
ILLINOIS

REGISTER



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May 10, 2019 Volume 43, Issue 19

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2019

Issue#	Rules Due Date	Date of Issue
1	December 26, 2018	January 4, 2019
2	December 31, 2018	January 11, 2019
3	January 7, 2019	January 18, 2019
4	January 14, 2019	January 25, 2019
5	January 22, 2019	February 1, 2019
6	January 28, 2019	February 8, 2019
7	February 4, 2019	February 15, 2019
8	February 11, 2019	February 22, 2019
9	February 19, 2019	March 1, 2019
10	February 25, 2019	March 8, 2019
11	March 4, 2019	March 15, 2019
12	March 11, 2019	March 22, 2019
13	March 18, 2019	March 29, 2019
14	March 25, 2019	April 5, 2019
15	April 1, 2019	April 12, 2019
16	April 8, 2019	April 19, 2019
17	April 15, 2019	April 26, 2019
18	April 22, 2019	May 3, 2019
19	April 29, 2019	May 10, 2019
20	May 6, 2019	May 17, 2019
21	May 13, 2019	May 24, 2019

22	May 20, 2019	May 31, 2019
23	May 28, 2019	June 7, 2019
24	June 3, 2019	June 14, 2019
25	June 10, 2019	June 21, 2019
26	June 17, 2019	June 28, 2019
27	June 24, 2019	July 5, 2019
28	July 1, 2019	July 12, 2019
29	July 8, 2019	July 19, 2019
30	July 15, 2019	July 26, 2019
31	July 22, 2019	August 2, 2019
32	July 29, 2019	August 9, 2019
33	August 5, 2019	August 16, 2019
34	August 12, 2019	August 23, 2019
35	August 19, 2019	August 30, 2019
36	August 26, 2019	September 6, 2019
37	September 3, 2019	September 13, 2019
38	September 9, 2019	September 20, 2019
39	September 16, 2019	September 27, 2019
40	September 23, 2019	October 4, 2019
41	September 30, 2019	October 11, 2019
42	October 7, 2019	October 18, 2019
43	October 15, 2019	October 25, 2019
44	October 21, 2019	November 1, 2019
45	October 28, 2019	November 8, 2019
46	November 4, 2019	November 15, 2019
47	November 12, 2019	November 22, 2019
48	November 18, 2019	December 2, 2019
49	November 25, 2019	December 6, 2019
50	December 2, 2019	December 13, 2019
51	December 9, 2019	December 20, 2019
52	December 16, 2019	December 27, 2019

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
140.412	Amendment
140.413	Amendment
140.440	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments remove transsexual surgery from the list of physician services not covered and describe the prior approval requirements for gender affirming surgeries, services, and procedures under the medical assistance program.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
140.452	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.453	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.455	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.460	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.TABLE N	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.491	Amendment	42 Ill Reg. 24574; December 28, 2018
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

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

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 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) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension, Exclusion or Barring
- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
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- 140.26 Payment to Factors Prohibited
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- 140.33 Publication of List of Sanctioned Entities
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- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
- 140.44 Withholding of Payments Due to Fraud or Misrepresentation
- 140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible Allegation of Fraud or Failure to Cooperate
- 140.55 Electronic Data Interchange Service
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
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- 140.73 Drug Manual Updates (Recodified)
- 140.74 Resolution of Claims Related to Inaccurate or Updated Enrollment Information

SUBPART C: PROVIDER ASSESSMENTS

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- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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140.TABLE J	Rate Regions
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140.TABLE N	Program Approval for Specified Behavioral Health Services
140.TABLE O	Criteria for Participation as a Behavioral Health Clinic

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

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

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emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987;

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amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3,

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1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30,

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1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332,

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effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002;

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amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill.

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Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; preemptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; preemptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; preemptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended

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at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015 through June 30, 2015; emergency amendment at 39 Ill. Reg. 8137, effective May 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days; emergency expired December 6, 2015; amended at 39 Ill. Reg. 12825, effective September 4, 2015; amended at 39 Ill. Reg. 13380, effective September 25, 2015; amended at 39 Ill. Reg. 14138, effective October 14, 2015; emergency amendment at 40 Ill. Reg. 13677, effective September 16, 2016, for a maximum of 150 days; emergency expired February 12, 2017; amended at 41 Ill. Reg. 999, effective January 19, 2017; amended at 41 Ill. Reg. 3296, effective March 8, 2017; amended at 41 Ill. Reg. 7526, effective June 15, 2017; amended at 41 Ill. Reg. 10950, effective August 9, 2017; amended at 42 Ill. Reg. 4829, effective March 1, 2018; amended at 42 Ill. Reg. 12986, effective June 25, 2018; emergency amendment at 42 Ill. Reg. 13688, effective July 2, 2018, for a maximum of 150 days; emergency amendment to emergency rule at 42 Ill. Reg. 16265, effective August 13, 2018, for the remainder of the 150 days; amended at 42 Ill. Reg. 14383, effective July 23, 2018; amended at 42 Ill. Reg. 20059, effective October 26, 2018; amended at 42 Ill. Reg. 22352, effective November 28, 2018; amended at 43 Ill. Reg. 1014, effective December 31, 2018; amended at 43 Ill. Reg. 2227, effective February 4, 2019; amended at 43 Ill. Reg. 4094, effective March 25, 2019; amended at 43 Ill. Reg. _____, effective _____.

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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.412 Services Not Covered By Physicians

Services for which medical necessity is not clearly established are not covered in the Medical Assistance Program. Additionally, the following services are specifically excluded from coverage and payment cannot be made by the Department for the provision of these services.

- a) Experimental medical or surgical services.
- b) Acupuncture.
- c) Investigational and research oriented procedures.
- d) Artificial insemination.
- e) ~~Transsexual surgery.~~
- ef) Services prohibited by Illinois or Federal statute.
- fg) Services provided in Federal or State institutions.
- gh) Medical care provided by mail or telephone.
- hi) Unkept appointments.
- ij) Autopsy examinations.
- jk) Preparation of routine records, forms and reports.
- kl) Cosmetic procedures, medical or surgical, where projected results do not relieve a physical or functional handicap.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 140.413 Limitation on Physician Services

- a) When provided in accordance with the specified limitations and requirements, the Department shall pay for the following services:

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- 1) Termination of Pregnancy. All abortion service claims must be accompanied by an HFS 2390 Abortion Payment Application. The Department will pay for abortion services when:
 - A) The pregnancy results from rape or incest;
 - B) In the physician's professional judgment, the pregnancy threatens the life of the mother; or
 - C) The service is performed for any other reason.
- 2) Sterilization
 - A) Therapeutic sterilization – only when the procedure is either a necessary part of the treatment of an existing illness, or is medically indicated as an accompaniment of an operation on the female genitourinary tract. Mental incapacity does not constitute an illness or injury that would authorize this procedure.
 - B) Nontherapeutic sterilization – only for recipients age 21 or older and mentally competent. The physician must obtain the recipient's informed written consent in a language understandable to the recipient before performing the sterilization and must advise the recipient of the right to withdraw consent at any time prior to the operation. The operation shall be performed no sooner than 30 days and no later than 180 days following the date of the recipient's written informed consent, except in cases of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery if at least 72 hours have passed since informed consent was given.
- 3) Morbid Obesity. Effective October 1, 2012, surgery for morbid obesity is covered only with prior approval by the Department. The Department shall approve payment for this service only in those cases in which the physician determines that obesity is exogenous in nature, the recipient has had the benefit of other therapy with no success, endocrine disorders have been ruled out, and the body mass index (BMI) is 40 or higher, or 35 to

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39.9 with serious medical complications. The medical record must contain the following documentation of medical necessity:

- A) Documentation of review of systems (history and physical);
 - B) Client height, weight and BMI;
 - C) Listing of co-morbidities;
 - D) Patient participation in a six month consecutive medically supervised weight loss program working in conjunction with a registered dietician and or physician within two years prior to the surgery, with at least four documented visits within the consecutive six months;
 - E) Current and complete psychiatric evaluation indicating the patient is an appropriate candidate for weight loss surgery; and
 - F) Documentation of nutritional counseling.
- 4) Psychiatric Services
- A) Treatment – when the services are provided by a physician who has been enrolled as an approved provider with the Department.
 - B) Consultation – only when necessary to determine the need for psychiatric care. Services provided subsequent to the initial consultation must comply with the requirements for treatment.
 - C) Group Psychotherapy – payment may be made for up to two group sessions per week, with a maximum of one session per day. The following conditions must be met for group psychotherapy:
 - i) documentation maintained in the patient's medical record must indicate the person participating in the group session has been diagnosed with a mental illness as defined in the International Classification of Diseases (ICD-9-CM) or, upon implementation, International Classification of Diseases, 10th Revision, Clinical Modification

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(ICD-10-CM), or the Diagnostic and Statistical Manual of Mental Disorders (DSM IV). The allowable diagnosis code ranges will be specified in the Handbook for Practitioners Rendering Medical Services;

- ii) beginning 1/1/10, the entire group psychotherapy service is directly performed by a physician licensed to practice medicine in all its branches who has completed an approved general psychiatry residency program or is providing the service as a resident or attending physician at an approved or accredited residency program;
 - iii) the group size does not exceed 12 patients, regardless of payment source;
 - iv) the minimum duration of a group session is 45 minutes;
 - v) the group session is documented in the patient's medical record by the rendering physician, including the session's primary focus, level of patient participation, and begin and end times of each session;
 - vi) the group treatment model, methods, and subject content have been selected on evidence-based criteria for the target population of the group and follows recognized practice guidelines for psychiatric services;
 - vii) the group session is provided in accordance with a clear written description of goals, methods and referral criteria; and
 - viii) Effective July 1, 2012, group psychotherapy is not covered for recipients who are residents in a facility licensed under the Nursing Home Care Act [210 ILCS 45] or the Specialized Mental Health Rehabilitation Act [of 2013](#) [210 ILCS [4948](#)].
- 5) Home Services. Services provided to a recipient in his or her home – only when the recipient is physically unable to go to the physician's office.

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- 6) Services provided to recipients in group care facilities by a physician other than the attending physician – only for emergency services provided when the attending physician of record is not available or when the attending physician has made referral with the recipient's knowledge and permission.
- 7) Services provided to recipients in a group care facility by a physician who derives a direct or indirect profit from total or partial ownership (or from other types of financial investment for profit in the facility) – only when occasioned by an emergency due to acute illness or unavailability of essential treatment facilities in the vicinity for short-term care pending transfer, or when there is no comparable facility in the area.
- 8) Maternity Care. Payment shall be made for pre-natal and post-natal care only when the following conditions are met:
 - A) the physician, whether based in a hospital, clinic or individual practice, retains hospital delivery privileges, maintains a written referral arrangement with another physician who retains such privileges, or has been included in the Maternal and Child Health Program as a result of having entered into an appropriate Healthy Moms/Healthy Kids Program provider agreement;
 - B) the written referral agreement is kept on file and is available for inspection at the physician's place of business, and details procedures for timely transfer of medical records; and
 - C) maternal services are delivered in a manner consistent with the quality of care guidelines published by the American College of Obstetricians and Gynecologists in its Guidelines for Women's Health Care (2014) and Guidelines for Perinatal Care (2017), available at 409 12th Street, S.W., Washington D.C. 20024-2188, or at <https://www.acog.org>.
- 9) Physician Services to Children under Age 21
 - A) Payment shall be made only when the physician meets one or more of the following conditions. The physician:

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- i) has admitting privileges at a hospital;
 - ii) is certified or is eligible for certification in pediatrics or family practice by the medical specialty board recognized by the American Board of Medical Specialties;
 - iii) is employed by or affiliated with a Federally Qualified Health Center;
 - iv) is a member of the National Health Service Corps;
 - v) has been certified by the Secretary of the Department of Health and Human Services as qualified to provide physician services to a child under 21 years of age;
 - vi) has current, formal consultation and referral arrangements with a pediatrician or family practitioner for the purposes of specialized treatment and admission to a hospital. The written referral agreement is kept on file and is available for inspection at the physician's place of business, and details procedures for timely transfer of medical records; or
 - vii) has entered into a Maternal and Child Health provider agreement or has otherwise been transferred in from the Healthy Moms/Healthy Kids Program;
- B) The physician shall certify to the Department the way in which he or she meets the ~~above~~ criteria of subsection (a)(9)(A); and
- C) Services to children shall be delivered in a manner consistent with the standards of the American Academy of Pediatrics and rules published by the Illinois Department of Public Health (77 Ill. Adm. Code 630, Maternal and Child Health Services; 77 Ill. Adm. Code 665, Child Health Examination Code; 77 Ill. Adm. Code 675, Hearing Screening; 77 Ill. Adm. Code 685, Vision Screening).
- 10) Hysterectomy. Only if the individual has been informed, orally and in writing, that the hysterectomy will render her permanently incapable of

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reproducing and the individual has signed a written acknowledgment of receipt of the information. The Department will not pay for a hysterectomy that would not have been performed except for the purpose of rendering an individual permanently incapable of reproducing.

- 11) Selected Surgical Procedures. Includes:
 - A) tonsillectomies or adenoidectomies;
 - B) hemorrhoidectomies;
 - C) cholecystectomies;
 - D) disc surgery/spinal fusion;
 - E) joint cartilage surgery/meniscectomies;
 - F) excision of varicose veins;
 - G) submucous resection/rhinoplasty/repair of nasal system;
 - H) mastectomies for non-malignancies; and
 - I) surgical procedures that generally may be performed in an outpatient setting (see Section 140.117), but only if the Department authorizes payment. The Department will in some instances require that a second physician agree that the surgical procedure is medically necessary prior to approving payment for one of these procedures. The Department will require a second opinion when the attending physician has been notified by the Department that he or she will be required to obtain prior approval for payment for the surgeries listed. (See Sections 140.40 through 140.42 for prior approval requirements.) The Department will select physicians for this requirement based on the recommendation of a peer review committee that has reviewed the utilization pattern of the physician.
- 12) Mammography Screening and Related Services. Described in 305 ILCS 5/5-5.

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- 13) Pap Tests and Prostate-Specific Antigen Tests. Coverage is provided for the following:
 - A) An annual cervical smear or Pap smear test for women.
 - B) An annual digital rectal examination and a prostate-specific antigen test, upon the recommendation of a physician licensed to practice medicine in all its branches, for:
 - i) asymptomatic men age 50 and over;
 - ii) African-American men age 40 and over; and
 - iii) men age 40 and over with a family history of prostate cancer.
- 14) Coronary Artery By-Pass Grafts. Effective July 1, 2012, coronary artery by-pass grafts are covered only with prior approval by the Department.
- 15) Tobacco Cessation Counseling. Face-to-face tobacco cessation counseling only for pregnant and up to 60-day postpartum women age 21 and over. The tobacco cessation counseling services:
 - A) Must be provided by or under supervision of a physician, or by any other health care professional who is legally authorized to furnish those services under State law, and who is authorized to provide Medicaid covered services other than tobacco cessation services.
 - B) Are limited to a maximum of three quit attempts, with four individual face-to-face counseling sessions per quit attempt, per calendar year.
 - C) Must be properly documented in the patient's medical record and include the total time spent and what was discussed during the counseling session, including cessation techniques, resources available and follow-up. Distinct documentation to support this service is required if reported in conjunction with another evaluation and management service.

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- D) Rendered to participants under age 21 are not subject to the limitations in this subsection (a)(15).

16) Gender-affirming Surgeries, Services and Procedures

A) Gender-affirming surgeries, services and procedures are covered only with prior approval by the Department for individuals who are 21 years of age or older. In order for prior approval to be granted, letters from two qualified medical providers must be submitted, including one from a Licensed Practitioner of the Healing Arts (LPHA), as defined in Section 140.453(b)(3)(A) through (D) and (F), and one from either the individual's primary care physician or the physician managing the individual's gender-related healthcare. The two qualified medical providers must have independently assessed the individual and must be referring the individual for the surgery. Together, the letters must establish:

i) That the individual:

- has a diagnosis of gender dysphoria;
- has received hormone therapy appropriate to the individual's gender goals, which shall be for a minimum of 12 months in the case of an individual seeking genital surgery, unless that therapy is medically contraindicated or the individual is otherwise unable to take hormones;
- has completed 12 consecutive months with a consistent gender identity, in the case of an individual seeking genital surgery;
- has completed an assessment by an LPHA, as defined in Section 140.453(b)(3)(A) through (D) and (F), which must include education and counseling of treatment options and implications; and psychotherapy, if indicated;

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- has no other significant medical or mental health conditions that would be a contraindication to the gender-affirming surgery, service or procedure, or if so, that those are reasonably well-controlled; and
 - has the capacity to make a fully informed decision and to consent to the treatment;
- ii) That the medical provider has communicated with the individual's other medical providers regarding the proposed surgery, service or procedure;
- iii) The medical necessity of the surgery, service or procedure; and
- iv) Recommendations for post-operative care.
- B) The Department will cover gender-affirming surgeries, services and procedures that are listed on the Department's fee schedule and in the Practitioner Handbook. Gender-affirming surgeries, services and procedures shall include, but are not limited to, breast/chest and genital surgeries. Gender-affirming surgeries, services and procedures shall not include those that are purely cosmetic. Examples of non-covered surgeries, services and procedures include, but are not limited to, body and facial contouring procedures, lipofilling or collagen injections, electrolysis or laser hair removal when not required for genital surgery, hair transplantation, lip reduction or enhancement, liposuction, trachea shave, thyroid cartilage reduction, and voice modification surgery.
- C) If prior approval is for genital surgery, the surgery must be performed by a urologist, gynecologist, or plastic or general surgeon who is board-certified in the practitioner's area of expertise and has demonstrated specialized competence in gender-based genital reconstruction as indicated by documented supervised training or post-graduate training in the field of gender-based genital reconstruction.

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- D) Surgeries resulting in sterilization must meet all requirements of subsection (a)(2).
- E) The Department will not cover the reversal of gender-affirming surgeries, services and procedures.

- b) In cases in which a physical examination by a second physician is needed, the Department will notify the recipient and designate a physician to perform the examination. Physicians will be subject to this requirement for six months, after which a request can be submitted to the peer review committee to consider removal of the prior approval requirement.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 140.440 Pharmacy Services

- a) Payment shall be made only to pharmacies.
- b) The following conditions apply to pharmacy participation:
 - 1) The pharmacy must hold a current Drug Enforcement Administration (DEA) registration issued by the United States Drug Enforcement Administration (see 21 CFR 1301 et seq.), as well as a current controlled substances license issued by the Illinois Department of Financial and Professional Regulation (see Controlled Substances Act [720 ILCS 570]) prior to enrolling with the Department.
 - 2) Licensed Pharmacy Requirements
 - A) A licensed pharmacy located in and/or administratively associated with a group practice or long-term facility must:
 - i) provide the same scope of general pharmacy and professional services as a pharmacy not so affiliated; and
 - ii) be retail in nature, open and accessible to the general public.
 - B) The pharmacy shall not limit prescriptions filled to those written

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by practitioners connected with the group or facility for persons receiving care or services from the group or facility.

- 3) A hospital pharmacy that provides pharmaceutical services and supplies for inpatients, outpatient clinic patients and emergency room patients of the hospital may not enroll as a participating pharmacy unless licensed to provide pharmaceutical services to the general public (Division 5 license).
 - 4) Effective August 1, 2012, in order to dispense blood factor, a pharmacy must sign a standards of care agreement with the Department.
 - 5) A pharmacy billing the Department for 340B-purchased drugs shall charge the Department no more than its actual acquisition cost (AAC) for the drug product plus the Department's established dispensing fee, unless the Department has calculated an allowable amount specific to 340B-purchased drugs for that drug. In that case, the pharmacy may bill the Department its usual and customary charges. For a pharmacy provider owned or operated by a Hemophilia Treatment Center, this requirement does not become effective until July 1, 2013.
- c) The Department shall pay for the dispensing of pharmacy items, subject to the provisions of subsection (d) and Section 140.443, which are prescribed by a physician, dentist or podiatrist within the scope of their professional practice.
 - d) Beginning with drugs dispensed on or after April 1, 1991, Department coverage shall be limited to those drug manufacturers having rebate agreements in effect as provided under ~~section~~Section 1927 of Title XIX of the Social Security Act (42 USC 1396s). The Department shall provide all interested parties with an updated list of drug manufacturers having rebate agreements in effect.
 - e) The Department may require approval for the reimbursement of any drug except as provided in Section 140.442. When reviewing requests for prior authorization, approval decisions shall be medically based. The Department's electronic claims processing system shall be the mechanism for identification of whether a prescribed drug requires prior authorization to dispensing pharmacists. A printed listing of prescribed drugs available without prior approval shall be provided to other interested parties upon request.
 - f) An approved request does not guarantee payment. The recipient for whom the

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services/items are approved must be eligible at the time they are provided. In addition, a valid, current prescription for the requested medication must be on file and maintained by the pharmacy in accordance with the Pharmacy Practice Act ~~of 1987~~ [225 ILCS 85].

- g) For purposes of Sections 140.440 through 140.448, pertaining to reimbursement for drugs, the following definitions apply:
- 1) Nursing facility means any facility that provides medical group care services as defined in Section 140.500.
 - 2) Generic drug means those legend drugs that are multiple source drugs marketed or sold by two or more labelers, marketed or sold by the same labeler under two or more different proprietary names or marketed both under a proprietary name and without such a name.
 - 3) Brand name drug means single-source innovator drugs and innovator multiple-source drugs when prior authorization has been obtained for reimbursing the innovator product.
- h) The Department will cover hormone therapy, whether or not in preparation for gender-affirming surgery, in accordance with Section 140.442.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Homeownership Mortgage Loan Program
- 2) Code Citation: 47 Ill. Adm. Code 300
- 3) Section Number: 300.103 Proposed Action: Amendment
- 4) Statutory Authority: Authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19] and Section 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.23].
- 5) A Complete Description of the Subjects and Issues Involved: This amendment to the Part will better match practices of other HFAs nationwide and typical Agency/Investor guidelines, as well as provide fewer restrictions to offering families and individuals the Illinois Housing Development Authority Homeownership Mortgage Loan Programs. The proposed changes to the Part are to accomplish the following: (i) improve the overall organization of the Part; (ii) remove inconsistencies and redundancy; and (iii) update the definition of Household Income to include only the income of those who are eligible borrowers and are liable or secondarily liable on the Note. This update will remove the requirement that income calculation must include anyone over 18 who resides in the property in order to prevent the unintended exclusion and penalization of many unconventional household types, including but not limited to, families with live-in relatives who are in need of care and would greatly benefit from the Authority's financial assistance.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The proposed amendments do not create, expand or modify a State mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking, in writing, to:
- Karri E. Kartes
Associate Corporate & Compliance Counsel
Legal Department
Illinois Housing Development Authority
111 E. Wacker Dr., Suite 1000
Chicago IL 60601
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Affordable housing developers and local governments throughout Illinois
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: No new professional skills required.
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2019

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 300
HOMEOWNERSHIP MORTGAGE LOAN PROGRAM

SUBPART A: GENERAL RULES

Section	
300.101	Authority
300.102	Purposes and Objectives
300.103	Definitions.
300.104	Borrowing by the Authority
300.105	Compliance with Federal Law
300.106	Standards
300.107	Forms for the Program
300.108	Fees and Charges of the Authority
300.109	Amendment
300.110	Severability
300.111	Gender and Number
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300.113	Calendar Days

SUBPART B: LENDER APPLICATION PROCESS

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300.201	Invitations to Participate in the Programs
300.202	Notice of Acceptance
300.203	Commitments for Mortgage Loans

SUBPART C: PURCHASE OF MORTGAGE LOANS

Section	
300.301	Mortgage Loans
300.302	Yield on Certain Mortgage Loans
300.303	Terms and Conditions of the Purchase of Mortgage Loans
300.304	Prepayments
300.305	Targeted Area Residences

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SUBPART D: PURCHASE AND SALE OF MORTGAGE-BACKED SECURITIES

Section

300.401	Purchase of Mortgage-Backed Securities
300.402	Sale of Mortgage-Backed Securities
300.403	Yield on Certain Mortgage-Backed Securities
300.404	Prepayments

SUBPART E: ADMINISTRATIVE RULES

Section

300.501	Restrictions on Compensation of Lenders
300.502	Servicing of Mortgage Loans
300.503	Equal Opportunity Lending
300.504	Inspection of Books and Records
300.505	Termination

AUTHORITY: Authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805].

SOURCE: Adopted by emergency rulemaking at 36 Ill. Reg. 1783, effective January 23, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 9189, effective June 7, 2012; amended at 43 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL RULES

Section 300.103 Definitions

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Assistant Director": The Assistant Executive Director of the Authority.

"Authority": The Illinois Housing Development Authority.

"Bonds": The Bonds issued by the Authority pursuant to the Act from time to time under any resolution of the Authority or indenture pursuant to which

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NOTICE OF PROPOSED AMENDMENT

Authority Bonds may be issued to finance or refinance Mortgage Loans under the Program, as amended or supplemented.

"Code": The Internal Revenue Code of 1986 (26 USC), as amended and supplemented, and the regulations promulgated by the Treasury Department from time to time under that statute (26 CFR). References to a section of the Code include all regulations promulgated by the Treasury Department under that section.

"Deputy Director": The Deputy Executive Director of the Authority.

"Director": The Executive Director of the Authority.

"Eligible Borrower": A person:

who is or will be a resident of the State within the later of 60 days after the closing of the purchase of a Qualified Dwelling and, in the case of a Qualified Dwelling upon which residential structures are to be substantially renovated or constructed by the Eligible Borrower following its purchase, within 60 days after the substantial completion of renovation or construction, but in any event within 270 days after the closing of the purchase of the Qualified Dwelling; and whose Household Income does not exceed the Maximum Income;

who occupies, or intends to occupy, as a single household ~~use the~~ Qualified Dwelling financed, or being financed or refinanced, by a Mortgage Loan as his or her permanent residence within 60 days after the later of the closing of the Mortgage Loan and, in the case of a Qualified Dwelling upon which residential structures are to be substantially renovated or constructed by the Eligible Borrower following its purchase, within 60 days after the substantial completion of renovation or construction, but in any event within 270 days after the closing of the Mortgage Loan; and

~~who occupies or intends to occupy as a single household the Qualified Dwelling purchased or being purchased as a permanent residence.~~

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The foregoing time periods may be extended in particular instances if the Authority determines that undue hardship to the Eligible Borrower or an unreasonable result will otherwise occur.

~~A residence that is used as an investment property or a recreational home, or that is primarily intended to be used in a trade or business (including, without limitation, any residence of which more than 15% of the total area is reasonably expected to be used primarily in a trade or business), does not satisfy the requirements of this definition.~~

"FHA": The Federal Housing Administration.

"FHLMC": The Federal Home Loan Mortgage Corporation.

"FNMA": The Federal National Mortgage Association.

"GNMA": The Government National Mortgage Association.

"Household Income": The total ~~annualized gross~~ income of ~~the Eligible Borrowers and any other~~ person who is expected to:

live in the Qualified Dwelling; and

be liable, or secondarily liable, on the Note, ~~all persons residing or intending to reside as.~~

~~For purposes of this definition, a single household in a Qualified Dwelling, from whatever source derived and before taxes or withholdings, provided that if a married "person" takes title to the Qualified Dwelling individually, must also be an Eligible Borrower; however, the Authority shall not be required to include the income of each Eligible Borrower. The income of any Eligible Borrower not liable, or secondarily liable, on the Note may be excluded the spouse shall also be included.~~

"Insured": A Mortgage Loan that is insured by Private Mortgage Insurance, by insurance provided by FHA, VA or USDA, or by insurance under a comparable government insurance program approved by the Members by resolution and acceptable to GNMA, FNMA or FHLMC, as applicable.

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"Lender": A bank, trust company, savings bank, savings and loan association, credit union, national banking association, mortgage banking association, federal savings and loan association or federal credit unit maintaining an office in the State, any insurance company, or any other entity or organization that makes or acquires loans secured by real property:

that is located and qualified to do business in the State;

that meets the conditions and requirements of the applicable Mortgage Purchase Agreement and that meets the requirements of the applicable insurer, if any, and FNMA, FHLMC or GNMA, as and to the extent applicable, as issuer and/or guarantor of Mortgage-Backed Securities; and

that is approved by the Director, Deputy Director or Managing Director in writing, with notice of approval to be provided to the Members within a reasonable period of time. Approval of any Lender may be withdrawn at any time by the Director, Deputy Director or Managing Director in writing, with notice of the withdrawal to be provided to the Members within a reasonable period of time.

"Lender Application": A prospective Lender's application to sell Mortgage Loans to the Authority or participate in the Program pursuant to the terms of a Mortgage Purchase Agreement and other Program documents.

"Low and Moderate Income Persons": Families and persons whose income does not exceed the Maximum Income and who cannot afford to pay, or qualify for a mortgage loan to finance or refinance, the amounts at which private enterprise, without assisted mortgage financing, is providing a substantial supply of decent, safe and sanitary housing.

"Managing Director" means the Managing Director or Director, as the case may be, of the Authority's Homeownership Programs Department.

"Maximum Income": Unless otherwise permitted or required by the Code, 120% of the median family income of either the metropolitan statistical area or primary metropolitan statistical area in which the Qualified Dwelling is located or the State, whichever is greater, as determined by the Internal Revenue Service.

"Members": The Members of the Authority.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

"Mortgage": The Mortgage, or other instrument in the nature of a Mortgage, creating a first Mortgage lien on a fee interest in real estate, together with all supplements, modifications or amendments to it.

"Mortgage Loan": A loan made by a Lender to an Eligible Borrower for the purchase of a Qualified Dwelling and secured by a Mortgage on the Qualified Dwelling.

"Mortgage Purchase Agreement": The agreement, including any amendments or supplements to the agreement, between the Authority and a Lender pursuant to which the Authority or its designee agrees to purchase Mortgage Loans from the Lender on the terms and conditions set forth in the agreement and that establishes the requirements for Mortgage Loans to be purchased by the Authority or its designee, or otherwise allows participation in the Program.

"Mortgage-Backed Security": A single pool, guaranteed mortgage pass-through security issued and guaranteed by FNMA, a single pool, guaranteed mortgage pass-through certificate issued and guaranteed by FHLMC, or a mortgage pass-through certificate guaranteed by GNMA pursuant to its mortgage-backed securities program under section 306(g) and related provisions of the National Housing Act of 1934 (12 USC 1701), as amended, or any similar successor statutory authority.

"Note": The promissory note evidencing a Mortgage Loan and secured by a Mortgage on a Qualified Dwelling with respect to which assisted Mortgage financing is provided by the Authority under the Program.

"Notice of Acceptance": The Authority's notice to a Lender accepting its Lender Application.

"Prepayments": Any moneys, however derived, that are received or recovered by the Authority from any payment of, or with respect to, principal on any Mortgage Loan or Mortgage-Backed Security prior to scheduled payments of principal required under that Mortgage Loan or Mortgage-Backed Security.

"Private Mortgage Insurance": Insurance coverage paid for by the Eligible Borrower that insures against losses with respect to defaults on a Mortgage Loan according to the terms of the insurance policy. The insurer and the terms of the

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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insurance policy must be approved by FNMA or FHMLC or by the Director, Deputy Director or Managing Director in writing.

"Program": The Authority's Homeownership Mortgage Loan Program under which the Authority provides assisted Mortgage financing to Low and Moderate Income Persons to finance or refinance their purchase of Qualified Dwellings, funded with proceeds of Bonds or any other source of funds available to the Authority.

"Program Funds": All moneys made available by the Authority for the purchase of Mortgage Loans under the Program, from whatever source derived.

"Property Value": The lesser of the purchase price or the appraised value of the Qualified Dwelling at the time of the origination of the Mortgage Loan secured by that Qualified Dwelling.

"Qualified Dwelling":

A fee simple interest in real property:

that is located in the State;

upon which there is located a structure or structures designed for residential use or, if the real property is unimproved, upon which construction of that structure or structures for residential use has begun or will commence within 60 days after the closing of the Eligible Borrower's purchase of the property and can reasonably be expected to be completed within 270 days after the closing of the Eligible Borrower's purchase of the property;

that is a single family residence; a condominium; a one-, two-, three- or four-unit residential structure, one unit of which is occupied by the owner of the structure; or factory-made housing that is permanently fixed to real property;

of which not more than 15% of the total area is reasonably expected to be used primarily in a trade or business; and

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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that is, at the time financing or refinancing is provided, the principal residence of the Eligible Borrower or can reasonably be expected to become the principal residence of the Eligible Borrower within a reasonable time after financing or refinancing is provided. For purposes of this definition, a "reasonable time after financing or refinancing is provided" shall be deemed to be a period within 60 days after the later of the closing of the Mortgage Loan and, in the case of a Qualified Dwelling upon which residential structures are to be substantially renovated or constructed by the Eligible Borrower following its purchase, within 60 days after the substantial completion of renovation or construction but in any event within 270 days after the closing of the Mortgage Loan. The foregoing time periods may be extended by the Authority if the Authority determines that undue hardship to the Eligible Borrower or an unreasonable result will otherwise occur.

Not included in this definition is a residence that is:

used as an investment property;

a recreational home; or

primarily intended to be used in a trade or business, including, without limitation, any residence of which more than 15% of the total area is reasonably expected to be used primarily in a trade or business.

"Rules": The rules of the Authority, as amended and supplemented from time to time (generally 47 Ill. Adm. Code Chapter II).

"Servicer": A Lender, acting in the capacity of a Mortgage loan servicer, a financial institution, a Mortgage banking organization, a Mortgage servicing company, or a state agency or local government unit organized under the laws of any state or territory of the United States of America or the District of Columbia, that is qualified to service Insured Mortgage Loans, is acceptable to GNMA, FNMA or FHLMC, as applicable, has been approved by the Director, Deputy Director or Assistant Director as a Servicer, and has executed a Servicing Agreement with the Authority. The Authority may also be a Servicer.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED AMENDMENT

"Servicing Agreement": The agreement between a Servicer and the Authority (except when the Authority is the Servicer) that sets forth the terms and conditions for the servicing of Mortgage Loans purchased by the Authority or its designee. The term "Servicing Agreement" includes a master agreement pursuant to which the Servicer services Mortgage Loans originated by more than one Lender.

"Staff": The Director, Deputy Director, Assistant Director, and employees of the Authority.

"State": The State of Illinois.

"Tax-exempt": With respect to Bonds the interest on which the Authority intends to be tax-exempt, the status of interest paid and received on such Bonds as not includible in the gross income of their owners under the Code for federal income tax purposes, with such general exceptions as may be provided from time to time in the Code (for example and without limitation, the alternate minimum tax applicable to individuals or corporations or the "branch profits tax" imposed on certain corporations).

"This Part": 47 Ill. Adm. Code 300.

"USDA": The United States Department of Agriculture, Rural Housing Service, or any successor agency under the Section 502 Guaranteed Rural Housing Loan Program or any similar replacement program.

"VA": The United States Department of Veterans Affairs.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Racing Board
- 2) Code Citation: 11 Ill. Adm. Code 200
- 3) Section Number: 200.50 Proposed Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Section 26(h)(12)(F) of the Act, the Board shall appoint a Director of Inter-Track and Simulcast Wagering to supervise the conduct of inter-track and simulcast wagering (non-live racing).
- 6) Any published studies or reports, along with sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago IL 60601

312/814-5017

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Board did not anticipate the need for this rulemaking at that time.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 200
ILLINOIS RACING BOARD

Section

200.10	All Races Governed by Rules and Regulations
200.20	Full Access to Track
200.30	Inspection of Tack
200.40	Inspections and Searches
<u>200.50</u>	<u>Appointment of Director of Inter-Track and Simulcast Wagering</u>

AUTHORITY: Implementing, and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5].

SOURCE: Adopted at 25 Ill. Reg. 14521, effective November 1, 2001; amended at 32 Ill. Reg. 16493, effective October 1, 2008; amended at 43 Ill. Reg. _____, effective _____.

Section 200.50 Appointment of Director of Inter-Track and Simulcast Wagering

- a) Pursuant to Section 26(h)(12)(F) of the Act, the Board shall name and appoint a State Director of this wagering who shall be a representative of the Board and whose duty it shall be to supervise the conduct of inter-track wagering as may be provided for by the rules and regulations of the Board.
- b) The Director of Inter-Track and Simulcast Wagering shall be appointed by the Executive Director.
- c) The Executive Director may appoint the State Director of Mutuels as the Director of Inter-Track and Simulcast Wagering.
- d) The Director of Inter-Track and Simulcast Wagering shall:
 - 1) Supervise and verify Illinois simulcast wagering pools totals for each wagering day. Verification shall be the basis for computing State privilege taxes, licensee commissions and purses.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 2) Inspect inter-track and simulcast wagering facilities for compliance with the Act and any rules and regulations of the Board.
- 3) Report any irregularities to the State Director of Mutuels.

(Source: Added at 43 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Identification of Horses
- 2) Code Citation: 11 Ill. Adm. Code 1307
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1307.10	Amendment
1307.30	Repealed
1307.40	Repealed
1307.50	Repealed
1307.60	Repealed
1307.70	Repealed
1307.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: Part 1307 was adopted in 1995 and has never been amended. Sections 30, 40, 50, 60, and 70 are outdated and Sections 10 and 80 will be amended to conform to industry standards.
- 6) Any published studies or reports, along with sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

100 West Randolph
Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Board did not anticipate the need for this rulemaking at that time.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1307
IDENTIFICATION OF HORSES

Section

1307.10	Bonafide Owner or Lessee
1307.30	Failure to Furnish Reliable Program Information (Repealed)
1307.40	Inaccurate Information (Repealed)
1307.50	Check on Identity of Horse (Repealed)
1307.60	False Chart Lines (Repealed)
1307.70	Frivolous Demands (Repealed)
1307.80	Horse Identification Lip Tattooing or Freeze Branding
1307.90	Changes in Ownership

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); codified at 5 Ill. Reg. 10929; emergency amendment at 19 Ill. Reg. 8809, effective June 15, 1995 for a maximum of 150 days; amended at 19 Ill. Reg. 13911, effective October 1, 1995; amended at 43 Ill. Reg. _____, effective _____.

Section 1307.10 Bonafide Owner or Lessee

~~a) A horse must race in the name of the bonafide owner or lessee. Nominators shall learn the facts of ownership about all horses in their care before making registration. Persons violating this rule may be fined, suspended or expelled.~~

- ~~b) No horse shall be permitted to start that has not been fully identified to the satisfaction of the Board or its representative and the United States Trotting Association. Attempts to interfere with the identification or examination of any horse shall be regarded as fraud or attempt at fraud and the same penalties shall apply.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

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Section 1307.30 Failure to Furnish Reliable Program Information (Repealed)

~~Failure to furnish reliable program information may subject the track and/or program director to a fine not to exceed \$500 and/or suspension until arrangements are made to provide reliable program information.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

Section 1307.40 Inaccurate Information (Repealed)

~~Owners, drivers or others found guilty of providing inaccurate information on a horse's performance, or of attempting to have misleading information given on a program may be fined, suspended or expelled.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

Section 1307.50 Check on Identity of Horse (Repealed)

~~Any track official, representative of the Board, representative of the United States Trotting Association, owner or driver may call for information concerning the identity and eligibility of any horse on the grounds of a track and may demand an opportunity to publicly examine such horse or his eligibility certificate with a view to establish his identity or eligibility. If the owner or party representing such a horse refuses to give information, allow an examination, or fails to give satisfactory identification, the horse and the owner or party may be debarred, suspended or expelled.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

Section 1307.60 False Chart Lines (Repealed)

~~Any official, clerk, or person who enters a chart line on an eligibility certificate when the race has not been charted by a licensed charter may be fined, suspended or expelled.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

Section 1307.70 Frivolous Demands (Repealed)

~~Any person demanding the identification of a horse without cause or merely with the intent to~~

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

~~embarrass a race, shall be punished by a fine not exceeding \$100 or by suspension or expulsion.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

Section 1307.80 Horse Identification Lip Tattooing or Freeze Branding

No horse shall be permitted to start in a race unless it has been lip tattooed, ~~has been or~~ freeze branded with an identifying number, or has received an electronic horse identification microchip that accurately identifies the horse and is compliant with the International Organization of Standardization (ISO). ~~The stewards may allow a horse to race once without a tattoo or freeze brand. Thereafter, the horse must be tattooed or freeze branded or the trainer must show evidence that arrangements have been made to comply with this provision. If satisfactory evidence is presented to the stewards, the horse may be permitted to race.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Drivers, Trainers, and Agents
- 2) Code Citation: 11 Ill. Adm. Code 1317
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1317.20	Repealed
1317.80	Repealed
1317.120	Amendment
1317.140	Repealed
1317.150	Amendment
1317.160	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: Part 1317 was adopted in 1997 and was last amended in 2004. Sections 20, 80, 140, and 160 are outdated and Sections 120 and 150 will be amended to conform to industry standards.
- 6) Any published studies or reports, along with sources of underlying data, that were used when composing this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: The Board did not anticipate the need for this rulemaking at that time.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1317
DRIVERS, TRAINERS, AND AGENTS

Section

1317.10	Proper License
1317.20	Approval of License (Repealed)
1317.30	Driver's Bench (Repealed)
1317.40	Disorderly Conduct
1317.50	Caretakers
1317.60	Colors
1317.70	Restricted Areas for Drivers in Colors
1317.80	Driver Substitutions (Repealed)
1317.85	Conflict of Interest
1317.90	Driving Violations
1317.100	Color Registration
1317.110	Repeated Violations
1317.120	Accidents
1317.130	Physical Examination
1317.140	Objections (Repealed)
1317.150	Drivers Meeting
1317.160	Traffic Procedure (Repealed)

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10943; amended at 10 Ill. Reg. 10144, effective May 27, 1986; amended at 11 Ill. Reg. 14813, effective August 24, 1987; amended at 14 Ill. Reg. 17639, effective October 16, 1990; amended at 28 Ill. Reg. 15800, effective December 1, 2004; amended at 43 Ill. Reg. _____, effective _____.

Section 1317.20 Approval of License ([Repealed](#))

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

~~Drivers must present their licenses to the clerk of the course before driving.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

Section 1317.80 Driver Substitutions (Repealed)

~~No driver can, without good and sufficient reasons, decline to be substituted by judges. Any driver who refuses to be so substituted may be fined or suspended, or both, by order of the judges.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

Section 1317.120 Accidents

In the event any person is involved in an accident on the track, the Board may order that such person to submit to a physical examination ~~and such examination must be completed within 30 days from such request or the license may be suspended until compliance therewith.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1317.140 Objections (Repealed)

~~The stewards must decide every objection pertaining to a race.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

Section 1317.150 Drivers Meeting

Before the first race at any pari-mutuel meet is contested, officials and drivers shall meet ~~at a time and place designated by the presiding judge~~ and discuss the Rules and Regulations. ~~Every driver shall be notified of the time and place of said meeting in writing with notification delivered at the stable of such driver at least one day in advance of such meeting. Drivers who come in after the meeting has started shall introduce themselves to the state steward or presiding judge and discuss the Rules and Regulations before driving in their first race.~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1317.160 Traffic Procedure (Repealed)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

~~Horses meeting on the track shall pass to the left.~~

(Source: Repealed at 43 Ill. Reg. _____, effective _____)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedure for the Certification of Operators of Wastewater Treatment Works
- 2) Code Citation: 35 Ill. Adm. Code 380
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
380.100	Amendment
380.105	Amendment
380.110	Amendment
380.115	New Section
380.120	New Section
380.125	New Section
380.200	Amendment
380.205	Amendment
380.210	Amendment
380.215	New Section
380.400	Amendment
380.405	Amendment
380.410	Amendment
380.415	Amendment
380.420	New Section
380.425	New Section
380.430	New Section
380.435	New Section
380.440	New Section
380.500	Amendment
380.505	Amendment
380.510	Amendment
380.515	Amendment
380.520	Amendment
380.525	Amendment
380.530	Amendment
380.535	Amendment
380.545	New Section
380.550	New Section
380.600	Amendment
380.602	New Section
380.605	Amendment
380.610	Amendment

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

380.611	New Section
380.613	New Section
380.615	Amendment
380.625	New Section
380.630	New Section
380.700	Amendment
380.705	Amendment
380.710	Amendment
380.715	Amendment
380.720	New Section
380.725	New Section
380.730	New Section
380.735	New Section
380.740	New Section
380.745	New Section
380.750	New Section
380.755	New Section
380.760	New Section
380.800	Amendment
380.805	Amendment
380.810	Amendment
380.900	Amendment
380.905	Amendment
380.910	Amendment
380.915	Repealed
380.920	Repealed
380.925	Repealed
380.1000	Amendment
380.1005	Amendment
380.1010	Repealed
380.1015	Amendment
380.1020	Amendment

- 4) Statutory Authority: Implementing and authorized by Sections 13(a)(4) and 13.5 of the Environmental Protection Act [415 ILCS 5/13(a)(4) and 13.5].
- 5) Effective Date of Rules: July 1, 2019
- 6) Does this rulemaking contain an automatic repeal date? No

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

- 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 Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276 Springfield IL 62794-9276 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 8033; May 18, 2018.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Yes
- 11) Differences between Proposal and Final version: IEPA made non-substantive typographical changes throughout, reduced the number of years qualifying test scores are valid from six to five to be consistent with certification expiration dates (See Section 380.400), extended the Director's decision deadline from 90 days to one year to be consistent with the other deadlines within Section 380.613, extended certificate expiration deadlines by one year (See Section 380.700), added a provision concerning administrative continuance of existing certificates until the Illinois EPA issues a final decision on a certificate application (See Section 380.705), removed the option of retaking an examination in lieu of continuing education (See Section 380.400), and clarified acceptable training hours for assisting wastewater treatment systems (See Section 380.720).
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No. As adopted, the rules contain nonsubstantive errors that will be addressed in a later rulemaking.
- 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: These amendments reorganize the rule to closely mirror the Public Water Supply Operator Program found at 35 Ill. Adm. Code 681 – a program where some wastewater operators also have certification. Next, wastewater operators in Illinois will now have the opportunity for professional growth through training and renewal certificates. Finally, wastewater operators will enjoy a more streamlined application process, reciprocity between other states, eligibilities for

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

municipal and industrial wastewater treatment operators, an operator-in-training option, and a much clearer path towards certification eligibility.

- 16) Information and questions regarding these adopted rules shall be directed to:

Rex L. Gradeless
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 Amendments begins on the next page:

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 380
PROCEDURE FOR THE CERTIFICATION OF OPERATORS OF
WASTEWATER TREATMENT WORKS

SUBPART A: INTRODUCTION

Section	
380.100	Purpose
380.105	Definitions
380.110	Definitions from Other Parts
380.115	Facility Groups
380.120	Certification Classification
380.125	Prior Certifications

SUBPART B: CHIEF WASTEWATER OPERATOR

Section	
380.200	Required Supervision Issuance
380.205	Chief Wastewater Operator Requirement
380.210	Exceptions Validity
380.215	Agency Notification

SUBPART C: BOARD OF CERTIFICATION

Section	
380.300	Purpose
380.305	Composition
380.310	Chairman
380.315	Selection and Terms of Office
380.320	Alternates
380.325	Vacancies
380.330	Meetings
380.335	Duties

SUBPART D: EXAMINATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section	
380.400	<u>General Examination Requirements</u> Types of Wastewater Treatment Works
380.405	<u>Examination Request</u> Special
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380.APPENDIX A Map of Illinois Sections

AUTHORITY: Implementing and authorized by Sections 13(a)(4) and 13.5 of the Environmental Protection Act [415 ILCS 5/13(a)(4) and 13.5].

SOURCE: Adopted at 6 Ill. Reg. 1630, effective January 27, 1982; amended at 9 Ill. Reg. 2663, effective February 15, 1985; amended at 10 Ill. Reg. 18774, effective November 1, 1986; recodified at 31 Ill. Reg. 10532; recodified at 42 Ill. Reg. 7978; amended at 43 Ill. Reg. 5203, effective July 1, 2019.

SUBPART A: INTRODUCTION

Section 380.100 Purpose

- a) [These rules set forth requirements and procedures applicable to wastewater treatment works to ensure the treatment works is supervised by a wastewater operator certified under this Part.](#)
- b) These rules contain the procedures and classifications necessary for certification of operators for wastewater treatment works.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.105 Definitions

"Activated Sludge" means sludge floc produced in raw or settled wastewater by the growth of zoogeal bacteria and other organisms in the presence of dissolved oxygen and accumulated in sufficient concentration by returning floc previously formed;

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"Act" means the Illinois Environmental Protection Act [415 ILCS 5];

"Activated Sludge Process" means a biological wastewater treatment process in which a mixture of wastewater and activated sludge is agitated and aerated. The activated sludge is subsequently separated from the treated wastewater by sedimentation and wasted or returned to the process as needed;

"Agency" means the Illinois Environmental Protection Agency;

"Board" means the Illinois Pollution Control Board;

"Board of Certification" means the ~~10~~^{ten} Board of Certification members composed of an Agency employee, one representative from each of the ~~4~~^{four} Sections, a representative of municipal government, a representative of sanitary districts, ~~2~~^{two} representatives of the Metropolitan Sanitary District of Greater Chicago, and a representative of industry;

"Certificate" means a certificate of technical competency;

"Certificate of Technical Competency" or "Certificate" means a certificate issued by the Agency attesting that a wastewater treatment works operator has fulfilled the requirements for a given class of certification;

"Certified Operator" means an operator who holds a Certificate of Technical Competency issued by the Agency pursuant to this Part;

"Chief Wastewater Operator" means an individual designated by the treatment works as the chief wastewater operator;

"Collection System" means a network of pipes, manholes, cleanouts, traps, siphons, lift stations, and other structures used to collect all wastewater and wastewater-carried wastes of an area and transport them to a wastewater treatment works or disposal system;

"Contract Operator" means ~~ana properly certified~~ operator certified pursuant to this Part who operates or supervises the operation of a wastewater treatment works by contractual agreement with the owner;

"DAF" ~~or means~~ "design average flow" means the average of the daily volumes to

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be received for a continuous 12-month period of the design year;

"Director" means the Director of the Illinois Environmental Protection Agency;

"Facility" means a treatment works or pretreatment works;

"Fixed-film Process" means the biological treatment processes in which the microorganisms responsible for the conversion of organic matter in wastewater to gases and cell tissue are attached to some inert media, such as rocks, slag, or specially designed ceramic or plastic materials. Fixed-film process includes trickling filters and rotating biological ~~contractor~~contractors but excludes sand filters;

"Hearing" is a hearing held after notice to interested persons or parties, during which testimony is taken by oath or affirmation and a verbatim record of all testimony is kept.

"Hearing Officer" is a person duly designated as a Hearing Officer by the Director to preside over the hearing.

"High School Equivalent" means possession of a General Education Development (GED) certificate;

"Lagoon" means a pond containing raw or partially treated wastewater in which aerobic and/or anaerobic stabilization occurs;

"MGD" means millions of gallons per day;

"Operator" means a wastewater operator;

"Pretreatment Works" means a treatment works designed and intended for the treatment of wastewater from an indirect discharge or industrial user as defined in 40 CFR 403, before introduction into a sewer system tributary to a publicly owned or publicly regulated treatment works;

"Primary Treatment" means the removal, usually by sedimentation, of a substantial amount of suspended matter but little or no removal of colloidal or dissolved matter;

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~~"Properly Certified Operator" means a wastewater operator employed at a wastewater treatment works who has been granted authority by the owner to control treatment processes and who holds a Certificate of Technical Competency meeting the requirements established by Section 380.415;~~

"Section" means the geographical regions designated as Northeastern, Northwestern, Central and Southern as indicated in Appendix A;

"Treatment Works" means individually or collectively those constructions or devices (except sewers, and except constructions or devices used for the pretreatment of wastewater prior to its introduction into publicly owned or regulated treatment works) used for collecting, pumping, treating, or disposing of wastewaters or for the recovery of byproducts from such wastewater;

"Wastewater" means sewage, industrial waste, or other waste, or any combination of these, whether treated or untreated, plus any admixed land runoff;

~~"Wastewater Course" means a; A course consisting of three quarter hours, or two semester hours, or 3.0 continuing education units, approved by the Agency on wastewater collection, treatment, operations, maintenance, ~~or~~ management, or any other courses related to wastewater treatment; from an accredited college, university or technical vocational and trade school; or 60 contact hours of attendance at professional wastewater meetings, conferences, workshops and seminars. No more than one wastewater course will be approved for an applicant using this method. Verification and documentation of the 60 hours of attendance will be the responsibility of the applicants;~~

"Wastewater Operator" means any individual trained in the treatment of wastewater who has the practical working knowledge of the chemical, biological and physical sciences essential to the practical mechanics of wastewater treatment and who is capable of conducting and maintaining wastewater treatment processes in a manner which is safe. ~~person who regularly makes recommendations or is responsible for process control decisions at a wastewater treatment works. The term does not apply to persons whose duties are limited solely to laboratory testing or maintenance or to other persons who exercise general or indirect supervision only;~~

~~"Wastewater Operator Experience" means the length of service while functioning as a wastewater operator.~~

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(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.110 Definitions from Other Parts

Unless otherwise specified in Section 380.105, all~~the~~ definitions found in the Act and 35 Ill. Adm. Code: Subtitle C, Chapter I (~~Illinois Pollution Control Board's Water Pollution Rules~~) shall apply to this Part.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.115 Facility Groups

- a) Domestic and industrial wastewater treatment works and pretreatment works shall be grouped as follows:
 - 1) All publicly owned treatment works and domestic wastewater treatment works not owned by an industry shall be grouped as follows:
 - A) Group 1 shall consist of all wastewater treatment works having a 1.0 MGD DAF or greater, excluding lagoon systems and primary treatment systems.
 - B) Group 2 shall consist of activated sludge systems having a DAF of less than 1.0 MGD.
 - C) Group 3 shall consist of fixed film processes, recirculating sand filter systems and Imhoff tank systems having a DAF of less than 1.0 MGD, and all primary treatment systems.
 - D) Group 4 shall consist of lagoon treatment systems and septic tank systems permitted by the Agency.
 - 2) Industrial wastewater treatment works and pretreatment works
 - A) Group K shall consist of industrial wastewater treatment works, pretreatment works, and domestic wastewater treatment works owned and operated by industries that are not included in Group R.

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- B) Group R shall consist of industrial wastewater treatment works, pretreatment works, and domestic wastewater treatment works owned and operated by industries that treat surface or groundwater for contamination resulting from gasoline, diesel fuel, kerosene, jet fuel or heating oil.
- b) When a facility consists of more than one wastewater treatment process, the classification of the facility will be based upon the more complex process.
- c) Facilities which cannot be clearly grouped according to subsection (a) will be considered individually and designated within one of the above groups by the Agency. This determination shall be based on the nature of the wastewater treatment works and on the education and experience necessary to operate it.
- d) The owner of a facility designated within one of the groups pursuant to subsection (c) may appeal the designation to the Illinois Pollution Control Board in accordance with 35 Ill. Adm. Code 105.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.120 Certification Classification

- a) The Agency may issue a Certificate of Technical Competency for each facility group identified in Section 380.115.
- 1) A Class 1 Certificate of Technical Competency corresponds to a Group 1 facility.
- 2) A Class 2 Certificate of Technical Competency corresponds to a Group 2 facility.
- 3) A Class 3 Certificate of Technical Competency corresponds to a Group 3 facility.
- 4) A Class 4 Certificate of Technical Competency corresponds to a Group 4 facility.
- 5) A Class K Certificate of Technical Competency corresponds to a Group K facility.

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- 6) A Class R Certificate of Technical Competency corresponds to a Group R facility.
- b) The Agency may issue a Collection Systems Certificate of Technical Competency.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.125 Prior Certifications

A Class 7 Industrial Certificate issued prior to February 15, 1985, shall be the equivalent to a Class K Certificate and shall expire on July 1, 2022.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART B: CHIEF WASTEWATER OPERATOR

Section 380.200 Required Supervision~~Issuance~~

All portions of a wastewater treatment or pretreatment works for which a permit is required by 35 Ill. Adm. Code 309 shall be under the direct supervision of a Chief Wastewater Operator. The Chief Wastewater Operator shall hold a Certificate of Technical Competency of the class indicated below: ~~Technical competency of operators will be attested by the issuance of an appropriate certificate by the Agency.~~

- a) A Group 1 facility requires a Class 1 Certificate of Technical Competency.
- b) A Group 2 facility requires a Class 1 or Class 2 Certificate of Technical Competency.
- c) A Group 3 facility requires a Class 1, Class 2 or Class 3 Certificate of Technical Competency.
- d) A Group 4 facility requires Class 1, Class 2, Class 3 or Class 4 Certificate of Technical Competency
- e) Group K facility requires a Class K Certificate of Technical Competency.

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f) Group R facility requires a Class R Certificate of Technical Competency.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.205 Chief Wastewater Operator Requirement

- a) Except as provided in Section 380.210, every~~The use or operation of a~~ wastewater treatment or pretreatment works for which a permit is required by 35 Ill. Adm. Code 309 shall have on its operational staff and shall designate to the Agency in writing one Chief Wastewater Operator who directly supervises the use or operation of the facility~~be by or under the supervision of a properly certified operator.~~
- b) The Chief Wastewater Operator is jointly accountable with the owner for the proper operation of the facility~~A wastewater treatment works which is operated as part of a public water supply and treats waste generated only by that supply shall be considered to be under the supervision of a properly certified operator if it is under the supervision of a public water supply operator certified by the Agency pursuant to the Public Water Supply Operations Act [415 ILCS 45].~~
- c) Each Chief Wastewater Operator shall:
- 1) hold a Certificate of Technical Competency of the required class for the operation of the wastewater treatment works or pretreatment works;
 - 2) directly supervise the operation of the wastewater treatment works or pretreatment works;
 - 3) be responsible for process control decisions at a wastewater treatment works; and
 - 4) submit all required reports to the Agency.
- d) A wastewater treatment works or pretreatment works may satisfy the requirements of this Section by contracting the services of a certified operator. The contract between the wastewater treatment works and the contract operator must be approved by the Agency and meet the requirements of Subpart J of this Part.

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(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.210 Exceptions~~Validity~~

~~A Certificate of Technical Competency shall be effective until:~~

- a) A wastewater treatment works is not required to have a Chief Wastewater Operator on its operational staff if the wastewater treatment works is operated as part of a public water supply, treats waste generated only by that supply, and has designated a Responsible Operator in Charge pursuant to the Public Water Supply Operations Act [415 ILCS 45].~~Replaced by a certificate of higher level;~~
- b) Collection systems are not required to be under the direct supervision of a Chief Wastewater Operator.~~Cancelled at the request of the holder; or~~
- e) ~~Revoked or suspended under Subpart F of this Part.~~

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.215 Agency Notification

- a) The owner and the Chief Wastewater Operator must file a signed statement identifying the Chief Wastewater Operator on forms provided by the Agency.
- b) Whenever a Chief Wastewater Operator begins or ceases employment with a wastewater treatment works or pretreatment works, the Chief Wastewater Operator and the owner shall notify the Agency in writing within 30 days.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART D: EXAMINATION

Section 380.400 General Examination Requirements~~Types of Wastewater Treatment Works~~

~~Domestic and industrial wastewater treatment works shall be grouped as follows:~~

- a) Any person able to read and write English shall be eligible to take a wastewater examination of competency. However, a certified operator may not take the exam

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~~for which he or she holds the certification. All publicly owned treatment works and domestic wastewater treatment works not owned by an industry shall be grouped as follows:~~

- ~~1) Group 1 shall consist of all wastewater treatment works over 1.0 MGD DAF, excluding lagoon systems and primary treatment systems.~~
 - ~~2) Group 2 shall consist of activated sludge systems having a DAF of 1.0 MGD or less.~~
 - ~~3) Group 3 shall consist of fixed film processes and Imhoff tank systems having a DAF of 1.0 MGD or less and all primary treatment systems.~~
 - ~~4) Group 4 shall consist of lagoon treatment systems.~~
- b) The purpose of the wastewater operator examination is to test a person's skills, knowledge, ability, and judgment of the chemical, biological and physical sciences essential to the treatment of wastewater. ~~Group K shall consist of industrial wastewater treatment works, pretreatment works, and domestic wastewater treatment works owned and operated by industries.~~
- c) The Agency or its designee shall administer the following wastewater operator examinations which correspond to facility group and certification classification at times and locations throughout the State as determined by the Agency:
- 1) Class 1 examination;
 - 2) Class 2 examination;
 - 3) Class 3 examination;
 - 4) Class 4 examination;
 - 5) Class K examination;
 - 6) Class R examination; and
 - 7) Collection System examination.

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- d) The maximum time allowed for any person taking a wastewater operator examination of competency shall be 3 hours, unless a request for a reasonable accommodation has been received and approved by the Agency in writing prior to the beginning of the examination.
- e) Any person may submit a request for a reasonable accommodation for an eligible disability under the Americans with Disabilities Act and the Illinois Human Rights Act.
- f) The passing score for each examination shall be 70 percent of the points available.
- g) The Agency shall send each person who takes the wastewater operator examination notification of whether the person obtained a passing score.
- h) Passing test scores shall be valid for 5 years from the date of Agency notification of examination results. The Agency shall not issue a Certificate of Technical Competency to any person whose most recent qualifying examination scores are older than five years.
- i) Examinations, and any part thereof, are the property of the Agency. Examinations are not to be taken from the examination site and are not to be copied. Violation of this rule will result in the applicant being ineligible for certification, and will be grounds for sanction of current certification.
- j) Examination questions, scoring keys, other examination data, including individual test scores, and all examination materials are exempt from inspection under the Illinois Freedom of Information Act [5 ILCS 140/7(1)(Q)].

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.405 Examination RequestSpecial

- a) Any person who wishes to take the wastewater operator examination must submit an examination request to the Agency. The examination request shall be on forms prescribed by the Agency, and must be submitted to the Agency at least 30 days prior to the examination date.~~When a wastewater treatment works consists of more than one wastewater treatment process, the classification of the wastewater treatment works will be based upon the more complex process.~~

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- b) The examination request shall specify the level of certification sought and examination classification set forth in Section 380.400(c)Wastewater treatment works which cannot be clearly grouped according to Section 380.400 will be considered individually and designated within one of the above groups by the Agency. This determination shall be based on the nature of the wastewater treatment works and on the education and experience necessary to operate it.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.410 Letter of AdmissionAppeals

The Agency shall review an examination request and issue a letter of admission within 30 days after receipt of the request. Each letter of admission shall be valid for one examination conducted up to one year after the date of issuanceThe owner of a wastewater treatment works designated within one of the groups of Section 380.400 shall have the right to appeal such designation. The designation shall be appealed to the Pollution Control Board in accordance with 35 Ill. Adm. Code 105 of the Board's Procedural Rules.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.415 Examination AdmissionCertification Required by Group

- a) A person who has received a Letter of Admission must schedule the examination at least 7 days prior to the examination. The Agency shall provide instructions for scheduling the examination with the Letter of Admission.
- b) Each person with a Letter of Admission will be admitted to one wastewater operator examination.
- c) The Letter of Admission and one state government issued photo identification must be presented to the examination proctor to take the examination. An examinee who fails to provide this identification will not be allowed to take the examination.
- d) A person may only take one wastewater examination per day.
- e) No person with the following items in his or her possession will be allowed to take the wastewater operator examination:

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- 1) a cellular phone, computer or tablet;
- 2) any recording device or device with a camera;
- 3) a radio or any other communication device;
- 4) books, notes or other papers not provided by the Agency;
- 5) any weapon, as determined by Agency personnel; and
- 6) any technology which the exam proctor determines compromises the security of the examination.

~~The operation of a wastewater treatment works, grouped pursuant to Section 380.400 or 380.405, shall be by or under the supervision of an operator possessing a Certificate of Technical Competency of the class indicated below:~~

- ~~a) Group 1 requires a certified Class 1 operator.~~
- ~~b) Group 2 requires a certified Class 2 operator or an operator certified at a higher level.~~
- ~~c) Group 3 requires a certified class 3 operator or an operator certified at a higher level.~~
- ~~d) Group 4 requires a certified Class 4 operator or an operator certified at a higher level.~~
- ~~e) Group K requires a certified Class K operator.~~

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.420 Class 1 Through 4 Examination

The Class 1 through 4 examinations will include, but not be limited to, questions on:

- a) The particular type of treatment specified for the level of certification sought, and general questions on units of treatment of lower and higher classifications.

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- b) Laboratory techniques and interpretation;
- c) National Pollutant Discharge Elimination System (NPDES) permit requirements;
- d) Mathematics;
- e) Collection systems;
- f) Safety; and
- g) Administration/ management/ recordkeeping.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.425 Class K Examination

The Class K examination will include, but not be limited to, questions on:

- a) Flow schematics;
- b) The specific types of treatment processes utilized at the industrial wastewater treatment works for which the applicant seeks certification;
- c) Mathematics;
- d) Characteristics, concentrations, and sources of wastewater;
- e) Treatment principles and removal efficiencies for each treatment unit;
- f) Wastewater treatment works upset procedures;
- g) Solids handling and sludge processing and disposal;
- h) Laboratory analysis techniques and interpretation of analytical results required for, and applicable to, the wastewater treatment process utilized at the industrial wastewater treatment works for which the applicant seeks certification;
- i) Safety; and

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j) Recordkeeping.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.430 Class R Examination

The Class R examination will include, but not be limited to questions on:

- a) Operation and treatment principles of specific types of treatment units utilized for surface water or groundwater remediation for contamination resulting from gasoline, diesel fuel, kerosene, jet fuel, heating oil or other petroleum-based products;
- b) Mathematics;
- c) Procedures to prevent and correct process upsets for specific types of treatment units utilized for surface water or groundwater remediation for contamination resulting from petroleum-based products;
- d) Sampling and laboratory analyses to monitor the performance of wastewater treatment processes utilized for surface water or groundwater remediation for contamination resulting from petroleum-based products;
- e) Safety;
- f) Disposal of solids, spent carbon and petroleum products removed by the wastewater treatment processes utilized for surface water or groundwater remediation for contamination resulting from petroleum-based products; and
- g) Recordkeeping.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.435 Collection System Examination

The Collection System examination will include, but not be limited to, questions on

- a) Collection system operation and maintenance;

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- b) Collection system monitoring;
- c) Lift stations and pumps;
- d) Mathematics;
- e) Recordkeeping; and
- f) Safety.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.440 Reexamination

An individual who fails a written examination must resubmit an examination request pursuant to Section 380.405 and obtain a new Letter of Admission before retaking the examination. Resubmittal of an examination request may only be made after the individual has been notified of failing the examination.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART E: CERTIFICATE OF ISSUANCE

Section 380.500 ApplicationGeneral Requirements

- a) Any person who seeks to obtain a Certificate of Technical Competency must file an application on forms prescribed by the Agency. All applications must be in English and must contain:
 - 1) a statement specifying the class of certification sought by the applicant;
 - 2) statements showing the applicant's level of education and experience;
 - 3) evidence that the applicant has a valid passing score on the operator examination, including but not limited to test dates and scores; and
 - 4) the signature of the applicant.
- b) Information required in an application must be complete and accurate.

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- c) Falsification of any information in the application will result in denial of the application and be grounds for sanctions of current certificates held by the applicant.

~~All requirements presented below must be met by the applicant in order to qualify for a class of certification.~~

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.505 Class 1 Certificate Issuance~~Prior Certification~~

~~The Agency shall issue a Class 1 Certificate of Technical Competency when the applicant demonstrates all the following: Certificates of Technical Competency issued to operators who were certified by the Agency before the effective date of these Procedures shall remain valid. A Class 7 Industrial Certificate shall remain valid and is equivalent to a Class K Certificate.~~

- a) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care;
- b) The applicant is capable of conducting and maintaining the facility in a safe manner;
- c) The applicant has 6 years of wastewater operator experience;
- 1) A minimum of 3 years of experience must be hands-on at a wastewater treatment facility.
- 2) A maximum of 3 years of experience, calculated pursuant to Section 380.545, may be earned as follows:
- A) The Agency may grant up to 2 years of credit for wastewater courses.
- B) The Agency may grant up to one year of credit for the successful completion of a one-year or more college program specifically designed for wastewater treatment works operation, which includes

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actual operation of a wastewater treatment works, excluding credits granted under subsection (c)(2)(A).

C) The Agency may grant up to one year of credit for college credits, excluding wastewater courses credited under subsections (c)(2)(A) and (c)(2)(B).

D) The Agency may grant up to one year of credit for operating experience of the following:

i) collection systems;

ii) community water supplies; or

iii) laboratory or operational maintenance experience while employed at a wastewater treatment works.

d) The applicant has obtained a score of 70 or higher on a Class 1 examination; and

e) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.510 Class 2 Certificate Issuance~~Notification of Employment Status and Termination~~

The Agency shall issue a Class 2 Certificate of Technical Competency when the applicant demonstrates all the following:

a) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care; ~~Whenever a certified operator begins or terminates employment with a wastewater treatment works or pretreatment works, the employee and the owner shall notify the Agency in writing within seven days.~~

b) The applicant is capable of conducting and maintaining the facility in a safe manner; ~~Should the properly certified operator of a wastewater treatment works~~

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~~unexpectedly terminate employment due to death or illness, the wastewater treatment works owner shall be allowed 90 days to obtain a properly certified operator. During the 90 day period an operator issued any class of certificate except Class 5 may operate the wastewater treatment works.~~

- c) ~~The applicant has 4 years of wastewater operator experience; An operator shall notify the Agency within 30 days of any change of home address.~~
- 1) A minimum of 2 years of experience must be hands-on at a wastewater treatment facility.
 - 2) A maximum of 2 years of experience, calculated pursuant to Section 380.545, may be earned as follows:
 - A) The Agency may grant up to one year of credit for wastewater courses.
 - B) The Agency may grant up to 1 year of credit for the successful completion of a 1-year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of a wastewater treatment works, excluding credits granted under subsection (c)(2)(A).
 - C) The Agency may grant up to one year of credit for college credits, excluding wastewater courses credited under subsections (c)(2)(A) and (c)(2)(B).
 - D) The Agency may grant up to one year of credit for operating experience of the following:
 - i) collection systems;
 - ii) community water supplies; or
 - iii) laboratory or operational maintenance experience while employed at a wastewater treatment works.
- d) The applicant has obtained a score of 70 or higher on a Class 2 examination; and

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- e) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.515 Class 3 Certificate Issuance Applications

The Agency shall issue a Class 3 Certificate of Technical Competency when the applicant demonstrates all the following:

- a) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care;~~No person shall be considered or examined for certification until the individual has applied for certification using a form supplied by the Agency. Information required in an application must be complete and accurate.~~
- b) The applicant is capable of conducting and maintaining the facility in a safe manner;~~An application must be signed by the applicant and, if the applicant is employed at a wastewater treatment works, by the applicant's employer. Falsification of any information in the application by either party will disqualify the application and be grounds for sanctions of current certificates held by either party.~~
- c) The applicant has 2 years of wastewater operator experience;~~Persons applying for reciprocity pursuant to Section 380.535 must also complete a Reciprocity/Verification form supplied by the Agency. The Reciprocity/Verification form must be signed by the applicant and must be submitted to the Agency with the application form for certification.~~
- 1) A minimum of one year of experience must be hands-on at a wastewater treatment facility.
 - 2) A maximum of one year of experience, calculated pursuant to Section 380.545, may be earned as follows:
 - A) The Agency may grant up to 6 months of credit for wastewater courses.

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- B) The Agency may grant up to one year of credit for the successful completion of a 1-year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of a wastewater treatment works, excluding credits granted under subsection (c)(2)(A).
- C) The Agency may grant up to one year of credit for college credits, excluding wastewater courses credited under subsections (c)(2)(A) and (c)(2)(B).
- D) The Agency may grant up to 6 months of credit for operating experience of the following:
- i) collection systems;
 - ii) community water supplies; or
 - iii) laboratory or operational maintenance experience while employed at a wastewater treatment works.
- d) The applicant has obtained a score of 70 or higher on a Class 3 examination; and
- e) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.520 Class 4 Certificate Issuance~~Substitution Criteria~~

The Agency shall issue a Class 4 Certificate of Technical Competency when the applicant demonstrates all the following:

- a) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care; ~~Five semester hours or seven and a half quarter hours of college credit is equal to one month of wastewater operator experience.~~
- b) The applicant is capable of conducting and maintaining the facility in a safe

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~~manner: Two months of operating experience of collection systems or water supplies or two months of laboratory or maintenance experience while employed at a wastewater treatment works is equal to one month wastewater operator experience. Credit for operating experience of collection systems or water supplies will not be given if such experience was concurrent with wastewater operator experience.~~

- c) ~~The applicant has one year of wastewater operator experience. Successful completion of one wastewater course is equal to three months wastewater operator experience. Credit taken for wastewater courses may not be used as credit for college courses.~~
- 1) A minimum of 6 months of experience must be hands-on at a wastewater treatment facility.
 - 2) A maximum of 6 months of experience, calculated pursuant to Section 380.545, may be earned as follows:
 - A) The Agency may grant up to 3 months of credit for wastewater courses.
 - B) The Agency may grant up to one year of credit for the successful completion of a 1-year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of a wastewater treatment works, excluding credits granted under subsection (c)(2)(A).
 - C) The Agency will not give credit for college credits under this Section, excluding wastewater courses credited under subsections (c)(2)(A) and (c)(2)(B).
 - D) The Agency may grant up to 3 months of credit for operating experience of the following:
 - i) collection systems;
 - ii) community water supplies; or

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- iii) laboratory or operational maintenance experience while employed at a wastewater treatment works;
- d) The applicant has obtained a score of 70 or higher on a Class 4 examination; and The requirement for a high school education or the equivalent shall be waived for applicants who obtained a Certificate of Technical Competency prior to January 27, 1982.
- e) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.525 Class K Certificate Issuance Examination

- a) The Agency shall issue a Class K Certificate of Technical Competency when the applicant demonstrates all the following: Each applicant for a certificate will be given a written examination only after he or she has satisfied the other requirements for the class certificate sought. Waiver of the examination will be allowed only to individuals issued a certificate by reciprocity or employees of the Metropolitan Sanitary District of Greater Chicago who are on an eligibility list for titles specified in Section 380.540.
 - 1) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care;
 - 2) The applicant is capable of conducting and maintaining the facility in a safe manner;
 - 3) The applicant has obtained a score of 70 or higher on a Class K examination; and
 - 4) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.
- b) A Class K certificate will indicate, and is only valid for, the specific industrial wastewater treatment works or pretreatment works for which the operator has

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~~been certified. The Class 1 through 4 examinations will include questions on:~~

- ~~1) The particular type of treatment specified for the class sought, higher class examinations will include questions on units of treatment of lower classifications;~~
 - ~~2) Laboratory techniques and interpretation;~~
 - ~~3) National Pollution Discharge Elimination System (NPDES) Permit requirements;~~
 - ~~4) Mathematics;~~
 - ~~5) Collection systems;~~
 - ~~6) Safety, and~~
 - ~~7) Administration/management.~~
- c) The Agency shall invalidate a Class K Certificate of Technical Competency if the industrial wastewater treatment works or pretreatment works is modified to include a different treatment process. The determination shall be based on review of the construction permit required pursuant to 35 Ill. Adm. Code 309.202 and the expertise necessary to operate the modified treatment works.~~Examinations, or any part thereof, are the property of the Agency. Examinations are not to be taken from the examination site and are not to be copied. Violation of this rule will result in the applicant being ineligible for certification, and will be grounds for sanction of current certification.~~

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.530 Class R Certificate IssuanceIdentification

The Agency shall issue a Class R Certificate of Technical Competency when the applicant demonstrates all the following:~~Examinees will be required to present a positive form of identification at the examination site. An examinee who fails to provide this identification will not be allowed to take the examination.~~

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- a) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care;
- b) The applicant is capable of conducting and maintaining the facility in a safe manner;
- c) The applicant has obtained a score of 70 or higher on a Class R examination; and
- d) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.535 Collection System Certificate Issuance ~~Reciprocity~~

The Agency shall issue a Collection System Certificate of Technical Competency when the applicant demonstrates all the following:

- a) The applicant is capable of performing his or her duties without endangering the health and well-being of the populace and is capable of maintaining and properly operating the structures and equipment entrusted to his or her care. ~~An applicant for a Class 1, 2, 3, or 4 certificate who possesses a valid certificate issued under the laws of another state will be issued a Certificate of Technical Competency, without examination, provided:~~
 - 1) ~~The Agency can determine by examining other states' requirements that the applicant has met minimum standards equivalent to or more stringent than the standards specified in Sections 380.700, 380.705, 380.710 or 380.715, respectively, prior to receiving the certificate from the other state;~~
 - 2) ~~The state which issued the certificate to the applicant accepts, by reciprocity, certificates issued by the Agency; and~~
 - 3) ~~The applicant resides in Illinois or obtains employment at a wastewater treatment works in Illinois.~~
- b) The applicant has one year of collection system operating experience. ~~An~~

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~~applicant satisfying subsection (a)(1) and subsection (a)(2) above but failing to meet the residency or employment requirements of subsection (a)(3) above, shall be issued a notice of intent to grant reciprocity. Should the applicant fail to meet the requirements outlined in subsection (a)(3) within 90 days of issuance of the notice, the notice shall become void.~~

- 1) A minimum of 6 months of experience must be hands-on at a collection system.
- 2) A maximum of 6 months of experience, calculated pursuant to Section 380.545, may be earned as follows:
 - A) Credit for collection system or wastewater courses may be substituted for a maximum of 3 months collection system operating experience.
 - B) Wastewater treatment operating experience may be substituted for a maximum of 3 months collection system operating experience.
- c) The applicant has graduated from high school or has the equivalent to a high school education, and the applicant is able to read and write English. Applicants for reciprocity described in Section 380.515 shall be processed by the Agency as follows:
 - 1) ~~The Agency shall review each applicant's education and experience to determine the levels of certification examinations for which the applicant is eligible pursuant to Sections 380.700, 380.705, 380.710 and 380.715;~~
 - 2) ~~An applicant for reciprocity shall be notified of, and given the option to take, the certification examinations for which the applicant qualifies;~~
 - 3) ~~The Agency shall contact the certifying officials from the other states to determine the level of certification of each applicant for reciprocity and whether or not the certificates are currently valid;~~
 - 4) ~~The Agency shall review the applicant's qualifications and the other state's eligibility requirements for certification with those described in Subpart G to determine if the requirements of subsection (a) above are fulfilled. If the requirements of subsection (a) are fulfilled, reciprocity shall be granted~~

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~~at the appropriate level;~~

- ~~5) If it is determined that reciprocity should be granted, the Agency shall issue the appropriate level Certificate of Technical Competency to the applicant and shall notify the certifying official from the other state;~~
- ~~6) If it is determined that reciprocity should not be granted, the Agency shall notify the applicant and the certifying official from the other state and provide reasons for the decision.~~
- d) The applicant has obtained a score of 70 or higher on a Collection System examination. If a certificate of Technical Competency which is issued by reciprocity, is suspended or revoked pursuant to Subpart F, the Agency shall notify the certifying official from the other state.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.545 Agency Determination

- a) Upon receipt of a complete application, the Agency shall review the application and determine whether the applicant has made an adequate demonstration pursuant to the standards of issuance specified in Sections 380.505 through 380.540.
- b) The Agency shall grant appropriate credit for the experience requirements in Sections 380.505 through 380.540.
- 1) Hands-on Experience. Hands-on credit shall be awarded for each hour of work or experience at a wastewater treatment or pretreatment works. For every 400 hours of hands-on work or experience completed, the Agency shall grant the applicant 3 months of hands-on experience.
- 2) One semester hour equals 1.5 quarter hours. Five semester hours, or 7½ quarter hours, of college credit is equal to one month of wastewater operator experience.
- 3) 2 months of operating experience of collection systems or community water supplies is equal to one month wastewater operator experience. Credit for operating experience of collection systems or community water

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supplies will not be given if such experience was concurrent with wastewater operator experience.

- 4) 2 months of laboratory or maintenance experience while employed at a wastewater treatment works is equal to one month wastewater operator experience.
 - 5) Successful completion of 30 hours of wastewater coursework is equal to 3 months wastewater operator experience. Credit granted for wastewater courses may not be used as credit for college courses. Any training used for educational credit under this subsection (b)(5) shall not be used for certificate renewal pursuant to Subpart G.
 - 6) Operating experience at a Group K or Group R facility will not be accepted as substitution credit for Class 1, Class 2, Class 3, or Class 4 certification operating experience requirements.
- c) When the Agency determines an applicant has met the requirements of this Part, the Agency shall award a Certificate of Technical Competency to the applicant for the class of certification specified in the application.
 - d) The Agency shall notify the applicant in writing of the Agency's decision within 90 days after the receipt of the complete application.
 - e) Any operator issued a Certificate of Technical Competency pursuant to this Section must notify the Agency in writing within 30 days of any change in telephone number, email address or mailing address.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.550 Review of Agency Determination

- a) Any applicant who disagrees with the Agency's denial of the certification application may request that the application be presented to the Board of Certification for its review and recommendation. Any request pursuant to this subsection must be made within 35 days after the date the Agency issued its determination.

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- b) The Board of Certification shall review the application and determine if the applicant meets the requirements of this Part. Upon completion of its review, the Board of Certification shall make a recommendation to the Agency for reconsideration or confirmation of the Agency's determination.
- c) The Agency shall consider the Board of Certification's recommendation and notify the applicant in writing of the Agency's final decision within 45 days after the receipt of the Board of Certification's recommendation. This decision is appealable to the Illinois Pollution Control Board under 35 Ill. Adm. Code 105.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART F: SANCTIONS

Section 380.600 Causes

Certificates of Technical Competency shall be subject to sanctions of revocation or suspension upon a showing of cause by a preponderance of the evidence. Such sanction shall not be a bar to any civil or criminal proceedings. Causes for sanction shall include but are not limited to:

- a) Obtaining or attempting to obtain a Certificate of Technical Competency by fraud or deceit;
- b) Gross negligence or gross misconduct in the operation of a wastewater treatment works or pretreatment works;
- c) Falsification, ~~or willful~~ failure to maintain, ~~or willful~~ nonsubmission of records and reports required by ~~35 Ill. Adm. Code: Subtitle C, Chapter I,~~ this Part or any rules adopted under the Act;
- d) Willful violation of the ~~Illinois Environmental Protection Act, 35 Ill. Adm. Code: Subtitle C, Chapter I,~~ this Part or any rules adopted under the Act; or
- e) A final judgment in a civil action or a conviction in a criminal action that the operator has performed any of the acts listed in Subsections (a) through (d) above.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.602 Citizen Complaints

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Any person may file with the Agency a written complaint regarding a wastewater operator certified under this Part. The complaint shall state the name and address of the complainant, the name of the operator and any information which supports the complaint.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.605 Procedures

- a) Filing of Documents. All documents filed in a sanctions proceeding under this Subpart shall be filed with the Docket Clerk, Division of Legal Counsel, Illinois EPA. Filing by electronic transmission or facsimile will only be allowed with the prior approval of the Docket Clerk or Hearing Officer assigned to the proceeding. Any person may initiate the procedure for sanction by filing a written complaint with the Agency. The complaint shall state the name and address of the complainant, the name of the operator and all information which supports the complaint. If the Agency determines that the complaint is duplicitous or frivolous, it shall notify the person filing the complaint but shall take no further action.
- b) Complaint~~If the Agency determines that a sanction procedure is warranted either on the basis of a valid complaint or on its own motion, it shall notify the operator by certified mail.~~
 - 1) The Agency may initiate sanction proceedings on the basis of any written complaint or on its own motion.
 - 2) To initiate a sanction proceeding, the Agency shall prepare and serve the following documents on the operator by certified mail or personal delivery:
 - A) A Complaint for Sanctions that states the alleged causes for sanctions and sets forth facts that constitute alleged violations of a statute or Board rule.
 - B) A Notice to Operator that informs the operator of commencement of the sanction proceedings, the right to be represented by an attorney, the right to request a hearing, and the consequences for failing to respond to the Complaint for Sanctions.

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- c) ~~Response~~Such notice shall specify the cause for which sanction is sought and shall meet the requirements of the Agency's Procedures for Contested Case Hearings, 35 Ill. Adm. Code 168.
- 1) A written response to the Complaint for Sanctions may be filed by the operator and must be served on all parties within 21 days after receipt of the Complaint for Sanctions.
 - 2) Within 21 days after receipt of the Complaint for Sanctions, the operator may request a hearing by filing a written request.
 - 3) If an operator fails to file a written response or a hearing request within 21 days from receipt of the Complaint for Sanctions, all facts alleged in the Complaint for Sanctions shall be deemed to have been admitted.
- d) Service
- 1) All documents filed in the sanction proceedings must be served on the Hearing Officer, the Agency and the operator.
 - 2) Except for service upon the operator of the Complaint for Sanctions, the Notice to Operator, and Director's decision, service may be effectuated by U.S. Mail or other mail delivery service, in person, by messenger, or as otherwise approved by the Hearing Officer.
 - 3) An affidavit of service or certificate of service must accompany all filings.
- e) Except as otherwise provided by this Part, the procedures for contested case hearings in 35 Ill. Adm. Code 168 shall apply to sanction proceedings.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.610 Hearing ~~and Decision~~

- a) If the operator files a hearing request, the Hearing Officer shall set a time and place for the hearing, not more than 180 days after the service of the complaint, and provide notice of the hearing to the Agency and the operator. The hearing notice shall contain: ~~Should a hearing be requested, the Director shall appoint one~~

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~~or more persons to act as hearing officer(s). The hearing shall be conducted in accordance with the Agency's Procedures for Contested Case Hearings, 35 Ill. Adm. Code 168.~~

- 1) A statement of the nature of the hearing, including a reference to the particular law or regulation involved;
 - 2) A statement that the hearing will be held in accordance with this Part; and
 - 3) A statement of the date, time and place of the hearing and, if a pre-hearing conference is scheduled by the Hearing Officer, the date, time and place of that conference.
- b) In addition to the service requirements in Section 380.605(d), the Hearing Officer shall serve the hearing notice on the Board of Certification~~The Board of Certification shall be notified of the hearing. A copy of the hearing transcript shall be sent to the operator and to the Board of Certification. The Agency shall pay the cost of providing transcripts.~~
- e) ~~The Board of Certification shall recommend on the basis of the hearing transcript, whether sanction is appropriate. If the Board determines that a certificate should be revoked or suspended, it may, at its option, recommend a suspension period or a period of time before the operator may reapply in accordance with Section 380.615. This recommendation shall be submitted in writing to the operator and the Director within 30 days after receipt of transcripts and shall include a statement of reasons for the Board's actions. If the recommendation is not sent to the Director within 30 days, the Director shall proceed pursuant to Subsection (d) below.~~
- d) ~~The Director shall make a decision on the basis of the contested case record. If the Director determines sanction is appropriate, a decision shall be issued suspending or revoking the certificate. This decision shall state a suspension period or a period of time before the operator may reapply in accordance with Section 380.615. The Director shall give written notice of the decision and the reasons to the operator by certified mail.~~
- e) ~~If a hearing is not requested, or if the operator does not respond to the notice prepared pursuant to Section 380.605(c), the Director shall assume all facts contained in the notice are true and shall base the decision on this notice. This~~

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~~decision shall be made within 30 days of the deadline stated in this notice and shall state a suspension period or a period of time before the operator may reapply in accordance with Section 380.615. The Director shall give written notice of the decision and the reasons to the operator by certified mail.~~

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.611 Board of Certification

- a) Within 30 days after the conclusion of a hearing, the Hearing Officer shall provide a copy of the following to the Board of Certification:
 - 1) the hearing transcript;
 - 2) hearing exhibits; and
 - 3) instructions on how the Board of Certification can file a recommendation, including the name and mailing address of the Docket Clerk and any person who must be sent a copy of the Board of Certification's recommendation.
- b) The Board of Certification may make a recommendation on the basis of the hearing transcript whether a sanction is appropriate and, if a sanction is appropriate, the suspension or revocation period. Any recommendation of the Board of Certification must be in writing.
- c) The rules of evidence specified in 35 Ill. Adm. Code 168.270 shall not apply to the Board of Certification's recommendation.
- d) The Board of Certification's recommendation shall be submitted in writing to the Docket Clerk within 30 days after receipt of transcripts and shall include a statement of reasons for the Board of Certification's recommendation.
- e) If the Board of Certification makes a recommendation, the Board of Certification shall send a copy of the recommendation to the Hearing Officer, the Agency and the operator.

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- f) The Agency may issue a decision without the Board of Certification's recommendation if the Board of Certification fails to submit its recommendation within 30 days after its receipt of the hearing transcript.
- g) The Board of Certification's recommendation is not binding on the Agency.
- h) The Agency or the operator may file a response to the Board of Certification's recommendation within 15 days after the day the Board of Certification files its recommendation with the Docket Clerk.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.613 Director's Decision

- a) Proposal for Decision
 - 1) When a hearing is held pursuant to Section 380.610, the Hearing Officer shall file with the Director or the Director's designee and serve upon the Agency and operator a proposal for decision within 120 days after the date of the hearing.
 - 2) If a hearing is not held, the Hearing Officer shall file with the Director or the Director's designee and serve upon the Agency and operator a proposal for decision within 45 days after the service of the complaint.
- b) Within 21 days after service of the proposal for decision the Agency or the Operator may file with the Director any exceptions, proposed findings of fact, or a brief.
- c) Director's Decision
 - 1) The Director shall make a decision on the basis of the contested case record.
 - 2) If the operator does not request a hearing, the Director shall issue a decision within 90 days after the service of the Complaint for Sanctions.
 - 3) If the operator requests a hearing, the Director shall issue a decision within one year after the last hearing date.

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- 4) If the Director determines a sanction is appropriate, the decision must state the suspension or revocation period.
- 5) The Director shall give written notice of the decision and the reasons for the decision to the operator by certified mail.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.615 Sanctions

- a) The decision between revocation and suspension must ~~shall~~ be based on the following:
 - 1) The severity of the violations that led to the sanction including:
 - A) The frequency or duration of the violations;
 - B) The impact on the operation of the wastewater treatment works;
and
 - C) The impact on the water quality or aquatic life of the receiving waters.
 - 2) The recalcitrance of the operator in preventing the recurrence of the violations.
 - 3) Any other mitigating or aggravating factors.
- b) If a Certificate of Technical Competency is suspended, it shall be considered void for a period of time not to exceed a year and a half. This period shall be set according to the factors listed in subsection~~Subsection~~ (a). Experience obtained during this period shall not be credited towards meeting the requirements described in Subpart EG. At the end of this period the suspended certificate shall be considered valid.
- c) If a Certificate of Technical Competency is revoked, the operator may not reapply for any certificate for a period of not less than one and a half years but not more than 4~~four~~ years. This period shall be set according to the factors listed in

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~~subsection~~Subsection (a).

- d) After a Certificate of Technical Competency is revoked, an operator may not apply for a certificate until after the period set pursuant to ~~subsection~~Subsection (c)~~above~~ has elapsed. In order to obtain a certificate the operator must successfully complete a written examination for the class of certificate sought. Education and wastewater operator experience gained prior to revocation shall be credited towards meeting the requirements described in Subpart EG. However, any experience obtained during the period set pursuant to ~~subsection~~Subsection (c)~~above~~ will not be credited towards certification.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.625 Ex Parte Communications

- a) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, the Hearing Officer and the Director shall not communicate directly or indirectly, in connection with any issue of fact, with any person or party, including the Board of Certification, except upon notice and opportunity for all the parties to participate.
- b) Communications regarding procedure, including but not limited to format of pleadings, number of copies required, manner of service, status of proceedings and continuances are not considered to be ex parte communications.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.630 Subpoena

- a) Upon written request by a party, the Hearing Officer will issue a subpoena for attendance of a witness or production of books, papers, documents or other tangible things at a hearing or deposition if the party shows good cause as to why the testimony and/or books, papers, documents or other tangible things cannot otherwise be obtained and states the reasons why the testimony and/or books, papers, documents or other tangible things are necessary and relevant.
- b) Witness and Mileage Fees – The cost of service and witness and mileage fees shall be borne by the person requesting the subpoena. Witness and mileage fees shall be the same as are paid witnesses in the circuit courts of the State of Illinois.

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- c) Service and Contents – The person requesting a subpoena shall be responsible for its service. A subpoena shall be served reasonably in advance of its return date. The subpoena shall state the phone number and address of the person initiating its issuance and shall identify the person or evidence subpoenaed and the person to whom, and the place, date and the time at which, it is returnable.
- d) Petition to Quash or Modify – Within 5 days after service of a subpoena on any person, that person may file a petition to quash or modify the subpoena, stating reasons in support of the relief. Whenever a petition to quash a subpoena is properly filed under this Section, the petitioner shall not be required to respond to the subpoena until the petition has been ruled upon.
- e) Any witness subpoenaed for a deposition may be required to attend only in the county in which he or she resides or maintains an office address, or in any other place ordered by the Hearing Officer.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART G: CERTIFICATE RENEWAL, RESTORATION,
AND REQUIRED TRAINING**Section 380.700 Certificate Expiration ~~Class 1~~**

- a) Class 1 and Class 2 ~~The Class 1 certificate requires:~~
- 1) Beginning on July 1, 2020, Class 1 and Class 2 Certificates of Technical Competency must be issued with the expiration date being 3 years after July 1 of the calendar year in which the certificate was issued. ~~Eight years wastewater operator experience,~~
 - 2) Class 1 and Class 2 Certificates of Technical Competency issued before July 1, 2020 shall expire on July 1, 2023. ~~High school education or equivalent, and~~
 - 3) ~~A score of 70 or higher on a Class 1 examination.~~
- b) Class 3 and Class 4 ~~The following may be substituted for the Class 1 experience requirements:~~

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- 1) Beginning on July 1, 2019, Class 3 and Class 4 Certificates of Technical Competency must be issued with the expiration date being 3 years after July 1 of the calendar year in which the certificate was issued. Credit for wastewater courses may be substituted for a maximum of two years wastewater operator experience.
 - 2) Class 3 and Class 4 Certificates of Technical Competency issued before July 1, 2019 shall expire on July 1, 2022. Other credits or experience:
 - A) College credits, including any college wastewater courses not credited in Subsection 380.700(b)(1), may be substituted for a maximum of two years wastewater operator experience.
 - B) Operating experience of collection systems or water supplies or laboratory or maintenance experience while employed at a wastewater treatment works may be substituted for a maximum of one year wastewater operator experience.
 - C) Any combination of substitute credits described in Subsection (A) or Subsection (B) above will be accepted, provided that the total of those credits shall not exceed two years.
 - 3) The successful completion of a one year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of a wastewater treatment works, may be substituted for a maximum of one year wastewater operator experience.
- c) Class K and Class R
- 1) Class K and Class R Certificates of Technical Competency expire 5 years after the date of issuance.
 - 2) Class K and Class R Certificates of Technical Competency issued before July 1, 2019 shall expire on July 1, 2024.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.705 Certificate Renewal Application ~~Class 2~~

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- a) Class 1, Class 2, Class 3 and Class 4 Certificates of Technical Competency are renewable.~~The Class 2 certificate requires:~~
- 1) ~~Six years wastewater operator experience,~~
 - 2) ~~High school education or equivalent, and~~
 - 3) ~~A score of 70 or higher on a Class 2 examination.~~
- b) Class K and Class R Certificates of Technical Competency may not be renewed. Operators must retake the examination and reapply when a Class K or Class R certification expires.~~The following may be substituted for the Class 2 experience requirements:~~
- 1) ~~Credit for wastewater courses may be substituted for a maximum of one year wastewater operator experience.~~
 - 2) ~~Other credits or experience:~~
 - A) ~~College credits, including any college wastewater courses not credited in Subsection 380.705(b)(1), may be substituted for a maximum of two years wastewater operator experience.~~
 - B) ~~Operating experience of collection systems or water supplies or laboratory or maintenance experience while employed at a wastewater treatment works may be substituted for a maximum of one year wastewater operator experience.~~
 - C) ~~Any combination of substitute credits described in Subsection (A) or Subsection (B) above will be accepted provided that the total of these credits shall not exceed two years.~~
 - 3) ~~The successful completion of a one year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of a wastewater treatment works, may be substituted for a maximum of one year wastewater operator experience.~~
- c) By April 1 of the year a certificate is due to expire, the Agency must notify the

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operator of expiration of the certificate at the most recent address, or email address, the Agency has on file for the operator.

- d) The renewal application form must be completed by the operator and must:
 - 1) specify the current certificate's expiration date, training requirements for certificate renewal, and number of hours of completed training since the current certificate was issued;
 - 2) contain a statement signed by the operator certifying that all information provided in the renewal application form is true and complete; and
 - 3) be submitted to the Agency on or before July 1 of the year in which the certificate expires.
- e) The Agency will not process incomplete renewal application forms or renewal applications without the wastewater operator's original signature.
- f) Falsification of a renewal application form shall result in denial of certificate renewal and may result in certificate suspension or revocation.
- g) Failure to receive the renewal application form does not exempt a certified wastewater operator from meeting the renewal deadline.
- h) When a certificate holder has made a sufficient application for certificate renewal (Class 1 through 4), or a new certificate (Class K and R), before expiration of the current certificate, the current certificate shall continue in full force and effect until the final agency decision on the application has been made.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.710 Restoration of Expired Certificates~~Class 3~~

- a) An individual who fails to renew before July 1 of the expiration year, but whose certificate has been expired for less than 2 years, and has not taken and failed the wastewater operator examination in the last 2 years, may have the certificate restored upon demonstration that the training required in Sections 380.715 and 380.720 has been completed.~~The Class 3 certificate requires:~~

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- 1) ~~Three years wastewater operator experience,~~
 - 2) ~~High school education or equivalent, and~~
 - 3) ~~A score of 70 or higher on a Class 3 examination.~~
- b) A restored certificate expires on the same date the certificate would have expired if it was timely renewed. The following may be substituted for the Class 3 experience requirements:
- 1) ~~Credit for wastewater courses may be substituted for a maximum of six months wastewater operator experience.~~
 - 2) ~~Other credits or experience:~~
 - A) ~~College credits, including any college wastewater courses not credited in Subsection 380.710(b)(1), may be substituted for a maximum of one year wastewater operator experience.~~
 - B) ~~Operating experience of collection systems or water supplies or laboratory or maintenance experience while employed at a wastewater treatment works may be substituted for a maximum of six months wastewater operator experience.~~
 - C) ~~Any combination of substitute credits described in Subsection (A) or Subsection (B) above will be accepted, provided that the total of these credits shall not exceed one year.~~
 - 3) ~~The successful completion of a one year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of a wastewater treatment works, may be substituted for a maximum of one year wastewater operator experience.~~
- c) An individual whose certificate has been expired for 2 or more years who seeks to restore his or her certification must retake the wastewater operator examination and reapply for certification as a wastewater treatment works operator in the same manner as an individual who has never been previously certified as a wastewater treatment works operator.

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- d) Notwithstanding the requirements of this section, a certified wastewater operator whose Certificate of Technical Competency expired while the operator is engaged in active duty with any branch of the United States armed forces, may have his or her Certificate of Technical Competency restored without passing any additional examination provided that each of the following conditions are met:
- 1) within one year after termination of active military service, the operator furnishes documentation to the Agency showing that the operator was engaged in active duty and said duty has been terminated; and
 - 2) the operator was not dishonorably discharged from active military duty.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.715 Training Renewal RequirementsClass 4

The requirements for certificate renewal are as follows:

- a) Class 1 and Class 2 certified operators must complete and document 30 hours of training during the 3 year certificate period before the certificate expiration date.~~The Class 4 certificate requires:~~
 - 1) A minimum of 20 hours of training must relate to the technical aspects of wastewater treatment and operations.~~One year wastewater operator experience, and~~
 - 2) The Agency will accept a maximum of 10 hours of training relating to the professional responsibilities of the operator and to safety.~~A score of 70 or higher on a Class 4 examination.~~
- b) Class 3 and Class 4 certified operators must complete and document 15 hours of training during the 3 year certificate period before the certificate expiration date.~~The following may be substituted for the Class 4 experience requirements:~~
 - 1) A minimum of 10 hours of training must relate to the technical aspects of wastewater treatment and operations.~~The completion of high school or the equivalent, or operating experience of collection systems or water supplies or laboratory or maintenance experience while employed at a wastewater treatment works may be substituted for a maximum of three months~~

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~~wastewater operator experience.~~

- 2) ~~The Agency will accept a maximum of 5 hours of training relating to the professional responsibilities of the operator and to safety. Credit for wastewater courses may be substituted for a maximum of six months wastewater operator experience.~~
- 3) ~~The successful completion of a one year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of a wastewater treatment works may be substituted for a maximum of one year wastewater operator experience.~~

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.720 Training Criteriaa) Training

- 1) The Agency accepts training hours related to the technical aspects of wastewater treatment and operation. These hours include, but are not limited to, the following:

Activated Sludge
Aeration
Backwash of Filters
Chemical Addition
Chlorinators
Clarifiers
Collection Systems
Digesters
Discharge Monitoring Reports
Disinfection
Electrical Maintenance
Fixed Film Processes
Flow Measurement
Imhoff Tanks
Instrumentation
Intermittent Sand Filters
Laboratory Procedures

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Lagoons
Mathematics
Maintenance of Treatment Works
Operational Control Lab Analysis
Oxidation Ditches
Package Aeration
Preliminary Treatment
Primary Treatment
Process Control Decisions
Pumps and Motors
Reports and Recordkeeping
SCADA System Training
Screening
Secondary Clarifiers
Sedimentation
Sludge Drying Beds
Sludge Press
Tertiary Treatment
Trickling Filters

- 2) The Agency accepts training hours related to professional responsibilities of wastewater treatment operators and safety. These hours include, but are not limited to, the following:

Administration and Management
Computer Workshops
Emergency Planning and Preparation
First Aid
Safety

- 3) The Agency accepts training hours earned by assisting a Group 2, Group 3, or Group 4 facility classified as a Category I Noncompliance for effluent limits pursuant to 40 CFR 123.45(a)(2)(iii).

AGENCY NOTE: Category I Noncompliance is also known by USEPA as "Significant Noncompliance" or "SNC".

- A) Hours under this subsection (a)(3) must be approved by the Agency before an operator begins assisting a facility.

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- B) Hours earned under this subsection are considered related to the technical aspects of wastewater treatment and operation.
- C) Hours include, but are not limited to, the following topics:
- i) Evaluating the facility to identify causes of NPDES permit non-compliance including a comprehensive review of the facility design, operation, and administrative practices;
 - ii) Recommending innovative and cost-effective solutions for improving performance;
 - iii) Providing training of operating personnel;
 - iv) Evaluating current facility loadings and capacities;
 - v) Formulating and implementing operational or preventative maintenance programs;
 - vi) Recommending operational improvements to existing sludge handling and disposal procedures;
 - vii) Investigating industrial dischargers' impact on the wastewater treatment system; and
 - viii) Helping to identify inflow and infiltration sources impacting the sewer systems.
- b) Training Exclusions. Types of training activities that do not directly relate to wastewater treatment or the professional responsibilities of the operator shall not be accepted as renewal training credit. These activities include, but are not limited to, the following:
- 1) Entertainment or recreational activities;
 - 2) On the job work or apprenticeships except as allowed under subsection (a)(3);

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- 3) Personal self-improvement courses;
 - 4) Plant tours (unless wastewater treatment training is integrated into the tour);
 - 5) Portions of meetings and conferences when wastewater related training is not provided (e.g., business session, lunch, breaks, etc.);
 - 6) Time spent viewing conference/meeting exhibits; and
 - 7) Travel time to and from training activities.
- c) Training may be provided by any of the variety of organizations equipped to provide training, including but not limited to: colleges and universities, technical institutes, educational units of governmental or industrial agencies, professional operator organizations, and equipment suppliers and manufacturers, or knowledgeable wastewater operations experts.
 - d) Acceptable training formats include classroom courses, teleconferences, courses offered via the internet, workshops, seminars, correspondence courses, in-house training programs, and wastewater treatment works related training sessions at conferences/meetings of professional operator organizations.
 - e) Teachers or presenters of training will be credited with double the number of hours that operators receive for successfully completing the training event. This credit is allowed only for the first time the training is given.
 - f) Training must be approved by the Agency. Either training providers or certified operators may request approval of training from the Agency.
 - g) Training providers must provide proof of training documentation to trainees in order for the training to be accepted for certificate renewal.
 - h) Training accrued during periods that a certificate is suspended or revoked may not be applied toward meeting the renewal requirements.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.725 Calculation of Training Hours

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- a) One training hour shall equal 60 minutes of training.
- b) For the purpose of calculating actual classroom hours for renewal training credit, the following conversions should be used:
 - 1) 1 Semester Hour = 15 hours of training credit.
 - 2) 1 Quarter Hour = 10 hours of training credit.
- c) Credit will only be given when the wastewater operator has obtained proof of attendance documentation from the training providers.
- d) Credit will only be given for courses approved by the Agency.
- e) Training credit is also allowed for teachers or presenters of training for the first time a course is taught or a wastewater related presentation is made.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.730 Proof of Training Records, Recordkeeping, and Audits

- a) Certified wastewater treatment works operators are required to maintain their own proof of training records for a period of 6 years from the date of training.
- b) The Agency may audit proof of training records by random selection or when additional information is required.
- c) Failure to provide proof of training documentation when specifically requested by the Agency may result in denial of certificate renewal, denial of certificate restoration, certificate suspension or revocation.
- d) Proof of training records must include:
 - 1) Name of the course or training activity;
 - 2) Name of the training provider;
 - 3) Name of instructor or speaker;

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- 4) Location of training;
- 5) Training date;
- 6) Total training hours completed;
- 7) Attendance verification records such as:
 - A) Completion certificates;
 - B) Diplomas;
 - C) Grade Reports; and
 - D) Other documents verifying training attendance, including the name, address and telephone number of the training provider.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.735 Submission of Training Hours

- a) A record of completed training may be submitted to the Agency at any time, but must be submitted to the Agency prior to expiration of the certificate.
- b) The record of completed training hours must contain the following information for each completed training activity:
 - 1) Training provider name, including the organization and instructor;
 - 2) Name of course or training event;
 - 3) Agency assigned course number;
 - 4) Training description or course content summary;
 - 5) Location of training;
 - 6) Dates of training (beginning and ending); and

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- 7) Training hours completed.
- c) The Agency may prescribe a form for the written record of completed training and the manner of submission, including but not limited to electronic submission.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.740 Waiver of Required Training

- a) In a case of extreme hardship, the Agency may grant a waiver from the renewal training requirements when it is demonstrated and documented that it was impossible for an operator to obtain the required training. Extreme hardship may include, but is not limited to, serious medical conditions or extended active military service.
- b) Individuals applying for a training waiver must provide the Agency with a written request within 2 years after the certificate expiration date. The Agency will provide the Board of Certification with a copy of the request, and the Board of Certification may submit a recommendation to the Agency within 45 days.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.745 Issuance of Renewed and Restored Certificates

The Agency will renew or restore a wastewater operator certification when the Agency has determined that requirements of this Subpart G have been satisfied.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.750 Renewal of Sanctioned Certificates

- a) The Agency will renew a suspended certificate that expires during the suspension period at the end of the suspension period pursuant to Section 380.615.
- b) Revoked Certificates of Technical Competency cannot be renewed.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

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Section 380.755 Voluntary Reduction of Certification

- a) An individual who is certified at the Class 1 or Class 2 level may make a written request to the Agency to reduce his or her certification to a Class 3 level.
 - 1) The individual must surrender his or her Class 1 or Class 2 certificate to the Agency.
 - 2) Upon receipt of the surrendered Class 1 or Class 2 certificate, the Agency will issue a Class 3 Certificate to the individual.
 - 3) The reduced Class 3 Certificate will expire on the same day as the surrendered the Class 1 or Class 2 Certificate.
 - 4) Class 3 renewal requirements must be met to renew the Class 3 Certificate.

- b) Any individual who has voluntarily reduced his or her certification level must pass the Class 1 or Class 2 examination to be certified at a higher level in the future.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.760 Contested Renewal, Restoration, and Training Determinations

- a) Any certified wastewater operator who disagrees with the Agency's decision regarding renewal or restoration may seek review of the Agency's decision, as provided in Section 380.550.

- b) Operators, training providers, and training sponsors may contest Agency determinations regarding denial of training credit, and determinations regarding the amount of training credit to be awarded for a specific training event.
 - 1) Individuals contesting an Agency determination must provide the Agency with a written request for a Board of Certification review within 30 days after the Agency's determination.

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- 2) The written request shall state the name and address of the individual, the Agency determination being contested, and all information to support the individual's position.
 - 3) The Board of Certification shall review the Agency determination and shall confirm the Agency's decision or recommend reconsideration of the Agency's decision. The Agency shall consider the Board of Certification's recommendation and notify the individual of the Agency's final decision within 45 days after its receipt of the Board of Certification's recommendation.
- c) An individual's certificate shall remain valid during the contested period.

(Source: Added at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART H: RECIPROCITY

Section 380.800 Application for Reciprocal Certification~~Industrial Certificates~~

~~A Class K certificate will indicate, and is only valid for, the specific industrial wastewater treatment works or pretreatment works for which the operator has been certified. The Agency shall invalidate a Class K certificate if the industrial wastewater treatment works or pretreatment works is modified to include a different treatment process. The determination shall be based on review of the construction permit required pursuant to 35 Ill. Adm. Code 309.202 and the expertise necessary to operate the modified treatment works.~~

- a) An individual seeking reciprocity must submit a complete application for reciprocal certification on forms prescribed by the Agency. The application for reciprocal certification must include the following information:
 - 1) evidence that the certificate issued by the other certifying jurisdiction is in good standing and has not expired; and
 - 2) a letter of authorization from the applicant authorizing the State of Illinois to contact the other certifying jurisdiction that issued the applicant's certificate to enable Illinois to verify information submitted in the application.

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- b) The Agency may grant reciprocal certification to a wastewater operator trained by the United States as a member of the United States Air Force, Army, Coast Guard, Marine Corps or Navy (U.S. Armed Forces) without examination.
- 1) A wastewater operator seeking reciprocity under this subsection (b) must submit the following:
- A) the Illinois application requirements found in Section 380.500, except Section 380.500(a)(3);
 - B) a detailed description of the qualifications, training and jobs performed while in the U.S. Armed Forces;
 - C) a copy of his or her military training, qualifications and performance records; and
 - D) a letter of authorization from the applicant authorizing the State of Illinois to contact the U.S. Armed Forces to enable Illinois to verify information submitted in the application.
- 2) The wastewater operator must have the following hands-on experience for the level of certification sought:
- A) 6 years of hands-on experience for a Class 1 certification;
 - B) 4 years of hands-on experience for a Class 2 certification;
 - C) 2 year of hands-on experience for a Class 3 certification;
 - D) one year of hands-on experience for a Class 4 certification; or
 - E) one year of hands-on experience at a collection system for a Collections System certification.
- c) The application for reciprocal certification must be signed by the applicant and must be submitted to the Agency.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

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Section 380.805 Reciprocity Determination~~Class K Examination~~

~~Each applicant for a Class K Certificate must achieve a score of 70 or higher on an examination designed to test the applicant's knowledge of the industrial wastewater treatment works for which certification is being sought. The examination will include, but is not limited to:~~

- a) The Agency may grant wastewater operators certified by another state or territory of the United States reciprocal certification in Illinois without examination, provided:~~Mathematics,~~
 - 1) The Agency determines by reviewing the other certifying jurisdiction's requirements that the applicant has met minimum standards equivalent to, or more stringent than, the standards specified in Subpart E; and
 - 2) The applicant resides in Illinois or is employed at a wastewater treatment or pretreatment works in Illinois.
- b) An applicant satisfying subsection (a)(1) but failing to meet the residency or employment requirement of subsection (a)(2), shall be issued a notice of intent to grant reciprocity. The applicant must submit proof of Illinois residency or employment at a wastewater treatment or pretreatment works in Illinois within 90 days after the issuance of the notice of intent. Upon receipt of such proof, the Agency shall issue an Illinois Certificate of Technical Competency. Should the applicant fail to submit proof of the residency requirement in subsection (a)(2) within 90 days after issuance of the notice, the notice of intent shall become void.~~Flow schematic,~~
- c) Applicants for reciprocity described in Section 380.800 shall be reviewed by the Agency as follows:~~Characteristics, concentrations, and sources of wastewater,~~
 - 1) The Agency shall review each applicant's education and experience to determine the levels of certification examinations for which the applicant is eligible pursuant to Subpart E;
 - 2) The Agency shall contact the certifying officials from the other certifying jurisdiction to determine the level of certification of each applicant for reciprocity and whether or not the certificates are currently valid;

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- 3) The Agency shall review the applicant's qualifications and compare the other certifying jurisdiction's eligibility requirements for certification to those described in Subpart E to determine if the requirements of subsection (a) are fulfilled; and
- 4) If the Agency determines the requirements of subsection (a) are fulfilled, the Agency shall grant reciprocity at the appropriate level.
- d) If a certificate of Technical Competency that is issued by reciprocity, is suspended or revoked pursuant to Subpart F, the Agency shall notify the certifying official from the other certifying jurisdiction. ~~Treatment principles and removal efficiencies for each treatment unit,~~
- e) Reciprocity will not be granted for operator-in-training, collection system operator, or industrial operator certifications. ~~Wastewater treatment works upset procedures,~~
- f) ~~Solids handling and sludge processing and disposal,~~
- g) ~~Laboratory techniques and interpretation,~~
- h) ~~Safety, and~~
- i) ~~Rules.~~

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.810 Comparable Classification and Examination Requirement ~~Additional Industrial Certificates~~

An applicant for reciprocity whose accrued experience entitles admission to a higher level of Illinois certification, but whose previous classification and examination entitles the applicant to a lower level of reciprocal certification, will receive reciprocal certification at the lower level unless the applicant passes the Illinois wastewater operator examination for the higher classification. ~~An operator may hold Class K Certificates of Technical Competency for more than one industrial wastewater treatment works or pretreatment works. An applicant can obtain additional Class K Certificates by completion of the examination requirements under Section 380.805.~~

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(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART I: OPERATOR IN TRAINING PROGRAM

Section 380.900 Operator In Training~~General~~

~~The operator in training program consists of classifications and certificates for applicants who qualify pursuant to Sections 380.905, 380.910 and 380.915. The Advanced and Intermediate classifications provide operators, with less than six years of wastewater operator experience, transitional levels of certification for treatment processes associated with Group 1 and 2 wastewater treatment works. The Basic classification provides pre-service and entry level operators certification for general knowledge of wastewater treatment works. Individuals with operator in training certification will not qualify as properly certified operators for any wastewater treatment works without obtaining the appropriate Certificate of Technical Competency pursuant to Section 380.415.~~

- a) Any person who passes a Class 1, Class 2, Class 3, or Class 4 wastewater operator examination shall be considered an Operator In Training for the class of examination passed.
- b) The Agency's notification of a passing score on a wastewater operator examination shall constitute evidence that the person is an Operator In Training.
- c) A person may hold a Certificate of Technical Competency for one class of certification and be an Operator In Training for a higher class of certification.
- d) An Operator In Training who does not hold a Certificate of Technical Competency for Class 1, Class 2, Class 3 or Class 4 is exempt from renewal training requirements under Subpart G.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.905 Duration~~Advanced Operator in Training Certificate~~

- a) A person will be considered an Operator In Training while his or her wastewater operator examination results are valid. Pursuant to Section 380.400, examination results are valid for 5 years. The Advanced Operator in Training Certificate requires:

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- 1) ~~Three years wastewater operator experience,~~
 - 2) ~~High school education or equivalent, and~~
 - 3) ~~A score of 70 or higher on an Advanced Operator in Training examination.~~
- b) An Operator In Training who successfully obtains a Certificate of Competency in the class for which he or she is in training will no longer be considered an Operator In Training for that class. The following may be substituted for the Advanced Operator in Training experience requirements:
- 1) ~~Credit for wastewater courses may be substituted for a maximum of six months wastewater operator experience.~~
 - 2) ~~Other credits or experience:~~
 - A) ~~College credits, including any college wastewater courses not credited in subsection 380.905(b)(1), may be substituted for a maximum of one year wastewater operator experience.~~
 - B) ~~Operating experience of collection systems or water supplies or laboratory or maintenance experience while employed at a wastewater treatment works may be substituted for a maximum of six months wastewater operator experience.~~
 - C) ~~Any combination of substitute credits described in Subsection (A) or Subsection (B) above will be accepted provided that the total of these credits shall not exceed one year.~~
 - 3) ~~The successful completion of a one year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of a wastewater treatment works, may be substituted for a maximum of one year wastewater operator experience.~~

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.910 Limitations~~Intermediate Operator in Training Certificate~~

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A wastewater treatment or pretreatment works cannot fulfill its obligations under the Illinois Pollution Control Board's rules or this Part by employing an Operator in Training who lacks the required Certificate of Competency.

- a) ~~The Intermediate Operator in Training Certificate requires:~~
 - 1) ~~One year wastewater operator experience, and~~
 - 2) ~~A score of 70 or higher on an Intermediate Operator in Training examination.~~
- b) ~~The following may be substituted for the Intermediate Operator in Training experience requirements:~~
 - 1) ~~The completion of high school or the equivalent, or operating experience of collection systems or water supplies or laboratory or maintenance experience while employed at a wastewater treatment works may be substituted for a maximum of three months wastewater operator experience.~~
 - 2) ~~Credit for wastewater courses may be substituted for a maximum of six months wastewater operator experience.~~
 - 3) ~~The successful completion of a one year or more college program specifically designed for wastewater treatment works operation, which includes actual operation of wastewater treatment works, may be substituted for a maximum of one year wastewater operator experience.~~

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.915 Basic Operator in Training Certificate (Repealed)

~~The Basic Operator in Training Certificate requires:~~

- a) ~~Completion of one wastewater course or have three months wastewater operator experience, and~~
- b) ~~A score of 70 or higher on a Basic Operator in Training examination.~~

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(Source: Repealed at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.920 Operator in Training Substitution Criteria (Repealed)

- a) ~~Five semester hours or seven and a half quarter hours of college credit is equal to one month of wastewater operator experience.~~
- b) ~~Two months of operating experience of collection systems or water supplies, or two months of laboratory or maintenance experience while employed at a wastewater treatment works is equal to one month wastewater operator experience. Credit for operating experience of collection systems or water supplies will not be given if such experience was concurrent with wastewater operator experience.~~
- e) ~~Successful completion of one wastewater course is equal to three months wastewater operator experience, if such course has not been applied toward fulfilling the requirements of section 380.920(a).~~
- d) ~~The requirement for a high school education or the equivalent shall be waived for applicants who obtained a Certificate of Technical Competency prior to January 27, 1982.~~

(Source: Repealed at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.925 Operator in Training Examination (Repealed)

- a) ~~Each applicant for an Operator in Training Certificate will be given a written examination only after he or she has satisfied the other requirements for the Operator in Training Certificate sought.~~
- b) ~~The Advanced, Intermediate and Basic Operator in Training examinations will consist of questions on the following topics:~~
 - 1) ~~Process control of wastewater treatment works,~~
 - 2) ~~Laboratory techniques and interpretation,~~
 - 3) ~~Electrical,~~

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- 4) ~~Mathematics,~~
- 5) ~~Maintenance,~~
- 6) ~~Safety, and~~
- 7) ~~General information relating to wastewater treatment.~~
- e) ~~Examinations, or any part thereof, are the property of the Agency. Examinations are not to be taken from the examination site and are not to be copied. Violation of this rule will result in the applicant being ineligible for certification, and will be grounds for sanction of current certification.~~

(Source: Repealed at 43 Ill. Reg. 5203, effective July 1, 2019)

SUBPART J: CONTRACTUAL OPERATION

Section 380.1000 General

- a) ~~When the owner of a wastewater treatment or pretreatment works satisfies the Chief Wastewater Operator requirements of Subpart B by contracting the services of the certified operator, the~~ When the owner of a wastewater treatment works or pretreatment works who enters into a contractual agreement with a properly certified operator for the operation of a wastewater treatment works or pretreatment works shall submit a copy of the contractual agreement to the Agency.
- b) ~~The owner of a wastewater treatment or pretreatment works must submit the contract delegating responsibility and authority to the contract operator to the Agency for approval within 30 days following the execution of the contract. The contractual agreement must be submitted to the Agency within seven days of the effective date of the contractual agreement.~~
- c) ~~The Agency must be notified by the owner of the treatment works or pretreatment works in writing within 7seven days ifshould the contract isbe terminated prior to the expiration date of the contract.~~

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

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Section 380.1005 Contract Provisions

When the owner of a wastewater treatment or pretreatment works satisfies the Chief Wastewater Operator requirements of Subpart B by contracting the services of a certified operator, the contract between the owner and the contract operator must delegate responsibility and authority for the operation of the facility to the contract operator. The contract must include the following:

- a) The parties involved, including names, addresses and phone numbers of each and the Operator ID ~~the Social Security number~~ of the contract operator;
- b) The specific starting and expiration dates of the contract;
- c) The minimum number of visits to be made to the wastewater treatment works by the contract operator each week, or month, whichever is applicable;
- d) A statement that the contract operator is responsible for the proper operation of the wastewater treatment works including meeting all state operating permit and NPDES permit requirements;
- e) The duties and responsibilities of each party involved including, at a minimum, the party responsible for:
 - ~~1)~~ 2) ~~Proper operation of the wastewater treatment works including meeting all NPDES permit effluent requirements~~;
 - ~~1)2)~~ Sample collection pursuant to the NPDES Permit;
 - ~~2)3)~~ Preparation, signature, and submittal of Discharge Monitoring Reports, sludge analysis reports, and notices of noncompliance;
 - ~~3)4)~~ Laboratory analysis;
 - ~~4)5)~~ Maintaining lift stations;
 - ~~5)6)~~ Maintaining spare parts inventory;
 - ~~6)7)~~ Maintaining required operating records and reports;

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- ~~7)8)~~ Providing labor and materials for correcting any maintenance and operational problems;
- ~~8)9)~~ Maintaining, and if necessary, implementing an emergency operating plan;
- ~~9)10)~~ Performing preventive maintenance on equipment as recommended by the manufacturer; and
- ~~10)11)~~ Performing routine operational control testing as recommended by the Agency.

~~f)e)~~ The signature of each party of the contract.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.1010 Non-party Operators (Repealed)

- a) ~~When the properly certified operator is not a party to the contract, the operator must sign a document indicating acceptance of responsibilities of the certified operator as specified in the contract.~~
- b) ~~In the event that a different properly certified operator is assigned to operate the wastewater treatment works, which is the subject of the contract, the new operator shall sign and submit a document as required in Subsection (a) above.~~

(Source: Repealed at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.1015 Documentation of Contract Provisions

~~The contract operator must maintain records to document that all contract provisions are being met and continue to maintain the records for 5 years following generation of the data. The contract operator's records must be made available to the Agency upon request for inspection and photocopying during normal business hours. The contract operator shall maintain records to document that all contract provisions are being met.~~

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

Section 380.1020 Contract Approval

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- a) The Agency will approve a ~~contractual~~contract agreement when the contractual operator is ~~properly~~ certified pursuant to this Part, and the provisions of Sections 380.1000, 380.1005 and ~~380.1015~~380.1010 are satisfied.
- b) The Agency will withdraw an approval when it is determined that the contract provisions are not being met or are inadequate to assure proper and safe operation of the wastewater treatment works.
- c) The Agency shall not approve operational contracts lasting longer than 5 years.
- d) The Agency shall, not later than 45 days following the receipt of the contract, provide written notice to the wastewater treatment works of its decision to approve or disapprove the contract.

(Source: Amended at 43 Ill. Reg. 5203, effective July 1, 2019)

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- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1050.110	Amendment
1050.210	Amendment
1050.370	Amendment
1050.490	Amendment
1050.610	Amendment
1050.920	Amendment
1050.940	Amendment
1050.950	Amendment
- 4) Statutory Authority: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g)].
- 5) Effective Date of Rules: May 10, 2019
- 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 principal office of the Division of Banking and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 18; January 4, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: There are no differences between the proposed version and adopted version of these rules.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No

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- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These adopted rules implement legislative changes on the subjects of independent loan processor licensing and advertising to the Residential Mortgage License Act of 1987. PA 100-851 authorized exempt entity registration for purposes of sponsoring independent loan processors as licensed Mortgage Loan Originators. The adopted rules set forth the surety bond requirement for exempt independent loan processing entity registrants. PA 100-795 revised advertising requirements to reference the Nationwide Multistate Licensing System (NMLS) and removed state-specific provisions. The adopted rules remove conflicting state-specific provisions and clarifies references to the NMLS.
- 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

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TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 1050

RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

Section

1050.100	High Risk Home Loan Definitions; Applicability
1050.110	Definitions
1050.115	Administrative Decision (Repealed)
1050.120	Assisting (Repealed)
1050.125	Commissioner (Repealed)
1050.130	Control (Repealed)
1050.132	Conviction or Convicted (Repealed)
1050.135	Document (Repealed)
1050.140	Employee (Repealed)
1050.145	First Tier Subsidiary (Repealed)
1050.150	Hearing Officer (Repealed)
1050.155	High Risk Home Loan (Repealed)
1050.157	Licensee (Repealed)
1050.160	Material (Repealed)
1050.165	Other Regulatory Agencies (Repealed)
1050.170	Party (Repealed)
1050.175	Principal Place of Business (Repealed)
1050.180	Repurchase a Loan (Repealed)
1050.185	State (Repealed)
1050.190	Servicer (Repealed)
1050.195	Points and Fees (Repealed)
1050.197	Total Loan Amount (Repealed)
1050.198	Approved Credit Counselor (Repealed)
1050.199	Home Equity Loan (Repealed)

SUBPART B: FEES

Section

1050.210	Fees
1050.220	License Fees (Repealed)

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- 1050.230 Amended License Fees – Corporate Changes (Repealed)
- 1050.240 Duplicate Original License Fees (Repealed)
- 1050.245 Loan Originator Registration Application Fee (Repealed)
- 1050.246 Loan Originator Registration Transfer Fee (Repealed)
- 1050.247 Loan Originator Registration Reactivation Fee (Repealed)
- 1050.248 Duplicate Loan Originator Certificate of Registration or Pocket Card Fee (Repealed)
- 1050.250 Examination Fees (Repealed)
- 1050.255 Direct Expenses of Out-of-State Examinations (Repealed)
- 1050.260 Additional Full-Service Office Fees (Repealed)
- 1050.270 Hearing Fees (Repealed)
- 1050.280 Late Fees (Repealed)
- 1050.290 Manner of Payment (Repealed)

SUBPART C: LICENSING

Section

- 1050.310 Application for an Illinois Residential Mortgage License
- 1050.320 Application for Renewal of an Illinois Residential Mortgage License (Repealed)
- 1050.330 Waiver of License Fee
- 1050.340 Full-Service Office
- 1050.350 Additional Full-Service Office
- 1050.360 Continuing Education Requirements for Certain Employees (Repealed)
- 1050.370 Licensing of Mortgage Loan Originators

SUBPART D: OPERATIONS AND SUPERVISION

Section

- 1050.410 Net Worth
- 1050.420 Line of Credit (Repealed)
- 1050.425 Examination
- 1050.430 Late Audit Reports
- 1050.440 Escrow
- 1050.450 Audit Workpapers
- 1050.460 Selection of Independent Auditor (Repealed)
- 1050.470 Proceedings Affecting a License
- 1050.475 Change in Business Activities
- 1050.480 Change of Ownership, Control or Name or Address of Licensee
- 1050.490 Bonding Requirements

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SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE
BROKERAGE ACTIVITY, PURCHASING ACTIVITY,
AND MORTGAGE SERVICING ACTIVITY

Section

1050.610	Filing Requirements
1050.620	Reporting Forms
1050.630	Annual Report of Mortgage Activity
1050.640	Annual Report of Brokerage Activity
1050.650	Annual Report of Servicing Activity
1050.655	Annual Report of Purchasing Activity
1050.660	Verification

SUBPART F: LOAN DELINQUENCY EXAMINATION

Section

1050.710	Computation of National Residential Mortgage Foreclosure Rate (Repealed)
1050.720	Computation of Illinois Residential Mortgage Foreclosure Rate (Repealed)
1050.730	Excess Foreclosure Rate (Repealed)
1050.740	Loan Delinquency Hearing
1050.750	Director's Authority – Unusually High Rate (Repealed)

SUBPART G: SERVICING

Section

1050.810	New Loans
1050.820	Transfer of Servicing
1050.830	Real Property Tax and Hazard Insurance Payments
1050.840	Payment Processing
1050.850	Toll-Free Telephone Arrangement
1050.860	Payoff of Outstanding Mortgage Loan
1050.870	Compliance with Other Laws

SUBPART H: ADVERTISING

Section

1050.910	General Prohibition
1050.920	Definition of Advertisement
1050.930	Compliance with Other Laws

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- 1050.940 Requirements
- 1050.950 Misleading and Deceptive Advertising Prohibition

SUBPART I: LOAN BROKERAGE PRACTICES

- Section
- 1050.1010 Loan Brokerage Agreement
- 1050.1020 Loan Brokerage Disclosure Statement
- 1050.1030 Prohibited Practice

SUBPART J: LOAN APPLICATION PRACTICES

- Section
- 1050.1100 High Risk Home Loan Application Practices; Applicability
- 1050.1110 Borrower Information Document
- 1050.1120 Description of Required Documentation
- 1050.1130 Maintenance of Records (Repealed)
- 1050.1140 Loan Application Procedures
- 1050.1150 Copies of Signed Documents
- 1050.1160 Confirmation of Statements
- 1050.1170 Cancellation of Application
- 1050.1175 Loan Log
- 1050.1176 Record Retention
- 1050.1177 Required Loan Application File Documents
- 1050.1180 Ability to Repay
- 1050.1185 Verification of Ability to Pay Loan
- 1050.1186 Fraudulent or Deceptive Practices
- 1050.1187 Prepayment Penalty

SUBPART K: GENERAL LENDING PRACTICES

- Section
- 1050.1200 High Risk Home Loan Lending Practices; Applicability
- 1050.1210 Notice to Joint Borrowers
- 1050.1220 Inaccuracy of Disclosed Information
- 1050.1230 Changes Affecting Loans in Process (Repealed)
- 1050.1240 Prohibition of Unauthorized Lenders
- 1050.1250 Good Faith Requirements
- 1050.1260 Pre-paid Insurance Products and Warranties

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1050.1270	Refinancing Prohibited in Certain Cases
1050.1272	Balloon Payments
1050.1275	Financing of Certain Points and Fees
1050.1276	Payments to Contractors
1050.1277	Negative Amortization
1050.1278	Negative Equity
1050.1280	Counseling Prior to Perfecting Foreclosure Proceedings

SUBPART L: COMMITMENT AND CLOSING PRACTICES

Section	
1050.1305	Approval Notice (Repealed)
1050.1310	Inconsistent Conditions Prohibited
1050.1315	Avoidance of Commitment
1050.1320	Charges to Seller
1050.1325	Intentional Delay
1050.1330	No Duplication to Borrower of Seller's Costs
1050.1335	Fees and Charges
1050.1340	Refunds on Failure to Close
1050.1345	Representative at Closing
1050.1350	Compliance with Other Laws
1050.1355	Failure to Close – Disclosure
1050.1360	Escrow Account Agreements at Closing

SUBPART M: EXEMPTION GUIDELINES

Section	
1050.1410	General
1050.1420	Interpretative Guidelines

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section	
1050.1510	Applicability
1050.1520	Definitions (Repealed)
1050.1530	Filing
1050.1540	Form of Documents
1050.1550	Computation of Time
1050.1560	Appearances

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1050.1570	Request for Hearing
1050.1580	Notice of Hearing
1050.1590	Service of the Notice of Hearing
1050.1595	Bill of Particulars or Motion for More Definite Statement
1050.1600	Motion and Answer
1050.1610	Consolidation and Severance of Matters – Additional Parties
1050.1620	Intervention
1050.1630	Postponement or Continuance of Hearing
1050.1640	Authority of Hearing Officer
1050.1650	Bias or Disqualification of Hearing Officer
1050.1660	Prehearing Conferences
1050.1670	Discovery
1050.1680	Subpoenas
1050.1690	Conduct of Hearing
1050.1700	Default
1050.1710	Evidence
1050.1720	Hostile Witnesses
1050.1730	Record of Proceedings
1050.1740	Briefs
1050.1750	Hearing Officer's Recommendation
1050.1760	Order of the Director
1050.1770	Rehearings and Reopening of Hearings
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1050.1810	General
1050.1820	Guidelines
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SUBPART P: DEFAULT AND FORECLOSURE RATES ON CONVENTIONAL LOANS

Section	
1050.1900	Applicability
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SUBPART Q: THIRD PARTY REVIEW OF HIGH RISK HOME LOANS

Section

- 1050.2000 Applicability
- 1050.2010 Third Party Review of High Risk Home Loans

SUBPART R: REGISTRATION OF LOAN ORIGINATORS

Section

- 1050.2100 Mortgage Loan Originators; Applicability (Repealed)
- 1050.2110 Application for Registration (Repealed)
- 1050.2112 Evaluation of Applications (Repealed)
- 1050.2115 Examination (Repealed)
- 1050.2120 Continuing Education Requirements for Loan Originators (Repealed)
- 1050.2125 Certificate of Registration Issuance (Repealed)
- 1050.2130 Roster of Registered Loan Originators (Repealed)
- 1050.2135 Pocket Card (Repealed)
- 1050.2140 Certificate of Registration Renewal (Repealed)
- 1050.2145 Certificate of Registration Transfer Application or Inactive Notice (Repealed)
- 1050.2150 Inactive Registration Status; Reactivation (Repealed)
- 1050.2155 Temporary Permits (Repealed)
- 1050.2160 Confidential Information (Repealed)
- 1050.2165 Averments (Repealed)
- 1050.2170 Suspension or Revocation of Registration, Refusal to Renew, Fines (Repealed)
- 1050.2175 Loan Originator Hearings; Fees and Costs (Repealed)
- 1050.2180 Criminal Proceedings (Repealed)
- 1050.2185 Violations of Tax Acts (Repealed)
- 1050.2190 Disciplinary Action for Educational Loan Defaults (Repealed)
- 1050.2195 Nonpayment of Child Support (Repealed)

SUBPART S: PROVISIONAL REGISTRATION OF LOAN ORIGINATORS

Section

- 1050.2200 Purpose (Repealed)
- 1050.2210 Definitions (Repealed)
- 1050.2220 Registration Required (Repealed)
- 1050.2230 Exemptions (Repealed)
- 1050.2240 Application for Provisional Certificate of Registration; Contents; Amendment (Repealed)

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- 1050.2250 Issuance of Provisional Certificate of Registration; Effective Date; Conditions (Repealed)
1050.2260 Loan Origination Practices (Repealed)
1050.2270 Enforcement (Repealed)

- 1050.APPENDIX A Estimated Monthly Income and Expenses Worksheet (Repealed)
1050.APPENDIX B Mortgage Ratio Worksheet (Repealed)

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635/4-1(g)].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg. 3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 230, effective December 19, 1997; amended at 24 Ill. Reg. 64, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19322, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3696, effective January 30, 2001 in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1857; amended at 25 Ill. Reg. 6174, effective May 17, 2001; emergency amendment at 27 Ill. Reg. 10783, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 797, effective December 29, 2003; emergency amendment at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 10352, effective June 29, 2004; amended at 28 Ill. Reg. 13351,

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effective September 21, 2004; amended at 29 Ill. Reg. 14808, effective September 26, 2005; amended at 29 Ill. Reg. 19187, effective November 10, 2005; amended at 34 Ill. Reg. 17339, effective October 29, 2010; amended at 36 Ill. Reg. 250, effective January 1, 2012; amended at 38 Ill. Reg. 2019, effective December 27, 2013; amended at 41 Ill. Reg. 12405, effective October 6, 2017; amended at 43 Ill. Reg. 5272, effective May 10, 2019.

SUBPART A: DEFINITIONS

Section 1050.110 Definitions

"Act" means the Residential Mortgage License Act of 1987 [205 ILCS 635].

"Administrative decision" means an order or action of the Director, such as assessment of a fine, denial of a license, suspension, or revocation of a license.

"Approved credit counselor" means a credit counselor approved by the Director of the Department of Financial and Professional Regulation-Division of Financial Institutions.

"Assisting" as used in Section 1-4(o) of the Act shall not include the following activities or services when undertaken by a person in an otherwise licensed profession or occupation provided such activities or services are undertaken by such person in pursuit of such persons licensed profession or occupation including, but not limited to insurance producer, attorney at law, certified public accountant, land surveyor, or professional engineer:

Activities or services of, or incidental to, the licensed occupation or profession;

Delivery of surveys, abstracts of title, title commitments, opinions of title, draft deeds, mortgage forms or lender sales material;

Coordinating the activities associated with the borrower's completion or submission of a loan application;

Contracting or conferring with a licensed attorney, title insurance company, insurance producer, or lender as to the status of the loan application, loan commitment, title commitment, fire or extended coverage insurance, or closing requirements.

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"Control" means the power to, directly or indirectly, whether acting through one or more persons, effect the voting interest of 10 percent or more of any class of the outstanding voting shares, or partnership interest, of an entity subject to the Act.

"Conviction" or "convicted" means, with respect to a criminal charge, the final judgment, or the act of receiving final judgment, on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere.

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

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

"Division" means the Department of Financial and Professional Regulation-Division of Banking, with the authority delegated by the Secretary.

"Document", for purposes of Section 6-2(2) of the Act, shall include all business and financial documents and all books and records, such as, but not limited to in either type, characteristics, or function, tax returns, signature cards, writings that engage or provide information to accountants, consultants, or other agents, applications, authorizations to do business, licenses or certificates, and submissions for insurance endorsements.

"Employee" and "person employed":

As used in Section 1-4(d)(1.5) of the Act, "employee" means:

any natural person who performs activity subject to licensure or registration under the Act for an exempt entity under Section 1-4(d)(1) of the Act, provided that the exempt entity:

expressly, in a writing submitted to and approved by the Director, assumes full and direct legal responsibility for the activity of the natural person that is performed on behalf of or in the name of the exempt entity or that benefits or is intended to benefit the exempt entity; or

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submits to the Director for approval a written opinion of counsel stating that the relationship between the exempt entity and the natural person is one in which the exempt entity assumes full and direct responsibility for the activity of the natural person that is performed on behalf of or in the name of the exempt entity or that benefits or is intended to benefit the exempt entity; or

any natural person who performs activity subject to licensure or registration under the Act for an exempt entity under Section 1-4(d)(1) of the Act, provided that the natural person's performance of the activity is otherwise under statute or administrative rule, subject to comprehensive regulation and supervision, regular examination of books and records and activities and administrative agency sanctions for violation of regulatory, supervisory, or examination requirements by the State of Illinois or by a federal depository institution regulator.

As used in Section 1-4(d)(3) of the Act, "person employed" means any natural person who performs activity licensable under the Act exclusively for one licensee under the Act, provided that the licensee, expressly in writing on a form approved by the Director, assumes full and direct legal responsibility for the licensable activity performed on behalf of or in the name of the licensee or that benefits or is intended to benefit the licensee.

"First tier subsidiary", as used in Section 1-4 of the Act, means a subsidiary the stock of which is directly owned by the parent corporation, without any intervening layer of ownership by another corporation.

"Hearing Officer" means an attorney licensed in the State of Illinois, other than an attorney who is a regular employee of the Division, who is the presiding official appointed by the Director to conduct a hearing.

"High risk home loan" means a home equity loan on residential real property in which:

at the time of origination, the APR exceeds by more than 6 percentage points in the case of a first lien mortgage, or by more than 8 percentage points in the case of a junior mortgage, the yield on U.S. Treasury

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securities having comparable periods of maturity to the loan maturity as of the 15th day of the month immediately preceding the month in which the application for the loan is received by the lender; or

the total points and fees payable by the consumer at or before closing will exceed the greater of 5% of the total loan amount or \$800. The \$800 figure shall be adjusted annually on January 1 by the annual percentage change in the Consumer Price Index.

However, this Part shall not apply to a loan that is made primarily for a business purpose unrelated to the residential real property securing the loan or to an open-end credit plan subject to 12 CFR 226 (2000, no subsequent amendments or editions are included).

"Home equity loan" means any loan secured by the borrower's primary residence when the proceeds are not used as purchase money for the residence.

"Independent loan processing entity" means an entity engaged solely in providing loan processing services through the sponsoring of individuals acting pursuant to Section 7-1A(d) of the Act.

"Licensee" means a person or entity licensed under the Act.

"Material", as used in Section 6-2(2) of the Act, shall include, but not be limited to, a misstatement or omission of fact that, if it had not been misstated or omitted, would have altered the decision, approval, determination, or finding made by the Director or his or her agent in reliance upon the misstatement or omission.

"Material" shall also include a misstatement or omission of fact that, if it had not been misstated or omitted, would have caused the Director or his or her agent to act or consider acting pursuant to any of the powers vested in the Director or his or her agents or in the Department or the Division by the Act or the rules promulgated under the Act.

"NMLS" means the Nationwide Multistate Licensing System and Registry.

"Other regulatory agencies", as used in Section 4-2(e) of the Act, shall include the United States Department of Housing and Urban Development, state insurance commissions, any state or Federal agency having jurisdiction over the licensee, state and federal securities regulators, and the United States Department of Labor.

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"Party" means any person, including the Director, named on a pleading or affected by an administrative decision.

"Petitioner" means a person affected by an administrative decision of the Division or the Department who files a request for hearing, or the Director when he or she initiates a notice for hearing to a named respondent.

"Principal place of business", as used in Section 1-4(d)(1)(ix) of the Act, shall mean the principal place of business of the subsidiary's parent bank, which must be chartered by the Comptroller of the Currency of the United States.

"Repurchase a loan":

As used in Section 2-4(w) of the Act, means those instances in which:

the licensee has demanded that another licensee repurchase a loan and the first scheduled loan payment has not been received by the licensee making the demand; or

the licensee has demanded that another licensee repurchase a loan as a result of the determination, after reasonable investigation, by the licensee making the demand, that materially false representations, documentation or information may have been provided to any person in connection with the origination or transfer of the loan.

As used in Section 2-4(x) of the Act, means those instances in which:

the licensee has received a demand that it repurchase a loan and the first scheduled loan payment has not been received by the person making the demand; or

the licensee has received a demand that it repurchase a loan as a result of the determination, after reasonable investigation, by the person making the demand, that materially false representations, documentation or information may have been provided to any person in connection with the origination or transfer of the loan.

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"Points and fees" means:

all items required to be disclosed as points and fees under 12 CFR 226.32 (2000, no subsequent amendments or editions included);

the premium of any single premium credit life, credit disability, credit unemployment, or any other life or health insurance that is financed directly or indirectly into the loan;

all compensation paid directly or indirectly to a mortgage broker, including a broker that originates a loan in its own name in a table funded transaction, not otherwise included in the points and fees disclosed under 12 CFR 226.32.

"Respondent" means a person who is named in the notice of hearing when the notice is initiated by the Director, or the Director when a petitioner files a request for hearing.

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

"Servicer" means any entity licensed under the Act who is responsible for the collection or remittance for, or the right or obligation to collect or remit for, any lender, noteowner, or noteholder, or for a licensee's own account, of payments, interest, principal, and trust items such as hazard insurance and taxes on a residential mortgage loan in accordance with the terms of the residential mortgage loan; and includes loan payment follow-up, delinquency loan follow-up, loan analysis and any notifications to the borrower that are necessary to enable the borrower to keep the loan current and in good standing.

"State" means the State of Illinois.

"Total loan amount" is the same as the term used in 12 CFR 226.32, and shall be calculated in accordance with the Federal Reserve Board's Official Staff Commentary to that regulation.

(Source: Amended at 43 Ill. Reg. 5272, effective May 10, 2019)

SUBPART B: FEES

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Section 1050.210 Fees

- a) **Method of Payment of Fees**
The fees listed in this Section shall be payable to the Department, or to the Nationwide Mortgage Licensing System and Registry for transfer to the Department as approved by the Director. The Director may specify the form of payment to the Department or to the ~~NMLS Nationwide Mortgage Licensing System and Registry~~, which may include certified check, money order, credit card, or other forms authorized by the Director. The Director may specify that fees be paid separately or combined, and may pro-rate fees for implementation of the ~~NMLS Nationwide Mortgage Licensing System and Registry~~. The ~~NMLS Nationwide Mortgage Licensing System and Registry~~ shall be authorized to collect and process transaction fees or other fees related to licensees or other persons subject to the Act.
- b) **Residential Mortgage License**
- 1) **Investigation Fee:** The applicant shall pay a non-refundable fee of \$1,500 or such non-refundable amount as authorized by the Director that, when combined with the license fee set forth in subsection (b)(2)(A), totals an amount equal to \$2,700 annually or the amount authorized by Section 2-2 of the Act.
- 2) **License Fee:**
- A) **Initial Licensure:** For each application for an initial Illinois Residential Mortgage License on which the Director has made the findings that a license shall be issued, the applicant shall pay a non-refundable license fee of \$1,200, plus the investigation fee set forth in subsection (b)(1), or such non-refundable amount as authorized by the Director that, when combined with the investigation fee set forth in subsection (b)(1), totals an amount equal to \$2,700 annually or the amount authorized by Section 2-2 of the Act.
- B) **License Renewal:** For each application for an annual renewal of an Illinois Residential Mortgage License, the applicant shall pay a non-refundable license fee of \$2,700, or the total amount set forth in subsections (b)(1) and (b)(2)(A).

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- C) Amended License: The licensee shall pay a non-refundable fee of \$500 for each Notice of Change of Ownership or Control amended license that is required by Subpart D.
 - D) Notice of Change: The licensee shall pay a non-refundable fee of \$50 with each Notice of Change of Officers or Directors or Change of Name or Address or Change of Activity.
 - E) Duplicate License: The licensee shall pay a non-refundable fee of \$50 for each duplicate original license issued.
 - F) Returned Payment: Any licensee or person who delivers a check or other payment to the Department that is returned unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed, a fee of \$50.
- 3) Exempt Registration Fee: For each application for initial registration or annual renewal of registration as authorized by Section 1-3(a-1) of the Act, the applicant or registrant shall pay the Department a non-refundable registration fee of \$2,700.
- c) Mortgage Loan Originator License
- 1) Application Fee: An applicant for a Mortgage Loan Originator license shall pay a non-refundable fee of \$200 for each individual licensed on the initial application and \$150 annually for each individual renewal, plus an additional \$75 late fee for any renewal that is received after the expiration date of the preceding license.
 - 2) License Transfer Fee: There shall be paid by or on behalf of the Mortgage Loan Originator a non-refundable fee of \$50 for each license transferred.
 - 3) License Reactivation Fee: There shall be paid by or on behalf of the applicant a non-refundable fee of \$150 for reactivating each or license on Inactive or Inoperative Status.
 - 4) Duplicate Documents: The licensee shall pay a non-refundable fee of \$50 for each duplicate document.

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- 5) Returned Payment: Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fee of \$50.
- d) Examination
 - 1) Fees: Time expended in the conduct of any examination of the affairs of any licensee or its affiliates pursuant to the provision of Section 4-2 of the Act shall be billed by the Department at a rate of \$510 per examiner day. Fees will be billed following completion of the examination and shall be paid within 30 days after receipt of the billing.
 - 2) Out-of-State Travel: When out-of-state travel occurs in the conduct of any examination, the licensee shall make arrangements to reimburse the Department all charges for services such as travel expenses, including airfare, hotel and per diem incurred by the employee. These expenses are to be in accord with applicable travel regulations published by the Department of Central Management Services and approved by the Governor's Travel Control Board (80 Ill. Adm. Code 2800).
- e) Additional Full-Service Office:
 - 1) Initial Fee: The licensee shall pay a non-refundable fee of \$250 for each Notice of Intent to Establish an Additional Full-Service Office required by Subpart C.
 - 2) Annual Fee: After the notice filed under subsection (e)(1), the licensee shall pay an annual non-refundable Additional Full-Service Office fee of \$250 on the initial license anniversary date.
- f) Hearing Fees: Each party that requests a hearing pursuant to Section 4-1(n) of the Act shall pay a non-refundable fee of \$500, except that a Mortgage Loan Originator requesting a hearing shall pay a non-refundable fee of \$250, unless the fee is waived by the Director. In determining whether to waive the fee, the Director shall consider the financial hardship imposed on the party.

(Source: Amended at 43 Ill. Reg. 5272, effective May 10, 2019)

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SUBPART C: LICENSING

Section 1050.370 Licensing of Mortgage Loan Originators

- a) License Applications
The Director may withdraw any license application for which the applicant has failed or refused to provide a written response, including any required documentation, within 21 business days after receiving a deficiency letter for this response and required documentation from the Director.
- b) Licenses
 - 1) Issuance of License; Conditions and Reports. Upon approving an application for an original or renewed Mortgage Loan Originator License pursuant to Article VII of the Act and this Part, the Director may issue the Mortgage Loan Originator License through electronic licensing systems such as the [NMLS Nationwide Mortgage Licensing System and Registry](#) and maintain a public record of all licenses issued within those electronic licensing systems. The Director may make copies of licenses available to licensees through electronic or other methods. Mortgage Loan Originator Licenses shall be issued subject to the following conditions:
 - A) The Director shall use applicable license numbers and/or identifiers for each Mortgage Loan Originator License, including unique identifiers as authorized by Section 7-14 of the Act.
 - B) Each Mortgage Loan Originator shall provide notification to the Director through the [NMLS Nationwide Mortgage Licensing System and Registry](#), within 10 calendar days after obtaining information that the Mortgage Loan Originator has had his or her license revoked in any governmental jurisdiction (see Section 7-3(1) of the Act), has been convicted of, or pled guilty or nolo contendere to, a felony (see Section 7-3(2) of the Act), or has had an adverse judgment of \$500 or more in any jurisdiction (see the financial responsibility, character and general fitness requirements of Section 7-3(3) of the Act). The notification shall describe fully all convictions, revocations and adverse judgments. The Director may take disciplinary action against any Mortgage Loan Originator

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for convictions, revocations and adverse judgments based upon failure to comply with Sections 7-3(1), (2), or (3) of the Act and may take disciplinary action against a Mortgage Loan Originator who fails to comply with the reporting requirement of this subsection (b)(1)(B).

- C) Each employing licensee [or registrant](#) shall provide notification to the Director through submitting a sponsor removal to the [NMLS Nationwide Mortgage Licensing System and Registry](#), immediately, but no later than 30 calendar days after the termination of a Mortgage Loan Originator's employment. The employing licensee [or registrant](#) may notify the Director of the reasons for the termination and, if applicable, the employing licensee [or registrant](#) also shall provide a report to the Director pursuant to Section 6-2(4) of the Act. The Director may take disciplinary action against an employing licensee [or registrant](#) that fails to comply with the reporting requirement of this subsection (b)(1)(C) or files a frivolous, false or misleading report under Section 6-2(4) of the Act.
- D) Each Mortgage Loan Originator shall notify the Director through the [NMLS Nationwide Mortgage Licensing System and Registry](#), within 30 days if the Mortgage Loan Originator's information contained in the initial application or any renewal application is no longer current and must file accurate supplemental information. The Director may take disciplinary action against a Mortgage Loan Originator who fails to notify the Director as required by this subsection (b)(1)(D).
- 2) Inactive or Inoperative Status and Reactivation; Transfers
The Director may create categories of inactive or inoperative status. A Mortgage Loan Originator License shall be considered on inactive or inoperative status at any time a Mortgage Loan Originator is not actively employed by a licensee [or registrant](#) prior to the expiration date of the license. A Mortgage Loan Originator shall apply to the Director through the [NMLS Nationwide Mortgage Licensing System and Registry](#), and include the transfer fee set forth in Section 1050.210, in order to transfer the sponsorship of his or her license to another employing licensee. A Mortgage Loan Originator cannot conduct licensable activities while on

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inactive or inoperative status or any time prior to the Director accepting the new sponsor in the ~~NMLS Nationwide Mortgage Licensing System and Registry~~. When a Mortgage Loan Originator has been on inactive or inoperative status for more than 90 calendar days, prior to resuming active status, the Mortgage Loan Originator shall pay to the Director a Mortgage Loan Originator Reactivation Fee in the amount set forth in Section 1050.210. A Mortgage Loan Originator's inactive or inoperative status expires with the expiration of the license and any subsequent licensing shall require submission of a new license application and fee in the amount set forth in Section 1050.210.

- 3) Independent Loan Processors
An independent loan processor entity must employ one or more individuals licensed as a Mortgage Loan Originator to provide supervision and instruction to one or more individuals performing loan processing services. If only one loan processor is providing services for an independent loan processing entity, that individual must be licensed as a Mortgage Loan Originator to meet the supervision and instruction requirement set forth in the Act and this Part.

(Source: Amended at 43 Ill. Reg. 5272, effective May 10, 2019)

SUBPART D: OPERATIONS AND SUPERVISION

Section 1050.490 Bonding Requirements

- a) In lieu of a paper surety bond, each licensee shall file and maintain an electronic surety bond in the ~~NMLS Nationwide Multistate Licensing System and Registry~~ in conformance with Section 3-1 of the Act. The amount of the bond shall be not less than \$25,000 and in an amount according to the scale in subsection (b).
- b) Each Mortgage Loan Originator must be covered by the electronic surety bond filed and maintained by his or her employing licensee pursuant to subsection (a). Registered exempt companies or entities shall file and maintain electronic surety bonds in the same manner as subsection (a) for the purpose of covering their Mortgage Loan Originator employees or sponsored individuals. Licensed mortgage brokers and mortgage bankers and exempt company or entity registrants must file and maintain an electronic surety bond that provides coverage for each sponsored Mortgage Loan Originator in an amount that reflects the dollar amount

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of Illinois mortgage loans applied for or originated by its Mortgage Loan Originators during the preceding calendar year. Exempt independent loan processing entity registrants must file and maintain an electronic surety bond in the same manner as subsection (a) that provides coverage for each sponsored Mortgage Loan Originator in the amount of \$50,000. The surety bond amount will be set for each licensed mortgage broker and mortgage banker and registered exempt company or entity in accordance with the following scale, or, for exempt independent loan processing entity registrants, the \$50,000, based upon Illinois residential mortgage loans brokered, processed, underwritten, funded, originated, serviced or purchased, as the case may be, during the preceding calendar year:

Loans	Bond Amount
\$0 - \$5,000,000	\$25,000
\$5,000,001 - \$20,000,000	\$50,000
\$20,000,001 - \$50,000,000	\$75,000
\$50,000,001 - \$100,000,000	\$100,000
Over \$100,000,000	\$150,000

The Director may require licensed mortgage brokers and mortgage bankers and registered exempt companies to file reports of Illinois mortgage loan volumes with the Director or NMLS Nationwide Multistate Licensing System and Registry for purposes of determining that the bond is in an amount that complies with the scale in this subsection (b). Based upon these reports, the Director may cause licensed mortgage brokers and mortgage bankers and registered exempt companies to adjust the amount of the bonds to an amount that complies with the scale in subsection (b).

- c) Each electronic surety bond required pursuant to Section 3-1 of the Act and this Section shall be for a perpetual term.

(Source: Amended at 43 Ill. Reg. 5272, effective May 10, 2019)

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE
BROKERAGE ACTIVITY, PURCHASING ACTIVITY,
AND MORTGAGE SERVICING ACTIVITY

Section 1050.610 Filing Requirements

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On or before March 1 of each year, each licensee, except entities engaged solely in loan brokering activities and entities engaged solely in servicing activities, shall file an Annual Report of Mortgage Activity. On or before March 1 of each year, each licensee that brokers loans must file an Annual Report of Mortgage Brokerage Activity. On or before March 1 of each year, each licensee that services residential mortgage loans shall file an Annual Report of Mortgage Servicing Activity. On or before March 1 of each year, each licensee that purchases residential mortgage loans shall file an annual report of purchasing activity set forth in Section 1050.655. The Director may require reporting by licensees of mortgage, mortgage brokerage, and mortgage servicing activities to the [NMLS Nationwide Mortgage Licensing System and Registry](#), upon the dates established by the [NMLS Nationwide Mortgage Licensing System and Registry](#).

(Source: Amended at 43 Ill. Reg. 5272, effective May 10, 2019)

SUBPART H: ADVERTISING

Section 1050.920 Definition of Advertisement

- a) An advertisement is any message, except as provided in subsection (b) of this Section, conveyed in any format, including, but not limited to, the Internet, and attempting to induce, directly or indirectly, any person to enter into a residential mortgage loan or residential mortgage loan brokerage agreement as defined in Section 1-4(w) of the Act.
- b) Small items bearing only the name, address and telephone number of the distributing entity shall not be considered messages intended to induce any person to enter into a residential mortgage loan agreement or residential loan brokerage agreement as defined in the Act and shall not be considered advertisements. Examples of these items are pencils, pens, buttons, pins, pocket calendars, and balloons, ~~and business cards~~. Business cards shall be considered an advertisement.

(Source: Amended at 43 Ill. Reg. 5272, effective May 10, 2019)

Section 1050.940 Requirements

Any advertisement appearing in Illinois by a licensee regarding residential mortgage loans, whether via electronic or print media, including mailings to individual potential residential mortgage loan customers, shall include, in a manner that is clear and conspicuous to the consumer:

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- a) The NMLS Consumer Access homepage (www.nmlsconsumeraccess.org). For electronic media, the licensee shall use the phrase "For licensing information, go to: www.nmlsconsumeraccess.org." ~~The name and an office address of the licensee, which shall conform to a name and address on record with the Director;~~
- b) The ~~NMLS Unique Identifier of the licensee~~ words, "Illinois Residential Mortgage Licensee", which shall be clear and conspicuous. If a Mortgage Loan Originator (MLO) is advertised, the licensee must include its MLO employee's individual NMLS Unique Identifier, in addition to the licensee's NMLS Unique Identifier.

(Source: Amended at 43 Ill. Reg. 5272, effective May 10, 2019)

Section 1050.950 Misleading and Deceptive Advertising Prohibition

Advertisements by licensees shall not be false, misleading or deceptive. Examples of prohibited advertising include but are not limited to the following:

- a) No advertisement regarding residential mortgage lending or brokering may indicate or imply that interest rates or charges for loans are in any way "recommended", "approved", "set" or "established" by the State or the Act;
- b) The ~~NMLS Unique Identifier of the licensee~~ words "Illinois Residential Mortgage Licensee" shall not appear in any advertisement relating to activities other than residential mortgage lending or brokering, unless wording relating to the licensee's residential mortgage services also appears in the such advertisements and in prominence equal to or greater than the language regarding its other activities.

(Source: Amended at 43 Ill. Reg. 5272, effective May 10, 2019)

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- 1) Heading of the Part: Administrative Procedures for General Professional Regulation Under the Administrative Code
- 2) Code Citation: 68 Ill. Adm. Code 1130
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1130.20	Repealed
1130.30	Repealed
1130.40	Renumbered
1130.100	Renumbered/Amendment
1130.110	Renumbered
1130.120	Renumbered
1130.130	Renumbered
1130.200	Renumbered/Amendment
1130.400	New Section
- 4) Statutory Authority: Implementing Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].
- 5) Effective Date of Rules: May 10, 2019
- 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*: 42 Ill. Reg. 22314; December 14, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final version: There are no differences between the proposed and adopted versions of these rules.
- 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.

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- 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 adopted rulemaking repealed the implementing rules for non-binding advisory opinions due to the elimination of non-binding advisory opinions by PA 100-883. It codified the Department's practice of not renewing a license until the licensee pays any outstanding disciplinary fine or of not issuing a new license until the applicant pays any outstanding fine for unlicensed practice. With the statutory elimination of non-binding advisory opinions, the implementing rules were no longer needed. The confidentiality section was maintained since the Department will continue to have previous requests and responses in its files. A person, who is contemplating applying for a specific license and has a conviction, may request a letter from the Department in the form of a non-binding advisory opinion to determine if the conviction acts as a bar to licensure or whether it will be considered in the Department's review of any future license application. This information will now be published on the Department's website.

The adopted rulemaking also established rules for the implementation of a new requirement for sexual harassment prevention training mandated by PA 100-762. This is a new one-hour continuing education course that all licensed professionals who currently have a continuing education requirement must take and complete in order to be eligible for license renewal.

- 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:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER a: ADMINISTRATIVE RULESPART 1130
ADMINISTRATIVE PROCEDURES FOR GENERAL
PROFESSIONAL REGULATION UNDER THE ADMINISTRATIVE CODE

SUBPART A: GENERAL

Section
1130.10 Definitions

SUBPART B: NON-BINDING, ADVISORY OPINIONS ON CRIMINAL CONVICTIONS

Section
1130.20 Request for Non-Binding, Advisory Opinion ([Repealed](#))
1130.30 Board Review ([Repealed](#))
1130.[10040](#) Confidentiality of Records

SUBPART C: PERMANENT REVOCATIONS

Section
1130.[200100](#) Notice of Intent to Issue Permanent Revocation Order
1130.[210110](#) Licensed Health Care Worker
1130.[220120](#) Forcible Felony
1130.[230130](#) Chaperone Orders

SUBPART D: DISCIPLINARY SANCTIONS

Section
1130.[300200](#) Disciplinary Sanctions

SUBPART E: SEXUAL HARASSMENT PREVENTION TRAINING

Section
1130.400 Sexual Harassment Prevention Training

1130.APPENDIX A Notice of Order Requiring Chaperone

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AUTHORITY: Implementing Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Adopted at 35 Ill. Reg. 7956, effective May 20, 2011; amended at 37 Ill. Reg. 1192, effective February 1, 2013; amended at 37 Ill. Reg. 7479, effective May 31, 2013; amended at 39 Ill. Reg. 14514, effective November 6, 2015; amended at 43 Ill. Reg. 5297, effective May 10, 2019.

SUBPART B: NON-BINDING, ADVISORY OPINIONS ON CRIMINAL CONVICTIONS

Section 1130.20 Request for Non-Binding, Advisory Opinion (Repealed)

- a) ~~An individual shall file a request for a non-binding, advisory opinion on forms provided by the Department. The request shall include:~~
- ~~1) A copy of all convictions for which the individual seeks a non-binding, advisory opinion from the Department;~~
 - ~~2) Copies of any certificate of relief from disabilities that the individual may have received or obtained;~~
 - ~~3) A detailed nature of the offense;~~
 - ~~4) Any statements of mitigation;~~
 - ~~5) Any prior conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony or misdemeanor under the laws of the United States or any state or territory thereof or a misdemeanor of which an essential element is dishonesty or that is directly related to the practice of the profession;~~
 - ~~6) Any licenses held or prior applications filed with the Division;~~
 - ~~7) The profession for which the individual intends to seek licensure (if the individual intends to seek licensure in more than one profession and is seeking a non-binding, advisory opinion on more than one profession, the individual shall complete a separate request for each profession for which the individual is seeking a non-binding, advisory opinion);~~

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- 8) ~~If applicable, verification from any state in which an individual is or has been licensed stating:~~
- A) ~~The time during which the individual was licensed in that state, including the date of the original issuance of the license; and~~
 - B) ~~Whether the file on the individual contains any record of disciplinary actions taken or pending.~~
- b) ~~When the accuracy of any submitted documentation or the relevance or sufficiency of the information submitted by the individual is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the individual seeking licensure may be requested to provide further information as may be necessary.~~
- e) ~~In determining whether an individual's criminal record, as disclosed in the request, is considered a bar to the future licensure of the individual, the Department may consider the following factors or any other factors deemed relevant by the Department:~~
- 1) ~~Whether there is a direct relationship between one or more of the previous criminal offenses and the specific license to be sought;~~
 - 2) ~~Whether the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public;~~
 - 3) ~~The specific duties and responsibilities necessarily related to the license being sought;~~
 - 4) ~~The bearing, if any, the criminal offenses will have on the applicant's fitness or ability to perform one or more of the duties and responsibilities of a licensee;~~
 - 5) ~~The time that has elapsed since the occurrence of the offenses;~~
 - 6) ~~The age of the individual at the time of occurrence of the criminal offenses;~~

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- 7) ~~The seriousness of the offenses; and~~
- 8) ~~Any information produced by the individual or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the individual, which shall create a presumption of rehabilitation in regard to the offenses specified in the certificate.~~

(Source: Repealed at 43 Ill. Reg. 5297, effective May 10, 2019)

Section 1130.30 Board Review (Repealed)

- a) ~~At any time during the review and determination of a request for a non-binding, advisory opinion as to whether the criminal record of an individual as disclosed in the request would bar the individual from the licensure or certification to be sought, the Department may, but shall not be required to, seek the advice and/or recommendation of the Board established for the profession for which the individual seeks licensure or certification.~~
- b) ~~Any recommendation taken by the Board shall be taken at a meeting held in accordance with the Open Meetings Act [5 ILCS 120]. In exigent circumstances, as determined in the sole discretion of the Department, the Department may contact an individual Board member for advice concerning any individual's request for a non-binding, advisory opinion.~~

(Source: Repealed at 43 Ill. Reg. 5297, effective May 10, 2019)

Section 1130.10040 Confidentiality of Records

All documents and records submitted to the Department by an individual seeking a non-binding, advisory opinion shall be deemed confidential and may not be made available to any person or public or private agency, including any requests made pursuant to the Freedom of Information Act [5 ILCS 140], except if specifically required or permitted by statute or upon specific authorization by the individual seeking a non-binding, advisory opinion. The Department shall not be required to release any documents filed or received pursuant to this Part unless the Department has obtained a written, signed release from the individual who originally requested a non-binding, advisory opinion determination from the Department; except that the Department may disclose information and documents to a federal, state or local law enforcement agency

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pursuant to a subpoena in an ongoing criminal investigation or to a health care licensing body of this State or another state or jurisdiction pursuant to an official request made by that licensing body.

(Source: Section 1130.100 renumbered from Section 1130.40 at 43 Ill. Reg. 5297, effective May 10, 2019)

SUBPART C: PERMANENT REVOCATIONS

Section 1130.~~200100~~ Notice of Intent to Issue Permanent Revocation Order

- a) Upon determination that the license of a licensed health care worker is subject to permanent revocation pursuant to Section 2105-165(a) of the Code, the Director shall cause a Notice of Intent to Issue Permanent Revocation Order to be served on the licensee by ~~registered~~-mail or email at the licensee's address of record.
- b) The Notice of Intent to Issue Permanent Revocation Order shall specify the reason for the intended action and notify the licensee that he or she has 20 days from the date the Notice is mailed or emailed to present to the Department a written response contesting the Department's intended action. Any written response received by the Department shall only be considered for the following reasons and shall include documentation that supports one of these three reasons:
 - 1) The licensee has been incorrectly identified as the person with the conviction;
 - 2) The licensee's conviction has been vacated, overturned, or reversed or a pardon has been granted; or
 - 3) The licensee's conviction is not a disqualifying conviction.
- c) After 20 days have lapsed since the issuance of the Notice of Intent to Issue Permanent Revocation Order and the Department has not received a written response from the licensee or any written response received by the Department from the licensee has not established one of the grounds provided in subsection (b), the Director shall issue an order permanently revoking the license of the licensed health care worker in accordance with Section 2105-165(a) of the Code.

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(Source: Section 1130.200 renumbered from Section 1130.100 and amended at 43 Ill. Reg. 5297, effective May 10, 2019)

Section 1130.~~210110~~ Licensed Health Care Worker

The following licensed professionals are licensed health care workers for the purposes of Section 2105-165 of the Code and this Part:

- a) Dentists and dental hygienists licensed under the Illinois Dental Practice Act [225 ILCS 25];
- b) Licensed practical nurses, registered nurses and advanced practice [registered](#) nurses licensed under the Nurse Practice Act [225 ILCS 65];
- c) Occupational therapists and occupational therapy assistants licensed under the Illinois Occupational Therapy Practice Act [225 ILCS 75];
- d) Optometrists licensed under the Illinois Optometric Practice Act of 1987 [225 ILCS 80];
- e) Pharmacists licensed under the Pharmacy Practice Act [225 ILCS 85];
- f) Physical therapists and physical therapy assistants licensed under the Illinois Physical Therapy Act [225 ILCS 90];
- g) Physicians, including medical doctors (M.D.), doctors of osteopathic medicine (D.O.), and chiropractic physicians (D.C.), licensed under the Medical Practice Act of 1987 [225 ILCS 60];
- h) Physician assistants licensed under the Physician Assistant Practice Act of 1987 [225 ILCS 95];
- i) Podiatrists licensed under the Podiatric Medical Practice Act of 1987 [225 ILCS 100];
- j) Clinical psychologists licensed under the Clinical Psychologist Licensing Act [225 ILCS 15];

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- k) Clinical social workers and social workers licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20];
- l) Speech-language pathologists and audiologists licensed under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110];
- m) Acupuncturists licensed under the Acupuncture Practice Act [225 ILCS 2];
- n) Athletic trainers licensed under the Illinois Athletic Trainers Practice Act [225 ILCS 5];
- o) Marriage and family therapists licensed under the Marriage and Family Therapy Licensing Act [225 ILCS 55];
- p) Naprapaths licensed under the Naprapathic Practice Act [225 ILCS 63];
- q) Nursing home administrators licensed under the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70];
- r) Orthotists, prosthetists, and pedorthists licensed under the Orthotics, Prosthetics, and Pedorthics Practice Act [225 ILCS 84];
- s) Respiratory care practitioners licensed under the Respiratory Care Practice Act [225 ILCS 106];
- t) Professional counselors and clinical professional counselors licensed under the Professional Counselor and Clinical Professional Counselor Licensing [and Practice](#) Act [225 ILCS 107];
- u) Perfusionists licensed under the Perfusionist Practice Act [225 ILCS 125];
- v) Registered surgical assistants and registered surgical technologists licensed under the Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act [225 ILCS 130];
- w) Genetic counselors licensed under Genetic Counselor Licensing Act [225 ILCS 135]; and

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- x) Any other license issued by the Department under the Acts listed in this Section and the Controlled ~~Substance~~Substances and Cannabis Nuisance Act [740 ILCS 40], except for pharmacy technicians, issued to a person subject to the Code and this Part.

(Source: Section 1130.210 renumbered from Section 1130.110 and amended at 43 Ill. Reg. 5297, effective May 10, 2019)

Section 1130.~~220120~~ Forcible Felony

A "forcible felony", for the purposes of Section 2105-165 of the Code, is one or more of the following offenses committed in any jurisdiction. The Section numbers listed ~~below~~ in parentheses in this Section, from the Criminal Code of 2012 [720 ILCS 5], are for guidance only and in no way limit the Department from permanent revocation or denial based upon conviction in jurisdictions other than the State of Illinois:

- a) First Degree Murder (Section 9-1);
- b) Intentional Homicide of an Unborn Child (Section 9-1.2);
- c) Second Degree Murder (Section 9-2);
- d) Voluntary Manslaughter of an Unborn Child (Section 9-2.1);
- e) Drug-induced Homicide (Section 9-3.3);
- f) Kidnapping (Section 10-1);
- g) Aggravated ~~Kidnaping~~Kidnapping (Section 10-2);
- h) Unlawful Restraint (Section 10-3);
- i) Aggravated Unlawful Restraint (Section 10-3.1);
- j) Forcible Detention (Section 10-4);
- k) Involuntary Servitude (Section 10-9(b));
- l) Involuntary Sexual Servitude of a Minor (Section 10-9(c));

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- m) Trafficking in Persons (Section 10-9(d));
- n) Criminal Sexual Assault (Section 11-1.20);
- o) Aggravated Criminal Sexual Assault (Section 11-1.30);
- p) Predatory Criminal Sexual Assault of a Child (Section 11-1.40);
- q) Criminal Sexual Abuse (Section 11-1.50);
- r) Aggravated Criminal Sexual Abuse (Section 11-1.60);
- s) Aggravated Battery (Section 12-3.05);
- t) Compelling Organization Membership of Persons (Section 12-6.5);
- u) Compelling Confession or Information by Force or Threat (Section 12-7);
- v) Robbery; Aggravated Robbery (Section 18-1);
- w) Armed Robbery (Section 18-2);
- x) Vehicular Hijacking (Section 18-3);
- y) Aggravated Vehicular Hijacking (Section 18-4);
- z) Home Invasion (Section 19-6);
- aa) Terrorism (Section 29D-14.9);
- bb) Causing a Catastrophe (Section 29D-15.1);
- cc) Possession of a Deadly Substance (Section 29D-15.2);
- dd) Making a Terrorist Threat (Section 29D-20);
- ee) Falsely Making a Terrorist Threat (Section 29D-25);

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- ff) Material Support for Terrorism (Section 29D-29.9);
- gg) Hindering Prosecution of Terrorism (Section 29D-35);
- hh) Boarding or Attempting to Board an Aircraft with Weapon (Section 29D-35.1);
- ii) Armed Violence (Section 33A-2); and
- jj) Attempt (Section 8-4) of any of the above specified offenses.

(Source: Section 1130.220 renumbered from Section 1130.120 and amended at 43 Ill. Reg. 5297, effective May 10, 2019)

Section 1130.~~230130~~ Chaperone Orders

- a) Within 5 days after receiving notice from a prosecuting attorney that a licensed health care worker has been charged with any offense for which the sentence includes registration as a sex offender; a criminal battery against a patient, including any offense based on sexual conduct or sexual penetration, in the course of patient care or treatment; or a forcible felony, the Department shall forward a chaperone order to the licensed health care worker that requires the worker to immediately cease professional practice and not to resume practice with patient encounters until authorized to do so by the Department pursuant to an approved plan of compliance.
- b) A licensed health care worker subject to a chaperone order pursuant to Section 2105-165(c) of the Code shall submit to the Department a written plan of compliance within 5 days after receipt of the chaperone order. The plan of compliance shall include, at a minimum, the following:
 - 1) The number of proposed chaperones;
 - 2) The names, mailing address, email address, telephone number and license number of each proposed chaperone;
 - 3) The days, times, and locations where the licensed health care worker subject to a chaperone order will practice;

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- 4) The scheduled days, hours and practice locations for each chaperone proposed to be utilized; and
- 5) The method to be used to document the presence of a chaperone during all patient encounters. The presence of a chaperone shall be shown by:
 - A) Maintaining a schedule of the dates, times and locations each chaperone works and having the designated chaperone initial or make a notation in each patient chart every time the patient is seen by the licensed health care worker subject to a chaperone order; or
 - B) Maintaining a chaperone log listing each patient seen by the licensed health care worker subject to a chaperone order and signed by both that health care worker and the approved chaperone after each patient encounter.
- c) A proposed chaperone shall be a licensed health care worker in good standing and shall be subject to the approval of the Department.
- d) The written plan of compliance shall be sent to the Department's Probation Compliance Unit at the address included in the chaperone order.
- e) No licensed health care worker subject to a chaperone order shall have any patient encounters until the Department has approved his or her written plan of compliance. After approval of the written plan of compliance, the licensed health care worker subject to a chaperone order shall notify the Department in writing if the licensure status of any approved chaperone changes or if a chaperone can no longer serve for any reason. A chaperone approved by the Department shall automatically become ineligible to serve as a chaperone if his or her license is disciplined by the Department, expires or changes to a status that does not permit active practice. The licensed health care worker subject to a chaperone order shall provide, in writing to the Department, the name, mailing address, email address, telephone number and license number of any replacement or additional proposed chaperone, including the scheduled days, hours and practice location for any replacement or additional chaperone proposed to be utilized. No person may act as chaperone until approved by the Department. No licensed health care worker subject to a chaperone order and acting under an approved written plan of compliance shall have any patient encounters without the presence of an approved

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chaperone. Failure to comply with all requirements of the approved written plan of compliance shall be prima facie evidence of practice without a chaperone.

- f) The chaperone shall provide written notice of the chaperone order, by using the form provided in Appendix A or by using his or her own form that is substantially similar to the form in Appendix A, to each of the licensed health care worker's patients at the time of the patient's first visit following the effective date of the chaperone order. A copy of the notice shall be signed by the patient and the chaperone and maintained in the patient's file. The chaperone shall also provide a copy of the signed notice to the patient.
- g) A pharmacist subject to a chaperone order shall not be required to include in the written plan of compliance methods of documenting the presence of a chaperone as specified in subsection (b)(5) and notice to patients as specified in subsection (f). In place of these requirements, the pharmacist shall include in the written plan of compliance that the presence of a chaperone while the pharmacist is on duty at a pharmacy shall be shown by maintaining a written schedule of the dates, times and locations each chaperone works and having the designated chaperone verify by signature his or her presence for the dates, times and locations stated.
- h) Any health care worker subject to a chaperone order may submit a request to the Director for a waiver of any of the requirements of subsections (b) and (f) to allow for the creation of an individually tailored written plan of compliance that achieves the objectives of the Code and this Part.
- i) The Department may conduct random inspections and audits to determine compliance with the chaperone order and the written plan of compliance. A licensed health care worker subject to a chaperone order and any approved chaperones shall cooperate with any inspection or audit.
- j) If the Secretary finds that evidence in his or her possession indicates that a licensed health care worker subject to a chaperone order has failed to comply with the chaperone order, failed to file a written plan of compliance, or failed to follow the terms of the written plan of compliance, he or she may temporarily suspend without hearing the license of the health care worker until completion of the criminal proceedings. In instances in which the Secretary temporarily suspends a license under this Section, a hearing upon that person's license must be commenced within 15 days after the suspension has occurred and shall be completed without appreciable delay. The Secretary shall appoint an Illinois

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licensed attorney to serve as hearing officer in those hearings. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendation to the Secretary. The burden of proof rests with the Department in hearings conducted under this Section, and a recommendation that the license shall remain temporarily suspended shall be made by the hearing officer when the Department establishes by clear and convincing evidence that the licensed health care worker subject to a chaperone order has failed to comply with the chaperone order, failed to file a written plan of compliance, or failed to follow the terms of the written plan of compliance. No temporary suspension shall be stayed during the pendency of any hearing.

- k) Any information collected by the Department to investigate compliance with the requirements of this Section shall be maintained by the Department for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials or regulatory agencies or persons who have an appropriate regulatory interest, as determined by the Secretary. The Department shall have access to any records created by any person in compliance with the requirements of this Section or with a written plan of compliance. However, except for the purposes of the Department, these records shall be accorded the same confidentiality as required by the professional licensing Act governing the particular health care worker or as otherwise provided by law.
- l) In the event that a licensed health care worker subject to a chaperone order or under a temporary suspension pursuant to this Part shall be subsequently charged with any additional offenses that would independently subject the licensed health care worker to the provisions of this Part, the existing chaperone order or temporary suspension order shall remain in effect until all pending charges are resolved by the Circuit Court.

(Source: Section 1130.230 renumbered from Section 1130.130 at 43 Ill. Reg. 5297, effective May 10, 2019)

SUBPART D: DISCIPLINARY SANCTIONS

Section 1130.~~300200~~ Disciplinary Sanctions

Upon a finding by the Department that a person has committed a violation of any licensing Act administered by the Department with regard to licenses, certificates or authorities of persons

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exercising their respective professions, trades or occupations, the Department may revoke, suspend, refuse to renew, place on probationary status, fine, or take any other disciplinary action as authorized in any licensing Act administered by the Department with regard to those licenses, certificates or authorities. When making a determination of the appropriate disciplinary sanction to be imposed, the Department shall consider, but is not limited to, the following factors in aggravation and mitigation:

- a) Factors in Aggravation
 - 1) The seriousness of the offenses;
 - 2) The presence of multiple offenses;
 - 3) Prior disciplinary history, including actions taken by other agencies in this State or by other states or jurisdictions, hospitals, healthcare facilities, residency programs, employers, insurance providers, or any of the armed forces of the United States or any state;
 - 4) The impact of the offenses on any injured party;
 - 5) The vulnerability of any injured party when considering such elements as, but not limited to, the injured party's age, disability or mental illness;
 - 6) The motive for the offense;
 - 7) The lack of contrition for the offenses;
 - 8) Financial gain as a result of committing the offenses; and
 - 9) The lack of cooperation with the Department or other investigative authorities.
- b) Factors in Mitigation
 - 1) The lack of prior disciplinary action by the Department or by other agencies in this State or by other states or jurisdictions, hospitals, healthcare facilities, residency programs, employers, insurance providers, or any of the armed forces of the United States or any state;

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- 2) Contrition for the offenses;
 - 3) Cooperation with the Department or other investigative authorities;
 - 4) Restitution to injured parties;
 - 5) Self-reporting of the misconduct; and
 - 6) Any voluntary remedial actions taken.
- c) The Division shall not renew a license if the licensee has an unpaid fine from a disciplinary matter or an unpaid fee from a non-disciplinary action imposed by the Division until the fine or fee is paid to the Division or the licensee has entered into a payment plan and is current on the required payments.
- d) The Division shall not issue a license if the applicant has an unpaid fine imposed by the Division for unlicensed practice until the fine is paid to the Division or the applicant has entered into a payment plan and is current on the required payments.

(Source: Section 1130.300 renumbered from Section 1130.200 and amended at 43 Ill. Reg. 5297, effective May 10, 2019)

SUBPART E: SEXUAL HARASSMENT PREVENTION TRAININGSection 1130.400 Sexual Harassment Prevention Training

- a) All persons who hold a professional license issued by the Division and are subject to a continuing education requirement shall complete a one-hour course in sexual harassment training. A licensee may count this one hour for completion of this course towards meeting the minimum credit hours required for continuing education.
- b) The sexual harassment prevention training course shall only be provided by existing Division-approved continuing education providers or by persons or entities who become Division-approved continuing education providers.
- c) The sexual harassment prevention training course shall include, at a minimum, the following topics:

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- 1) What is sexual harassment, including its forms and types;
 - 2) What should one do if one experiences or witnesses unwelcome sexual contact;
 - 3) Reporting sexual harassment within one's place of employment and to outside entities, such as the Illinois Department of Human Rights; and
 - 4) Whistleblower protections.
- d) The course shall be presented in a classroom setting, a webinar or online.
 - e) The presentation of this course shall be subject to all other continuing education requirements for each profession.
 - f) Completion of this course shall be a condition of renewing a license. This requirement shall become effective for all applicable license renewals occurring on or after January 1, 2020.

(Source: Added at 43 Ill. Reg. 5297, effective May 10, 2019)

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- 1) Heading of the Part: Board of Appeals; Voluntary Disclosure
- 2) Code Citation: 86 Ill. Adm. Code 210
- 3) Section Number: 210.126 Adopted Action:
Amendment
- 4) Statutory Authority: Sections 2505-505 and 2505-250 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-505, 2505/ 2505-250] and Section 3-10 of the Uniform Penalty and Interest Act [35 ILCS 735/3-10]
- 5) Effective Date of Rule: April 24, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 973, January 11, 2019
- 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. Only grammatical and technical changes were made. No substantive changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking reflects changes in procedures regarding the filing of applications for voluntary disclosure. The rules are updated to provide that applications for voluntary disclosure must be filed with the Department's Problems Resolution Division (PRD), rather than with the Board of Appeals. Various

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statutory citations within the rules have also been updated, along with changes that reflect the current organizational structure of the Department. The name of the Part is being changed to emphasize that the voluntary disclosure program is no longer administered by the Board of Appeals.

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

Jerilynn Gorden
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

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

DEPARTMENT OF REVENUE

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 210

BOARD OF APPEALS; VOLUNTARY DISCLOSURE

Section	
210.101	Filing of Written Petition
210.105	Hearings
210.110	Recommendations
210.115	Offers in Compromise
210.120	Waiver of Penalty and Interest
210.125	Denial by Lapse of Time
210.126	Voluntary Disclosure
210.130	Departmental Controversies
210.135	Decisions of the Board

AUTHORITY: Implementing and authorized by Sections 2505-505 and 2505-250 of the Civil Administrative Code of Illinois [20 ILCS 2505] and Section 3-10 of the Uniform Penalty and Interest Act [35 ILCS 735].

SOURCE: Adopted at 5 Ill. Reg. 5348, effective April 30, 1981; codified at 6 Ill. Reg. 801, effective January 5, 1982; amended at 13 Ill. Reg. 6782, effective April 12, 1989; emergency amendment at 17 Ill. Reg. 665, effective January 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8860, effective June 2, 1993; emergency amendment at 24 Ill. Reg. 14793, effective September 25, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 182, effective December 26, 2000; amended at 43 Ill. Reg. 5315, effective April 24, 2019.

Section 210.126 Voluntary Disclosure

- a) Statutory ~~Authority~~authority. Section ~~3-10~~39c-4 of the Uniform Penalty and Interest Act~~Civil Administrative Code of Illinois~~, as added by P.A. 87-1246, sets forth limitation periods for the assessment of taxes by the Illinois Department of Revenue ~~(Department)~~. *In the case of a failure to file a return required by law that is voluntarily disclosed to the Department, in accordance with this Section, the tax may be assessed no more than 4 years after the original due date of each return required to have been filed.* ~~(Section 39c-4 of the Civil Administrative Code of Illinois, Ill. Rev. Stat. 1991, ch. 127, par. 39c-4, as added by P.A. 87-1246) [3520 ILCS 735/3-10 (c)2505/39c-4]~~.

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- b) Taxpayers must voluntarily come forward and disclose. In order for the statute of limitations to be limited to no more than four years under Illinois law, a taxpayer must voluntarily come forward and disclose its liability to the [Problems Resolution Division \(PRD\) of the Taxpayer Services Program Board of Appeals](#). A taxpayer has voluntarily come forward and disclosed its liability to the [PRD Board](#) when it has done the following:
- 1) [The taxpayer files](#) ~~Taxpayer must file~~ an application for voluntary disclosure. ~~The taxpayer~~ Taxpayer must file an application for voluntary disclosure (~~Application~~) in a form prescribed by the [PRD Board](#), prior to the date the Department of Revenue has initiated an audit or investigation of the taxpayer. The Application is not accepted by the [PRD Board](#) until it has been approved and signed by a Board [of Appeals](#) member. A Board member may not sign the Application until the Department has notified the [PRD Board](#) that the Department had not initiated an audit or investigation of [the](#) taxpayer, as those terms are ~~explained~~[defined](#) in subsection (c)(1) ~~below~~, prior to the filing date of [the](#) taxpayer's Application with the [PRD Board](#). The filing date of [the](#) taxpayer's Application with the [PRD Board](#) is the date the Application is received by the [PRD Board](#). Once a Board member has signed the Application, the [PRD Board](#) will furnish [the](#) taxpayer with a copy of the executed Application.
 - 2) [The taxpayer files](#) ~~Taxpayer must file~~ returns and [pays](#)~~pay~~ liability. Once [the](#) taxpayer has received a copy of the executed Application, [the](#) taxpayer must file Illinois tax returns for the tax being disclosed for the last four years with the [PRD Board](#) and pay all tax, ~~penalty~~ and interest (~~except for those amounts for which taxpayer is petitioning the Board seeking relief~~) within ~~30~~[thirty](#) days from the Board of Appeals member's Signature Date (~~Signature Date~~). The Board of Appeals member's Signature Date is the date the Board member signs the Application. [The taxpayer's](#) ~~Taxpayer's~~ determination of its tax liability, including the methodology used by [the](#) taxpayer, must be documented and in a manner reviewable by the Department. A taxpayer who maintains that it was not required to file returns and pay tax for the entire four years shall file returns and pay tax for the period that it maintains it was required to do so under Illinois law. In addition, [the](#) taxpayer will provide in its [Application](#)~~petition~~ to the [PRD Board](#) its reasons why it maintains it does not owe tax for the entire

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voluntary disclosure period (immediately preceding four years). The ~~PRD Board~~ will determine the number of years (up to the four year maximum) the taxpayer is subject to Illinois tax under voluntary disclosure. The ~~PRD Board~~ will notify the taxpayer of its decision. ~~The taxpayer~~ Taxpayer will file returns and pay tax for the number of years (up to four years maximum) the ~~PRD Board~~ has determined the taxpayer is subject to tax under voluntary disclosure. ~~The taxpayer~~ Taxpayer will file any additional returns and pay any additional liability owed within 60 days from the date of notification to the taxpayer. The date of notification is the date shown on the notification sent to the taxpayer by the ~~PRD Board~~.

~~3) Taxpayer may file petition with tax returns. Taxpayers who, in addition to seeking the four year statute of limitations, are requesting additional relief from the Board, must file a petition within 30 days from the Signature Date in the manner prescribed by Section 210.101. Taxpayers shall file their petition with the Board concurrently with their tax returns for the voluntary disclosure period to the address designated by the Board.~~

c) Disqualification from ~~Voluntary Disclosure~~ voluntary disclosure. A taxpayer does not qualify for voluntary disclosure if:

1) The Department has initiated an audit or investigation. ~~It is established that the Department had,~~ prior to the date the taxpayer filed its Application with the ~~PRD Board, initiated an audit or investigation of the taxpayer.~~

A) ~~Initiation of~~ Initiated an ~~Audit~~ audit. The Department has initiated an audit of the taxpayer if, at a minimum:

i) The Audit Bureau of the Department has contacted the taxpayer ~~by telephone~~ to schedule an appointment to audit the taxpayer for the particular Illinois tax type being disclosed; or

ii) The Audit Bureau of the Department has contacted the taxpayer in writing regarding a possible tax liability or a notice of intent to audit for the particular Illinois tax type being disclosed.

B) ~~Initiation of~~ Initiated an ~~Investigation~~ investigation. The ~~Criminal~~

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~~Investigations Division~~~~Investigations and Prosecutions Bureau~~ of the Department has initiated an investigation of a taxpayer if, at a minimum, the Department has opened a criminal investigation file on the taxpayer.

- C) Partnerships. Once the Department has initiated an audit or investigation of a partnership or a general partner of the partnership, the Department is deemed to have initiated an audit or investigation of the partnership and all partners of that partnership, with respect to the liability from ~~the~~~~such~~ partnership, for purposes of qualifying for voluntary disclosure.
- 2) ~~The taxpayer~~~~Taxpayer does not file returns.~~ Taxpayer does not file tax returns within ~~30~~~~thirty~~ days from the Signature Date.
- 3) ~~The taxpayer~~ Taxpayer does not pay tax liability. Taxpayer does not pay all tax, penalty and interest (except for those amounts for which taxpayer is seeking relief from the Board) within ~~30~~~~thirty~~ days from the Signature Date.
- 4) ~~Taxpayer does not comply with Board Order.~~ Taxpayer does not comply with the Board's Order regarding taxpayer's petition seeking relief.
- 45) ~~The taxpayer~~ Taxpayer does not begin prospective compliance. ~~The taxpayer~~ Taxpayer must begin prospective compliance with Illinois tax law as a part of voluntary disclosure. ~~The taxpayer~~ Taxpayer has begun prospective compliance when ~~the~~ taxpayer has made a good faith effort to comply with Illinois tax law. This would include prospectively filing all returns that are due, paying the tax liability owed, registering with the Department, and ~~begin~~ remitting all taxes collected.
- 56) ~~The taxpayer~~ Taxpayer has not remitted all taxes collected for the Illinois tax type being disclosed as part of voluntary disclosure. ~~The taxpayer~~ Taxpayer must remit all taxes (and interest) previously collected for all periods by ~~the~~ taxpayer for the Illinois tax type being disclosed as part of ~~the~~ taxpayer's voluntary disclosure with the Department. This includes periods beyond the four-year limitation for which the taxes were collected but not remitted. Failure to remit all taxes (and interest) previously collected for the Illinois tax type being disclosed will disqualify

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the taxpayer from the relief provided under voluntary disclosure.

- d) Extensions. ~~The taxpayer~~Taxpayer may request in writing, before the expiration of the 30-day period, an automatic 60-day extension in order to file its ~~petition or~~ tax returns or make payment. ~~The taxpayer~~Taxpayer may request in writing, before the expiration of any extension, a further extension in order to file its ~~petition or~~ tax returns or make payment. The ~~PRD Board~~, in its discretion, may grant an additional extension ~~when the~~where taxpayer's facts warrant a further extension of time in order to comply with the ~~PRD's Board's~~ filing requirements.
- e) The Department retains the right to audit the taxpayer and verify accurate reporting. ~~The taxpayer~~Taxpayer has made a good faith effort to accurately report its tax liability under voluntary disclosure when the taxpayer has made a reasonable and honest effort to calculate and report its correct tax liability due and does not intentionally or purposefully misrepresent its tax liability to the Department. The Department ~~retains~~shall retain the right to audit the taxpayer for all open years of the voluntary disclosure period and assess all tax, penalty and interest that is owed by the taxpayer. ~~The taxpayer~~Taxpayer will not qualify for the relief provided under voluntary disclosure when the Department finds that the taxpayer understated its final tax liability to the ~~PRD Board~~ by 10% or more and ~~taxpayer~~ cannot demonstrate to the Department that a good faith effort was made to accurately report its liability for the voluntary disclosure period.

(Source: Amended at 43 Ill. Reg. 5315, effective April 24, 2019)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.150 Adopted Action: Amendment
- 4) Statutory Authority: 15 ILCS 335/5(b) & 625 ILCS 5/6-106(e)
- 5) Effective Date of Rule: April 24, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Department's Division of Driver's Services, and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 43 Ill. Reg. 1491; February 1, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: A grammatical correction was 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: Currently, veterans who present a DD214 that contains a designated certification from the Illinois Department of Veterans Affairs to obtain a veteran designation on the veteran's driver's license or state identification card. PA 100-811 allows the Illinois the Illinois Department of Veterans Affairs to certify a veteran's identification card issued pursuant to the federal Veteran's Identification Card Act of 2015 to obtain a veteran designation to on a driver's license or identification card.
- 16) Information and questions regarding this adopted rule shall be directed to:

SECRETARY OF STATE

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Jennifer Egizii
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield IL 62723

217/557-4462

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.1	Definitions
1030.5	Procedure for Obtaining a Standard Driver's License or Identification Card
1030.6	Procedure for Obtaining a Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a)
1030.7	Procedure for Obtaining a Non-Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a-5)
1030.8	Procedure for Obtaining a Real ID Compliant Driver's License or Identification Card
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License (Renumbered)
1030.12	Identification Cards for the Homeless
1030.13	Denial of License or Permit
1030.14	Emergency Contact Database
1030.15	Cite for Re-testing
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References (Repealed)
1030.22	Medical Examiner's Certificate – CLP or CDL Holders
1030.25	Safe Driver License Renewals
1030.26	Identification Cards for IDOC/IDJJ Applicants
1030.27	Identification Cards for Youth in Care
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers (Repealed)
1030.65	Instruction Permits
1030.66	Adult Driver Education
1030.70	Driver's License Testing/Vision Screening

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NOTICE OF ADOPTED AMENDMENT

- 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
- 1030.80 Driver's License Testing/Written Test
- 1030.81 Endorsements
- 1030.82 Charter Bus Driver Endorsement Requirements
- 1030.83 Hazardous Material Endorsement
- 1030.84 Vehicle Inspection
- 1030.85 Driver's License Testing/Road Test
- 1030.86 Multiple Attempts – Written and/or Road Tests
- 1030.88 Exemption of Facility Administered Road Test
- 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits
- 1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
- 1030.91 Person with a Disability Identification Card
- 1030.92 Restrictions
- 1030.93 Restricted Local Licenses
- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Endorsement or Learner's Permit
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.150 Veteran Designation on Driver's License or Identification Card
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- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents – Applicants for a Standard Identification Card, Driver's License, Instruction Permit, Visa Status Temporary Visitor's Driver's License Pursuant to IVC Section 6-105.1(a) or Visa Status Temporary Visitor's Instruction Permit (Non-Real ID)
- 1030.APPENDIX C Acceptable Identification Documents – Applicants for a Non-Visa Status Temporary Visitor's Driver's License or Non-Visa Status Temporary Visitor's Instruction Permit Pursuant to IVC Section 6-105.1(a-5)
- 1030.APPENDIX D Acceptable Identification Documents – Applicants for a Real ID

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Compliant Driver's License or Identification Card

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 15130, effective September 2, 1986; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22

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NOTICE OF ADOPTED AMENDMENT

Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009; amended at 33 Ill. Reg. 14185, effective September 28, 2009; amended at 34 Ill. Reg. 563, effective December 22, 2009; amended at 34 Ill. Reg. 9457, effective June 23, 2010; amended at 34 Ill. Reg. 15418, effective September 22, 2010; amended at 34 Ill. Reg. 19071, effective November 22, 2010; amended at 35 Ill. Reg. 2197, effective January 21, 2011; amended at 35 Ill. Reg. 4692, effective March 3, 2011; amended at 35 Ill. Reg. 19664, effective November 23,

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2011; amended at 36 Ill. Reg. 3924, effective February 27, 2012; amended at 36 Ill. Reg. 7255, effective April 26, 2012; amended at 36 Ill. Reg. 14755, effective September 18, 2012; amended at 37 Ill. Reg. 7776, effective May 22, 2013; amended at 37 Ill. Reg. 14176, effective September 1, 2013; amended at 37 Ill. Reg. 19342, effective November 28, 2013; amended at 38 Ill. Reg. 7946, effective March 28, 2014; emergency amendment at 38 Ill. Reg. 8429, effective April 4, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 12515, effective July 1, 2014; amended at 38 Ill. Reg. 16366, effective July 21, 2014; amended at 38 Ill. Reg. 20039, effective October 1, 2014; amended at 39 Ill. Reg. 1182, effective January 5, 2015; amended at 39 Ill. Reg. 5083, effective March 23, 2015; amended at 39 Ill. Reg. 8028, effective May 21, 2015; amended at 39 Ill. Reg. 11531, effective July 28, 2015; amended at 39 Ill. Reg. 14930, effective October 29, 2015; amended at 40 Ill. Reg. 1882, effective January 12, 2016; amended at 40 Ill. Reg. 7330, effective May 2, 2016; amended at 40 Ill. Reg. 13637, effective September 19, 2016; amended at 40 Ill. Reg. 15397, effective October 26, 2016; amended at 41 Ill. Reg. 438, December 29, 2016; amended at 41 Ill. Reg. 3009, effective February 24, 2017; amended at 41 Ill. Reg. 13665, effective October 30, 2017; amended at 42 Ill. Reg. 1886, effective January 3, 2018; amended at 42 Ill. Reg. 2891, effective January 29, 2018; amended at 42 Ill. Reg. 4969, effective March 5, 2018; amended at 42 Ill. Reg. 11499, effective June 8, 2018; amended at 42 Ill. Reg. 20548, effective October 30, 2018; amended at 43 Ill. Reg. 3724, effective March 4, 2019; amended at 43 Ill. Reg. 5322, effective April 24, 2019.

Section 1030.150 Veteran Designation on Driver's License or Identification Card

- a) Definitions. For the purposes of this Section, the following terms shall have the meanings set forth in this subsection (a):

"Active duty" – means active duty under an executive order of the President of the United States, an Act of the Congress of the United States, or an order of the governor of any U.S. state or territory.

"Armed Forces" – means any of the Armed Forces of the United States, including a member of any reserve component or National Guard unit called to active duty.

"DVA" – means the Illinois Department of Veterans' Affairs.

"Veteran" – means a person who has served on active duty in the Armed Forces and was discharged or separated under honorable conditions. [15 ILCS 335/5(b)]

- b) Effective July 1, 2015, for each original or renewal driver's license or identification card (ID) application, the Secretary shall inquire as to whether the

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NOTICE OF ADOPTED AMENDMENT

applicant is an honorably discharged veteran. If the applicant is an honorably discharged veteran, the applicant shall be informed that he or she is entitled to have the designation "Veteran" on the face of his or her driver's license or ID card.

- c) In order to obtain a driver's license or ID with the "Veteran" designation, an applicant must first contact the Department by personally going to any of DVA's field offices across Illinois to request Confirmation of Status as an Honorably Discharged Veteran.
- d) If DVA can confirm status as an honorably discharged veteran, the Department shall affix a stamp to the veteran's DD214, Certification of Military Service (NA Form 13038), [identification card issued under the Federal Veterans Identification Card Act of 2015](#), or other official Department of Defense discharge document if a DD214 was not issued or is unavailable. [If the document proving honorable discharge status cannot be stamped, DVA shall provide a certificate to the veteran to provide to the Secretary of State.](#)
- e) The Secretary shall issue an original, renewal, corrected or duplicate driver's license or ID with the "Veteran" designation to applicants who present a DD214 Form 13038 or other official Department of Defense discharge document bearing the Department's fully executed stamp. The applicant shall pay the statutory fee ([see 15 ILCS 335/12](#)), as required by IVC Section 6-118, to have a "Veteran" designation added to a duplicate or corrected driver's license, and [by Section 12 of the Illinois Identification Card Act \[625 ILCS 5/6-118\] to have the designation](#)~~and added to a duplicate or corrected ID. [\[15 ILCS 335/12\]](#).~~
- f) No less often than once per month, the Secretary shall provide DVA with a list of the applicants who were issued a driver's license or ID with the "Veteran" designation since the last list was provided. The list shall contain the full name, driver's license or ID number, date of birth, gender and full social security number of the applicant. DVA shall compare that list to its records of veterans to whom a confirmation form has been issued. DVA shall notify the Secretary if it determines the Secretary has issued a "Veteran" driver's license or ID to an applicant [whose](#) ~~who's~~ DD214, NA Form 13038 or other official Department of Defense discharge document was not certified by DVA.
- g) Upon being notified that an applicant has been issued a "Veteran" driver's license or ID without first being confirmed as an honorably discharged veteran by DVA,

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the Secretary shall notify the applicant in writing that DVA has no record of confirming the applicant's status as an honorably discharged veteran, and shall inform the applicant that he or she has 30 days to appear in person at a DVA office and provide proof of his or her veteran status to the DVA. If, within that 30 day period, DVA notifies the Secretary that upon further review it has determined that the DD214, DVA NA Form 13038 or other official Department of Defense discharge document submitted to the Secretary by the applicant was in fact issued by DVA, the Secretary will take no further action regarding the matter.

- h) If the Secretary does not receive notification from DVA within the 30 day period specified in subsection (g) confirming the applicant's status as an honorably discharged veteran, the Secretary shall cite the applicant to appear at a Secretary of State facility within 15 days after the date of the citation to surrender the driver's license or ID card with the "Veteran" designation and be issued a new card without the "Veteran" designation. If the applicant does not appear pursuant to the citation, the applicant's driver's license or ID shall be canceled.
- i) An applicant whose driver's license or ID has been cancelled pursuant to this Section may apply for a driver's license or ID without the "Veteran" designation.

(Source: Amended at 43 Ill. Reg. 5322, effective April 24, 2019)

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AGENCY RESPONSE TO JOINT COMMITTEE STATEMENT OF OBJECTION TO
PROPOSED RULEMAKING

Date: April 23, 2019

Agency: Illinois Environmental Protection Agency

Heading of the Part: Procedure for the Certification of Operators of Wastewater Treatment Works

Code Citation: 35 Ill. Adm. Code 380

Register Citation: 42 Ill. Reg. 8033, May 18, 2018

Agency Response to Joint Committee Statement of Objection:

At its meeting on March 12, 2019, JCAR issued a procedural objection to the above-referenced rulemaking because Illinois EPA declined to engage in an ex parte communications, as defined by the Illinois Administrative Procedure Act ("IAPA") at 5 ILCS 100/5-165. The procedural objection was without any recommendation.

The Illinois EPA is committed to engaging the public during its rulemaking process. Before first notice, Illinois EPA provided the wastewater operator Board of Certification, See 35 Ill. Adm. Code 380.300, with proposed drafts and solicited the board's comments. In March 2017, Illinois EPA discussed the proposal and solicited additional comments at the Illinois Association of Wastewater Agencies' conference. On July 27, 2017, Illinois EPA conducted state-wide stakeholder outreach which consisted of providing stakeholders from across Illinois with a draft and allowing for a 64-day commenting period.

The Illinois EPA complied with all procedural requirements of the IAPA. During first notice, Illinois EPA prescribed the time, place, and manner in which interested persons could present their views and comments concerning the proposed rulemaking. See 5 ILCS 100/5-40(b). Illinois EPA prescribed that comments be submitted in writing within 45 days after publication of the Notice. See 42 Ill. Reg. 8033. Further, Illinois EPA posted the rulemaking on its publicly-available website.

The Illinois EPA does not intend to obstruct the duties of the Department of Commerce and Economic Opportunity ("DCEO"). In the future, Illinois EPA will communicate ex parte with DCEO and report those communications pursuant to the IAPA. All other persons wishing to engage the Illinois EPA on a particular rulemaking will be directed to Illinois EPA's prescribed

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AGENCY RESPONSE TO JOINT COMMITTEE STATEMENT OF OBJECTION TO
PROPOSED RULEMAKING

manner that interested persons may use to present data, views, arguments, or comments (i.e. written). 5 ILCS 100/5-40(b).

After conducting state-wide public engagement in the rulemaking process, Illinois EPA adopts the above-referenced rulemaking.

John J. Kim
Acting Director

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
MAY 14, 2019
10:30 A.M.

***NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAgriculture

1. Forever Green Illinois Program (Repealer) (8 Ill. Adm Code 241)
 - First Notice Published: 43 Ill. Reg. 1412 – 2/1/19
 - Expiration of Second Notice: 5/16/19
2. Governor's Agricultural Heritage Award (Repealer) (8 Ill. Adm. Code 305)
 - First Notice Published: 43 Ill. Reg. 1417 – 2/1/19
 - Expiration of Second Notice: 5/16/19
3. Specialty Farm Product Buyers Act (Repealer) (8 Ill. Adm. Code 580)
 - First Notice Published: 43 Ill. Reg. 1448 – 5/16/19
 - Expiration of Second Notice: 5/16/19
4. Illinois AgriFIRST Program Act (Repealer) (8 Ill. Adm. Code 950)

- First Notice Published: 43 Ill. Reg. 1423 – 2/1/19
- Expiration of Second Notice: 5/16/19

Auditor General

5. Code of Regulations (74 Ill. Adm. Code 420)
 - First Notice Published: 42 Ill. Reg. 24629 – 12/28/18
 - Expiration of Second Notice: 5/16/19

Capital Development Board

6. Illinois Energy Conservation Code (71 Ill. Adm. Code 600)
 - First Notice Published: 42 Ill. Reg. 21491 – 12/7/18
 - Expiration of Second Notice: 5/28/19

Commerce Commission

7. Rules of Practice (83 Ill. Adm. Code 200)
 - First Notice Published: 42 Ill. Reg. 19323 – 11/2/18
 - Expiration of Second Notice: 6/12/19
8. Regulatory Accounting Treatment for Cloud-Based Computing Solutions (83 Ill. Adm. Code 289)
 - First Notice Published: 42 Ill. Reg. 12369 – 7/6/18
 - Expiration of Second Notice: 6/18/19
9. Telecommunications Access for Persons with Disabilities (83 Ill. Adm. Code 755)
 - First Notice Published: 42 Ill. Reg. 16796 – 9/21/18
 - Expiration of Second Notice: 6/12/19

Elections

10. Cyber Navigator Program (26 Ill. Adm. Code 213)
 - First Notice Published: 43 Ill. Reg. 1733 – 2/8/19
 - Expiration of Second Notice: 5/15/19

Environmental Protection Agency

11. Procedures for Collection of Air Pollution Site Fees (35 Ill. Adm. Code 251)
 - First Notice Published: 43 Ill. Reg. 1452 – 2/1/19
 - Expiration of Second Notice: 6/8/19

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12. Procedures for Collection of Air Pollution Site Fees Clean Air Act Permit Program Procedures (35 Ill. Adm. Code 270)
 - First Notice Published: 43 Ill. Reg. 1456 – 2/1/19
 - Expiration of Second Notice: 6/8/19

Financial and Professional Regulation

13. Illinois Dental Practice Act (68 Ill. Adm. Code 1220)
 - First Notice Published: 42 Ill. Reg. 19144 – 10/26/18
 - Expiration of Second Notice: 6/1/19
14. Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 (68 Ill. Adm. Code 1240)
 - First Notice Published: 43 Ill. Reg. 1681 – 2/8/19
 - Expiration of Second Notice: 5/29/19
15. Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program (68 Ill. Adm. Code 1290)
 - First Notice Published: 42 Ill. Reg. 22333 – 12/14/18
 - Expiration of Second Notice: 6/1/19
16. Nurse Practice Act (68 Ill. Adm. Code 1300)
 - First Notice Published: 42 Ill. Reg. 18179 – 10/12/18
 - Expiration of Second Notice: 5/29/19

Healthcare and Family Services

17. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 42 Ill. Reg. 14043 – 7/20/18
 - Expiration of Second Notice: 6/22/19
18. Specialized Healthcare Delivery Systems (89 Ill. Adm. Code 146)
 - First Noticed Published: 42 Ill. Reg. 17309 – 10/5/18
 - Expiration of Second Noticed: 5/23/19

Insurance

19. Filing Policy and Endorsements Form (50 Ill. Adm. Code 753)
 - First Notice Published: 43 Ill. Reg. 1463 – 2/1/19
 - Expiration of Second Notice: 5/31/19
20. Required Procedures for Group Inland Marine Insurance (50 Ill. Adm. Code 2302)

- First Notice Published: 43 Ill. Reg. 1476 – 2/1/19
- Expiration of Second Notice: 5/31/19

21. Internal Security Standards and Fidelity Bonds (50 Ill. Adm. Code 3501)
 - First Notice Published: 42 Ill. Reg. 19595 – 11/9/18
 - Expiration of Second Notice: 5/31/19

Public Health

22. AIDS Drug Assistance Program (77 Ill. Adm. Code 692)
 - First Notice Published: 43 Ill. Reg. 3124 – 3/8/19
 - Expiration of Second Notice: 6/8/19
23. Alzheimer's Disease and Related Dementias Services Code (77 Ill. Adm. Code 973)
 - First Notice Published: 42 Ill. Reg. 19510 – 11/2/18
 - Expiration of Second Notice: 6/16/19

Racing Board

24. Medication (11 Ill. Adm. Code 603)
 - First Notice Published: 43 Ill. Reg. 2217 – 2/5/19
 - Expiration of Second Notice: 5/29/19

State Universities Civil Service System

25. State Universities Civil Service System (80 Ill. Adm. Code 250)
 - First Notice Published: 43 Ill. Reg. 3129 – 3/8/19
 - Expiration of Second Notice: 6/8/19

Student Assistance Commission

26. General Provisions (23 Ill Adm. Code 2700)
 - First Notice Published: 43 Ill. Reg. 1743-2/8/19
 - Expiration of Second Notice: 6/5/19
27. Monetary Award Program (MAP) (23 Ill. Adm. Code 2735)
 - First Notice Published: 43 Ill. Reg. 1755 – 2/8/19
 - Expiration of Second Notice: 6/5/19
28. Community Behavioral Health Care Professional Loan Repayment Program (23 Ill. Adm. Code 2753)
 - First Notice Published: 43 Ill. Reg. 1763 – 2/8/19

-Expiration of Second Notice: 6/5/19

29. Nurse Educator Loan Repayment Program (23 Ill. Adm. Code 2758)
-First Notice Published: 43 Ill. Reg. 1771 – 2/8/19
-Expiration of Second Notice: 6/5/19

Treasurer

30. Technology Development Account (TDA) Program (74 Ill. Adm. Code 719)
-First Notice Published: 43 Ill. Reg. 3191 – 3/8/19
-Expiration of Second Notice: 6/12/19

EMERGENCY RULEMAKINGS

Agriculture

31. Illinois Pesticide Act (8 Ill. Adm. Code 250)
-First Notice Published: 43 Ill. Reg. 4340 – 4/5/19

Human Services

32. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)
-First Notice Published: 43 Ill. Reg. 4346 – 4/5/19

Natural Resources

33. The Illinois Oil and Gas Act (62 Ill. Adm. Code 240)
-First Notice Published: 43 Ill. Reg. 4650 – 4/19/19

AGENCY RESPONSE

Healthcare and Family Services

31. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 42 Ill. Reg. 18242 – 10/12/18

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of April 23, 2019 through April 29, 2019. These rulemakings are scheduled for the May 14, 2019 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
6/8/19	<u>Environmental Protection Agency</u> , Clean Air Act Permit Program Procedures (35 Ill. Adm. Code 270)	2/1/19 43 Ill. Reg. 1456	5/14/19
6/8/19	<u>Environmental Protection Agency</u> , Procedures for Collection of Air Pollution Site Fees (35 Ill. Adm. Code 251)	2/1/19 43 Ill. Reg. 1452	5/14/19
6/8/19	<u>Department of Public Health</u> , AIDS Drug Assistance Program (77 Ill. Adm. Code 692)	3/8/19 43 Ill. Reg. 3124	5/14/19
6/8/19	<u>State Universities Civil Service System</u> , State Universities Civil Service System (80 Ill. Adm. Code 250)	3/8/19 43 Ill. Reg. 3129	5/14/19
6/12/19	<u>Illinois Commerce Commission</u> , Telecommunications Access for Persons with Disabilities (83 Ill. Admin. Code 755)	9/21/18 42 Ill. Reg. 16796	5/14/19
6/12/19	<u>Illinois Commerce Commission</u> , Rules of Practice (83 Ill. Adm. Code 200)	11/2/18 42 Ill. Reg. 19323	5/14/19

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6/12/19

State Treasurer, Technology Development
Account (TDA) Program (74 Ill. Adm. Code
719)

3/8/19

43 Ill. Reg.
3191

5/14/19

CHIEF PROCUREMENT OFFICER FOR GENERAL SERVICES

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the Illinois Register.
2. Name of Contributor: Laurel Kroack Mervis (Vermilion Development, Inc.)
3. Date of Violation: May 20th, 2014
4. Description of Violation: Mrs. Mervis, an affiliated person of the business entity Vermilion Development Inc, made a contribution of \$5,000 to Citizens For Rauner, a campaign committee established to support the election of Bruce Rauner to public office. The original notice stated that Mrs. Mervis made two contributions in the amount of \$5,000 each, but it was only one contribution in the amount of \$5,000. At the time of the contribution, Bruce Rauner was a declared candidate for the office of governor, and Vermilion Development had in place active contracts with the Central Management Services, the total annual combined value of which was in excess of \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the Chief Procurement Officer. The Chief Procurement Officer for General Services has notified Vermilion Development Inc. of the apparent violation and have considered the value, status, and necessity of the contracts. In addition, the Officer has taken into consideration the recognition by Andrew Mudd, attorney for Vermilion Development, of the violation and his understanding of the necessity to avoid such situations in the future. We find that voiding affected contracts, bids or proposals would not be in the best interest of the State.

As required by Section 50-37(e) of the Procurement Code, Citizens for Rauner is required to pay to the State an amount equal to the value of the contribution (\$5,000) within 30 days of the publication of this notice.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

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