residential component, evidence of the facility's current licensure, certification or approval by the responsible agency of Illinois government~~, if applicable~~. The requirements of this subsection (a)(6) shall apply to contractual agreements for placements entered into on or after July 1, 2018. Nothing in this subsection (a)(6) shall be construed to disrupt, impact or nullify current contractual agreements for placements unless the IEP team determines another placement is more appropriate or the student reaches an age at which he or she is no longer eligible for services under the IEP.

7) If the facility is located outside Illinois, evidence of the facility's current licensure, certification~~,~~ or approval to operate its educational and/or residential programs in the state where it is located, including a copy of the standards or criteria used by the responsible agency in that state. If the state in which the facility is located does not regulate the program, the program is ineligible for SBE approval. The requirements of this subsection (a)(7) shall apply to contractual agreements for placements entered into on or after July 1, 2018. Nothing in this subsection (a)(7) shall be construed to disrupt, impact or nullify contractual agreements for placements in effect on or before June 30, 2018. A sibling of a student

who is placed pursuant to a contractual agreement in place on or before June 30, 2018 who is also served under Section 14-7.02 of the School Code may be placed at the same facility after July 1, 2018 if the sibling's IEP team determines that is the most appropriate placement.

8) For instructional programs, summary information about all professional staff positions, and copies of the relevant credentials of persons employed in those positions that~~, which~~ demonstrate that the facility has sufficient staff available who are qualified pursuant to the requirements of Section 401.240 in order to operate the program.

9) For instructional programs, summaries of related services provided by the facility's professional staff or available to the provider under contract, demonstrating that the provider has sufficient related services available to operate the program.

10) For programs serving students for whom behavioral interventions may be appropriate, a description of the provider's formalized approach to the use of these interventions, subject to the limitation stated in Section 401.140(a). Starting with the 2019-2020 school year, providers utilizing disciplinary or behavioral techniques and/or interventions prohibited in Illinois are not eligible for approval in Illinois, except as otherwise provided in Section 14-7.02 of the School Code.

b) Upon submission of an initial application for an educational or combination program, the provider will be required to complete a scheduled nonpublic special education orientation. The orientation shall be completed prior to a final determination being made on the application. Providers that have completed a compliance monitoring review that yielded no findings within the last five years are exempt from orientation.

c) If the application is complete and the facility is located in Illinois or within 50 miles of Illinois, State Board of Education staff shall conduct an on-site review and evaluate the facility and the programs offered for the purpose of verifying the accuracy of the application, evaluating their conformance with the other requirements of this Part~~,~~ and recommending approval or disapproval of the programs.

1) An out-of-state program conducted more than 50 miles outside of Illinois shall be approved without a site visit from an Illinois representative if the following conditions are satisfied:

A) The~~the~~ educational program is an approved special education program in the state where the facility is located and this approval was granted in light of the information gathered during a site visit by a representative of the responsible agency;

B) The~~the~~ residential component, if any, is regulated ~~licensed~~ by the responsible agency in the state where the facility is located; and

C) The~~the~~ application provides evidence that the requirements of Section 410.140 will be met.

2) An out-of-state program conducted more than 50 miles outside of Illinois that was approved in the state where the facility is located without a site visit by the responsible agency may~~shall~~ be visited by a representative of the ~~Illinois~~ State Board of Education in order to verify the accuracy of the application and determine whether the requirements of this Part have been met so that Illinois approval can be granted.

d~~c~~) A program determined to comply with ~~the requirements of~~ this Part shall be designated as "Approved" and shall be available to Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code beginning on the day the application is approved, provided that the other requirements of Section 401.110 of this Part have also been met. The provider operating the facility shall be notified in writing of the date of program approval.

1) Initial approval shall end on the last day of the program's approved calendar for the school year in question, unless approval is changed pursuant to Section 401.30.

2) A program shall serve only the specific student demographics~~populations~~ described in the approved application. All program changes or additions to disability categories or services, age range service, or changes in location shall be approved in a manner prescribed by the State Superintendent prior to that change or addition being made.

e~~d~~) An initial application that does not meet the requirements of this Part shall be provided with a notice of the specific deficiencies. If the deficiencies have not been remedied in their entirety within one year after receipt of the notice, the provider shall receive a denial of its application.~~The nonapproval of an initial application shall include a notice of the specific deficiencies that caused the nonapproval and the opportunity for the provider to request a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] and the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475).~~

f~~e~~) An application for renewal of SBE approval, consisting of all the components set forth in subsection (a)~~ of this Section~~, shall~~must~~ be submitted for any subsequent period in which a provider seeks to contract with Illinois public school districts to serve students with disabilities in the facility under Section 14-7.02 of the School Code. The submission deadline shall be the March~~April~~ 15 prior to the beginning of the school year in question. If March~~April~~ 15 is not a business day, the deadline shall fall on the next business day. The SBE approval process for any subsequent period may also involve on-site reviews, at the sole discretion of the State Superintendent~~ of Education~~.

1) The denial of an application for renewal of SBE approval shall cause the program approval status to change to "nonapproved" subject to the procedures set forth in Section 401.30(c).

2) Renewed approval generally shall~~granted for the 2006-2007 school year or later shall generally~~ be valid for two school years, ending on the last day of the program's approved calendar for the second school year, unless approval is changed pursuant to Section 401.30. ~~However, the State Superintendent of Education shall approve approximately half the renewal applicants for the 2006-2007 school year for one year only, in order to stagger the two-year renewal process for subsequent periods.A) Applications shall be selected at random, provided that, once one program offered by a particular provider has been selected, all that provider's programs will be placed on the same renewal schedule.B)~~The first renewal of SBE approval for a new program offered by a provider that already operates other approved programs shall be granted for the number of years that will place it on the cycle already established for that provider.

~~3) A program shall not be eligible for two-year renewed approval if it was not approved for the immediately preceding year, or if it was approved~~

~~"pending further review" at any time during the immediately preceding period of approval. Applications for approval of these programs shall be treated as for initial approval.~~

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.20 Notification Requirements

a) A provider that operates a facility subject to the requirements of this Part and intends to cease operations, to move to a new location, or to discontinue any of the facility's approved programs shall ensure that the State Superintendent ~~of Education~~ and each public school district with which it has entered into contracts for services receive no less than 40 business days'~~60 calendar days'~~ written notice of that~~such an~~ intention. A provider shall also notify the State Superintendent ~~of Education~~ in writing, so that the~~such~~ notification is reasonably calculated to be received at the State Board of Education's~~Board's~~ office at 100 North First Street, Springfield, Illinois 62777, within 40 business~~60 calendar~~ days after the following:

~~1) Any change in a special education program described in its approved application;~~

1~~2~~) Any change in its educational administration and organization, as described in its SBE approved application; and

2~~3~~) Any change in the number, type or duties of the professional staff positions identified as part of the application for SBE approval or in the licensure status or credentials of any individual employed in such a position, provided that the change does not affect the program's or facility's compliance with the requirements of this Part.

b) A provider shall notify the State Superintendent ~~of Education~~ in writing, so that the~~such~~ notification is reasonably calculated to be received at the State Board of Education's~~Board's~~ office at 100 North First Street, Springfield, Illinois 62777, within five business~~calendar~~ days after the following:

1) Any change in the facility's compliance with applicable fire prevention regulations or other federal, state, and local laws, ordinances, or regulations, as described in its approved application pursuant to Section

401.10(a)(5)~~ of this Part~~, or in the physical facilities used;

2) Any change in the facility's approval or licensure to provide a residential program as described in its approved application~~, if applicable~~;

3) Any change in the facility's approval or licensure to operate in a state other than Illinois as described in its approved application~~, if applicable~~;

4) Any change in the number, type or duties of the professional or paraprofessional positions identified as part of the application for SBE approval of an educational program or the education component of a combination program, or in the licensure/certification status or~~/~~ credentials of any individual employed in such a position, if the change will affect the program's compliance with the requirements of this Part.

A) If any professional staff position subject to the notification requirements of this subsection (b)(4) remains vacant, the provider shall~~must~~ provide written notification to the State Superintendent and to the placing public school districts after 20 business~~30 calendar~~ days and again after 40 business~~60 calendar~~ days of its attempts to permanently fill those~~such~~ positions and of other efforts, including the use of substitutes, undertaken in order to provide necessary instruction and related services to the students enrolled.

B) If the State Superintendent determines that the provider has not reported staffing changes in a program as required, the State Superintendent shall change the approval status of the program accordingly, pursuant to the provisions of Section 401.30~~ of this Part~~.

c) Should a provider elect to terminate a student's placement in a facility under this Part, the provider shall give written notice to this effect to the contracting public~~placing~~ school district at least 20 business~~30 calendar~~ days prior to the date of termination, unless the health and safety of any student are endangered. The notice shall include the reasons for the termination.

d) Notification to the State Superintendent regarding any breaches of test security or other testing irregularities in connection with the State assessment shall conform to the requirements of Section 401.145~~ of this Part~~.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.30 Changes in Approval Status

SBE approved programs that ~~Programs approved to~~ serve students with disabilities under Section 14-7.02 of the School Code, whether located in Illinois or out of state, shall be evaluated periodically by the State Board of Education. The~~Such~~ evaluation may take place for any reason, with or without prior notice to the provider, and at the sole discretion of the State Board of Education and may ~~or may not~~ involve an on-site review. The~~Such~~ evaluation shall result in either retention of approved status or assignment of one of the following statuses:~~.~~

a) A status of "Approved with Administrative Review" shall be assigned when an instance of noncompliance by an approved program is first identified during a school year and the State Superintendent determines that that ~~such~~ noncompliance does not substantially affect the safety of, or provision of appropriate education to, the students enrolled. The State Superintendent shall outline each area of noncompliance in a written report with the corrective actions and timeline required to remedy each area. The provider shall have 80 business~~60 calendar~~ days to remedy all areas of~~the~~ noncompliance.

1) Every 20 business~~No more than 30 calendar~~ days after notification that it is approved with administrative review (up to the 80 business day timeframe for this status), an affected provider shall file with the State Superintendent ~~of Education~~ a progress report describing actions taken to correct the instances of noncompliance identified.

2) If the State Superintendent determines that the provider has corrected the instances of noncompliance within the time allotted, the program's "Approved" status shall be restored.

3) If the State Superintendent determines that the provider has failed to correct the instances of noncompliance within the time allotted, a status of "Pending Further Review" shall be assigned to the program. A provider that is subject to the requirements of this Part shall not accept a new student from a public school district into a program whose status is

"Pending Further Review". Upon notification of the "Pending Further Review" status, a public school district shall not make new placements into those programs and shall identify alternative arrangements for the students, or were recurrent instances of minor noncompliance, in the event that the State Superintendent notifies the district that the violations are not remedied~~the provider shall not accept any new students from public school districts into the affected programs, nor shall it be approved for any programs for the next school year unless the noncompliance has been resolved~~.

b) A status of "Pending Further Review" shall be assigned whenever a program is determined to be in noncompliance with one or more requirements of this Part that may substantially affect the safety of or provision of appropriate education to students but that does not constitute imminent danger, or exhibits recurrent instances of minor noncompliance. The provider shall have 40 business~~30 calendar~~ days to remedy the noncompliance.

1) No more than 10 business~~seven calendar~~ days after receipt of notification from the State Superintendent of Education that program approval status is pending further review, an affected provider shall submit a written report to the State Superintendent describing its plans for correcting the noncompliance identified and the actions taken to correct it. Every 10 business days thereafter, an affected provider shall file with the State Superintendent a progress report describing the actions taken to correct the instances of noncompliance or the expiration of the 40 business day timeline.

2) If the provider demonstrates that it has corrected all~~the~~ instances of noncompliance within the time allotted, its "Approved" status shall be restored.

3) If the provider has corrected the instances of noncompliance that may substantially affect the safety or the provision of appropriate education to students, or were recurrent instances of minor noncompliance, but has not remedied other instances of noncompliance, its status must be changed to "Approved with Administrative Review".

4~~3~~) If the provider fails to demonstrate within the time allotted that it has corrected the instances of noncompliance that may substantially affect the

safety or the provision of appropriate education to students, ~~within the time allotted,~~ its status shall be changed to "Nonapproved~~.~~". If the provider exhibits recurring instances of documented noncompliance, its status shall be changed to "Nonapproved".

5~~4~~) A provider that is subject to the requirements of this Part shall not accept any new students from public school districts into any program whose status is "Pending Further Review"~~ and public school districts shall not make new placements into such programs~~. Upon notification of the designation of "Pending Further Review" status, a public school district shall not make a new placement into those programs and it shall identify alternative arrangements for its students in the program, for implementation in the event that the State Superintendent ~~of Education~~ notifies the district that the violations are not remedied.~~ Notification of "Pending Further Review" status shall not be used as a basis for removing students from the program by the public school district.~~

c) A status of "Nonapproved" shall be assigned to a program or programs previously assigned a status of "Approved with Administrative Review" or "Pending Further Review" when the nonpublic facility or any of its programs exhibits substantial and/or recurrent instances of noncompliance, showing that the provider is consistently unable to meet the approval requirements of this Part. A program may be determined "Nonapproved" without previously having been assigned a status of "Approved with Administrative Review" or "Pending Further Review," if any instances of noncompliance that present imminent danger to the students exist or if the State Superintendent verifies that the provider has unilaterally and intentionally ceased providing appropriate education pursuant to a public school district's contracts and one or more students' IEPs.

1) A status of "Nonapproved" voids the provider's eligibility to contract with Illinois public school districts to serve students and receive funds under Section 14-7.02 of the School Code in the nonapproved programs for the remainder of the~~that~~ school year.

2) Providers shall be given 10 ~~ten~~ business days' notice by the State Superintendent before nonapproval becomes effective, unless imminent danger to students precludes that~~such~~ notice. The State Superintendent shall also give 10 ~~ten~~ business days' notice to affected public school districts to enable them to implement other arrangements prior to the

effective date of nonapproval, as required.

3) The provider of any previously approved program placed on nonapproved status shall be afforded an opportunity for a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] and the State Board of Education's~~Board's~~ rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). Unless the State Superintendent identifies that the reasons for nonapproved status are a danger to student health or safety, a request for a hearing shall stay the effect of the change in status and the program shall remain at the last assigned status prior to nonapproval pending the outcome of the hearing~~approved pending the hearing~~.

d) Any provider whose license or approval to operate a residential program is revoked shall immediately have its residential programs nonapproved and will be ineligible to provide residential services to students under Section 14-7.02 of the School Code. An admissions hold placed on a residential program by the residential program's licensing agent will constitute a reciprocal admissions hold barring public school districts from making new placements to that provider residentially.

e) Any out-of-state provider whose license or approval to operate a program is revoked by the responsible authority in the state where its facility is located shall immediately have its affected programs nonapproved and will be ineligible to contract with Illinois public school districts to serve students under Section 14-7.02 of the School Code. An admissions hold placed on a residential program by the residential program's licensing agent will constitute a reciprocal admissions hold barring public school districts from making new placements with that provider educationally.

f) Nonapproval of a program during a school year shall be cause for termination of all the provider's contracts with Illinois public school districts for that program, and the provider shall be ineligible to contract with Illinois public school districts for the nonapproved program~~ for the remainder of the school year in question~~.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section 401.110 Use by Public School Districts

Each public school district shall be responsible for monitoring the performance of each programfacility where its students are placed, to ensure that the implementation of each student's Individualized Education Program (IEP) conforms to the applicable requirements of all applicable federal and State laws and regulations, including, but not limited to, 23 Ill. Adm. Code 226 (Special Education). Contracting with a program in accordance with this Part does not relieve the district of the responsibility for ensuring that the student will receive all programming and related services required by the IEP, whether from one source or from multiple sources. In addition, no public school district shall place any student in a special education program that is subject to the requirements of this Part, nor shall the provider of any such program accept placement of any student under Section 14-7.02 of the School Code, unless all the following conditions have been met:.

a) The program has been SBE approved by the State Board of Education for the school year for which placement is sought;.

b) The allowable costs for the program have been established pursuant to Section 14-7.02 of the School Code;.

c) The district has made the certification of inability to meet the student's needs to the State Superintendent of Education, if required pursuant to Section 14-7.02 of the School Code, and the State Superintendent has found the district in substantial compliance with Section 14-4.01 of the School Code; [105 ILCS 5/14-4.01].

d) The program has been SBE approved by the State Board of Education for all of the categories of impairment applicable to the student and requiring services as identified in the IEP;.

e) The program has been SBE approved by the State Board of Education for the age range that includes the age of the student;.

f) The district has determined that educational programming and related services specified on the student's IEP will be provided to the student. The use of a facility or program in accordance with this Part does not relieve the district of the responsibility for ensuring that the student will receive all programming and related services required by the IEP, whether from one source or from multiple sources; and.

g) The district and the provider have entered into the contractual agreement called

for in 23 Ill. Adm. Code 226.330.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.120 Placement Procedures

Placement of students shall conform to the applicable requirements of 23 Ill. Adm. Code 226~~, Subpart D (Placement)~~.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.130 Operating Schedule

Each provider's operating schedule shall meet the following requirements:

a) Regular School Year
Each provider's operating schedule shall include at least 176 days of student attendance for at least 5 instructional hours per school day during the regular school year. Related services listed in the student's IEP are included in meeting the instructional hour requirement. Instructional hours shall not include lunch, passing time or recess, unless otherwise specified by the individual student's IEP. A provider may have two full day parent/teacher conferences. This option reduces the required number of student attendance days to 174. This subsection (a) will be effective beginning with the 2020-2021 school year.

b) Educational Programing Outside the Regular School Year
If programing takes place and is operated at a facility located within Illinois, it shall consist of at least 120 hours of instruction. Programing operated at a facility in another state may consist of fewer than 120 hours of instruction if approved by the responsible authority in that state. This subsection (b) will be effective beginning with the 2020-2021 school year.

~~Each facility's operating schedule shall ensure that 176 school days are provided for each program. If a summer program is operated at a facility located within Illinois, it shall consist of at least 120 hours of instruction. A summer program operated at a facility in another state may consist of fewer than 120 hours of instruction if approved by the responsible authority in that state.~~

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.140 Provision of Educational Program

a) Each provider shall ensure that each student receives special education and related services in accordance with his or her IEP, provided that the use of behavioral intervention strategies that would jeopardize the safety or security of students or would rely upon pain as an intentional method of control shall not be permitted. Providers utilizing disciplinary or behavioral techniques or interventions prohibited in Illinois are not eligible for approval, except as otherwise provided in Section 14-7.02 of the School Code.

b) Each educational program shall be conducted in accordance with the requirements of 23 Ill. Adm. Code 226.720 (Facilities and Classes).

c) Each class offered in a program subject to this Part shall have a maximum enrollment of five students per licensed/certified special education teacher. The~~, except that enrollment may be increased by a maximum of two students in response to unique circumstances that occur during the school year so long as the educational needs of all students in the class can be adequately and appropriately met. Alternatively, the~~ enrollment in a class may be increased by a maximum of five students when a full-time paraprofessional or other professional staff is provided, for a maximum of 10 students.

d) Deviations from the allowable class size requirements of subsection (c) or from subsection (b)~~the age range requirements of Section 226.720~~ may be requested in writing. A rationale for the request (e.g., a staff member resigns right before the start of the school year and the facility can provide documentation that it is actively pursuing filling the vacancy but has not yet found a qualified individual for the position) and plan for evaluation of the deviations shall be submitted with the request. ~~Initial denial of a request for deviation may be appealed to the State Superintendent of Education.~~

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.145 Administration of State Assessment

An SBE approved facility that is ~~A facility approved under this Part and~~ located in Illinois may serve as a testing site for the State assessments required pursuant to Section 2-3.64a-5 of the School Code ~~[105 ILCS 5/2-3.64a-5]~~ in accordance with the provisions of this Section. For

purposes of this Section, a "testing site" is a facility at which responsible staff is permitted to order and receive test materials directly from the testing contractor according to the contractor's arrangement with the State Board of Education. A provider seeking designation of a facility as a testing site under this Section shall follow the specific communication procedures established by the State Superintendent ~~of Education~~ for making the request, supplying the necessary information, and receiving the designation, as applicable to the examinations to be administered. The provider and responsible staff shall abide by all technical specifications established by the State Superintendent ~~of Education~~ and test contractors to implement the requirements set forth at 23 Ill. Adm. Code 1.30 (State Assessment).

a) Required Conditions
If a provider operating an Illinois facility under this Part wishes to have the facility serve as a testing site for one or more State assessments, certain required conditions shall~~must~~ exist at the facility that will ensure the security and confidentiality of test materials and the validity of the resulting scores. The specifics of these requirements will vary according to which of the State assessments will be involved.

1) Locked facilities and storage for secure test materials shall~~must~~ exist, and access to these shall~~must~~ be limited to authorized individuals.

2) An~~There must be an~~ adequate amount of space shall exist for the number of examinees, and each shall~~must~~ have an appropriate space in which to work. The facility shall~~must~~ provide an environment that will meet technical requirements for particular types of test administration, including accommodations for students with disabilities or English Language Learners~~limited English proficiency~~.

3) The facility shall~~must~~ afford lighting, temperature~~,~~ and quiet such that the test environment will be free from interruptions and distractions.

b) Required Personnel Assignments and Qualifications

1) Each individual appointed to a role under this subsection (b) shall be an employee of the provider or facility. No volunteers or parents may serve in these positions.

2) The provider or chief administrator shall designate a testing coordinator for each assessment to be administered at a facility. An individual may

serve as coordinator for more than one of the assessments. The responsibilities of the testing coordinator shall include the following:

A) Ordering~~ordering~~, distributing, collecting~~,~~ and returning test materials;

B) Training~~training~~ test administrators and proctors regarding their responsibilities;

C) Arranging~~arranging~~ for the accommodations called for in the ~~individual~~ students' IEPs;

D) Ensuring~~ensuring~~ that neither test security nor the purpose of testing is compromised by any accommodations afforded to students; and

E) Overall~~overall~~ monitoring of testing activities to ensure that required procedures are followed.

3) The assessment may be administered only by the following individuals:

A) Administrators~~administrators~~ holding educator licensure appropriate to their positions (e.g., assistant principals, principals~~,~~ or chief administrators);

B) Teachers~~teachers~~ holding licenses/certificates ~~educator licensure~~ with endorsements appropriate to their positions (including holders of substitute teaching licenses/certificates and educator licenses with stipulations for provisional educator) and employed by the provider as teachers at the facility;

C) School~~school~~ psychologists, school social workers~~,~~ and school counselors holding educator licensure appropriate to their positions and employed by the provider at the facility in their respective professional capacities; and

D) Paraprofessional~~paraprofessional~~ educators, provided that constant, line-of-sight supervision by a licensed/certified ~~an educator licensed~~ teacher employed by the provider as a teacher at the

facility shall be required (including supervision for individuals employed as paraprofessional educators who are also ~~educator~~ licensed/certified teachers).

c) Required Procedures
Following the assessment requirements allowed by 23 Ill. Adm. Code 1.30 (State Assessment) ~~procedures announced annually by the State Superintendent of Education~~ and using the materials provided, the responsible individual at each testing site shall communicate with the testing contractors for the examinations to be administered at that site. The State Superintendent shall furnish to staff at each testing site the same technical guidance as is provided to the public schools regarding details of the test administration, and responsible staff at each testing site shall ensure that these technical specifications are followed, including, but not limited to the following:

1) The~~the~~ dates established as the testing window;

2) The~~the~~ handling of test documents and other secure materials;

3) Permissible~~permissible~~ and impermissible objects in the testing environment;

4) Permissible~~permissible~~ and impermissible behavior on the part of test-takers;

5) Required~~required~~, permissible~~,~~ and impermissible actions on the part of staff at the testing site.

d) The public school district that has placed a student with a disability into a program approved under this Part remains responsible for determining, in accordance with the student's IEP, where the student will take the appropriate State assessment and whether the test materials for that student are to be ordered and handled by district or facility personnel, even if the facility where the student is placed serves as a testing site for that assessment.

e) No State assessment shall be administered to any student who is not required to participate in the State assessment pursuant to Section 2-3.64a-5 of the School Code and 23 Ill. Adm. Code 1 (see Sections 1.30 ~~(State Assessment)~~ and 1.50 (Calculation of Participation Rate)).

f) Any breach of test security or other testing irregularity shall be reported to the State Superintendent ~~of Education or designee~~ in accordance with instructions applicable to particular types of problems, using one of the methods identified by the State Superintendent. Responsible staff at the affected facility shall then follow the instructions provided by the State Superintendent or the relevant test contractor regarding the next steps to be taken in investigating the source of the problem, its implications, and its potential resolution.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.150 Classroom Records

In addition to records meeting the requirements of 23 Ill. Adm. Code 226.740 (Records; Confidentiality), there shall be an educational file for each student, maintained by the classroom teacher on a daily basis and updated as circumstances may require. This file shall contain at least the following:

a) The student's IEP, including a copy of any behavior management plan;

b) Documentation of ongoing evaluation procedures, indicating the student's progress toward fulfillment of the objectives set forth in the IEP according to the criteria specified in the IEP~~therein~~;

c) A schedule that accurately reflects the type and frequency of all related services received; and

d) Medically related information necessary to ensure the student's health and safety.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

SUBPART C: OPERATIONAL REQUIREMENTS

Section 401.210 General Requirements

a) Every provider with one or more facilities or programs subject to this Part shall maintain the written program descriptions and the educational administration and organization plans described in Section 401.10~~ of this Part~~, as well as the current, approved application for each affected program, and shall make these available to

the public schools, parents and guardians of students~~,~~ and other interested individuals and organizations upon request.

b) Every provider subject to this Part shall maintain the following records:

1) Copies~~copies~~ of this Part and the State Board of Education's~~Board's~~ rules for Special Education (23 Ill. Adm. Code 226) and make these available to staff and parents or guardians of students enrolled, so that these parties may be aware of rules that pertain to the education of students with disabilities served under Section 14-7.02 of the School Code;~~.~~

2~~c~~) A~~Every provider subject to this Part shall maintain a~~ separate and current roster of students served in that provider's facility and programs pursuant to Section 14-7.02 of the School Code; and~~.~~

3~~d~~) Records of its administration, staff and physical facilities. Any changes shall be reported as required by Section 401.20.~~Every provider subject to this Part shall maintain records of and report changes in, its administration, staff, instructional programs, and physical facilities, as required pursuant to Section 401.20 of this Part.~~

c~~e~~) All facilities, programs~~,~~ and records required, established~~,~~ or maintained pursuant to this Part shall be made available by the provider at any time, with or without prior notification, for inspection and evaluation by official representatives of the State Board of Education.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.220 Health and Safety Requirements

a) Illinois Facilities
Responsible staff at every Illinois facility subject to this Part shall maintain and make available for review a copy of the most recent inspection report, which shall be no more than 36 months old, issued by the State Fire Marshal or, if the State Fire Marshal's report is unavailable, an inspection report for the facility from a local governmental agency that is no more than 12 months old, neither of which shall indicate violations, or, as applicable, the following:~~.~~

1) ~~(~~For purposes of this subsection (a), a program operated within a facility

that houses public school students or is otherwise used for public school purposes shall not be considered to be located in a "facility subject to this Part" because 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools) applies.)

2) To the extent that evidence of compliance is routinely issued by State state or local fire, building, or health authorities, or is required to be issued by the regional superintendent of schools, Illinois and out-of-state facilities' staff shall maintain and make available that such evidence of compliance with applicable codes. Any such documentation shall clearly identify the issuing authority.

b) Illinois and Out-of-State Facilities

1) Responsible staff at every facility subject to this Part shall develop a written policy and procedureprocedures for safeguarding students' privacy and dignity during toileting, diapering, and other activities of personal care, as appropriate for the student population served. Facility staff shall adhere to thesuch policy and procedureprocedures at all times and shall make copies available upon request.

2c) Responsible staff at every facility subject to this Part shall develop a written policy addressing the administration of medication to students who may require it. Each facility's policy shall conform to the requirements set forth in Sections 10-20.14b and 10-22.21b of the School Code [105 ILCS 5/10-20.14b and 10-22.21b]. Facility staff shall adhere to this policy at all times and shall make copies available upon request.

3d) Every facility subject to this Part and all materials used by students shall be maintained in a clean, sanitary, and safe condition.

4e) Smoking and the use of tobacco products by students shall not be permitted on the campus of any facility subject to this Part.

5f) The policies of every facility subject to this Part shall allow visitation at any time, with or without prior notice, by personnel from the State Board of Education or the contracting public school districtschool district of residence of any enrolled student.

c) Out-of-State Facilities
To the extent that evidence of compliance is routinely issued by state or local fire, building or health authorities, out-of-state facility staff shall maintain and make available that evidence of compliance with applicable codes. Any documentation shall clearly identify the issuing authority.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.230 Student Progress Reports and Reviews

a) Responsible staff at each facility shall maintain attendance records for each student served pursuant to Section 14-7.02 of the School Code.

1) Each student's attendance shall be reported in writing or electronically to the public school district of residence by the 15th of each month for the preceding month.

2) A student's public school district of residence shall be notified immediately in writing or electronically after five consecutive days of absences~~unexcused absence~~, unless the district requires a more frequent reporting schedule.

3) Attendance records shall be retained as long as the student is placed at the facility.

b) Each student's progress (goals, reintegration, and transition) shall be reviewed with his or her parent or guardian and the respective public school district of residence as set forth in the child's IEP and in accordance with 34 CFR 300.320.

c) Responsible staff at each facility shall notify the respective public school district of residence immediately after they become aware of a change in residence or change in guardianship for the student.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.240 Staffing Requirements

a) The composition and qualifications of each facility's professional and paraprofessional staff shall be in accordance with the needs and requirements of

the students with disabilities placed under Section 14-7.02 of the School Code. Each provider subject to this Part shall employ sufficient professional staff, including staff having professional expertise and training in the disability-related educational needs of the students served, to meet the ~~applicable~~ requirements of 23 Ill. Adm. Code 226, Subpart I (Personnel), as those requirements are affected by Section 10-21.4a of the School Code ~~[105 ILCS 5/10-21.4a], if applicable,~~ and 23 Ill. Adm. Code 25 (Educator Licensure). A head teacher serving in place of a principal as permitted by Section 10-21.4a of the School Code shall be required to hold a supervisory endorsement. Paraprofessional educators employed by facilities under this Part shall be subject to the requirements of 23 Ill. Adm. Code 25.510 (Endorsement for Paraprofessional Educators). Licenses/certificates issued by the Illinois Department of Financial and Professional Regulation (DFPR) or the licensing agency in the state in which the facility is located, are acceptable credentials. The position title listed on the application shall match the position titles listed in 23 Ill. Adm. Code 226, Subpart I or 23 Ill. Adm. Code 25 and/or the licenses/certificates issued by DFPR or the licensing agency in the state in which the facility is located.

b) A substitute teacher holding a valid ~~professional educator~~ license/certificate endorsed for early childhood, elementary, secondary, special K-12, special preschool-age 21~~,~~ or holding a substitute teaching license/certificate, shall be employed to replace absent teachers. Only teachers holding a license/certificate ~~educator licensure~~ or teaching approval in special education, as applicable to the students to be taught, shall be used to open new classrooms, begin a school year, or meet the staffing requirements set forth in this Section for purposes of approval of an application for eligibility.

c) Facilities located outside Illinois shall employ personnel who possess the specific qualifications comparable to those issued in Illinois in connection with the positions in question.

d) If the State Superintendent determines that a program has been operated for more than 40 business~~60 consecutive calendar~~ days in noncompliance with the requirements of this Section, the State Superintendent shall change the provider's SBE approval status accordingly, pursuant to the provisions of Section 401.30.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.250 Staff Training

Each provider subject to this Part shall develop and implement ongoing inservice training programs related to the duties of all staff.

a) Each provider shall prepare and keep on file an annual plan for inservice training in areas where improvement is desirable. The provider shall identify these areas based upon an analysis of each program's outcome data and based on student achievement in relation to the goals and objectives of the program~~implementation in relation to the approved application and based upon data illustrating the achievement of the students served in relation to the goals and objectives stated in their IEPs and on the State assessments in which they participate~~. Training sessions shall be planned and designed to assist staff members in improving their ability to fulfill their duties as defined in their job descriptions, as necessary to educate the student population served and with specific reference to areas of need identified in the annual plan.

b) As appropriate to the student population served, each provider shall provide specific training to all personnel, including, but not limited to, the following:

1) The~~the~~ policy and procedures regarding the maintenance of student privacy and dignity;

2) Disposal~~disposal~~ of hazardous waste materials;

3) Procedures~~procedures~~ for preventing the transmission of blood-borne pathogens;

4) The~~the~~ use of isolated time out or physical restraint, if any, subject to the requirements of 23 Ill. Adm. Code 1.280 (Discipline) and 1.285 (Requirements for the Use of Isolated Time Out and Physical Restraint);

5) Behavioral~~behavioral~~ intervention strategies; and

6) The~~the~~ administration of medication.

c) Each provider shall provide training to all paraprofessionals and individual student aides (noninstructional duties)~~assistants and aides~~ before they assume their duties.

d) Each provider shall maintain accurate, written and dated records of all training provided, as described in Section 401.260~~ of this Part~~.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.260 Staff Records

a) A separate, current record shall be maintained for each staff member employed either full-time or part-time who provides direct services or who is directly involved in the development and implementation of instructional and related services for students enrolled under Section 14-7.02 of the School Code.

1) All staff files shall be located at the school~~available on site~~ for inspection by representatives of the State Board of Education and placing public school districts and shall include the following:

A~~1~~) Individual job descriptions that reflect the duties to be performed and the qualifications required and that are updated as this information changes;

B~~2~~) Reports of initial physical examinations, records indicating freedom from tuberculosis for staff working with preschool aged students, evidence of compliance with 29 CFR 1910.1030 (July 1, 2016), and reports of ~~such~~ subsequent medical examinations as may be required by the facility;

C~~3~~) Copies of high school, college, or university transcripts indicating graduation, degrees, or special training or education completed, and/or copies of state certificates, approvals, licenses, or registrations, as applicable to the individual staff member and position;

D~~4~~) Copies of the following:

i~~A~~) The~~the~~ results of fingerprint-based criminal history records checks performed pursuant to the Uniform Conviction Information Act [20 ILCS 2635] or, for a facility located in another state, pursuant to that state's uniform conviction information act, and pursuant to the Adam Walsh Child

Protection and Safety Act of 2006 (42 USC 16911 et seq.~~P.L. 109-240~~); and

ii~~B~~) The~~the~~ results of checks of the Statewide Sex Offender Database maintained in accordance with Section 115 of the Sex Offender Community Notification Law [730 ILCS 152~~/115~~] or, for a facility located in another state, checks of that state's sex offender database, if available, or a similar system;~~.~~

E) The results of checks of the Illinois Murderer and Violent Offender Against Youth Registry or the comparable registry for a facility located out of state.

2~~5~~) Records of the transmission for each employee completing the criminal background investigation process will be submitted to each placing public school district currently contracting with the provider and those reports can be reviewed at the facility~~of all criminal background investigation reports to each public school district currently contracting with the provider~~.

b) Responsible staff at each facility shall maintain a separate file containing a record of all inservice training. This file shall be available for inspection and shall include at least the following:

1) Records of initial orientation and training for new staff members, showing that each received training appropriate to the position held at the site;

2) The agenda of each formal staff training session conducted at the facility, showing the dates and amount of time used;

3) Records of seminars, conferences, lectures, and other training events attended by staff members off the facility's premises;

4) Records of ongoing training offered as a part of the assignment of professional support personnel; and

5) The signatures of the staff members who attended each session or event referred to in subsections (b)(1) through (4)~~ of this Section~~.

c) The training file referred to in subsection (b) ~~of this Section~~ may also contain such similar records as may be required by other state or federal agencies.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.270 Student Records

a) A separate student record file shall be maintained for each student served under Section 14-7.02 of the School Code. Files~~Such files~~ shall be maintained in a secured central location on the premises of the facility. Each student's file shall contain the information listed in this subsection (a)~~below~~, or the information shall be made readily accessible for inspection.

1) Documentation of the date of the student's most recent enrollment in the program in question under Section 14-7.02 of the School Code.

2) Copies of the most recent reports that address the domains covered in the student's most recent evaluation, documentation of the IEP Team's determination of the domains that would be included (see 23 Ill. Adm. Code 226.75 (Definitions) and 226.110 (Evaluation Procedures)), and a copy of the most recent eligibility determination.

3) Evidence of compliance with 23 Ill. Adm. Code 226.330(d).

4) The student's current IEP developed for the placement in accordance with 23 Ill. Adm. Code 226, Subpart C (The Individualized Education Program (IEP)).

5) Reports of review procedures conducted with respect to the student's progress as specified in Section 401.230(b) ~~of this Part~~, including copies of all progress reports provided to parents and the placing public~~sending~~ school district.

b) All material in the student record file shall be signed as required, dated, and placed in chronological order for the purpose of inspection and evaluation by representatives of the State Board of Education and the public school district of the student's residence.

c) The record of a student enrolled in a program at a facility subject to this Part pursuant to Section 14-7.02 of the School Code shall be the property of the student's public school district of residence and shall be subject to the policies and procedures established by that public school district to govern school student records and to the provisions of the Illinois School Student Records Act [105 ILCS 10] regarding confidentiality of those~~such~~ records.

d) When a student is no longer served in a facility under this Part for any reason, and regardless of any monetary amount due to the provider from the public school district that placed the student, all the student's records shall be returned or provided to the district within 20 business~~30 calendar~~ days, and staff of the facility shall maintain a record of having returned them. The records to be returned include, but are not limited to the following:

1) The temporary public school records that were provided by the district at the time of the student's placement.

2) Other records of an academic or instructional nature that have accumulated during the student's enrollment at the nonpublic facility, including the following:

A) Records of behavior management plans; and

B) Records of all psychological and social work and any therapeutic tests related to goals and objectives included in the student's IEP.

3) A transcript of any academic credits earned while the student was served at the facility.

4) Records of the student's attendance while served at the facility.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

Section 401.280 Fiscal Provisions

a) Tuition charged to a public school district by a provider for the term specified in an individual student's State Board of Education 19-83 Nonpublic Facility Placement Contract~~placement agreement~~ shall not exceed the allowable costs approved pursuant to 89 Ill. Adm. Code 900 (Illinois Purchased Care Review

Board)~~Section 14-7.02 of the School Code~~.

b) A status of "Nonapproved" shall be assigned to any program whose provider has not accepted the rate set by the Illinois Purchased Care Review Board~~allowable costs approved~~ pursuant to 89 Ill. Adm. Code 900~~Section 14-7.02 of the School Code within~~ 60 days after Illinois Purchased Care Review approval of the rates ~~their approval~~ or within 60 days after SBE approval of the application ~~for eligibility by the State Board of Education~~, whichever occurs later.

c) The tuition charge for all students with disabilities who, pursuant to the IEP, are served in a facility less than full-time shall be prorated according to the percentage of the time the students are actually served in the program.

d) For placements on and after July 1, 2019, providers shall not engage in the following conduct:

1) Pre-bill public school districts;

2) Bill public school districts for services before those services have actually been provided; and

3) Charge~~Providers shall not charge~~ parents for special education and~~,~~ related services as outlined in the IEP, or room and board ~~provided to students placed by Illinois public school districts~~.

e) A ~~Nothing in this Part shall be construed as prohibiting a~~ provider shall not be prohibited from contracting with any local public school district for individual student services, transportation, diagnosis and evaluation, or other services that have not yet been ~~are not~~ included in the determination of allowable costs set by the Illinois Purchased Care Review Board.

1) Contracts for any ~~such~~ services shall~~must~~ be separate from individual placement agreements.

2) All costs and revenues resulting from ~~such~~ contracts shall be included in the facility's rate calculations under Section 14-7.02 of the School Code.

(Source: Amended at 42 Ill. Reg. 6471, effective March 21, 2018)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF RECODIFICATION

1) Heading of the Part: Illinois Center for Rehabilitation and Education/Community Residential Services for the Blind and Visually Impaired

2) Code Citation: 89 Ill. Adm. Code 730

3) Date of Administrative Code Division Review: March 14, 2018

4) Heading and Subpart Label of the Subpart Being Recodified:

Subpart:	Heading:
Subpart D:	Client Conduct

5) Outline of the Subpart Label and Heading of the Subpart as Recodified:

Subpart:	Heading:
Subpart D:	Customer Conduct

6) Conversion Table of Present and Recodified Subparts:

Present Subpart:	Recodified Subpart:
Subpart D: Client conduct	Subpart D: Customer conduct
730.600	730.600

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of March 20, 2018 through March 26, 2018. The rulemakings are scheduled for the April 17, 2018 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/2/18	Department of Insurance, Required Benefits for Mental, Emotional and Nervous Disorders (Repealer) (50 Ill. Adm. Code 2006)	12/26/17 41 Ill. Reg. 15172	4/17/18
5/2/18	Department of Insurance, Privacy of Personal Information (Repealer) (50 Ill. Adm. Code 4001)	12/26/17 41 Ill. Reg. 15189	4/17/18
5/3/18	Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	12/29/17 41 Ill. Reg. 15533	4/17/18
5/6/18	Illinois Community College Board, Public Information, Rulemaking and Organization (2 Ill. Adm. Code 5175)	2/2/18 42 Ill. Reg. 2079	4/17/18
5/6/18	Department of Insurance, Domestic Insurers Service of Process Requirements (50 Ill. Adm. Code 206)	10/13/17 41 Ill. Reg. 12761	4/17/18
5/6/18	Department of Insurance, Life and Accident and Health Policy Forms; Dividends (Repealer) (50 Ill. Adm. Code 914)	12/29/17 41 Ill. Reg. 15472	4/17/18
5/6/18	Department of Insurance, Family Group Life Insurance Policy Forms (Repealer) (50 Ill. Adm. Code 1403)	12/29/17 41 Ill. Reg. 15476	4/17/18

5/6/18	Department of Human Services, Child Care (89 Ill. Adm. Code 50)	12/8/17 41 Ill. Reg. 14884	4/17/18

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

The Illinois Environmental Protection Agency (Illinois EPA) Bureau of Air is accepting public comments on a draft document titled "Illinois Sulfur Dioxide (SO_2) Attainment Demonstration: Alton Township (Madison County)." The Illinois EPA intends to submit the document to the United States Environmental Protection Agency (USEPA) for approval as a revision to Illinois' State Implementation Plan (SIP) for the 2010 sulfur dioxide (SO_2) National Ambient Air Quality Standard (NAAQS) under the Clean Air Act (CAA), 42 USC § 7401 *et seq*.

Public Comment/Hearing

The Illinois EPA will accept written comments and requests for hearing from the public. Written comments and requests for hearing must be received by Illinois EPA by May 6, 2018. Comments and requests for hearing should be mailed to:

Dean Studer, Hearing Officer
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/558-8280 or TDD: 217/782-9143

If a timely request for a public hearing is physically received by the Illinois EPA by May 6, 2018, a public hearing will be scheduled through a separate notice and held to receive comments regarding the proposed SIP revisions. If a public hearing is conducted, the written public comment period will be extended as provided for in the separate notice.

If no request for a public hearing is received by the Illinois EPA by U.S. Mail, carrier mail, or hand delivered by May 6, 2018, no hearing will be scheduled. Verification as to whether a public hearing will or will not be held will be posted by May 15, 2018, on the Illinois EPA's website at http://www.epa.state.il.us/public-notices/. Interested persons may also contact Dean Studer, the Illinois EPA's Hearing Officer, at the phone number listed above to inquire as to the status of a public hearing.

Copies of the proposed SIP revisions may be viewed by the public during regular business hours (Monday through Friday 8:30 a.m. until 4:30 p.m., except for State holidays) at the following Illinois EPA offices: 1021 North Grand Avenue East, Springfield, Illinois or 2009 Mall Street Collinsville, Illinois. No walk-in requests for copies of this material will be accommodated unless advance notice is provided. Requests and public inquiries should be directed to Dean Studer, the Illinois EPA's Hearing Officer, at the address and phone number listed above.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

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

PROCLAMATIONS

2018-33
Flag Lowering Order: Chicago Police Commander Paul Bauer

WHEREAS, all citizens owe a tremendous debt of gratitude to the men and women of law enforcement who selflessly serve to protect our lives and keep our families safe; and,

WHEREAS, every day, these men and women face great risks and in many cases put their lives on the line to perform their duties; and,

WHEREAS, on Tuesday, February 13, 2018, 53-year-old Chicago Police Commander Paul R. Bauer was killed in the line of duty during a struggle with a suspect outside the James R. Thompson Center in downtown Chicago; and,

WHEREAS, a 31-year veteran of the police force, Commander Bauer joined the Chicago Police Department in 1986 and held many positions, including with the elite mounted patrol unit before he was ultimately promoted to commander of the 18th District in July 2016; and,

WHEREAS, Commander Bauer earned 67 awards and honorable mentions throughout his career with the Chicago Police, overseeing public safety plans at large scale events and dignitary protection. Commander Bauer also made community outreach a priority, attending countless public meetings and hosting a monthly Coffee with the Commander meeting in his district; and,

WHEREAS, Commander Bauer graduated from Saint Ignatius College Preparatory, earned a Bachelor of Science degree from Northern Illinois University, and earned a Master of Public Administration degree from the Illinois Institute of Technology; and,

WHEREAS, throughout his distinguished career in law enforcement, Commander Bauer represented the State of Illinois admirably and will always be remembered for the countless lives he impacted; and,

WHEREAS, Commander Bauer is survived by his wife, Erin; daughter, Grace; and many family members and friends; and,

WHEREAS, a funeral service for Commander Bauer will be held on Saturday, February 17, 2018, at Nativity of Our Lord Catholic Church in Chicago;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on Thursday, February 15, 2018, until sunset on Saturday, February 17, 2018, in honor and remembrance of Chicago Police Commander Paul R. Bauer whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor February 14, 2018
Filed by the Secretary of State March 22, 2018

2018-34
Casimir Pulaski Day

WHEREAS, Casimir Pulaski met Benjamin Franklin when Franklin was recruiting volunteers to fight in the American Revolutionary War; and,

WHEREAS, Pulaski, defiantly opposed to England’s plan to partition Poland in 1772, enthusiastically responded to Franklin's plea for assistance; and,

WHEREAS, in his letter of introduction to George Washington, Franklin wrote of Casimir Pulaski as "an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country against... great invading powers"; and,

WHEREAS, in September 1777, while awaiting his formal appointment by Congress, Casimir Pulaski was invited by Washington to serve during the Battle of Brandywine; and,

WHEREAS, Pulaski's performance earned him a commission as Brigadier General of the entire American cavalry; and,

WHEREAS, in 1779, when Casimir Pulaski joined General Benjamin Lincoln in his campaign to recapture Savannah, Pulaski assumed command after French General D'Estaing fell wounded; and,

WHEREAS, Pulaski valiantly raised the soldiers' spirits through his courage, but was mortally wounded himself; and,

WHEREAS, Casimir Pulaski was named the "Father of the American Cavalry," and remains a hero of the American Revolutionary War; and,

WHEREAS, General Pulaski is a testament to the contributions that Polish Americans have made in this country, as well as Americans of all backgrounds and ethnicities; and,

WHEREAS, General Pulaski’s strong work ethic, deep religious faith, and great cultural pride serve as a model for all of us to follow; and,

WHEREAS, with Chicago boasting the largest Polish population of any city outside of Poland, it is fitting that we take the time to recognize the contributions of Casimir Pulaski; and,

WHEREAS, since 1977, the first Monday in March has been designated Casimir Pulaski Day in Illinois;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 5, 2018, as **CASIMIR PULASKI DAY** in Illinois and encourage all citizens to join in commemorating the life and accomplishments of the American Revolutionary War hero and Polish patriot Casimir Pulaski.

Issued by the Governor February 15, 2018
Filed by the Secretary of State March 22, 2018

2018-35
Early Hearing Detection and Intervention Day

WHEREAS, in Illinois, nearly 500 children each year are identified with hearing loss; and,

WHEREAS, approximately 151,000 infants receive hearing screenings in Illinois every year; and,

WHEREAS, the State of Illinois recognizes the importance of universal hearing screening for newborns and its impact on the lives of our children as well as their families and communities; and,

WHEREAS, the Illinois Department of Human Services, Illinois Department of Public Health, Division of Specialized Care for Children, Bureau of Early Intervention, hospital personnel, healthcare professionals, and community-based organizations work together to ensure that parents of babies who have a hearing loss receive follow-up diagnostic testing and information regarding communication options and other services for their children; and,

WHEREAS, CHOICES for Parents and its coalition members strive to create ongoing awareness of the importance of early hearing detection and intervention so that babies who have a hearing loss will receive early intervention services and support in a timely fashion;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 1, 2018, as **EARLY HEARING DETECTION AND INTERVENTION DAY** in Illinois to create ongoing awareness of the importance of early hearing detection and intervention.

Issued by the Governor February 16, 2018
Filed by the Secretary of State March 22, 2018

2018-36
National Foreign Language Week

WHEREAS, one of Illinois' greatest strength is its diversity of people. As a home to a thriving multicultural population, it is important for today's students to have opportunities to become bilingual or multilingual; and,

WHEREAS, the observance of National Foreign Language Week highlights the benefits of foreign language programs and encourages all American youth to broaden their horizons and scope of worldly knowledge by learning a second language so they can better understand and communicate with people of other nationalities and nations; and,

WHEREAS, more than ever, the individuals who make up our workforce need stronger language skills to interact with the rest of the world in commerce, diplomacy, science, and cultural exchanges. Since the State of Illinois has an ever-expanding role in the global marketplace, the business community needs employees who are proficient in languages other than English; and,

WHEREAS, learning one or more languages, in addition to English, is a core part of a strong educational program that helps prepare students for living in a multicultural, multilingual world and reinforces learning in other subject areas as well; and,

WHEREAS, the introduction of language study from an early age provides the best opportunities for students to achieve meaningful proficiency and success in learning another language; and,

WHEREAS, the foreign language classroom is the venue where language and culture are intertwined and students gain new levels of appreciation and awareness of the worldwide community, enabling them to communicate and build successful relationships with people from other cultures and countries; and,

WHEREAS, the State of Illinois is proud to join teachers of foreign languages and students who embark on this global adventure and acknowledge those who promote school language programs so that today's youth can increase their future potential through the ability to speak, understand, read, and write in other languages;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 4-10, 2018, as **NATIONAL FOREIGN LANGUAGE WEEK** in Illinois.

Issued by the Governor February 16, 2018
Filed by the Secretary of State March 22, 2018

2018-37
Child and Adult Care Food Program Week

WHEREAS, one of the basic rights of children, as set forth in the Universal Declaration of Human Rights by Eleanor Roosevelt in 1948, is their right to basic nutrition. Caring for children must be our nation's first priority; and,

WHEREAS, since its inception in 1968, the Child and Adult Care Food Program (CACFP) has granted our children the best possible foundation in life and benefited many adults, which is vital to our state's long-term health; and,

WHEREAS, the two fundamental goals of the CACFP are that children serviced by this program be well-nourished during their crucial years, while concurrently learning healthy eating habits that will last throughout their lifetime – emotional, mental, and physical health originates with nutritious eating; and,

WHEREAS, we acknowledge the child and adult care providers, nutrition educators, program specialists and staff, state and federal professionals, and parents who contribute to the success of this outstanding program, the Child and Adult Care Food Program; and,

WHEREAS, the CACFP continues its commitment to educate children and adults on the benefits of nutritious eating. Together, as Americans, we can make a difference in the lives of our children;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 11-17, 2018, as **CHILD AND ADULT CARE FOOD PROGRAM WEEK** in Illinois.

Issued by the Governor February 20, 2018
Filed by the Secretary of State March 22, 2018

2018-38
Epilepsy Advocacy Day

WHEREAS, epilepsy is one of the most common neurological conditions, affecting an estimated 136,600 people in the state of Illinois and more than three million people across the United States; and,

WHEREAS, epilepsy is a group of disorders of the central nervous system, specifically the brain, characterized by recurrent unprovoked seizures; and,

WHEREAS, seizures occur when the normal electrical balance in the brain is lost, causing the brain's nerve cells to misfire, either firing when they should not or not firing when they should; and,

WHEREAS, one in 26 people will develop epilepsy and one in 10 people will have at least one seizure during his or her lifetime; and,

WHEREAS, the Epilepsy Foundation of Greater Chicago, Epilepsy Foundation of Greater Southern Illinois, and Epilepsy Foundation of North/Central Illinois lead the fight to overcome the challenges of people living with epilepsy and to accelerate therapies to stop seizures, find cures, and save lives;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 1, 2018, as **EPILEPSY ADVOCACY DAY** in Illinois in support of the efforts to raise awareness of epilepsy and empower those who struggle with the disorder.

Issued by the Governor February 20, 2018
Filed by the Secretary of State March 22, 2018

2018-39
Arts Education Week

WHEREAS, the State of Illinois recognizes that arts education, which includes dance, media arts, music, theatre, and visual arts, is an essential part of basic education for all students, providing them with a balanced education that will aid in developing their full potential; and,

WHEREAS, the arts enrich the lives of children in Illinois and throughout the country by helping them develop creative ability, self-expression, self-reflection, cognitive skills, discipline, a heightened appreciation of beauty, and cross-cultural understanding; and,

WHEREAS, the arts are collectively an important repository of our culture, and experience in the arts develops insights and abilities central to the experience of life; and,

WHEREAS, many national and state professional education associations hold celebrations in the month of March focused on students' participation in the arts; and,

WHEREAS, these celebrations give Illinois schools a unique opportunity to focus on the value of the arts for all students, to foster cross-cultural understanding, to recognize the state's outstanding young artists, to focus on careers in the arts available to Illinois students, and to enhance public support for this important part of their curriculum; and,

WHEREAS, the fine arts are a significant component of students' educational development, teaching them the language and production of the arts, and helping them understand the role of the arts in civilizations, both past and present;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 12-18, 2018, as **ARTS EDUCATION WEEK** in Illinois and encourage all citizens to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts.

Issued by the Governor February 21, 2018
Filed by the Secretary of State March 22, 2018

2018-40
Pollinator Week

WHEREAS, pollinator species such as birds and insects are essential partners of farmers and ranchers in producing much of our food supply; and,

WHEREAS, pollination plays a vital role in the health of our national forests and grasslands, providing forage, fish and wildlife, timber, water, mineral resources, and recreational opportunities as well as enhanced economic development opportunities for communities; and,

WHEREAS, pollinator species provide significant environmental benefits necessary to maintain healthy, biodiverse ecosystems; and,

WHEREAS, the State of Illinois has managed wildlife habitats and public lands, such as state forests and grasslands, for decades; and,

WHEREAS, the State of Illinois provides producers with conservation assistance to promote wise conservation stewardship, including the protection and maintenance of pollinators and their habitats on working lands and wild lands;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim June 18-24, 2018, as **POLLINATOR WEEK** in Illinois.

Issued by the Governor February 21, 2018
Filed by the Secretary of State March 22, 2018

2018-41
Sudden Unexplained Death in Childhood Awareness Month

WHEREAS, Sudden Unexplained Death in Childhood (SUDC) is the sudden and unexpected death of a child over the age of 12 months, which remains unexplained after a thorough case investigation is conducted, including performance of a complete autopsy, examination of the death scene, and review of the child's medical history; and,

WHEREAS, each year, there are approximately 400 cases of sudden unexpected child deaths between the ages of one and 19 nationwide – including more than 200 children younger than the age of five who die without any clear cause or explanation; and,

WHEREAS, while less common than Sudden Infant Death Syndrome (SIDS), which occurs before the first birthday, SUDC is an important health concern deserving of increased public awareness and research; and,

WHEREAS, SUDC is the fifth leading cause of death among toddlers; currently there is no way to prevent SUDC as its cause(s) is unknown. It is hoped that future research will identify means by which SUDC can be prevented; and

WHEREAS, we recognize the dedicated efforts of organizations such as the SUDC Foundation, medical professionals, and volunteers who work to better understand the causes of sudden unexplained death, improve the health of infants and children, and provide much-needed hope and support for those families grieving the heartbreaking sudden unexplained death of a child; and,

WHEREAS, Sudden Unexplained Death in Childhood Awareness Month provides an opportunity to honor the memory of young lives that ended too soon, show encouragement and support for the families and loved ones forever devastated by their loss, and increase public awareness of SUDC and the ongoing search for answers;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 2018 as **SUDDEN UNEXPLAINED DEATH IN CHILDHOOD AWARENESS MONTH** in Illinois.

Issued by the Governor February 21, 2018
Filed by the Secretary of State March 22, 2018

2018-42
Distracted Driving Awareness Month

WHEREAS, distracted driving occurs when motorists engage in activities that divert their attention from driving safely, which can include texting, talking on a cell phone, adjusting the radio, and interacting with passengers; and,

WHEREAS, by educating the public about safe driving and the dangers associated with distracted driving, as well as ensuring drivers understand and obey established traffic laws, there will be fewer traffic crashes, fewer injuries, and fewer fatalities; and,

WHEREAS, in 2015, more than 3,400 people across the United States died in motor vehicles crashes where distracted driving was a factor; and,

WHEREAS, the Illinois Association of Chiefs of Police (ILACP), partnered with the American Automobile Association and supported by the Illinois Truck Enforcement Association, Illinois State Police, Illinois Department of Transportation, SafetyServe.com, local law enforcement agencies, and the state's first responders, are committed to educating Illinois residents on all aspects of distracted driving and enforcing applicable state laws; and,

WHEREAS, the ILACP continues to develop partnerships designed to create and enhance a strong, supportive traffic safety culture throughout Illinois and reduce instances of distracted driving;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2018 as **DISTRACTED DRIVING AWARENESS MONTH** in Illinois to educate the public and reduce cases of distracted driving.

Issued by the Governor February 22, 2018
Filed by the Secretary of State March 22, 2018

2018-43
Sodium Reduction Week

WHEREAS, robust scientific evidence has linked excess sodium intake with high blood pressure, which increases the risk of heart attack, stroke, and heart failure; and,

WHEREAS, Americans consume an average 3,400 milligrams of sodium per day; a reduction to 1,500 mg/day could result in an estimated $26.2 billion in health care savings and 500,000 to 1.2 million fewer deaths from cardiovascular disease during the next 10 years; and,

WHEREAS, the United States Centers for Disease Control and Prevention recognizes World Salt Awareness Week; and,

WHEREAS, public health communications staff from across the state have partnered with the American Heart Association to plan a statewide #breakupwithsalt social media campaign to raise awareness about the connection between sodium and chronic diseases, as well as the health benefits of reducing sodium;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 12-18, 2018, as **SODIUM REDUCTION WEEK** in Illinois and call this observance to the attention of all our citizens.

Issued by the Governor February 22, 2018
Filed by the Secretary of State March 22, 2018

2018-44
World Tuberculosis Day

WHEREAS, in 2017, nearly 340 cases of tuberculosis (TB) disease were reported in Illinois, an incidence rate of 2.6 TB cases per 100,000 residents; and,

WHEREAS, Illinois remains among states reporting the highest incidence of TB cases in the nation; and,

WHEREAS, there is a disproportionate burden of TB among minorities and persons born outside the United States; and,

WHEREAS, each year, thousands of household members, health care employees, and others who share the air of infectious tuberculosis patients are at risk of becoming infected with the tuberculosis bacterium and progressing to active disease; and,

WHEREAS, the Illinois Department of Public Health is working to promote prompt diagnosis and treatment of tuberculosis cases; implement strategies to prevent tuberculosis in children; improve working relationships between public health providers and private providers, hospitals, long-term care facilities, correctional facilities, managed care organizations, and others; and decrease tuberculosis transmission in health care facilities and community settings; and,

WHEREAS, maintaining control of TB in Illinois requires strengthening current TB control and prevention systems; progress toward the elimination of TB cannot occur without mobilizing support and engaging in global TB prevention and control; and,

WHEREAS, this year's World Tuberculosis Day theme of "Wanted: Leaders for a TB-Free United States. We can make history. End TB," recognizes that TB prevention and control is possible, that every individual can have a role in stopping TB, and that Illinois is committed to working toward the elimination of tuberculosis;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 24, 2018, as **WORLD TUBERCULOSIS DAY** in Illinois, urge all citizens to increase their awareness and understanding of tuberculosis infection and disease, and to join the global effort to stop the spread of this disease.

Issued by the Governor February 22, 2018
Filed by the Secretary of State March 22, 2018

2018-45
AmeriCorps Week

WHEREAS, service to others is a hallmark of the American character; throughout the county's history, citizens have stepped up to meet our challenges by volunteering in their communities; and,

WHEREAS, since its creation in 1994, the AmeriCorps national service program has proven to be a highly effective way to engage Americans of all ages and backgrounds in meeting a wide range of community needs and promoting the ethic of service and volunteering; and,

WHEREAS, each year AmeriCorps programs, including AmeriCorps*State and National, AmeriCorps*VISTA, and AmeriCorps*NCCC, provide opportunities for 75,000 citizens across the nation, including more than 2,600 in Illinois, to give back in an intensive way to our communities, our state, and our country; and,

WHEREAS, more than 1,000,000 men and women across the nation, including more than 39,000 from Illinois, have taken the AmeriCorps pledge to "get things done" since 1994; and,

WHEREAS, those AmeriCorps members have served a total of 1.4 billion hours nationwide, including more than 55 million hours served by residents from Illinois, which equates to approximately $1.4 billion in impact for Illinois, by helping improve the lives of our state's most vulnerable citizens, strengthening our educational system, protecting our environment, and contributing to our public safety; and,

WHEREAS, AmeriCorps members serve with more than 14,000 non-profit, community, educational, and faith-based community groups nationwide, including more than 600 in Illinois; and,

WHEREAS, last year AmeriCorps members in Illinois recruited more than 18,000 volunteers, served more than 366,000 Illinoisans, provided more than 1.8 million hours of service valued at $47 million, and helped to leverage more than $16.5 million in cash and in-kind resources; and,

WHEREAS, residents of Illinois have earned more than $131 million in Segal AmeriCorps Education Awards to help pay for college or pay back student loans since 1994; and,

WHEREAS, after their terms of service end, AmeriCorps members remain engaged in our communities as volunteers, teachers, public servants, and non-profit leaders in disproportionately high levels; and,

WHEREAS, the Serve Illinois Commission on Volunteerism and Community Service and the federal Corporation for National and Community Service play a key role in determining where AmeriCorps resources should be directed to meet state and local needs; and,

WHEREAS, AmeriCorps Week, March 11-17, 2018, is an opportune time for the people of Illinois to salute AmeriCorps members and alumni for their service, thank AmeriCorps' community partners, and bring more Americans into service;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 11-17, 2018, as **AMERICORPS WEEK** in Illinois, urge citizens to thank AmeriCorps members and alumni for their service and to find ways to give back to their communities at Serve.Illinois.gov.

Issued by the Governor March 1, 2018
Filed by the Secretary of State March 22, 2018

2018-46
National Service Recognition Day

WHEREAS, service to others is a hallmark of the American character and central to how we meet our challenges; and,

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, such as educating students for the jobs of the 21st century, fighting the opioid epidemic, responding to natural disasters, and supporting veterans and military families; and,

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership opportunities for those who serve; and,

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and,

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages resources to strengthen community impact. National service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service that remains with them in their future endeavors; and,

WHEREAS, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities, and is joining with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 3, 2018;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 3, 2018, as **NATIONAL SERVICE RECOGNITION DAY** and encourage residents to recognize the positive impact of national service in our community, to thank those who serve, and to find ways to give back to their communities.

Issued by the Governor March 1, 2018
Filed by the Secretary of State March 22, 2018

2018-47
Child Abuse Prevention Month

WHEREAS, every child deserves to grow up in a nurturing environment, free from abuse, neglect, violence, or endangerment of any kind; and,

WHEREAS, child abuse and neglect cause serious harm to child development and have lifelong effects that endanger safety, hinder permanency in relationships, and reduce well-being, creating greater demands on society; and,

WHEREAS, child abuse prevention is a shared responsibility, and finding solutions requires the involvement and collaboration of citizens, organizations, and government entities throughout Illinois and the country; and,

WHEREAS, Illinoisans make more than 250,000 calls to the Illinois Child Abuse Hotline each year; offer temporary safe haven for more than 14,000 children as foster families; and have provided permanent, loving homes for more than 15,000 children through adoption during the last decade; and,

WHEREAS, child abuse prevention programs in Illinois are effective because of partnerships created by the Illinois Department of Children and Family Services, Prevent Child Abuse Illinois, Children's Home + Aid Society of Illinois, Children's Advocacy Centers of Illinois, Voices for Illinois Children, and other government entities, social service agencies, schools, religious organizations, law enforcement agencies, businesses, and individual citizens;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2018 as **CHILD ABUSE PREVENTION MONTH** in Illinois and encourage all citizens to respond to

the call of "How will you help?" by supporting child abuse prevention programs and reporting suspected cases of abuse to the Illinois Child Abuse Hotline at (800) 25-ABUSE.

Issued by the Governor March 5, 2018
Filed by the Secretary of State March 22, 2018

2018-48
International Internal Audit Awareness Month

WHEREAS, internal auditing is a vital part of strengthening organizations and protecting stakeholders of both the public and private sectors; and,

WHEREAS, internal auditing helps identify and manage an organization's risks and ensure policies, procedures, and controls are in place and working appropriately; and,

WHEREAS, internal auditing is an increasingly sophisticated and complex activity requiring specialized knowledge, training, and education; and,

WHEREAS, internal auditing is an established profession, with a globally recognized code of ethics and International Standards for the Professional Practice of Internal Auditing; and,

WHEREAS, historically, the global internal audit profession promotes awareness about its value during the month of May each year; and,

WHEREAS, the contributions of internal auditors to the success of organizations and the global economy at large deserve our recognition and commendations;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim the month of May 2018 as **INTERNATIONAL INTERNAL AUDIT AWARENESS MONTH** in Illinois and invite the citizens of Illinois to join me in recognizing professional internal auditors for their contribution to society.

Issued by the Governor March 5, 2018
Filed by the Secretary of State March 22, 2018

2018-49
Parkinson's Disease Awareness Month

WHEREAS, Parkinson's disease is a chronic, progressive, neurological disease and is the second most common neurodegenerative disease in the United States; and,

WHEREAS, according to the U.S. Centers for Disease Control and Prevention, Parkinson's disease is the 14th leading cause of death in the United States, estimated to affect more than one million Americans; and,

WHEREAS, the estimated economic burden of Parkinson's disease is at least $14.4 billion annually, including indirect costs of $6.3 billion to patients and family members; and,

WHEREAS, research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, but the exact cause and progression of the disease is still unknown; and,

WHEREAS, there is no objective test or biomarker for Parkinson's disease, and there is no cure or drug to slow or halt the progression of the disease; and,

WHEREAS, the symptoms of Parkinson's disease vary from person to person and can include tremors; slowness of movement and rigidity; difficulty with balance, swallowing, chewing, and speaking; cognitive impairment and dementia; mood disorders; and a variety of other non-motor symptoms; and,

WHEREAS, volunteers, researchers, caregivers, and medical professionals are working to improve the quality of life for persons living with Parkinson's disease and their families; and,

WHEREAS, increased research, education, and community support services are needed to find more effective treatments and to provide access to quality care for those living with the disease;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2018 as **PARKINSON'S DISEASE AWARENESS MONTH** in Illinois to raise awareness of this illness.

Issued by the Governor March 5, 2018
Filed by the Secretary of State March 22, 2018

2018-50
Women's History Month

WHEREAS, women have played and continue to play critical economic, cultural, and social roles in every sphere of American life, constituting a significant portion of the labor force working inside and outside of the home and providing much of the volunteer labor force; and,

WHEREAS, women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in Illinois and across the United States; and,

WHEREAS, women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, as well as serving our country courageously in the military; and,

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, all of which create a more fair and just society for everyone; and,

WHEREAS, despite these contributions, the role of women in history has been consistently overlooked and undervalued in the literature, teaching, and study of American history; and,

WHEREAS, each year since 1987, the United States Congress has designated March as National Women's History Month; and,

WHEREAS, the 2018 National Women's History Month theme, "Nevertheless She Persisted: Honoring Women Who Fight All Forms of Discrimination Against Women," presents the opportunity to honor women who have shaped America's history and its future through their tireless commitment to ending discrimination against women and girls;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 2018 as **WOMEN'S HISTORY MONTH** in Illinois.

Issued by the Governor March 5, 2018
Filed by the Secretary of State March 22, 2018

2018-51
Reman Day

WHEREAS, remanufacturing is a comprehensive and rigorous industrial process by which previously sold, leased, used, worn, or non-functional products or parts are returned to a "same-as-when-new" or better condition, from both a quality and performance perspective, through a controlled, reproducible, and sustainable process; and,

WHEREAS, remanufacturing has been recognized by leading universities, research institutions, and manufacturers around the world as the highest form of recycling, reducing greenhouse gas production, saving energy, and reclaiming end-of-life products; and,

WHEREAS, by encouraging businesses, state agencies, non-profit organizations, schools, and individuals to celebrate Reman Day, we can further promote remanufacturing as environmentally-friendly and economically efficient; and,

WHEREAS, businesses, educational institutions, and non-profit organizations have joined together to celebrate Reman Day to focus the state and nation's attention on the benefits of remanufacturing, and are encouraging colleagues, friends, families, and their communities to learn more about the benefits of remanufactured products;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 12, 2018, as **REMAN DAY** in Illinois.

Issued by the Governor March 8, 2018
Filed by the Secretary of State March 22, 2018

2018-52
Asian American and Pacific Islander Heritage Month

WHEREAS, the month of May is designated as a celebration of the culture, traditions, history, and accomplishments of Asian Pacific Americans in the United States and the many ways they enrich the fabric and foundation of our state and nation; and,

WHEREAS, on October 5, 1978, President Jimmy Carter signed a joint resolution designating the annual celebration of Asian/Pacific Heritage Week during the first 10 days of May; in May 1990, the holiday was further expanded when President George H.W. Bush designated May as Asian Pacific American Heritage Month; and,

WHEREAS, despite facing unjust working conditions, prejudice, and discrimination, Asian Pacific Americans accelerated the economic development of the United States through their labors on the plantations of Hawaii, the mines of California, the first transcontinental railroad, as well as the nation's farms and orchards. Even through the Exclusion Act and Japanese internment, Asian Pacific Americans have demonstrated steadfast determination and perseverance, providing for their families and creating opportunities for the next generation; and,

WHEREAS, Asian Pacific Americans have made valuable contributions to the history and growth of the United States and have set high standards of achievement in a variety of disciplines including business, medicine, government, nonprofits, education, law, science, technology, and the arts; and,

WHEREAS, Asian Pacific Americans are the fastest-growing demographic and uphold the founding principles of Illinois; our state is proud to recognize the leadership and contributions of Asian Pacific Americans throughout our history, inspiring the next generation of American innovation by example; and,

WHEREAS, 2018 marks the Illinois Bicentennial which reminds us all that, every day in Illinois, amazing things are born, built, and grown; our 200th birthday will honor the many ways that Asian Pacific Americans have influenced American history, achievement, culture, innovation, and more;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 2018 as **ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH** in Illinois, in recognition of the contributions made to our economy and culture by Asian Pacific Americans, and in tribute to all Asian Pacific Americans who call Illinois home.

Issued by the Governor March 12, 2018
Filed by the Secretary of State March 22, 2018

2018-53
Bird Appreciation Week

WHEREAS, during the spring, millions of birds fly over Illinois on their way to northern nesting grounds; and,

WHEREAS, more than 100 different species will fly overhead or land briefly to feed during their migration, allowing birdwatchers to view varieties seldom seen in Illinois; and,

WHEREAS, these colorful visitors are not only attractive but an integral part of our thriving natural heritage; and,

WHEREAS, their brief sojourn in our state ensures the completion of vital natural cycles each year; and,

WHEREAS, birds and bird-related activities have a significant economic impact, and promoting abundant sustainable bird populations and healthy habitats affords significant benefits to human society; and,

WHEREAS, in 2018 we celebrate the centennial of the signing of the Migratory Bird Treaty Act, which recognizes the significance of an international commitment to protect and conserve migratory birds;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 22-28, 2018, as **BIRD APPRECIATION WEEK** in Illinois and encourage all citizens to take this opportunity to observe the portion of this magnificent natural phenomenon that takes place in Illinois.

Issued by the Governor March 12, 2018

Filed by the Secretary of State March 22, 2018

2018-54
Telecommunications Week

WHEREAS, public safety telecommunicators, specialists in operating state-of-the-art radio and computer-aided communications systems, are a cornerstone of the public safety community; and,

WHEREAS, every hour of every day, telecommunicators access, monitor, and disseminate information of critical importance to the safety of public officials and success of public safety goals; and,

WHEREAS, these professional men and women effectively and efficiently function to help ensure the safety and protection of life, property, and individual rights of the citizens of the State of Illinois; and,

WHEREAS, it is appropriate that we demonstrate our appreciation of their knowledge, training, service, and dedication;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 8-14, 2018, as **TELECOMMUNICATIONS WEEK** in Illinois in recognition of the vital contributions telecommunicators make to the safety and well-being of our citizens.

Issued by the Governor March 12, 2018
Filed by the Secretary of State March 22, 2018

2018-55
National Minority Health Month

WHEREAS, the United States has become increasingly diverse in the last century and is projected to be even more diverse in the coming decades; and,

WHEREAS, although health indicators such as life expectancy and infant mortality have improved for most Americans, some minorities experience a disproportionate burden of preventable disease, death, and disability compared with non-minorities; and,

WHEREAS, Illinois' four major racial and ethnic minority groups account for approximately 39 percent of the state's population; and,

WHEREAS, celebrated every year in April, National Minority Health Month is an effort to raise awareness about health disparities that continue to affect racial and ethnic minority populations; and,

WHEREAS, the mission of the Center for Minority Health Services at the Illinois Department of Public Health is to improve the health and well-being of Illinois' minority populations through the development of health policies and culturally and linguistically appropriate programs to eliminate health disparities; and,

WHEREAS, in accordance with this year's National Minority Health Month theme, "Partnering for Health Equity," the Illinois Department of Public Health's Center for Minority Health Services will continue its vital work of building partnerships across the state in order to eliminate health disparities;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2018 as **NATIONAL MINORITY HEALTH MONTH** in Illinois to accelerate health equity and make the state of Illinois a stronger and healthier state.

Issued by the Governor March 14, 2018
Filed by the Secretary of State March 22, 2018

2018-56
Fallen Firefighter Memorial Day

WHEREAS, the Illinois Firefighter Memorial honors the firefighters of Illinois who gave their lives in the line of duty and those who heroically serve with courage and pride; and,

WHEREAS, the Memorial stands on the lawn of the Illinois State Capitol, symbolizing our gratitude to the men and women who risk their lives every day to protect people and their property; and,

WHEREAS, at the site of the Memorial, final respects will be paid to the two Illinois firefighters who lost their lives in the line of duty in 2017; and,

WHEREAS, the Fire Fighting Medal of Honor Committee offers every fire department in Illinois the opportunity to be part of this honored event; and,

WHEREAS, immediately following the ceremony, the Medal of Honor Committee will honor some of the bravest and most heroic firefighters in Illinois during the 25th Annual Fire Fighting Medal of Honor Awards Ceremony at the Bank of Springfield Center; and,

WHEREAS, members, families, and friends of the Illinois fire service are invited and encouraged to attend the Fallen Firefighter Memorial Service on Tuesday, May 8, 2018;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 8, 2018, as **FALLEN FIREFIGHTER MEMORIAL DAY** in Illinois.

Issued by the Governor March 16, 2018
Filed by the Secretary of State March 22, 2018

2018-57
Loyalty Day

WHEREAS, the nation is kept strong and free by citizens who preserve American heritage through positive patriotic declarations and actions; and,

WHEREAS, today is a day to commemorate and confirm the values upon which our nation was conceived; and,

WHEREAS, the men and women serving in our military have sacrificed so liberty can become a reality for the citizens of other nations; and,

WHEREAS, created by the United States Congress on July 18, 1958, through Public Law 85-529, Loyalty Day is a holiday set aside for the reaffirmation of loyalty to the United States and recognition of the heritage of American Freedom; and,

WHEREAS, Loyalty Day was first proclaimed by President Dwight D. Eisenhower on May 1, 1959; and,

WHEREAS, as a nation of immigrants, we are united in the shared ideals of equality, liberty, and honor, ideals for which our Armed Forces have defended and protected; and,

WHEREAS, every individual, school, church, organization, business establishment, and household within the State of Illinois is invited to participate in pledging allegiance to our flag, country, and the men and women in uniform, through active participation in patriotic programs sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary on May 1, 2018;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1, 2018, as **LOYALTY DAY** in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor March 16, 2018

Filed by the Secretary of State March 22, 2018

2018-58
Medical Billers Day

WHEREAS, as a vital segment of the health care industry, medical billers provide a much-needed service to doctors and other healthcare providers; and,

WHEREAS, healthcare providers increasingly rely on medical billing companies to assist in processing claims in accordance with applicable statutes and regulations; and,

WHEREAS, providers also consult with billing companies for advice on reimbursement matters, as well as overall business decision-making; and,

WHEREAS, medical billers can offer expertise in program reimbursement requirements, help ensure claims are accurately prepared, and allow physicians and other practitioners to devote their full efforts to the care of their patients; and,

WHEREAS, medical billers strive to provide the highest possible level of ethical, lawful, and professional conduct throughout the entire healthcare industry; and,

WHEREAS, medical billers continue to influence the billing process in a positive and credible manner;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 29, 2018, as **MEDICAL BILLERS DAY** in Illinois in recognition of the important role medical billers play in the healthcare system.

Issued by the Governor March 16, 2018
Filed by the Secretary of State March 22, 2018

2018-59
National Agriculture Day

WHEREAS, as one of our state’s largest industries, agriculture has a profound impact on all people who live and work in the State of Illinois and is vital to our state’s health, recreation, and economy, as well as our future prosperity; and,

WHEREAS, Illinois is home to more than 72,000 farms, covering nearly 27 million acres of land – about 75 percent of the state's total land area; and,

WHEREAS, Illinois is a leading producer of soybeans, corn, and swine; the state's climate and varied soil types also enable farmers to grow and raise many other agricultural commodities, including cattle, wheat, oats, sorghum, hay, sheep, poultry, fruits and vegetables, and several specialty crops such as buckwheat, horseradish, lima beans, grapes and Christmas trees; and,

WHEREAS, Illinois ranks third in the nation in the export of agriculture commodities, with $8.3 billion worth of goods shipped to other countries; Illinois also claims more than $186 billion in processed food sales, ranking first in the nation; and,

WHEREAS, billions more dollars flow into the state's economy from ag-related industries, such as farm machinery manufacturing, agricultural real estate, and the production and sale of value-added food products; and,

WHEREAS, agriculture is profitable statewide, with rural Illinois benefiting from agricultural production, while agricultural processing and manufacturing strengthen urban economies; and,

WHEREAS, the Illinois Department of Agriculture is an advocate for Illinois' agricultural industry, providing the necessary functions to benefit consumers, the agricultural industry, and our natural resources while also striving to promote agri-businesses in Illinois and throughout the world; and,

WHEREAS, since the introduction of statehood in 1818, Illinois has been at the forefront of agricultural research and innovation, contributing significantly to the advancement of our agriculture industry; and,

WHEREAS, as we commemorate the Illinois Bicentennial in 2018, we pay tribute to the people, places, and things that are born, built, and grown here every single day – that includes the nearly one million Illinoisans who are part of our state's food and fiber industry, as well as our rich agricultural heritage that is rooted by the countless dedicated farm families, monumental agricultural research, and innovations made here in Illinois every day;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do herby proclaim March 20, 2018, as **NATIONAL AGRICULTURE DAY** in Illinois and encourage all Illinoisans to take time to learn more about agriculture, starting from where food originates to the endless agricultural career opportunities across Illinois.

Issued by the Governor March 16, 2018
Filed by the Secretary of State March 22, 2018

2018-60
Professional Medical Coders Week

WHEREAS, the health and safety of all Illinoisans are important to the happiness, prosperity, and well-being of our state's families and communities; and,

WHEREAS, professional medical coders skillfully identify patterns of diseases, illness, and injury within populations; and,

WHEREAS, it is important to recognize that all citizens who receive health care treatment in Illinois benefit from the expertise and professionalism of Illinois professional medical coders; and,

WHEREAS, the use of medical codes for disease and injury prevention contributes to a greater understanding of the correlations between illness, injury, and treatment in a variety of medical conditions, including heart disease, stroke, viral infections, infectious diseases, motor vehicle accidents, and workplace injuries; and,

WHEREAS, the need for qualified medical coders continues to increase in physician offices, outpatient facilities, long-term care facilities, and hospital settings across Illinois; and,

WHEREAS, the integrity and high standards of medical coders contribute to the United States Department of Health and Human Services' campaign against fraud and abuse in medical reimbursement; and,

WHEREAS, it is important to encourage all Illinoisans and people throughout the country to educate themselves on the impact of medical coders in our health care systems and to support research and education programs designed to support these professionals in their continuing efforts; and,

WHEREAS, the State of Illinois is proud to recognize medical coders for all their hard work in this state and throughout the country;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 15-21, 2018, as **PROFESSIONAL MEDICAL CODERS WEEK** in Illinois and encourage all citizens to recognize and honor medical coders for their invaluable contributions to the improvement of our healthcare systems.

Issued by the Governor March 16, 2018
Filed by the Secretary of State March 22, 2018

2018-61
Vietnam War Veterans Day

WHEREAS, as we observe the 50th anniversary of the Vietnam War, we reflect with solemn reverence upon the valor of a generation that served with honor; and,

WHEREAS, we pay tribute to the more than three million servicemen and women who left their families to serve bravely, a world away from everything they knew and everyone they loved; and,

WHEREAS, we honor all who served on active duty in the United States Armed Forces and their families at any time during the period of November 1, 1955, to May 15, 1975, regardless of duty location; and,

WHEREAS, we draw inspiration from the heroes who suffered unspeakably as prisoners of war, yet who returned home with their heads held high. We pledge to keep the faith with those who were wounded and still carry the scars of war, seen and unseen; and,

WHEREAS, it is important to honor the men and women who survived the Vietnam War, as well as the 58,260 men and women who gave their lives; and,

WHEREAS, while no words will ever be fully worthy for their service, nor any honor truly befitting their sacrifice, let us remember that it is never too late to pay tribute to the men and women who answered the call of duty with courage and valor; and,

WHEREAS, let us renew our commitment to the fullest possible accounting for those who have not returned; and,

WHEREAS, throughout this commemoration, let us strive to live up to their example by showing our Vietnam veterans, their families, and all who have served the fullest respect and support of a grateful nation; and,

WHEREAS, as citizens of the great State of Illinois, we must never forget the sacrifice of the men and women who fought in the name of freedom and democracy for all; and,

WHEREAS, we should strive to live up to their example by showing our Vietnam Veterans, their families, and all servicemen and women the fullest respect and support of a grateful state and nation;

THEREFORE, I Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 29, 2018, as **VIETNAM WAR VETERANS DAY** in Illinois.

Issued by the Governor March 16, 2018
Filed by the Secretary of State March 22, 2018

2018-62
Education and Sharing Day

WHEREAS, education is essential to putting our children on the path to good jobs and a decent living; and,

WHEREAS, in order to remain competitive into the 21st century, the state will need to equip the next generation's children with the education and skills demanded by a modern economy; and,

WHEREAS, learning is a lifelong practice, not confined solely to the classroom. In every action, whether at work, play, or rest, it is our task as parents, teachers, and mentors to make sure our children grow up practicing the values we preach; and,

WHEREAS, we have a solemn obligation to pass on values that we hold dear, such as independence, honesty, discipline, compassion, drive, and courage. We must be ever mindful that we are on a continuing path toward a more perfect union, and that much remains to be done to fulfill the concept of equality for all; and,

WHEREAS, we recall the memory of Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, who worked to teach generations of young men and women the value of education and strong character; and,

WHEREAS, his work deepened ties among people around the world, and his legacy inspires the service, charity, and goodwill he championed in life; and,

WHEREAS, as we take this opportunity to reflect on the example he and so many others have set, let each of us strive to better realize the values we share;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 27, 2018, as **EDUCATION AND SHARING DAY** in Illinois.

Issued by the Governor March 19, 2018
Filed by the Secretary of State March 22, 2018

2018-63
Exceptional Children's Week

WHEREAS, children with exceptionalities may be identified by having one or more of the following needs: autism, deaf-blindness, deafness, hearing impairment, emotional or intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning

disabilities, speech or language impairment, traumatic brain injury, gifts/talents, or visual impairment who, by reason thereof, require special education and related services; and,

WHEREAS, educators have developed instructional and educational materials and programs enabling individuals with exceptionalities to develop academic, social, and vocational skills to use within the community and today's world; and,

WHEREAS, the tendency of placing limitations and inadequate access to services for an exceptionality can be changed by properly trained professionals who provide specialized instruction in conjunction with community awareness, knowledge, interest, and understanding of exceptional individuals; and,

WHEREAS, consistent with democratic ideals, it is essential that all children, regardless of their differences, receive an equal opportunity to an appropriate education and are provided the specialized instruction they need; and,

WHEREAS, the Council for Exceptional Children, a professional organization that promotes the advancement and education of all exceptional infants, toddlers, children, and youth, has helped and will continue to help make advancements in the field of special education;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim May 1-7, 2018, as **EXCEPTIONAL CHILDREN'S WEEK** in Illinois and urge each citizen of Illinois to take responsibility for continued awareness of and support for exceptional children and youth.

Issued by the Governor March 19, 2018
Filed by the Secretary of State March 22, 2018

2018-64
Information Technology Month

WHEREAS, the information technology (IT) industry continues to grow in Illinois at a rapid rate, contributing an estimated 6.6 percent or $44.8 billion to the overall state economy, according to the Computing Technology Industry Association; and,

WHEREAS, the technology industry employs 437,200 individuals across Illinois, at an average yearly salary of $100,580; and,

WHEREAS, Illinois employers posted 122,730 jobs for technology positions in 2017; it's anticipated that number will continue to increase as technology continues to develop; and,

WHEREAS, it is important to develop a pipeline of talent necessary to meet IT workforce demand; and,

WHEREAS, Career and Technical Education Programs in elementary and secondary education across Illinois include IT competency-based curriculum for work readiness; and,

WHEREAS, Illinois colleges and universities provide a multitude of options for degree and certificate programs in various tech sectors, including software developers, computer systems and security analysts, and network and computer infrastructure support; and,

WHEREAS, Governor Rauner established the Illinois Department of Innovation & Technology (DoIT) on January 25, 2016, through Executive Order 2016-01, a new state agency responsible for the information and technology functions for the Illinois Executive Branch; and,

WHEREAS, DoIT's mission is to empower the State of Illinois through high-value, customer-centric technology by delivering best-in-class innovation to client agencies, fostering collaboration and empowering employees to provide better services to residents, businesses, and visitors; and,

WHEREAS, DoIT delivers statewide information technology and telecommunication services and innovation to state government agencies, boards, and commissions, as well as policy and standards development, lifecycle investment planning, enterprise solutions, privacy and security management, and leads the nation in Smart State initiatives; and,

WHEREAS, DoIT implements technology to provide mobile-enabled tools to the State of Illinois workforce and gives Illinoisans the ability to interact with state government through their mobile devices, enhancing their connection with state government;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2018 as **INFORMATION TECHNOLOGY MONTH** in Illinois in celebration of the important work being done by IT professionals statewide, and to encourage communities and schools to explore this sector as a contributor both to the economy and workforce, allowing students to understand the growing opportunities in both technology and the workforce.

Issued by the Governor March 19, 2018
Filed by the Secretary of State March 22, 2018

2018-65
Month of the Military Child

WHEREAS, since 1986, the United States Armed Forces and concerned citizens around the world have celebrated the Month of the Military Child throughout the month of April, recognizing the sacrifices and applauding the courage of military children; and,

WHEREAS, each day, military children experience unique challenges, which they face with resilience and dignity beyond their years; and,

WHEREAS, it is essential to recognize that military children make a significant contribution to our nation through understanding and supporting their military parents, who often work long hours and make numerous deployments when called upon; and,

WHEREAS, military children contribute to their families by providing a source of strength and a sense of responsibility for those who protect our nation; and,

WHEREAS, our men and women in uniform can focus on the missions and challenges ahead when they know that their children are safe and secure; and,

WHEREAS, the State of Illinois strives to provide a safe and nurturing environment for military children, enabling our military members to have peace of mind and thus be a stronger and more ready and resilient fighting force; and,

WHEREAS, the Month of the Military Child reinforces this concept and helps us recognize that our military children also play an important role in support of their parents, and thus, the nation; and,

WHEREAS, 2018 marks the 32nd year that we celebrate the Month of the Military Child, joining in recognizing the important contributions and sacrifices our military children make as we honor them throughout the month of April;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 2018 as **MONTH OF THE MILITARY CHILD** in Illinois and encourage all citizens to honor our military children.

Issued by the Governor March 19, 2018
Filed by the Secretary of State March 22, 2018

2018-66
Bataan Day

WHEREAS, since the birth of this great nation, America has been blessed with a population of brave men and women who courageously answered the call to defend their country's ideals of freedom and democracy; and,

WHEREAS, many of the brave Americans who answered their country's call to service were captured by hostile forces or listed as missing while performing their duties; and,

WHEREAS, the harsh conditions of enemy captivity are an unfortunate reality soldiers and their allies experience firsthand; and,

WHEREAS, during World War II, American and Filipino prisoners of war experienced some of the cruelest treatment of the war, forced to participate in what has become known as the "Bataan Death March"; and,

WHEREAS, thousands of American and Filipino soldiers lost their lives, and the survivors were placed into forced labor camps; and,

WHEREAS, American and Filipino former prisoners of war are national heroes whose service to our country will never be forgotten; and,

WHEREAS, these brave men and women fought for America and endured cruelties and deprivation as prisoners of war that no man or women should ever have to experience; and,

WHEREAS, during World War II, the Korean War, the Vietnam War, the 1991 Gulf War, Operation Iraqi Freedom, and other conflicts, our service men and women have sacrificed much to secure freedom, defend the ideals of our nation, and free the oppressed; and,

WHEREAS, each of these individuals deserves honor for their strength of character and for the difficulties they and their families endured; and,

WHEREAS, by answering the call of duty and risking their lives to protect others, these proud patriots continue to inspire us as we work with our allies to extend peace, liberty, and opportunity to people around the world;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 9, 2018, as **BATAAN DAY** in Illinois and encourage all citizens to take a moment to honor and remember the men and women who suffered the hardships of enemy captivity while courageously serving their country.

Issued by the Governor March 20, 2018
Filed by the Secretary of State March 22, 2018

2018-67
Home Education Week

WHEREAS, the growth and development of school-age children is of paramount importance in Illinois and across the country; and,

WHEREAS, Illinois values its children and recognizes the importance of providing them with the best education possible so that they may realize their fullest potential and experience success in their future endeavors; and,

WHEREAS, Illinois presents children and families with the opportunity to explore alternatives to public and private schools by authorizing home education as a legitimate and viable educational option; and,

WHEREAS, home education allows parents the opportunity to develop and implement a learning program based on their children's individual needs; and,

WHEREAS, studies show students who are educated at home typically score at or above the national average on standardized tests, exhibit self-confidence, good citizenship, and are fully-prepared academically to meet the challenges of today's society;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim April 16-20, 2018, as **HOME EDUCATION WEEK** in Illinois and encourage all citizens to recognize the important role home education plays in educating our children.

Issued by the Governor March 20, 2018
Filed by the Secretary of State March 22, 2018

2018-68
National Small Business Development Center Day

WHEREAS, America's Small Business Development Center (SBDC) network is the most comprehensive small business assistance network in the United States and its territories; and,

WHEREAS, SBDCs have been helping small businesses succeed and aspiring entrepreneurs achieve the American dream of owning their own business for 38 years; and,

WHEREAS, Illinois joined America's SBDC network in 1984; and,

WHEREAS, the Illinois SBDC network provides one-on-one business advice, training, information, access to critical resources, and ongoing guidance to help existing small companies and pre-venture entrepreneurs grow their businesses; and,

WHEREAS, in 2017, the Illinois network of SBDCs served 20,717 customers and created or returned 6,113 jobs across 30 centers; and,

WHEREAS, 431 new Illinois businesses were started and expanded in 2017 due to the work done by these centers; and,

WHEREAS, clients of the Illinois SBDC network generated $17.3 million in state and federal tax revenues, and Illinois taxpayers saw a $3.19 return on each dollar invested; and,

WHEREAS, Illinois is committed to creating a business-friendly environment that supports businesses and entrepreneurs in every corner of the state;

THEREFORE, I, Bruce Rauner, Governor of the State of Illinois, do hereby proclaim March 21, 2018, as **NATIONAL SMALL BUSINESS DEVELOPMENT CENTER DAY** in Illinois.

Issued by the Governor March 20, 2018
Filed by the Secretary of State March 22, 2018

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 42, Issue 14 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

14 - 531		5932
35 - 900		5946
35 - 901		5967
35 - 902		5988
35 - 910		6001
77 - 515		6024
86 - 140		6245
86 - 150		6280
86 - 151		6297
86 - 160		6303

ADOPTED RULES

89 - 260	3/23/2018	6316
89 - 290	3/23/2018	6318
14 - 527	3/20/2018	6320
47 - 100	3/20/2018	6350
35 - 889	5/1/2018	6364
38 - 130	3/23/2018	6374
68 - 1155	4/6/2018	6384
68 - 1455	3/23/2018	6386
17 - 640	3/21/2018	6414
77 - 697	3/21/2018	6425
11 - 510	3/26/2018	6447
86 - 100	3/21/2018	6451
23 - 401	3/21/2018	6471

NOTICE OF CODIFICATION CHANGES

89 - 730		6514

EXECUTIVE ORDERS AND PROCLAMATIONS

18 - 33	2/14/2018	6519
18 - 34	2/15/2018	6520
18 - 35	2/16/2018	6521
18 - 36	2/16/2018	6521
18 - 37	2/20/2018	6522
18 - 38	2/20/2018	6523
18 - 39	2/21/2018	6524
18 - 40	2/21/2018	6525
18 - 41	2/21/2018	6525
18 - 42	2/22/2018	6526
18 - 43	2/22/2018	6527
18 - 44	2/22/2018	6528

18 - 45	3/1/2018	6529
18 - 46	3/1/2018	6530
18 - 47	3/5/2018	6531
18 - 48	3/5/2018	6532
18 - 49	3/5/2018	6532
18 - 50	3/5/2018	6533
18 - 51	3/8/2018	6534
18 - 52	3/12/2018	6535
18 - 53	3/12/2018	6536
18 - 54	3/12/2018	6537
18 - 55	3/14/2018	6537
18 - 56	3/16/2018	6538
18 - 57	3/16/2018	6539
18 - 58	3/16/2018	6540
18 - 59	3/16/2018	6540
18 - 60	3/16/2018	6541
18 - 61	3/16/2018	6542
18 - 62	3/19/2018	6544
18 - 63	3/19/2018	6544
18 - 64	3/19/2018	6545
18 - 65	3/19/2018	6546
18 - 66	3/20/2018	6547
18 - 67	3/20/2018	6549
18 - 68	3/20/2018	6549

ORDER FORM

☐ Print Version of the Illinois Register ☐ New ☐ Renewal	$290.00 (annually)
☐ Back Issues of the Illinois Register (Current Year Only) Volume #_____ Issue#_____Date_____	$ 10.00 (each)
☐ Microfiche sets of the Illinois Register (1977 – 2004) Specify Year(s) _____	$ 200.00 (per set)
☐ Yearly Index Cumulative/Sections Affected Indices (Current Year)	$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.) $ 2.00 **TOTAL AMOUNT OF ORDER** $ _____	

☐ Check Make Checks Payable To: **Secretary of State**

☐ VISA ☐ Master Card ☐ Discover (There is a $2.00 processing fee for credit card purchases.)

Card #: _____ Expiration Date: _____

Signature: _____

Send Payment To: Secretary of State
Department of Index
Administrative Code Division
111 E. Monroe
Springfield, IL 62756

E-mail: eAdministrativeCode@ilsos.net
Phone: (217) 782-7017

Name:		Attention:	ID #:
Address:			
City:		State:	Zip Code:
Phone:	Fax:	E-Mail:	

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com