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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 ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Adult Protection and Advocacy Services
- 2) Code Citation: 89 Ill. Adm. Code 270
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
270.210	Amendment
270.402	Amendment
- 4) Statutory Authority: Implementing PA 100-641, effective January 1, 2019, and authorized by 320 ILCS 20/2 and 10.
- 5) A Complete Description of the Subjects and Issues Involved: Updates the definition of the term "eligible adult" under the Adult Protective Services Program in Section 270.210 and Section 270.402.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace an emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge any State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed rulemaking within 45 days after the date of publication of this Notice to:

Tracy L.F. Trigillo
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way #100
Springfield IL 62702-1271

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217/785-3346
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Tracey.Trigillo@Illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Reporting of small businesses, small municipalities and not-for-profit corporations affected: Service provider agencies under the Adult Protective Services Program will be affected by this rulemaking.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: None. PA 100-641 was enacted after publication of the prior Regulatory Agenda of the Department on July 13, 2018.

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

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 270
ADULT PROTECTION AND ADVOCACY SERVICES

SUBPART A: INTRODUCTION

Section
270.10 Summary and Purpose

SUBPART B: LONG TERM CARE OMBUDSMAN PROGRAM

Section
270.100 Long Term Care Ombudsman Program
270.105 Definitions
270.110 Responsibilities of the Department and the Office of the State Long Term Care Ombudsman
270.115 Display of Ombudsman Poster
270.120 Access to Resident Records
270.130 Conflict of Interest

SUBPART C: ADULT PROTECTIVE SERVICES PROGRAM

Section
270.200 Purpose and Program Model
270.205 Adult Protective Services Program
270.210 Definitions
270.215 Organizational Standards and Responsibilities: Department on Aging
270.220 Organizational Standards and Responsibilities: Regional Administrative Agencies
270.221 Elder Abuse Fatality Review Teams (Repealed)
270.225 Organizational Standards and Responsibilities: Adult Protective Services Provider Agencies
270.226 Public Awareness and Education
270.230 Abuse Reporting
270.235 Immunity
270.240 Intake of Abuse, Neglect, Financial Exploitation, or Self-Neglect Reports
270.241 Reporting a Suspicious Death

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270.245	Access to Alleged Victims and Relevant Records
270.250	Minimum Assessment and Classification Standards
270.255	Abuse, Neglect, Financial Exploitation, or Self-Neglect Case Work, Follow-Up, Referrals and Case Closure
270.260	Authority to Consent and Court Petitions
270.265	Early Intervention Services
270.270	Multi-disciplinary Teams
270.275	Confidentiality and Disclosure

SUBPART D: ADULT PROTECTIVE SERVICES VOLUNTEER CORPS

Section	
270.280	Definitions
270.285	Selection and Screening
270.290	Training
270.295	Volunteer Agreement and Volunteer Responsibilities
270.300	Activities and Supervision

SUBPART E: ADULT PROTECTIVE SERVICE REGISTRY

Section	
270.400	Purpose of the Registry
270.402	Definitions
270.404	Access to and Use of the Registry
270.406	Notice to Eligible Adult, Guardian or Agent
270.408	Notice to the Caregiver's Employer
270.410	Notice to Long Term Care Facilities and Ombudsman
270.412	Verified and Substantiated Finding and Notice to Caregiver
270.414	Initiation of an Appeal
270.416	Collateral Action
270.418	Confidentiality
270.420	Removal from Registry
270.422	Initial and Amended Pleadings
270.424	Service
270.426	Answer
270.428	Representation
270.430	Venue and Testimony by Telephonic or Other Electronic Means
270.432	Pre-hearing Conferences
270.434	Consolidation of Matters for Hearing

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270.436	Continuances
270.438	Motions
270.440	Subpoenas
270.442	Discovery; Exchange of Information
270.444	Evidence
270.446	Witness Testimony
270.448	Expert Testimony
270.450	Burden of Proof
270.452	Administrative Law Judge Qualifications, Potential Disqualification, and Authority
270.454	Translators and Accommodations
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270.458	Improper or Ex Parte Communications
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270.462	Waiver
270.464	Failure to Appear
270.466	Grounds for Dismissal
270.468	Withdrawal of a Matter
270.470	Post-hearing Motions and Briefs
270.472	Administrative Hearing Record
270.474	Final Administrative Decision
270.476	Appeal of Department Decisions

SUBPART F: FATALITY REVIEW TEAMS

Section

270.500	Fatality Review Team Advisory Council
270.505	Regional Interagency Fatality Review Teams

AUTHORITY: Implementing Section 7.5 of the Adult Protective Services Act [320 ILCS 20] and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105] and Section 10 of the Adult Protective Services Act.

SOURCE: Adopted at 21 Ill. Reg. 8887, effective July 1, 1997; amended at 25 Ill. Reg. 5259, effective April 1, 2001; amended at 26 Ill. Reg. 3964, effective March 15, 2002; expedited correction at 26 Ill. Reg. 8482, effective March 15, 2002; amended at 30 Ill. Reg. 8913, effective April 28, 2006; amended at 35 Ill. Reg. 8180, effective May 12, 2011; emergency amendment at 38 Ill. Reg. 2357, effective December 31, 2013, for a maximum of 150 days; emergency expired May 29, 2014; amended at 39 Ill. Reg. 2156, effective January 23, 2015; amended at 42 Ill. Reg.

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6659, effective April 2, 2018; amended at 42 Ill. Reg. 9226, effective July 1, 2018; emergency amendments at 43 Ill. Reg. 787, effective January 1, 2019, for a maximum of 150 days; amended at 43 Ill. Reg. _____, effective _____.

SUBPART C: ADULT PROTECTIVE SERVICES PROGRAM

Section 270.210 Definitions

"Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources. [320 ILCS 20/2(a)]

"Abuser" means a person who abuses, neglects, or financially exploits an eligible adult. [320 ILCS 20/2(a-5)]

"Act" means the Adult Protective Services Act [320 ILCS 20].

"Adult Protective Services Hotline" means the 24-hour toll-free statewide telephone number that can be called to report suspected cases of abuse, neglect, financial exploitation, or self-neglect of eligible adults.

"Adult protective services provider agency", "APS provider agency" or "designated agency" means any public or nonprofit agency, appointed by the regional administrative agency with prior approval by the Department, to receive and assess reports of alleged or suspected abuse, neglect, financial exploitation, or self-neglect.

"Adult with disabilities" means a person age 18 through 59 who resides in a domestic living situation and whose disability (see definition of "Disability") impairs his or her ability to seek or obtain protection from abuse, neglect or financial exploitation. [320 ILCS 20/2(a-6)]

"Allegation" means a charge or a claim of abuse, neglect, financial exploitation, or self-neglect.

"Alleged abuser" means a person who is reported as abusing, neglecting or financially exploiting an adult with disabilities or older person.

"Alleged victim" means an adult with disabilities or older person who is reported as being abused, neglected or financially exploited, or who is neglecting himself

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or herself.

"APS" means adult protective services.

"Assessment" means the process of obtaining and documenting information about the case to determine if there is reason to believe abuse, neglect, financial exploitation, or self-neglect is occurring (or has occurred), and to ascertain the level of risk to the eligible adult of future abuse or harm.

"Capacity to consent" to an assessment or services means an individual reasonably appears to be either:

able to receive and evaluate information related to the assessment or services; or

able to communicate in any manner decisions related to the assessment of the reported incident or services. (See 320 ILCS 20/9(d-5).)

"Caregiver" means a person who either, as a result of a family relationship, voluntarily, or in exchange for compensation, has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living or instrumental activities of daily living. [320 ILCS 20/2(a-7)]

"Case work" is the development and implementation of a service plan for the client, which minimally includes: the identification of the needs, problems, limitations and capacities of the client; interventions to protect the health, welfare and safety of the client; assisting the client in obtaining needed services; and respecting the self-determination and independence of the client.

"Case worker" means an employee of an APS provider agency who is authorized to receive and assess reports of alleged or suspected abuse, neglect, financial exploitation, or self-neglect, and to develop and implement a service plan for a client.

"Clear and convincing" is the standard of proof that must be met to reach a "verified" substantiation decision in the Adult Protective Services Program. This standard of proof is met when the credible evidence, weighed in its entirety, creates a substantial certainty that the abuse, neglect, or financial exploitation is occurring or has occurred.

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"Client" is an eligible adult who is receiving services from the APS provider agency.

"Combined service area" means a designated service area, within a planning and service area where a single APS provider agency is responsible for providing a response, during non-business hours, to reports of alleged or suspected abuse, neglect, or self-neglect when an eligible adult is at risk of death or serious physical injury, pursuant to a cooperative agreement among the APS provider agencies involved. The APS provider agency shall respond to reports in accordance with the time frame outlined in Section 270.240.

"Confinement" means restraining or isolating an individual for other than bona fide medical reasons.

"Department" means the Department on Aging of the State of Illinois. [320 ILCS 20/2(b)]

"Director" means the Director of the Department. [320 ILCS 20/2(c)]

"Disability" means a physical or mental disability, including, but not limited to, a developmental disability, an intellectual disability, a mental illness as defined under the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-129], or dementia as defined under the Alzheimer's Disease Assistance Act [410 ILCS 405/3(a-5)]. [320 ILCS 20/2(c-5)]

"Domestic living situation" means a residence where the eligible adult, at the time of the report, lives alone or with his or her family or a caregiver, or others, or other community-based unlicensed facility, but is not:

A licensed facility as defined in Section 1-113 of the Nursing Home Care Act [210 ILCS 45/1-113];

A facility licensed under the ID/DD Community Care Act [210 ILCS 47];

A facility licensed under the MC/DD Act [210 ILCS 46];

A facility licensed under the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49];

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A "life care facility" as defined in the Life Care Facilities Act [210 ILCS 40];

A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act [210 ILCS 85];

A "community living facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];

A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135];

An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act [210 ILCS 9]; and

A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code [305 ILCS 5]. [320 ILCS 20/2(d)]

"Early Intervention Services" are the services purchased by APS provider agencies to provide temporary short term or emergency services necessary to secure the health, welfare and/or safety of a client when other existing resources are unavailable.

"Eligible adult" means either an adult with disabilities age 18 through 59 or a person age 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual or who neglects himself or herself. "Eligible adult" also includes an adult who resides in any of the facilities that are excluded from the definition of "domestic living situation" if either:

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the alleged abuse or neglect occurs outside of the facility and not under facility supervision and the alleged abuser is a family member, caregiver, or another person who has a continuing relationship with the adult; or

the alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult, but who is not an employee of the facility where the adult resides.

[320 ILCS 20/2(e)]

"Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the APS provider agency has reason to believe the eligible adult is unable to consent to services that would alleviate that risk. [320 ILCS 20/2(f)]

"Emotional abuse" means verbal assaults, threats of maltreatment, harassment, or intimidation.

"Fatality Review Team" means a regional interagency review team established pursuant to Section 15 of the Act.

"Financial exploitation" means the use of an eligible adult's resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult. [320 ILCS 20/2(f-1)]

"Follow-up" means the monitoring of substantiated cases of abuse, neglect, financial exploitation, or self-neglect for clients of the program.

"Guardian" means a person appointed by a court of competent jurisdiction, who is legally responsible for the care of a person who has been adjudicated by the court to be incompetent to manage his or her own affairs and/or property.

"Initial interview" means the preliminary contact made by an APS provider agency to determine the level of risk to an alleged victim, the need for early intervention services in order to assure safety and welfare or otherwise reduce risk to the alleged victim, and his or her decisional capacity to consent to an assessment and/or services.

"Intake" means the point at which trained staff of the Illinois Department on Aging's Adult Protective Services Hotline and Senior HelpLine, a regional

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administrative agency, or APS provider agency receives a report of alleged or suspected abuse, neglect, financial exploitation or self-neglect and relays the report to a case worker for further assessment.

"Intervention" means an action initiated by the APS case worker or the APS provider agency to provide medical, social, economic, legal, housing, law enforcement, or other protective, emergency or supportive services to, or on behalf of, the eligible adult.

"Mandated reporter" means any of the following persons while engaged in carrying out their professional duties:

a professional or professional's delegate while engaged in:

social services;

law enforcement;

education;

the care of an eligible adult or eligible adults; or

any of the occupations required to be licensed under the Clinical Psychologist Licensing Act [225 ILCS 15], the Clinical Social Work and Social Work Practice Act [225 ILCS 20], the Illinois Dental Practice Act [225 ILCS 25], the Dietitian Nutritionist Practice Act [225 ILCS 30], the Marriage and Family Therapy Licensing Act [225 ILCS 55], the Medical Practice Act of 1987 [225 ILCS 60], the Naprapathic Practice Act [225 ILCS 63], the Nurse Practice Act [225 ILCS 65], the Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70], the Illinois Occupational Therapy Practice Act [225 ILCS 75], the Illinois Optometric Practice Act of 1987 [225 ILCS 80], the Pharmacy Practice Act [225 ILCS 85], the Illinois Physical Therapy Act [225 ILCS 90], the Physician Assistant Practice Act of 1987 [225 ILCS 95], the Podiatric Medical Practice Act of 1987 [225 ILCS 100], the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act [225 ILCS 107], the Respiratory Care Practice Act [225 ILCS 106], the

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Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110], the Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115], and the Illinois Public Accounting Act [225 ILCS 450];

an employee of an entity providing developmental disabilities services or service coordination funded by the Department of Human Services;

an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;

an administrator, employee, or person providing services in or through an unlicensed community-based facility;

any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;

field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department;

personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and APS provider agencies, and the Office of State Long Term Care Ombudsman; provided that attorneys contracted or employed by the Area Agencies and their senior legal services providers and licensed to practice in Illinois are not mandated to report abuse, although they may voluntarily do so;

any employee of the State of Illinois not otherwise specified in this definition who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;

a person who performs the duties of a coroner or medical examiner; or

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a person who performs the duties of a paramedic or an emergency medical technician. [320 ILCS 20/2(f-5)]

"Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This definition does not create any new affirmative duty to provide support to eligible adults. Nothing in the Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals. [320 ILCS 20/2(g)]

"Passive neglect" means the failure by a caregiver to provide an eligible adult with the necessities of life including, but not limited to, food, clothing, shelter, or medical care, because of failure to understand the eligible adult's needs, lack of awareness of services to help meet needs, or a lack of capacity to care for the eligible adult.

"Physical abuse" means the causing of physical pain or injury to an eligible adult.

"Preponderance of the evidence" is the standard of proof that, must be met to reach a "some indication" substantiation decision in the Adult Protective Services Program. This standard of proof is met when the credible evidence, weighed in its entirety, creates a reasonable certainty that more likely than not the abuse, neglect, financial exploitation, or self-neglect is occurring or has occurred.

"Procurement" means the method and documentation issued by the regional administrative agency or the Department to allow potential APS provider agencies to submit qualifications for purposes of designation as an APS provider agency.

"Provider agency" means any public or nonprofit agency in a planning and service area that is selected by the Department or appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation. A provider agency may provide services in more than one planning and service area when appointed by the regional administrative agency with prior approval by the Department. [320 ILCS 20/2(h)]

"Regional administrative agency" means any public or nonprofit agency in a planning and service area that provides regional oversight and performs functions

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as set forth in Section 3(b) of the Act. [320 ILCS 20/2(i)]

"Report taker" means the trained staff of the Department's Adult Protective Services Hotline and Senior HelpLine, regional administrative agencies or APS provider agencies that performs intake of alleged or suspected abuse, neglect, financial exploitation or self-neglect.

"Reporter" means the person who calls, visits or otherwise communicates to an authorized intake agency allegations or suspicions that an eligible adult has been or is being abused, neglected, or financially exploited, or is neglecting himself or herself.

"Senior HelpLine" means the Department's toll-free statewide number that can be called to report suspected cases of abuse, neglect, financial exploitation, or self-neglect to obtain additional information about services available to eligible adults.

"Self-determination" means the right of an eligible adult with decisional capacity to:

decide where and how he or she will live;

choose whether to accept program services or other community assistance;
and

make decisions different from those a reasonable adult would make,
including "bad" decisions, that are not harmful to others.

"Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety. [320 ILCS 20/2(i-5)]

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"Services" means medical, social, economic, legal, housing, law enforcement, or other protective, early, emergency or supportive action provided to, or on behalf of, the eligible adult.

"Sexual abuse" means any sexual activity with an eligible adult who is unable to understand, unwilling to consent, threatened, or physically forced to engage in such sexual activity.

"Shared service area" means the designated area within a planning and service area where two or more APS provider agencies are responsible for providing a response, during non-business hours, to reports of alleged or suspected abuse, neglect, or self-neglect when an eligible adult is at risk of death or serious physical injury, pursuant to a cooperative agreement among the APS provider agencies involved. The APS provider agencies shall respond to reports in accordance with the time frame outlined in Section 270.240.

"State Triad" is a statewide, unincorporated, voluntary association of law enforcement, senior citizens and community groups, organized around the issue of senior safety, crime against the elderly, and financial exploitation of the elderly. The State Triad Council was created under the aegis of the National Association of Triads, Inc., 1450 Duke Street, Alexandria VA 22314.

"Substantiation" is the process by which an APS provider agency determines, after a review of all available information, that abuse, neglect, financial exploitation, or self-neglect of an eligible adult has occurred.

"Substantiated case" means a reported case of alleged or suspected abuse, neglect, financial exploitation or self-neglect in which an APS provider agency, after assessment, determines that there is reason to believe abuse, neglect, financial exploitation, or self-neglect has occurred. [320 ILCS 20/2(j)]

"Suspicious death" means an instance in which an APS provider agency reasonably believes that the death of an individual may be the result of abuse or neglect.

"Verified" means a determination that there is "clear and convincing evidence" that the specific injury or harm alleged was the result of abuse, neglect, or financial exploitation. [320 ILCS 20/2(k)]

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"Victim" means an eligible adult who is the subject of a substantiated report of abuse, neglect, financial exploitation, or self-neglect.

"Willful deprivation" is the deliberate denial to an eligible adult of required medication, medical care, shelter, food, therapeutic devices, or other physical assistance, thereby exposing that person to the risk of physical, mental, or emotional harm. Willful deprivation shall not include the discontinuation of medical care or treatment when the eligible adult has expressed a desire to forego such medical care or treatment.

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

SUBPART E: ADULT PROTECTIVE SERVICE REGISTRY

Section 270.402 Definitions

For the purposes of this Subpart E, the following definitions are applicable:

"Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources. [320 ILCS 20/2(a)]

"Act" means the Adult Protective Services Act [320 ILCS 20].

"Administrative hearing" means a formal review of an action made by the Department. Specifically, it means any hearing authorized to be held under this Subpart by the Department or other entity authorized by the Director to hold these hearings.

"Administrative law judge" or "ALJ" means an attorney, licensed to practice law in the State of Illinois, who is authorized by the Director to conduct the administrative hearing and related processes under this Subpart.

"Allegation" means a charge or a claim of abuse, neglect or financial exploitation.

"Appeal" means a request to contest placement of a caregiver's identity on the Registry.

"APS" means Adult Protective Services.

DEPARTMENT ON AGING

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"APS provider agency" means any public or nonprofit agency in a planning and service area that is selected by the Department, or appointed by the regional administrative agency with prior approval by the Department, to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation. [320 ILCS 20/2(h)]

"Authorized representative" means any person, including an attorney, authorized in writing by a party to act on behalf of the party in the administrative hearing process.

"Business day" means a day, Monday through Friday, when State agency offices are open. The following are not business days: Saturdays, Sundays, State holidays, and any other day from time to time declared by the President of the United States or the Governor of Illinois to be a day during which the agencies of the State of Illinois that are ordinarily open to do business with the public will be closed for business.

"Caregiver" means a person who, as a result of a family relationship, voluntarily, or in exchange for compensation, has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily living or instrumental activities of daily living. [320 ILCS 20/2(a-7)]

"Continuance" means a decision to proceed with a hearing at a later date than scheduled.

"Department" means the Illinois Department on Aging.

"Direct care" includes, but is not limited to, direct access to an individual, his or her living quarters, or his or her personal, financial, or medical records for the purpose of providing nursing care or assistance with feeding, dressing, movement, bathing, toileting, other personal needs and activities of daily living or instrumental activities of daily living, or assistance with financial transactions. [320 ILCS 20/7.5(b)]

"Direct care agency" means a State agency listed in Section 270.404(a) and any entity or provider agency of direct care.

"Director" means the Director of the Department. [320 ILCS 20/2(c)]

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"Domestic living situation" means a residence where the eligible adult at the time of the report lives alone or with his or her family or a caregiver, or others, or other community-based unlicensed facility, but is not:

A licensed facility as defined in Section 1-113 of the Nursing Home Care Act [210 ILCS 45/1-113];

A facility licensed under the ID/DD Community Care Act [210 ILCS 47];

A facility licensed under the MC/DD Act [210 ILCS 46];

A facility licensed under the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49];

A "life care facility" as defined in the Life Care Facilities Act [210 ILCS 40];

A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act [210 ILCS 85];

A "community living facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];

A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act or a "community residential alternative" as licensed under that Act [210 ILCS 135];

An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act [210 ILCS 9]; or

A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code [305 ILCS 5].

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"Eligible adult" means either an adult with disabilities aged 18 through 59 or a person aged 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual.

"Eligible adult" also includes an adult who resides in any of the facilities that are excluded from the definition of "domestic living situation" if either:

the alleged abuse or neglect occurs outside of the facility and not under facility supervision and the alleged abuser is a family member, caregiver, or another person who has a continuing relationship with the adult; or

the alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult, but who is not an employee of the facility where the adult resides.

[320 ILCS 20/2(e)]

"Filed" means conveyed to the Department/other entity authorized to conduct hearings under this Subpart. A valid document or request will be considered filed on the business day it is received or, if mailed, on the date it is postmarked. Contact in person, by phone, fax, e-mail, via an electronic account, or other acceptable electronic means will be considered filed on a business day if it is received prior 5:00 p.m. on that date. If receipt is after 5:00 p.m., the action will be deemed filed on the next business day.

"Final administrative decision" means the final determination by the Director regarding whether or not placement of a caregiver's identity on the Registry is in the public interest.

"Financial exploitation" means the use of an eligible adult's resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult. [320 ILCS 20/2(f-1)]

"Health care facility" means any residential facility licensed, certified, or regulated by the Department of Public Health, the Department of Healthcare and Family Services, or the Department of Human Services.

"Long term care facility" means any residential facility licensed, certified, or regulated by the Department of Public Health.

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"Neglect" means another individual's failure to provide an eligible adult with, or willful withholding from an eligible adult, the necessities of life, including, but not limited to, food, clothing, shelter or health care. This definition does not create any new affirmative duty to provide support to eligible adults. Nothing in the Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals. [320 ILCS 20/2(g)]

"Other entity" means an Illinois State agency or its qualified designee with the administrative capacity to handle all hearing functions as set forth in this Subpart.

"Participant" means an individual who uses the services of an in-home care or community-based program funded through the Department on Aging, the Department of Healthcare and Family Services, the Department of Human Services, or the Department of Public Health. [320 ILCS 20/7.5(b)]

"Party" means an individual or entity, including the Department, that has standing to participate and is participating in a proceeding under this Subpart. For purposes of filing and service, "party" also means an appropriately designated agent for receipt of service.

"Preponderance of the evidence" means the greater weight of the evidence that renders a fact more likely than not.

"Registry" means the Adult Protective Service Registry.

"Relevant Contact Information" means the current contact information, including, but not limited to, address, phone number and email address that allows the Department/other entity authorized to conduct hearings under this Subpart to contact the party as necessary during the course of a proceeding under this Subpart.

"Verified and substantiated finding", as used in this Subpart, means a determination by "clear and convincing" evidence by a provider agency, after assessment, that injury or harm has occurred as the result of abuse, neglect or financial exploitation in a reported case.

"Victim" means an eligible adult who is the subject of a verified and substantiated finding of abuse, neglect or financial exploitation.

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NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Workers' Compensation Electronic and Standardized Paper Billing
- 2) Code Citation: 50 Ill. Adm. Code 2908
- 3) Section Number: 2908.60 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8.2a of the Workers' Compensation Act [820 ILCS 305/8.2a].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments implement PA 100-1117, which adds the requirement that the Department adopt rules to ensure that health care providers are responsible for supplying only those medical records pertaining to the provider's own claims that are minimally necessary under the federal Health Insurance Portability and Accountability Act of 1996.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:
None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Robert Planthold
Assistant General Counsel

or Susan Anders
Rules Coordinator

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

Illinois Department of Insurance
122 S. Michigan Ave, Fl. 19
Chicago IL 60603

Illinois Department of Insurance
320 W. Washington St., Fl. 4
Springfield IL 62767

312/814-5445

217/558-0957

- 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: Health care providers must ensure that their electronic medical bills are submitted with minimally necessary supporting documentation under the federal Health Insurance Portability and Accountability Act of 1996.
 - C) Types of professional skills necessary for compliance: Clerical/Administrative
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because it was not anticipated within that time period.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER hh: WORKERS' COMPENSATIONPART 2908
WORKERS' COMPENSATION ELECTRONIC AND
STANDARDIZED PAPER BILLING

Section	
2908.10	Applicability
2908.20	Purpose and Scope
2908.30	Definitions
2908.40	Formats for Electronic Medical Bill Processing
2908.50	Billing Code Sets
2908.60	Electronic Medical Billing, Reimbursement and Documentation
2908.70	Employer, Insurance Carrier, Managed Care Organization or Agents' Receipt of Medical Bills from Health Care Providers
2908.80	Communication Between Health Care Providers and Payers
2908.90	Medical Documentation Necessary for Billing Adjudication

AUTHORITY: Implementing and authorized by Section 8.2a of the Workers' Compensation Act [820 ILCS 305/8.2a].

SOURCE: Adopted at 39 Ill. Reg. 10872, effective July 24, 2015; amended at 43 Ill. Reg. _____, effective _____.

Section 2908.60 Electronic Medical Billing, Reimbursement and Documentation

- a) Applicability
 - 1) This Section outlines the exclusive process for the initial exchange of electronic medical bill and related payment processing data for professional, institutional/hospital, pharmacy and dental services. This Section does not apply when a hospital, physician, surgeon or other person rendering treatment pursuant to the Act is submitting a standardized form on paper in conformity with 50 Ill. Adm. Code 2017 (Uniform Medical Claim and Billing Forms) as applicable to the service rendered or responding to requests for reconsideration or judicial appeals concerning

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any matter related to medical compensation or requests for informational copies of medical records.

- 2) Unless exempted from this process in accordance with subsection (m), payers or their agents shall:
 - A) Accept electronic medical bills submitted in accordance with the standards set forth in this Part;
 - B) Transmit acknowledgments and remittance advice in compliance with this Part, in response to electronically submitted medical bills; and
 - C) Support methods to receive electronic documentation required for the adjudication of a bill, as described in Section 2908.90.
 - 3) Before accepting an electronically submitted medical bill, the payer shall ensure that the medical provider or clearing house:
 - A) has implemented a software system capable of exchanging medical bill data in accordance with the adopted standards or has contracted with a clearinghouse to exchange its medical bill data;
 - B) is able to submit medical bills in accordance with Section 2908.40(a)(1) to the payer and has established connectivity between the payer and the health care provider's or clearinghouse's system;
 - C) can submit required documentation in accordance with this Part; and
 - D) can receive and process any acceptance or rejection acknowledgment from the payer.
- b) Complete Electronic Medical Bill
To be considered a complete electronic medical bill, the bill or supporting transmission shall:

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- 1) Be submitted in the correct billing format, with the correct billing code sets as set forth in Section 2908.50;
 - 2) Be transmitted in compliance with the format requirements described in Section 2908.40;
 - 3) Include in legible text health supporting documentation that is minimally necessary under the current version of the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191) for the bill that is in the possession of the provider, including, but not limited to, medical reports and records, including, but not limited to, evaluation reports, narrative reports, assessment reports, progress reports/notes, clinical notes, hospital records and diagnostic test results that are expressly required by law or can reasonably be expected by the payer or its agent;
 - 4) Identify the:
 - A) Injured employee;
 - B) Employer;
 - C) Insurance carrier, third party administrator, managed care organization or its agent;
 - D) Health care provider; and
 - E) Medical service or product.
- c) Acknowledgment
- 1) An Interchange Acknowledgment (TA1), as specified in Section 2908.40(a)(2)(A)(i), notifies the sender of the receipt of, and certain structural defects associated with, an incoming transaction.
 - 2) An Implementation Acknowledgment (ASC X12 999) transaction as specified in Section 2908.40(a)(2)(A)(ii) is an electronic notification to the sender of the file that it has been received and has been:
 - A) Accepted as a complete and structurally correct file; or

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- B) Rejected with a valid rejection code.
- 3) A Health Care Claim Acknowledgment (ASC X12 277CA) transaction as specified in Section 2908.40(a)(2)(A)(iii) is an electronic acknowledgment to the sender of an electronic transaction that the transaction has been received and has been:
- A) Accepted as a complete, correct submission; or
 - B) Rejected with a valid rejection code.
- 4) A payer shall acknowledge receipt of an electronic medical bill by returning an Implementation Acknowledgment (ASC X12 999) within one business day after receipt of the electronic submission.
- A) Notification of a rejected bill is transmitted using the appropriate acknowledgment when an electronic medical bill does not meet the definition of a complete electronic medical bill as described in this subsection (c).
 - B) A health care provider or its agent shall not submit a duplicate electronic medical bill earlier than 60 business days from the date originally submitted if a payer has acknowledged acceptance of the original complete electronic medical bill. A health care provider or its agent may submit a corrected medical bill electronically to the payer after receiving notification of a rejection. The corrected medical bill is submitted as a new, original bill.
- 5) A payer shall acknowledge receipt of an electronic medical bill by returning a Health Care Claim Status Response or Acknowledgment (ASC X12 277CA) transaction (detail acknowledgment) within two business days after receipt of the electronic submission.
- A) Notification of a rejected bill is transmitted in an ASC X12N 277CA response or acknowledgment when an electronic medical bill does not meet the definition of a complete electronic medical bill or does not meet the edits defined in the applicable implementation guide or guides.

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- B) A health care provider or its agent shall not submit a duplicate electronic medical bill earlier than 30 business days from the date originally submitted if a payer has acknowledged acceptance of the original complete electronic medical bill. A health care provider or its agent may submit a corrected medical bill electronically to the payer after receiving notification of a rejection. The corrected medical bill is submitted as a new, original bill.
- 6) Acceptance of a complete medical bill is not an admission of liability by the payer. A payer may subsequently reject an accepted electronic medical bill if the employer or other responsible party named on the medical bill is not legally liable for its payment.
 - A) The rejection shall be transmitted by means of an 835 transaction.
 - B) The subsequent rejection of a previously accepted electronic medical bill shall occur no later than 30 days from the date of receipt of the complete electronic medical bill.
 - C) The transaction to reject the previously accepted complete medical bill shall clearly indicate the reason for rejection is that the payer is not legally liable for its payment.
 - 7) Acceptance of a complete or incomplete medical bill by a payer does not begin the time period by which a payer shall accept or deny liability for any alleged claim related to the medical treatment pursuant to the Act.
 - 8) Transmission of an Implementation Acknowledgment (ASC X12 999) under subsection (c)(2), and acceptance of a complete, structurally correct file, serves as proof of the received date for an electronic medical bill in this subsection (c).
- d) Electronic Documentation
 - 1) Electronic documentation, including, but not limited to, medical reports and records submitted electronically that support an electronic medical bill, may be required by the payer before payment may be remitted to the health care provider.

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- 2) Complete electronic documentation shall be submitted by secure fax, secure encrypted electronic mail, first class U.S. Mail, or in conformity with Section 2908.40(a).
- 3) The electronic transmittal by fax or electronic mail must be submitted, either by secure fax or by secure encrypted electronic mail or any other secure electronic format, and shall contain the following details prominently on its cover sheet or first page of the transmittal:
 - A) The name of the injured employee;
 - B) Identification of the worker's employer if known, the employer's insurance carrier, or the third party administrator or its agent handling the workers' compensation claim;
 - C) Identification of the health care provider billing for services to the injured worker and, when applicable, its agent;
 - D) Date or dates of service;
 - E) The workers' compensation claim number assigned by the payer, if established by the payer; and
 - F) the unique attachment indicator number.
- 4) When requested by the payer, a health care provider or its agent shall submit electronic documentation within 14 business days after the request. Electronic documentation may be submitted simultaneously with the electronic medical bill or may be submitted separately within 14 business days after successful submission of the electronic medical bill.
- 5) If electronic transmittal of documentation proves to be impossible or infeasible, the documentation will be sent via first class mail to the address of record for the payer. Electronic transmittal is presumed to be infeasible if the electronic routing information to the payer is not available through normal means of transmittal allowed by this Part. Documentation transmitted via first class mail must contain the following details prominently:

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- A) The name of the injured employee;
 - B) Identification of the worker's employer to the extent known, the employer's insurance carrier, or the third party administrator or its agent handling the workers' compensation claim;
 - C) Identification of the health care provider billing for services to the injured worker and, when applicable, its agent;
 - D) Dates of service; and
 - E) The workers' compensation claim number assigned by the payer, if established by the payer.
- 6) When a signed release is required from the injured worker before release of requested records, the request is not complete and actionable until the medical provider or its agent has received a valid, signed release form.
- e) Electronic Remittance Advice (ERA) and Electronic Funds Transfer (EFT)
- 1) An Electronic Remittance Advice (ERA) is an explanation of benefits (EOB) or explanation of review (EOR) submitted electronically regarding payment or denial of a medical bill, recoupment request or receipt of a refund.
 - 2) A payer shall provide an ERA in accordance with 50 Ill. Adm. Code 9110.90.
 - 3) The ERA shall contain the appropriate Group Claim Adjustment Reason Codes, Claim Adjustment Reason Codes (CARC) and associated Remittance Advice Remark Codes (RARC) as specified by the ASC X12 Technical Report Type 2 (TR2) Workers' Compensation Code Usage Section for pharmacy charges, the NCPDP Reject Codes, National Council for Prescription Drug Programs, 9240 East Raintree Drive, Scottsdale AZ 85260 (http://www.ncdp.org/standards_info.aspx) (July 2012, no later amendments or editions), denoting the reason for payment, adjustment or denial. Instructions for the use of the ERA and code sets are found in section 7.4 of the IAIABC eBill Companion Guide.

DEPARTMENT OF INSURANCE

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- 4) The ERA shall be sent before 5 days after:
 - A) the expected date of receipt by the medical provider of payment from the payer; or
 - B) the date the bill was rejected by the payer.
- f) Payers shall accept from health care providers paper medical bills for payment in the formats set forth in 50 Ill. Adm. Code 2017 as applicable to the service rendered.
- g) A payer shall not accept or submit a duplicate paper medical bill from a health care provider or its agent earlier than 30 business days from the date originally submitted unless the payer has returned the medical bill as incomplete in accordance with Section 2908.70. A payer may accept a corrected paper medical bill after the return of an incomplete medical bill. The corrected medical bill is submitted as a new, original bill.
- h) Unless the payer or its agent is exempted from the electronic medical billing process in accordance with this Section, it should attempt to establish connectivity through a trading partner agreement with any clearinghouse that requests the exchange of data in accordance with Section 2908.40.
- i) No party to the electronic transactions shall charge excessive fees to any other party in the transaction. A payer or clearinghouse that requests another payer or clearinghouse to receive, process or transmit a standard transaction shall not charge fees or costs in excess of the fees or costs for normal telecommunications that the requesting entity incurs when it directly transmits or receives a standard transaction.
- j) A payer may accept reasonable fees related to data translation, data mapping and similar data functions when the health care provider is not capable of submitting a standard transaction. In addition, a payer may accept a reasonable fee related to:
 - 1) Transaction management of standard transactions, such as editing, validation, transaction tracking, management reports, portal services and connectivity; and

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- 2) Other value added services, such as electronic file transfers related to medical documentation.
- k) A payer or its agent may not reject a standard transaction on the basis that it contains data elements not needed or used by the payer or its agent, or that the electronic transaction includes data elements that exceed those required for a complete bill as enumerated in subsection (b).
- l) A payer may offer to a health care provider electing to submit bills electronically, who has not implemented a software system capable of sending standard transactions, an Internet-based direct data entry system if the payer does not charge a transaction fee. A health care provider using an Internet-based direct data entry system offered by a payer or other entity must use the appropriate data content and data condition requirements of the standard transactions.
- m) Exemption
 - 1) The Director of Insurance ([Director](#)) may grant exemptions to employers and insurance carriers who are unable to accept medical bills electronically.
 - 2) Requests must be submitted in writing to the Director.
 - 3) Grounds for exemption will be based on the following factors:
 - A) Premium volume;
 - B) Number of policyholders; and
 - C) Expense to comply would be burdensome.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
545.20	Amendment
545.70	New Section
545.75	New Section
545.80	New Section
545.85	New Section
545.90	New Section
545.APPENDIX A	Repealed
545.APPENDIX B	Repealed
- 4) Statutory Authority: Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70]
- 5) A Complete Description of the Subject and Issues: This rulemaking implements portions of PA 100-775, signed August 10, 2018 and effective January 1, 2019, which amended the Sexual Assault Emergency Treatment Center Act to provide for emergency treatment for pediatric sexual assault survivors, whether in a hospital or in a new category of health care provider, an approved pediatric health care facility.
- 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? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

Erin Conley
Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield IL 62761

217/782-2043
dph.rules@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Hospitals and pediatric health care facilities
 - B) Reporting, bookkeeping or other procedures required for compliance: Accurate recordkeeping
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not apparent when the Regulatory Agendas were prepared.

The full text of the Proposed Amendments is identical to that of the text of the Emergency Amendments for this Part, and begins in this issue of the *Illinois Register* on page: 1089

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Board of Appeals
- 2) Code Citation: 86 Ill. Adm. Code 210
- 3) Section Number: 210.126 Proposed Action: Amendment
- 4) Statutory Authority: 20 ILCS 2505/2505-505 and 2505-250 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-505, 2505-250] and Section 3-10 of the Uniform Penalty and Interest Act [35 ILCS 735/3-10]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Section 210.126 to reflect changes in procedures regarding the filing of applications for voluntary disclosure. The rules state that applications for voluntary disclosure must be filed with the Problems Resolution Division (PRD) of the Department, rather than with the Board of Appeals and updates the rule to reflect this procedural change. In addition, statutory citations have been updated throughout the regulation, along with updates reflecting 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.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part: No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed amendment may submit them in writing by no later than 45 days after publication of this Notice to:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The changes in this rulemaking do not affect small businesses.
 - B) Reporting, bookkeeping or other procedures required for compliance: No changes to current reporting procedures.
 - C) Types of professional skills necessary for compliance: Reporting
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2018

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 210

VOLUNTARY DISCLOSURE; BOARD OF APPEALS

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. _____, effective _____.

Section 210.126 Voluntary Disclosure

- a) Statutory authority. Section ~~3-10~~~~39e-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 39e-4 of the Civil Administrative Code of Illinois, Ill. Rev. Stat. 1991, ch. 127, par. 39c-4, as added by P.A. 87-~~

DEPARTMENT OF REVENUE

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~~1246)~~ ~~[3520 ILCS 735/3-10 (c)2505/39c-4]~~.

- 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) Taxpayer must file an application for voluntary disclosure. 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 taxpayer, as those terms are defined in subsection (c)(1) below, prior to the filing date of taxpayer's Application with the [PRD Board](#). The filing date of 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 taxpayer with a copy of the executed Application.
 - 2) Taxpayer must file returns and pay liability. Once taxpayer has received a copy of the executed Application, 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 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. Taxpayer's determination of its tax liability, including the methodology used by 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, taxpayer will provide in its [Application petition](#) to the [PRD Board](#) its reasons why it maintains it does not owe tax for the entire voluntary disclosure period (immediately

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preceding four years). The ~~PRD~~Board will determine the number of years (up to the four year maximum) taxpayer is subject to Illinois tax under voluntary disclosure. The ~~PRD~~Board will notify taxpayer of its decision. Taxpayer will file returns and pay tax for the number of years (up to four years maximum) the ~~PRD~~Board has determined taxpayer is subject to tax under voluntary disclosure. 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. 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. 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 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. The Criminal Investigations

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~~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 such partnership for purposes of qualifying for voluntary disclosure.
- 2) ~~Taxpayer does not file returns.~~ Taxpayer does not file tax returns within thirty days from the Signature Date.
- 3) ~~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 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) Taxpayer does not begin prospective compliance. Taxpayer must begin prospective compliance with Illinois tax law as a part of voluntary disclosure. Taxpayer has begun prospective compliance when 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) Taxpayer has not remitted all taxes collected for the Illinois tax type being disclosed as part of voluntary disclosure. Taxpayer must remit all taxes (and interest) previously collected for all periods by taxpayer for the Illinois tax type being disclosed as part of 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 taxpayer from the relief provided under

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voluntary disclosure.

- d) Extensions. 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. 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 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 taxpayer and verify accurate reporting. Taxpayer has made a good faith effort to accurately report its tax liability under voluntary disclosure when 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 taxpayer for all open years of the voluntary disclosure period and assess all tax, penalty and interest that is owed by taxpayer. Taxpayer will not qualify for the relief provided under voluntary disclosure when the Department finds that 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. _____, effective _____)

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- 1) Heading of the Part: Adult Protection and Advocacy Services
- 2) Code Citation: 89 Ill. Adm. Code 270
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
270.100	Amendment
270.105	Amendment
270.110	Repealed
270.115	Amendment
270.120	Repealed
270.130	Amendment
270.132	New Section
270.134	New Section
270.136	New Section
270.138	New Section
270.140	New Section
270.142	New Section
270.144	New Section
270.146	New Section
270.148	New Section
270.150	New Section
270.152	New Section
270.154	New Section
270.156	New Section
270.158	New Section
270.160	New Section
270.162	New Section
270.450	Amendment
- 4) Statutory Authority: 20 ILCS 10/4.04 and 42 USC Section 3001 et seq.
- 5) Effective Date of Rules: January 1, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes

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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. 14309; August 3, 2018

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: In Section 270.105, the Department added, "their, " after "fulfilling" to the definition of "conflict of interest". The Department also removed "case-related " before "files" and added " and records" after "files" in the definition of "program records". Additionally, the Department added a space and then added "or through a documented verbal request or through the use of auxiliary aids," after "writing" in the definition of "representative".

In Section 270.134(g), the Department changed "These complaints" to "Complainants"; and

In Section 270.142(b)(1), the Department changed, "or" to "and".

In Section 270.144, the Department removed, "automatic".

In addition to the changes stated above, JCAR made a few non-substantive corrections, "will" to "shall" twice and "follow" to "following" once.

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 is a Subpart to the Adult Protection and Advocacy Services rules of the Department on Aging. The rules update current Long-Term Care Ombudsman rules and incorporate recent federal regulations governing the program by reference. The rulemaking represents proactive efforts by the Department to adequately describe the purpose, administration, and duties under the Long-Term Care Ombudsman Program.

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The Long-Term Care Ombudsman Program is a resident-directed advocacy program to protect and improve the quality of care and quality of life for residents of long-term care facilities and participants of a medical assistance waiver administered by the State of Illinois, or participants enrolled in a managed care organization that provide care coordination and other services to seniors and persons with disabilities. Ombudsmen make every reasonable effort to assist, empower, represent, and advocate on behalf of residents and participants.

The rules also provide the duties and responsibilities of the Home Care Ombudsman.

The amendment to Section 270.450 of the Adult Protective Service Registry was not a substantive change.

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

Tracey Trigillo
Deputy General Counsel
Illinois Department on Aging
One Natural Resources Way, Suite 100
Springfield IL 62702-1271

217/785-3346

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

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 270
ADULT PROTECTION AND ADVOCACY SERVICES

SUBPART A: INTRODUCTION

Section
270.10

Summary and Purpose

SUBPART B: LONG TERM CARE OMBUDSMAN PROGRAM

Section

270.100

Long Term_Care Ombudsman Program: [Purpose and Program Model](#)

270.105

Definitions

270.110

Responsibilities of the Department and the Office of the State Long Term Care Ombudsman ([Repealed](#))

270.115

Display of [the](#) Ombudsman Poster

270.120

Access to Resident Records ([Repealed](#))

270.130

Conflict of Interest

[270.132](#)[Organizational Standards and Responsibilities: Department on Aging](#)[270.134](#)[Organizational Standards and Responsibilities: Office of the State Long-Term Care Ombudsman](#)[270.136](#)[Organizational Standards and Responsibilities: Area Agencies on Aging](#)[270.138](#)[Organizational Standards and Responsibilities: Ombudsman Provider Agencies](#)[270.140](#)[Access to Residents and Participants](#)[270.142](#)[Access to Resident and Participant Information and Records](#)[270.144](#)[Confidentiality and Disclosure](#)[270.146](#)[Ombudsman Services in Long-Term Care Facilities](#)[270.148](#)[Home Care Ombudsman Services](#)[270.150](#)[Joint Responsibilities of the Ombudsman and the Home Care Ombudsman Programs](#)[270.152](#)[Complaint Investigations](#)[270.154](#)[Willful Interference](#)[270.156](#)[Retaliation](#)[270.158](#)[Grievances Against an Ombudsman Related to the Performance of Duties](#)[270.160](#)[Multi-disciplinary Teams for Ombudsman Program](#)

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270.162 Immunity

SUBPART C: ADULT PROTECTIVE SERVICES PROGRAM

Section

270.200	Purpose and Program Model
270.205	Adult Protective Services Program
270.210	Definitions
270.215	Organizational Standards and Responsibilities: Department on Aging
270.220	Organizational Standards and Responsibilities: Regional Administrative Agencies
270.221	Elder Abuse Fatality Review Teams (Repealed)
270.225	Organizational Standards and Responsibilities: Adult Protective Services Provider Agencies
270.226	Public Awareness and Education
270.230	Abuse Reporting
270.235	Immunity
270.240	Intake of Abuse, Neglect, Financial Exploitation, or Self-Neglect Reports
270.241	Reporting a Suspicious Death
270.245	Access to Alleged Victims and Relevant Records
270.250	Minimum Assessment and Classification Standards
270.255	Abuse, Neglect, Financial Exploitation, or Self-Neglect Case Work, Follow-Up, Referrals and Case Closure
270.260	Authority to Consent and Court Petitions
270.265	Early Intervention Services
270.270	Multi-disciplinary Teams
270.275	Confidentiality and Disclosure

SUBPART D: ADULT PROTECTIVE SERVICES VOLUNTEER CORPS

Section

270.280	Definitions
270.285	Selection and Screening
270.290	Training
270.295	Volunteer Agreement and Volunteer Responsibilities
270.300	Activities and Supervision

SUBPART E: ADULT PROTECTIVE SERVICE REGISTRY

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Section

270.400	Purpose of the Registry
270.402	Definitions
270.404	Access to and Use of the Registry
270.406	Notice to Eligible Adult, Guardian or Agent
270.408	Notice to the Caregiver's Employer
270.410	Notice to Long Term Care Facilities and Ombudsman
270.412	Verified and Substantiated Finding and Notice to Caregiver
270.414	Initiation of an Appeal
270.416	Collateral Action
270.418	Confidentiality
270.420	Removal from Registry
270.422	Initial and Amended Pleadings
270.424	Service
270.426	Answer
270.428	Representation
270.430	Venue and Testimony by Telephonic or Other Electronic Means
270.432	Pre-hearing Conferences
270.434	Consolidation of Matters for Hearing
270.436	Continuances
270.438	Motions
270.440	Subpoenas
270.442	Discovery; Exchange of Information
270.444	Evidence
270.446	Witness Testimony
270.448	Expert Testimony
270.450	Burden of Proof
270.452	Administrative Law Judge Qualifications, Potential Disqualification, and Authority
270.454	Translators and Accommodations
270.456	Costs
270.458	Improper or Ex Parte Communications
270.460	Variances
270.462	Waiver
270.464	Failure to Appear
270.466	Grounds for Dismissal
270.468	Withdrawal of a Matter

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270.470	Post-hearing Motions and Briefs
270.472	Administrative Hearing Record
270.474	Final Administrative Decision
270.476	Appeal of Department Decisions

SUBPART F: FATALITY REVIEW TEAMS

Section

270.500	Fatality Review Team Advisory Council
270.505	Regional Interagency Fatality Review Teams

AUTHORITY: Implementing Section 4.04 of the Illinois Act on the Aging [20 ILCS 105] and 45 CFR 1324 and authorized by Section 4.04 of the Illinois Act on the Aging and the federal Older Americans Act (42 USC 3001 et seq.).

SOURCE: Adopted at 21 Ill. Reg. 8887, effective July 1, 1997; amended at 25 Ill. Reg. 5259, effective April 1, 2001; amended at 26 Ill. Reg. 3964, effective March 15, 2002; expedited correction at 26 Ill. Reg. 8482, effective March 15, 2002; amended at 30 Ill. Reg. 8913, effective April 28, 2006; amended at 35 Ill. Reg. 8180, effective May 12, 2011; emergency amendment at 38 Ill. Reg. 2357, effective December 31, 2013, for a maximum of 150 days; emergency expired May 29, 2014; amended at 39 Ill. Reg. 2156, effective January 23, 2015; amended at 42 Ill. Reg. 6659, effective April 2, 2018; amended at 42 Ill. Reg. 9226, effective July 1, 2018; amended at 43 Ill. Reg. 980, effective January 1, 2019.

SUBPART B: LONG TERM CARE OMBUDSMAN PROGRAM

Section 270.100 Long-Term Care Ombudsman Program: [Purpose and Program Model](#)

This Subpart describes the organization, standards and responsibilities of the State Long-Term Care Ombudsman Program [administered by the Office of the State Long-Term Care Ombudsman and through the Illinois Department on Aging](#).

- a) [The Long-Term Care Ombudsman Program is authorized in accordance with the federal Older Americans Act \(42 USC 3001 et seq.\), implementing regulations under 45 CFR 1324, and the Illinois Act on Aging \[20 ILCS 105/4.04\].](#)
- b) [The Long-Term Care Ombudsman Program is modeled on the following principles:](#)

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- 1) Resident directed advocacy intervention by Ombudsmen through provider agencies to ensure that older persons and persons with disabilities receive quality services. This is accomplished by providing advocacy services for:
 - A) Residents of long-term care facilities; and
 - B) Participants receiving home care and community-based care.
- 2) Reasonable efforts to assist, empower, represent and advocate by Ombudsmen on behalf of the resident or participant. The services and activities of the Program are:
 - A) Resident and participant centered advocacy.
 - B) Identifying, investigating and resolving complaints.
 - C) Representing the interests of residents and participants before government agencies.
 - D) Regular presence in long-term care facilities.
 - E) Consultation and community education.
 - F) Issue advocacy.
 - G) Support for the development of resident and family councils.
- c) The Program protects and improves the quality of care and quality of life for residents of long-term care facilities and participants of a medical assistance waiver administered by the State of Illinois, or participants enrolled in a managed care organization that provides care coordination and other services to older persons and persons with disabilities.

(Source: Amended at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.105 Definitions

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"Act" means the Illinois Act on the Aging [20 ILCS 105].

"AAA" or "Area Agency on Aging" means any public or non-profit private agency in a planning and service area designated by the Department, which is eligible for funds available under the Older Americans Act (42 USC 3001 et seq.) and other funds made available by the State of Illinois or the federal government. (Section 3.07 of the Act)

"Assisted living establishment" or "assisted living" has the same meaning given the term in Section 10 of the Assisted Living and Shared Housing Act [210 ILCS 9/10].

"Authorized representative" means a person properly delegated or designated to exercise decision-making authority on behalf of another person, including, but not limited to, guardians of the estate (whether temporary or permanent), guardians of the person (whether temporary or permanent), conservator, agents appointed under a power of attorney (whether durable or not), health care surrogate decision-makers designated under the Health Care Surrogate Act [775 ILCS 401], and representative payees, including those appointed by the Social Security Administration or the Railroad Retirement Board pursuant to federal law (see 45 CFR 1324.1).

"Certification" means the process by which an individual who meets minimum qualifications is free of conflicts of interest and has successfully completed training and other requirements of this Part. Certification authorizes the individual to act as a representative of the Office.

"Complaint" means a concern or allegation regarding action, inaction or decisions that may adversely affect, or has adversely affected, the brought to, or initiated by, the ombudsman for investigation and action by, or on behalf of, one or more residents of a long term care facility relating to health, safety, welfare or rights of one or more residents or participants that is brought to the attention of, or initiated by, the Ombudsman for action a resident.

"Complainant" means anyone who contacts an Ombudsman for assistance who has personal knowledge of an action, inaction or decision that may affect the health, safety, welfare or rights of one or more residents or participants.

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"Community-based setting" means any place of abode other than an individual's private home. (Section 4.04(b)(2.8) of the Act)

"Conflict of interest" means an individual or organizational competing interest, obligation, or duty that compromises, influences or interferes with (or gives the appearance of compromising, influencing or interfering with) the integrity, activities or conduct of an Ombudsman, the Office, the Department, Area Agencies on Aging, or provider agencies in faithfully and effectively fulfilling their, his or her official duties.

"Department" means the Illinois Department on Aging. (Section 3.01 of the Act)

"Designation" means the authorization by the State Ombudsman of an entity, such as a provider agency, to host a Regional Program in a planning and service area or specified geographic area.

"Home Care Ombudsman Program" means either a subdivision of the Office or an agency designated by the State Long-Term Care Ombudsman as a subdivision of the Office and any Ombudsman housed within that agency that provides advocacy services to participants. Home Care Ombudsmen are representatives of the Office.

"Immediate family" means a member of the household or a relative with whom there is a close personal or significant financial relationship. (See 45 CFR 1324.1.)

"Legal representative" means a person properly delegated or designated to exercise decision-making authority on behalf of another person, including, but not limited to, guardians of the estate (whether temporary or permanent), guardians of the person (whether temporary or permanent), agents appointed under a power of attorney (whether durable or not), health care surrogate decision makers designated under the Health Care Surrogate Act [775 ILCS 401], and representative payees, appointed by the Social Security Administration or the Railroad Retirement Board pursuant to federal law.

"Long-term care facility" means any facility as defined by Section 1-113 of the Nursing Home Care Act [210 ILCS 45]; ~~and~~ any skilled nursing facility or a nursing facility that ~~which~~ meets the requirements of section ~~Section~~ 1819(a), (b),

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~~(c) and (d) or section 1919(a), (b), (c) and (d) of the Social Security Act, as now or hereafter amended (42 USC 1395i-3(a), (b), (c) and (d) and 42 USC 1396r(a), (b), (c) and (d)); any facility as defined by the ID/DD Community Care Act [210 ILCS 47/1-113]; any facility as defined by the MC/DD Act [210 ILCS 46/1-113]; any facility licensed under the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49/4-105 or 4-201]; any assisted living establishment and shared housing establishment as defined by the Assisted Living and Shared Housing Act [210 ILCS 9/10]; and any supportive living facility established under the Illinois Public Aid Code [305 ILCS 5/5-5.01]. (Section 4.04(b)(2) of the Illinois Act on the Aging [20 ILCS 105/4.04(b)(2)])~~

"Managed care organization" or "MCO" means an organization licensed and approved by the Illinois Department of Healthcare and Family Services to provide care coordination and other services to older persons and persons with disabilities in the State of Illinois.

"Medical assistance waiver" means a waiver approved by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services, and administered by the State of Illinois pursuant to section 1915(c) of the Social Security Act and other related authority.

"Monitoring tool" means a survey and questions developed by the Office to provide review and oversight for a Regional Program.

"Office" means the Office of the State Long-Term Care Ombudsman as established by the Department ~~that is the distinct, separately identifiable organizational unit headed by, which shall be comprised of~~ the State Long-Term Care Ombudsman (see 45 CFR 1324.1), ~~any other State Ombudsman staff and the Sub-State or Regional Long Term Care Ombudsman Programs.~~

"Ombudsman" or "representative of the Office" ~~or "duly designated representative of the Office"~~ means any designated representative of the State Long-Term Care Ombudsman Program ~~person employed by the Department to fulfill the requirements of the Office, or any representative of a Sub-State Long-Term Care Ombudsman Program;~~ provided that the representative, whether he or she is paid for or volunteers his or her ombudsman services, shall be qualified and certified by the Office to perform the duties of an Ombudsman as specified by the Department in rules and in accordance with the provisions of the Older

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Americans Act of 1965, as now or hereafter amended authorized by the Department to perform the duties of an ombudsman and is registered with the Office's Ombudsman Representative Registry. (Section 4.04(b)(3.1) of the Illinois Act on the Aging [20 ILCS 105/4.04(b)(3)]). The term also means the certified individuals who fulfill the duties of the Office, whether the personnel supervision is provided by the State Ombudsman or by a provider agency hosting a Regional Program or Home Care Ombudsman Program. (See 45 CFR 1324.1.)

"Participant" means an older person aged 60 or over or an adult with a disability aged 18 through 59 who is eligible for services under a medical assistance waiver administered by the State of Illinois or a person receiving care coordination and other services by a managed care organization. (Section 4.04(b)(4) of the Act)

"Program" means the State Long-Term Care Ombudsman Program through which the functions and duties of the Office are carried out, consisting of the State Ombudsman, the Office headed by the State Ombudsman, and the representatives of the Office. (See 45 CFR 1324.1.)

"Program records" means the confidential files and records created by an Ombudsman while carrying out his or her official duties.

"Provider agency" means the Regional Program provider entity designated by the State Long-Term Care Ombudsman to operate a Regional Program in a planning and service area or a specified geographic area.

"Regional Long-Term Care Ombudsman Program" or "Regional Program" means the entity designated by the State Long-Term Care Ombudsman as a division of the Office.

"Regional Ombudsman" means a certified Ombudsman who works full-time to perform Ombudsman functions exclusively and who shall have no duties in the provider agency outside the scope of the Regional Program.

"Representative" means an authorized representative or any person who is knowledgeable about a resident's or participant's circumstances and has been designated by that resident or participant, in writing, or through a documented verbal request or through the use of auxiliary aids, to represent him or her.

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"Resident" means an older person aged 60 or over or an adult with a disability aged 18 through 59 who is a current resident of a long-term care facility, a former resident, or a deceased resident. (Section 4.04(b)(5) of the Act)
Complaints concerning a deceased resident are limited to systemic issues~~any person who is a current resident of a long term care facility, an individual seeking admission to a long term care facility, a former resident, or a deceased resident if the complaint or request for information involves procedures or practices related to admission, discharge and/or the individual's entitlement to care and services under federal and State laws and regulations.~~

"Shared housing establishment" has the same meaning given that term in Section 10 of the Assisted Living and Shared Housing Act [210 ILCS 9].

"State Long-Term Care Ombudsman" or "State Ombudsman" means any person employed by the Department to fulfill the requirements of the Office of State Long-Term Care Ombudsman as required under the Older Americans Act of 1965, as now or hereafter amended, and Departmental policy (Section 4.04(b)(3) of the Act). The term also means the individual who heads the Office and is responsible for personally, or through representatives of the Office, fulfilling the functions, responsibilities and duties set forth in federal regulations. (See 45 CFR 1324.1.)

"Willful interference" means actions or inactions taken by an individual in an attempt to intentionally prevent, interfere with, or attempt to impede the Ombudsman from performing any of the functions, responsibilities or duties of the Ombudsman. (See 45 CFR 1324.1.)

~~"Sub State Long Term Care Ombudsman Program", "Sub State Program", "Regional Long Term Care Ombudsman Program" or "Regional Program" means an agency designated by the Department as a sub-division of the Office.~~

(Source: Amended at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.110 Responsibilities of the Department and the Office of the State Long Term Care Ombudsman (Repealed)

- a) ~~The Department shall establish an Office of the State Long Term Care Ombudsman within the Department and provide for sufficient staff to carry out~~

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~~the State and federal statutory responsibilities of the program.~~

- b) ~~The Office shall establish and maintain an Ombudsman Representative Registry as an official listing of those ombudsmen who are designated as representatives of the Office.~~
- e) ~~The Department reserves the right to remove from the Ombudsman Representative Registry the name of any ombudsman representative who fails to meet, maintain, or comply with the standards and requirements of the program. Any ombudsman representative so removed shall not serve, nor represent themselves, as a representative of the ombudsman program. The Department shall provide for notice of such removal to such individual, together with an opportunity to appeal the decision of the Department.~~
- d) ~~The Office shall identify, *investigate and resolve complaints made by or on behalf of residents of long term care facilities relating to actions, inactions or decisions that may adversely affect the health, safety, welfare, or rights of the residents (including the welfare and rights of the residents with respect to the appointment and activities of guardians and representative payees) of providers, or their representatives, of long term care facilities, of public agencies, or of social service agencies, which may adversely affect the health, safety, welfare or rights of such residents.* (Section 4.04(e) of the Illinois Act on the Aging)~~
- e) ~~The Department shall inform the residents about means of obtaining services provided by providers or agencies described in subsection (d) above.~~
- f) ~~The Department shall provide administrative and technical assistance to entities designated as Sub State Long Term Care Ombudsman Programs.~~
- g) ~~The Department shall provide for training representatives of the Office.~~
- h) ~~The Department shall promote the development of citizen organizations to participate in the program.~~
- i) ~~The Office shall ensure that residents have access to the services provided through the Office and that the residents and complainants receive responses to complaints from representatives of the Office.~~

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- j) ~~The Office shall represent the interests of the residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents.~~
- k) ~~The Office shall analyze, comment on, and monitor the development and implementation of federal, State, and local laws, regulations, and other governmental policies and actions that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long term care facilities and services in the State.~~
- l) ~~The Office shall recommend any changes in such laws, regulations, policies, and actions as the Office determines to be appropriate.~~
- m) ~~The Office shall facilitate public comment on the laws, regulations, policies, and actions.~~
- n) ~~The Office shall provide technical support for the development of resident and family councils to protect the well being and rights of residents.~~
- o) ~~The Office shall carry out other activities consistent with the requirements of this Subpart.~~

(Source: Repealed at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.115 Display of the Ombudsman Poster

Each long-term care facility shall display posters supplied by the Office in the following manner:

- a) Each poster shall be prominently displayed in the facility in a place accessible to residents and the public.
- b) The poster shall not be obscured in any manner by any other material. Each poster shall be placed with the bottom of the poster approximately 42 inches from the level of the floor.
- c) If a majority of residents speak a language other than English, then a majority of the posters shall be in that language if they are available from the Department.

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- d) A poster shall be placed:
- 1) in each wing on each floor of the facility,
 - 2) in each of the facility's activity rooms, and
 - 3) at the main entrance/exit of the facility.

(Source: Amended at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.120 Access to Resident Records (Repealed)

- a) ~~When a resident is incapable of giving to the ombudsman informed consent for access to the resident's records (such resident is hereinafter referred to as an "incapable resident"), the State Long Term Care Ombudsman, the Sub State Ombudsman or other duly designated representative of the State Long Term Care Ombudsman Office shall have access to such incapable resident's clinical and other records under the following circumstances:~~
- ~~1) the State Long Term Care Ombudsman, Sub State Ombudsman or other duly designated representative has had a face to face visit with such resident and has personally determined that the resident was incapable of making and communicating an informed consent or denial for access to the resident's records by the ombudsman; and~~
 - ~~2) the State Long Term Care Ombudsman, Sub State Ombudsman or other duly designated representative has determined the following:~~
 - ~~A) Either:~~
 - ~~i) the resident has no agent, court appointed guardian or legal representative who is empowered to make such a decision regarding the resident's records; or~~
 - ~~ii) the agent, court appointed guardian or legal representative is implicated in the complaint; or is not acting in the best interest of the resident; or could not be located within 24 hours despite a reasonable effort by the ombudsman to do~~

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~~so; and~~

- ~~B) A review of such records is necessary to investigate or resolve a complaint or protect the rights of the incapable resident.~~
- b) ~~The State Long Term Care Ombudsman, Sub State Ombudsman or other duly designated representative shall present a written request to the facility for such resident's records. Upon receipt of the request, the facility must allow immediate access to the resident's records by the State Long Term Care Ombudsman, the Sub State Ombudsman or other duly designated representative of the State Long Term Care Ombudsman Office.~~
- e) ~~Should the Sub State Ombudsman or duly designated representative be denied access to a resident's records, the ombudsman will report this fact to the Office of the State Long Term Care Ombudsman.~~

(Source: Repealed at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.130 Conflict of Interest

The Department ~~and the State Ombudsman will~~shall ensure that no individual, or member of the immediate family, person directing, employed by, participating in, or with responsibilities for the selection or designation of the RegionalSub State Programs shall be subject to a conflict of interest, as defined by ~~section~~Section 712(f) of the Older Americans Act (42 ~~USCU.S.C.~~ 3058g(f)). Accordingly, organizational and individual conflicts of interest that may impact the effectiveness and credibility of the work of the Office shall be identified and the Department and the State Ombudsman will direct action to remove or remedy the conflict in accordance with federal regulations (45 CFR 1324.21 (2016)) and Ombudsman policies and procedures.

- a) Organizations involved in the establishment of the Program and individuals who carry out the duties of the Program, Office, Department, Area Agencies on Aging and provider agencies shall be free from conflicts of interest.
- b) When a potential conflict of interest is identified, the Office shall review the circumstances of the conflict to determine whether:
- 1) An actual conflict exists;

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- 2) Whether the conflict was knowing or accidental; and
- 3) Whether the conflict could be remedied by appropriate action by the individual or agency involved.
- c) If a potential conflict of interest is determined to be an actual conflict, the Office, in consultation with the Department, shall determine what actions shall be accepted by the individual or organization. Once validated, a conflict can be remedied only when the conflict no longer exists, or it is determined that continued existence of the conflict does not compromise the ability of the Ombudsman to carry out the duties of the Program as an independent advocate for residents and participants.
- d) The Office shall report all conflicts and remedial measures in its annual report through the federal National Ombudsman Reporting System.

(Source: Amended at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.132 Organizational Standards and Responsibilities: Department on Aging

- a) *The Department shall establish a Long-Term Care Ombudsman Program, through the Office of State Long-Term Care Ombudsman, in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.*
- b) Federal regulations are incorporated by reference for the establishment of the Office of the State Long-Term Care Ombudsman at 45 CFR 1324.11 (2016) and Department responsibilities related to the Ombudsman Program at 45 CFR 1324.15 (2016). These incorporations do not include any later amendments or editions. The Department will collaborate with the Ombudsman in accordance with this Part and the federal regulations for the State's implementation of the Program. (See 81 Fed. Reg. 35645 (June 3, 2016).)
- c) *The Department, in consultation with the Office, shall cooperate with the Department of Human Services and other State agencies in providing information and training to designated Regional Long-Term Care Ombudsman Programs about the appropriate assessment and treatment (including information about appropriate supportive services, treatment options, and assessment of*

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rehabilitation potential) of the residents and the participants they serve. (Section 4.04(c) of the Act)

- d) Based on the Older Americans Act, the Department makes grants to AAAs in a planning and service area to build comprehensive systems for older people throughout the State and develop policies governing all aspects of applicable programs, including the Ombudsman Program. (See 45 CFR 1321.)

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.134 Organizational Standards and Responsibilities: Office of the State Long-Term Care Ombudsman

- a) The Office will be established in accordance with federal requirements under 45 CFR 1324.11 (2016) and this Subpart. The Office shall collaborate with the Department in accordance this Part and with the federal regulations for the State's implementation of the Program.
- b) The Office shall be composed of at least one full-time Ombudsman and shall include a system of designated Regional Long-Term Care Ombudsman Programs.
- c) Each Regional Program shall be designated by the State Long-Term Care Ombudsman as a subdivision of the Office and any representative of a Regional Program shall be treated as a representative of the Office. (Section 4.04(c) of the Act)
- d) The State Long-Term Care Ombudsman certifies individuals as Ombudsmen. In order to be recommended for certification, an Ombudsman must complete the training set forth in the policies and procedures and satisfy the requirements of this Section. The State Long-Term Care Ombudsman may also remove certification of an Ombudsman.
- e) The State Long-Term Care Ombudsman and all other Ombudsmen must submit to background checks under the Health Care Worker Background Check Act [225 ILCS 46] and receive training, as prescribed by the Department, before visiting facilities, private homes, or community-based settings. Training must include information specific to:

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- 1) Assisted living establishments, supportive living facilities, shared housing establishments, and private homes; and
 - 2) The rights of residents and participants. (Section 4.04(c) of the Act)
- f) The Office shall, with the support of the Department:
- 1) Develop and provide final approval of an annual report as set forth in section 712(h)(1) of the Older Americans Act and 45 CFR 1324.
 - 2) Analyze, comment on, and monitor the development and implementation of laws, policies and actions that pertain to residents and participants, and to the health, safety, welfare and rights, of residents and participants.
 - 3) Provide such information as the Office determines necessary, regarding the problems and concerns of residents and participants, to public and private agencies, legislators and the media. (See 45 CFR 1324.15(k).)
 - 4) Consult the Department in establishing policies and procedures for the Program. (See 45 CFR 1324.11(e).)
- g) The Office shall not investigate complaints related to abuse, neglect and financial exploitation, or self-neglect reported by, or on behalf of, an older person aged 60 or over or an adult with a disability aged 18 through 59 living in the community. Complainants shall be referred to the Department's Adult Protective Services program for handling pursuant to Section 4 of the Adult Protective Services Act [320 ILCS 20].

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.136 Organizational Standards and Responsibilities: Area Agencies on Aging

- a) AAAs receive grants of Older Americans Act funds designated for the Ombudsman Program that, along with any other available funds, support Ombudsman services in the applicable planning and service areas. Pursuant to receipt of these funds, the responsibilities of the AAA include (see 45 CFR 1321.63):

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- 1) The development of an area plan that provides for the development of a comprehensive and coordinated service delivery system for social services needed by older persons.
- 2) Entering into cooperative arrangements with other service planners and providers, including provider agencies, to:
 - A) Facilitate access to and utilization of all existing services;
 - B) Develop social services effectively and efficiently to meet the needs of older persons; and
 - C) Coordinate existing services to meet the special needs and circumstances of minority senior citizens. (Section 3.07 of the Act)
- b) The AAA shall follow a competitive process, through guidance in the policies and procedures of the Program, for the designation of a provider agency. Designation shall be renewed at least every six years, except for services provided on an emergency basis. The provider agency shall enter into an agreement for services.
- c) In administering Regional Program services, the AAA shall:
 - 1) Support a full-time Regional Ombudsman for each Regional Program;
 - 2) Have an active and ongoing responsibility in monitoring the agreement. However, AAAs do not have access to Program records that contain identifying information about residents. Ongoing monitoring by the AAA shall be in accordance with the Ombudsman policies and procedures;
 - 3) Provide technical assistance to the provider agencies related to budgetary concerns and service delivery systems;
 - 4) Support the Regional Program in accordance with Ombudsman policies and procedures.
- d) The AAA shall retain and purge all books, records and other documents relevant to the operation of the Program, as directed by the Department in accordance with

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the State Records Act [5 ILCS 160], unless other State laws or federal laws or regulations apply (e.g., when records contain information subject to the federal Health Insurance Portability and Accountability Act (HIPAA)). The AAA is to ensure that records are purged pursuant to Department standards.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.138 Organizational Standards and Responsibilities: Ombudsman Provider Agencies

Federal regulations related to a provider agency hosting a Regional Program and Ombudsman are incorporated by reference at 45 CFR 1324.17 (2016). Accordingly, the provider agency shall perform its responsibilities in administering the Regional Program per the Ombudsman policies and procedures and the agreement with the Department or AAA. These responsibilities include, but are not limited to:

- a) Personnel management, but not the programmatic oversight, of Ombudsmen in a Regional Program.
 - 1) Provider agencies shall not have personnel policies or practices that impair Ombudsmen from performing the duties, or from adhering to the access, confidentiality and disclosure requirements, of section 712 of the Older Americans Act, the Illinois Act on the Aging, and this Part.
 - 2) A provider agency may require that Ombudsmen adhere to the personnel policies and procedures that are otherwise lawful.
- b) Being the sole provider of designated Ombudsman services in the applicable planning and service area or geographic service area.
- c) If necessary, submitting, for written approval or denial by the Office, any requirements it wants to apply that differ from the Ombudsman policies and procedures.
- d) Ensuring the Regional Ombudsman develops and submits an Annual Services Plan in accordance with the State Ombudsman instructions.
- e) Providing a full-time Regional Ombudsman who shall:

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- 1) Meet the applicable minimum qualifications of the Ombudsman policies and procedures;
 - 2) Have no duties in the provider agency outside the scope of the Regional Program; and
 - 3) Actively participate in the development of a budget, including any amendments or modifications.
- f) Adequately staffing the Regional Program to meet or exceed the ratio of one full-time equivalent paid Ombudsman to 2,000 licensed beds, contingent on available funding.
- g) Meeting or exceeding the Program performance benchmarks established by the Office.
- h) Protecting unauthorized disclosure of Program records without the consent and approval of the State Ombudsman.
- i) Providing staff support, such as work space, custodial, fiscal management, clerical, technology, and telephone coverage and supervisory support for Program operations.
- j) Providing trained back-up support as needed for the operation of the Regional Program, including:
- 1) Arranging, in consultation with the Office and the AAA, if applicable, for temporary provision of Regional Program services when Ombudsman staff are unavailable or the Regional Ombudsman position is vacant;
 - 2) Arranging and notifying the Office and the AAA when the Regional Ombudsman will be unavailable for five or more consecutive business days.
- k) Retaining and purging all books, records and other documents relevant to the operation of the Program as directed by the State Ombudsman or the Department

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in accordance with the State Records Act, unless other State laws or federal laws or regulations apply.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.140 Access to Residents and Participants

- a) Access, by representatives of the Office, means the right to immediately:
- 1) Enter any long-term care facility;
 - 2) Communicate privately and without restriction with any resident or participant, regardless of age, who consents to the communication;
 - 3) Seek consent to communicate privately and without restriction with any participant or resident, regardless of age;
 - 4) Observe all areas of the long-term care facility or supportive living facility, assisted living or shared housing establishment, except the living area of any resident who protests the observation; and
 - 5) Subject to permission of the participant or resident requesting services or his or her representative, enter a home or community-based setting. (Section 4.04(b)(1) of the Act)
- b) Failure to allow access to residents or participants, in accordance with this Subpart, may result in a finding of willful interference.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.142 Access to Resident and Participant Information and Records

- a) Ombudsmen and representatives of the Office shall have access to:
- 1) The name and contact information of the resident's or participant's representative.

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- 2) Administrative records, policies and documents of long-term care facilities, medical assistance waiver services, and managed care organizations to which residents, participants or the general public has access.
 - 3) Copies of all licensing and certification records maintained by the State or long-term care facility with respect to long-term care facilities.
 - 4) A resident's or participant's medical, social or other records relating to the resident or participant if:
 - A) The resident, participant or representative communicates informed consent to the access and the consent is given in writing or through the use of auxiliary aids and services;
 - B) The resident, participant or representative communicates informed consent orally, visually or through the use of auxiliary aids and services, and that consent is documented contemporaneously by a representative of the Office in accordance with its policies and procedures.
 - 5) The Health Insurance Portability and Accountability Act of 1996 (HIPPA) Privacy Rule (45 CFR 160 and 164), does not preclude release by covered entities of resident or participant private health information or other resident or participant identifying information to the Ombudsman Program, including but not limited to residents' or participants' medical, social or other records, a list of resident names and room numbers, or information collected in the course of a State or federal survey or inspection process. (See 45 CFR 1324.11(e)(2)(vii).)
- b) In limited circumstances, the State Ombudsman or his/her designee may grant access to resident or participant records to investigate a complaint when:
- 1) the resident or participant representative refuses to consent; and
 - 2) a representative of the Office has reasonable cause to believe that the resident's or participant's representative is not acting in the best interests of the resident or participant.

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- c) Failure to provide access to records or information, in accordance with this Subpart, may result in a finding of willful interference.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.144 Confidentiality and Disclosure

- a) Ombudsman Program records are the property of the State Ombudsman. The Office shall have access to all Program records during the applicable retention period.
- b) Program records containing resident and participant information are confidential.
- c) The Department, in conjunction with the State Ombudsman, shall establish procedures for the disclosure by the State Ombudsman of files maintained by the Program (Section 4.04(g) of the Act).
- d) The files, records and other information maintained by the Ombudsman Program are considered information specifically prohibited from disclosure by 45 CFR 1324.11 and Section 7(1) of Illinois FOIA [5 ILCS 140]. Disclosure is only at the discretion of the State Ombudsman in accordance with this Subpart.
- e) The Department, AAAs, and provider agencies do not have access to resident and participant records without the consent of the State Ombudsman.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.146 Ombudsman Services in Long-Term Care Facilities

45 CFR 1324.19 (2016), the federal regulations relating to the duties of the representatives of the Office, are incorporated by reference. Ombudsman policies and procedures also apply. Long-term care service components of the Program include, but are not limited to:

- a) Identifying, investigating and resolving complaints made by or on behalf of residents relating to actions, inactions or decisions that may adversely affect the health, safety, welfare or rights of the residents;

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- b) Maintaining a regular presence in long-term care facilities;
- c) Providing services to protect the health, safety, welfare or rights of residents;
- d) Ensuring that residents have regular and timely access to the services provided through the Program and that residents and complainants receive timely responses to requests for information or complaints; and
- e) Consulting and providing community education.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.148 Home Care Ombudsman Services

45 CFR 1324.19 (2016), the federal regulations relating to the duties of the representatives of the Office, are incorporated by reference. Ombudsman policies and procedures also apply. Home care service components of the Program include, but are not limited to:

- a) Identifying, investigating and resolving or referring complaints made by or on behalf of participants relating to actions, inactions or decisions of service providers, or their representatives, public agencies, or social service agencies that may adversely affect the health, safety, welfare or rights of the participants;
- b) Providing services to protect the health, safety, welfare or rights of participants;
- c) Ensuring participants have timely access to the services provided through the Program and that participants and complainants receive timely responses to requests for information or complaints; and
- d) Consulting and providing community education.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.150 Joint Responsibilities of the Ombudsman and the Home Care Ombudsman Programs

Joint responsibilities of the Ombudsman and the Home Care Ombudsman Programs include, but are not limited to:

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- a) Representing the interests of residents and participants before government agencies and assuring that individual residents and participants have access to, and pursue (as the Ombudsman determines necessary and consistent with resident and participant interest), administrative, legal and other remedies to protect the health, safety, welfare and rights of the residents and participants;
- b) Reviewing and, if necessary, commenting on any existing and proposed laws, regulations and other government policies and actions that pertain to the rights and well-being of residents and participants; and
- c) Facilitating the ability of the public to comment on the laws, regulations, policies and actions.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.152 Complaint Investigations

- a) Policies and procedures of the State Ombudsman provide standards to assure a prompt response to complaints and the prioritization of complaints.
- b) Complaints may be initiated by anyone who has personal knowledge of an action, inaction or decisions that may adversely affect the health, safety, welfare or rights of one or more residents or participants.
- c) The Ombudsman may identify, investigate and attempt to resolve a complaint impacting an individual resident or participant or multiple residents or participants.
- d) Regardless of the source of the complaint (i.e., the complainant), including when the source is the Ombudsman, the Ombudsman shall support and maximize resident or participant participation in the process of resolving the complaint in accordance with 45 CFR 1324.19(b) (2016). These processes include, but are not limited to, the following:
 - 1) The Ombudsman shall offer privacy to the resident or participant for the purpose of confidentiality.

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- 2) The Ombudsman shall personally discuss the complaint with the resident or participant and, if the resident or participant is unable to communicate informed consent, his or her representative. The Ombudsman shall:
- A) Determine the perspective of the resident or participant;
 - B) Obtain informed consent to investigate the complaint;
 - C) Determine the wishes of the resident or participant with respect to the resolution of the complaint, including whether the allegations are to be reported and, if so, whether the Ombudsman may disclose resident or participant identifying information or other relevant information to the facility or appropriate agencies or both;
 - D) Advise the resident or participant of his or her rights;
 - E) Work with the resident or participant to develop a plan of action for resolution of the complaint;
 - F) Investigate the complaint to determine whether the complaint can be verified; and
 - G) Determine whether the complaint is resolved to the satisfaction of the resident or participant.
- e) To determine the degree of reliance of the resident or participant on the representative, the Ombudsman shall consider the extent of the authority that has been granted to the representative under court order (in the case of a guardian or conservator), by power of attorney or other document by which the resident or participant has granted authority to the representative to communicate or make determinations on behalf of the resident or participant related to complaint processing.
- f) The Ombudsman may provide information regarding the complaint to another agency so that agency can substantiate the facts for regulatory, protective services, law enforcement, or other purposes. The Ombudsman shall adhere to the disclosure requirements of section 712(d) of the Older Americans Act, 45 CFR 1324.11(e)(2) (2016), and this Section.

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(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.154 Willful Interference

a) No person shall:

- 1) intentionally prevent, interfere with, or attempt to impede in any way any representative of the Office in the performance of his or her official duties under the Illinois Act on the Aging and the Older Americans Act of 1965; or
- 2) Intentionally retaliate, discriminate against, or effect reprisals against any resident or participant or employee for contacting or providing information to any representative of the Office. (Section 4.04(f) of the Act)

b) Interference includes, but is not limited to:

- 1) The infliction of physical harm;
- 2) Threats to inflict physical harm;
- 3) Intimidation;
- 4) Deception;
- 5) Tampering with physical evidence;
- 6) Destroying, hiding or altering records;
- 7) Making false statements or encouraging others to do so;
- 8) Bribery or attempted bribery;
- 9) Retaliation; and

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- 10) Restricting, without legal authority, the personal movements or travel of any individual, when those actions are done for the sole purpose of preventing the Ombudsman from discharging his or her official duties.
- c) The State Ombudsman, in consultation with the Department, upon notice that all attempts to resolve the interference have failed, shall notify the appropriate State's Attorney or the Office of the Attorney General.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.156 Retaliation

- a) It is unlawful to intentionally discriminate, retaliate or effect reprisals in any manner against any resident, participant, representative or employee of a long-term care facility, or a home care provider, for filing a complaint with, providing information to, or otherwise cooperating in good faith with the Ombudsman.
- b) The Office shall investigate any report of intentional acts of discrimination, retaliation or reprisal.
- c) If the Office, based on a review by the Office, determines that enforcement action is warranted, the Office shall pursue the following course of action:
- 1) The State Ombudsman shall notify the Office of the Attorney General or the appropriate State's Attorney.
 - 2) When the perpetrator is a long-term care facility employee or agent, the Office shall file a complaint with the Illinois Department of Public Health or the Illinois Department of Healthcare and Family Services, as appropriate.
 - 3) When the perpetrator is a provider employee or agent, the Office shall file a complaint with the appropriate entity with jurisdiction.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.158 Grievances Against an Ombudsman Related to the Performance of Duties

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- a) Policies and procedures establish a grievance process for the receipt and review of grievances regarding the determinations, actions or inactions of an Ombudsman and representatives of the Office in accordance with 45 CFR 1324.11(e)(7) (2016).
- b) Grievances are to be submitted in writing to the following:
 - 1) Grievances about an Ombudsman employed by a Provider Agency shall be directed to the Regional Ombudsman;
 - 2) Complaints about a Regional Ombudsman or State Ombudsman staff shall be directed to the State Ombudsman;
 - 3) Complaints about the State Ombudsman shall be directed to the Director of the Department.
- c) The grievance shall be investigated and a written response issued to the complainant.
- d) The grievance process shall include an opportunity for reconsideration of a final determination.
- e) The decision to refuse, suspend or remove certification of an Ombudsman may be reconsidered by the State Ombudsman.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.160 Multi-disciplinary Teams for Ombudsman Program

- a) The Regional Ombudsman may develop or participate on a multi-disciplinary team (M-Team). The M-Team may be new or an existing one. *The Ombudsman, or his or her designee, of the area in which the multi-disciplinary team is created shall be the facilitator of the multi-disciplinary team.* (Section 4.04(k) of the Act)
- b) The M-Team shall *act in an advisory role for the purpose of providing professional knowledge and expertise in handling complex abuse, neglect, and advocacy issues involving participants or residents.* (Section 4.04(k) of the Act)

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- c) M-Team members shall sign a confidentiality form provided by the Office that shall be included in the Program records.
- d) Ombudsmen shall not disclose resident or participant identifying information during an M-Team discussion. Ombudsman team members shall provide case summaries for discussion purposes rather than actual case files.
- e) The M-Team may consist of one or more volunteer representatives from any combination of at least 7 members from the following professions:
 - 1) Banking or finance;
 - 2) Disability care;
 - 3) Health care;
 - 4) Pharmacology;
 - 5) Law;
 - 6) Law enforcement;
 - 7) Emergency responder;
 - 8) Mental health care;
 - 9) Clergy;
 - 10) Coroner or medical examiner;
 - 11) Substance abuse;
 - 12) Domestic violence;
 - 13) Sexual assault; or
 - 14) Other related fields. (Section 4.04(k) of the Act)

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- f) The M-Team has a right to request and receive records on particular cases from law enforcement agencies and coroners or medical examiners, in accordance with this Part.

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

Section 270.162 Immunity

An ombudsman or any representative of the Office participating in the good faith performance of his or her official duties shall have immunity from any liability (civil, criminal or otherwise) in any proceedings (civil, criminal or otherwise) brought as a consequence of the performance of his or her official duties. (Section 4.04(e) of the Act)

(Source: Added at 43 Ill. Reg. 980, effective January 1, 2019)

SUBPART E: ADULT PROTECTIVE SERVICE REGISTRY

Section 270.450 Burden of Proof

Unless otherwise provided by law, the burden of proof will be by the preponderance of the evidence and will be on the moving party or the ~~party~~~~party~~~~ing~~ bringing the action.

(Source: Amended at 43 Ill. Reg. 980, effective January 1, 2019)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Actions:
 140.421 Amendment
 140.492 Amendment
 140.TABLE D Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rules: December 31, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 42 Ill. Reg. 16364; August 31, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
140.3	Amendment	42 Ill. Reg. 7285; April 20, 2018
140.6	Amendment	42 Ill. Reg. 7285; April 20, 2018
140.413	Amendment	42 Ill. Reg. 7285; April 20, 2018
140.513	Amendment	42 Ill. Reg. 9052; June 8, 2018

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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
140.439	New Section	42 Ill. Reg. 17067; September 28, 2018
140.990	Amendment	42 Ill. Reg. 18242; October 12, 2018
140.991	Amendment	42 Ill. Reg. 18242; October 12, 2018
140.993	Amendment	42 Ill. Reg. 18242; October 12, 2018
140.994	Amendment	42 Ill. Reg. 18242; October 12, 2018
140.995	Repealed	42 Ill. Reg. 18242; October 12, 2018
140.996	Repealed	42 Ill. Reg. 18242; October 12, 2018
140.997	Repealed	42 Ill. Reg. 18242; October 12, 2018
140.462	Amendment	42 Ill. Reg. 19557; November 9, 2018
140.490	Amendment	42 Ill. Reg. 19957; November 9, 2018
140.491	Amendment	42 Ill. Reg. 24574; December 28, 2018

- 15) Summary and Purpose of Rulemaking: These amendments: (1) PA 100-974 by allowing Federally Qualified Health Centers (FQHCs) to seek reimbursement for services performed by dental hygienists, and (2) PA 100-646 by updating the medical transportation service definitions for medi-car and service car.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

HFS.Rules@Illinois.gov

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED 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

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

SUBPART C: PROVIDER ASSESSMENTS

Section

- 140.80 Hospital Provider Fund

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

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- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
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- 140.402 Copayments for Noninstitutional Medical Services
- 140.403 Telehealth Services
- 140.405 Non-Institutional Rate Reductions
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- 140.416 Optometric Services and Materials
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- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)
- 140.423 Licensed Clinical Psychologist Services
- 140.424 Licensed Clinical Social Worker Services
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
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140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
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140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Nurse Services
140.436	Limitations on Advanced Practice Nurse Services
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140.450	Record Requirements for Pharmacies
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140.452	Community-based Mental Health Providers Qualified for Payment
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140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Hospital-Based and Encounter Rate Clinic Payments
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- 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
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- 140.550 Update of Operating Costs
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- 140.554 Component Inflation Index (Repealed)
- 140.555 Minimum Wage
- 140.560 Components of the Base Rate Determination
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- 140.566 Out-of-State Placement
- 140.567 Level II Incentive Payments (Repealed)
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- 140.581 Qualifying as Mandated Capital Improvement (Repealed)
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- 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
- 140.643 In-Home Care Program
- 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
- 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
- 140.647 Description of Developmental Training (DT) Services
- 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
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- 140.700 Discharge of Long Term Care Residents
- 140.830 Appeals of Rate Determinations
- 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND
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Section

- 140.850 Reimbursement of Administrative Expenditures
- 140.855 Administrative Claim Review and Reconsideration Procedure
- 140.860 County Owned or Operated Nursing Facilities
- 140.865 Sponsor Qualifications (Repealed)
- 140.870 Sponsor Responsibilities (Repealed)
- 140.875 Department Responsibilities (Repealed)
- 140.880 Provider Qualifications (Repealed)
- 140.885 Provider Responsibilities (Repealed)
- 140.890 Payment Methodology (Repealed)
- 140.895 Contract Monitoring (Repealed)
- 140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
- 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)

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140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
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140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
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SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

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140.924	Maternal and Child Health Provider Participation Requirements
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140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND
REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section

140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
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140.952	Closing an ICARE Area (Recodified)
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140.956	Payments to Contracting Hospitals (Recodified)

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- 140.958 Admitting and Clinical Privileges (Recodified)
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964 Contract Monitoring (Recodified)
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140.968 Validity of Contracts (Recodified)
140.970 Termination of ICARE Contracts (Recodified)
140.972 Hospital Services Procurement Advisory Board (Recodified)
140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

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140.993 Care Management Fees
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140.995 Mandatory Enrollment
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140.TABLE J Rate Regions

140.TABLE K Services Qualifying for 10% Add-On (Repealed)

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140.TABLE M Enhanced Rates for Maternal and Child Health Provider Services (Repealed)

140.TABLE N Program Approval for Specified Behavioral Health Services

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency

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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; 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; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory 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.

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11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective 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

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146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 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;

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emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 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.

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2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency 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,

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effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. 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

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June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective 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

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November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, 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.

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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.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.421 Limitations on Dental Services

Effective for dates of service on or after July 1, ~~2018~~2014:

- a) The Department shall impose prior approval requirements to determine the medical necessity of dental services listed in this Section. Prior approval is required for:
 - 1) Crowns;
 - 2) Partial Pulpotomy;
 - 3) Periodontal services, except full mouth debridement for diagnostic purposes, ~~ages 0-20~~;
 - 4) Apexification and recalcification;
 - 5) Apicoectomy;

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- 6) Dentures, partial dentures and denture relines;
- 7) Maxillofacial prosthetics;
- 8) Prosthodontics;
- 9) Removal of impacted teeth;
- 10) Surgical removal of residual roots;
- 11) Surgical exposure to aid eruption;
- 12) Alveoloplasty;
- 13) Incision and drainage of abscess;
- 14) Removal of cysts or tumors;
- 15) Frenulectomy;
- 16) Orthodontics. Effective January 1, 2017, medically necessary orthodontic treatment is approved only for patients under the age of 21 and is defined as:
 - A) treatment necessary to correct a condition that scores 28 points or more on the Handicapping Labio-Lingual Deviation Index (HLD);
or
 - B) treatment necessary to correct the following conditions:
 - i) Cleft palate;
 - ii) Deep impinging bite with signs of tissue damage, not just touching palate;
 - iii) Anterior crossbite with gingival recession;

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- iv) Severe traumatic deviation (i.e., accidents, tumors, etc.; attach description); and
 - v) Effective January 1, 2019, impacted maxillary central incisor;
- 17) General anesthesia, conscious sedation or deep sedation;
 - 18) Therapeutic drug injection;
 - 19) Other drugs and medicaments;
 - 20) Unspecified miscellaneous adjunctive general services or procedures;
 - 21) Dental services not listed in Table D.
- b) The dentist may request post-approval when a dental procedure requiring prior approval is provided on an emergency basis. Approval of the procedures shall be given if the dental procedure is medically necessary.

(Source: Amended at 43 Ill. Reg. 1014, effective December 31, 2018)

Section 140.492 Payment for Medical Transportation

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

- a) For dates of service prior to July 1, 2006, medicar providers shall be paid a base

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rate, which includes the first ten miles (20 miles round trip), a mileage rate and a fixed amount for an employee or non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.

- b) For dates of service prior to July 1, 2006, service car providers shall be paid a base rate, which includes the first ten miles (20 miles round trip), a mileage rate and a fixed amount for a non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.
- c) For dates of service on or after July 1, 2006, medicar providers and service car providers shall be paid at a base rate, a mileage rate and a fixed amount for an attendant. Payment for an attendant is subject to the requirements in Section 140.490(e)(5). Mileage reimbursement is made for loaded miles, i.e., those miles for which the provider is actually transporting an individual. Mileage for multiple passengers is reimbursed pursuant to Section 140.490(d).
- d) Private auto providers shall be paid for loaded miles at a mileage rate.
- e) Payment for transportation services provided by common carrier, such as commercial airplanes, buses and trains, shall be at the usual community rate.
- f) Taxicabs in an area regulated by a municipality or township shall be reimbursed at the community rate and a fixed amount for an attendant. Payment for an attendant is subject to the requirements in Section 140.490(e).
- g) Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department and a fixed amount for an attendant. Payment for an attendant is subject to the requirements in Section 140.490(e). The Department rate shall be reviewed on an annual basis each July.
- h) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at a base, mileage rate (loaded miles) and a rate for oxygen, as appropriate. Payment shall also be made for Advanced Life Support (ALS) at an all inclusive rate, which includes the base rate, supplies, and all other services, excluding mileage. However, for ALS services provided on or after July 1, 1993, separate reimbursement shall be made for oxygen when used

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and appropriately billed. Loaded miles for ALS trips shall be reimbursed at the per mile rate. Payment shall also be made for Specialty Care Transport (SCT). Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (h)(1) through (5). Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.

- 1) Payment shall be made at a basic rate for Basic Life Support (BLS) services that is provider specific. The basic rate shall be the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim form, or 80 percent of the 50th percentile of the Medicare prevailing charge for Basic Life Support for the designated Medicare Locality, except that any basic rate previously approved by the Department that exceeds these parameters shall remain in force. The rate of annual increase shall not exceed five percent. Beginning with dates of service July 1, ~~2018~~2013 and thereafter, the Department's established maximum rate for BLS services shall be equivalent to 112% ~~the sum of 100%~~ of the rate in effect on June 30, ~~2018~~2012 ~~plus \$14.65~~, as reflected on the Department's Fee Schedule.
- 2) Payment for loaded miles shall be at a rate per mile. If a natural disaster, weather or other conditions necessitate the use of a route other than the most direct route, reimbursement will be based on the actual distance traveled. The rate per mile shall be 50 percent of the 50th percentile of the Medicare prevailing mileage charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent. Beginning with dates of service July 1, ~~2018~~ 2013 and thereafter, regardless of the county in which the vehicle is based, loaded miles shall be paid at the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim, or the Department's established rate of ~~\$5.60~~5.00 per mile, as reflected on the Department's Fee Schedule.
- 3) Payment for oxygen shall be made at a flat rate statewide. The rate shall be 50 percent of the 50th percentile of the Medicare prevailing charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent.

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- 4) Payment for Advanced Life Support (ALS) services shall be at the lesser of the provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80 percent of the difference between the Medicare 50th percentile prevailing charge for Basic Life Support services and Advanced Life Support services for Medicare Locality 16. The annual rate of increase shall not exceed five percent. Beginning with dates of service July 1, ~~2018~~2013 and thereafter, the Department's established maximum rate for ALS services shall be equivalent to ~~112%~~ ~~the sum of 100%~~ of the rate in effect on June 30, ~~2018~~2012 ~~plus \$14.65~~, as reflected on the Department's Fee Schedule.
- 5) Beginning with dates of service July 1, ~~2018~~2013 and thereafter, payment for SCT shall be made at the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim, or the Department's established rate, which is equivalent to ~~112%~~ ~~the sum of 100%~~ of the ALS rate in effect on June 30, ~~2018~~2012 ~~plus \$75.00~~, as reflected on the Department's Fee Schedule.
 - i) Payment for medical transportation services provided by individuals, including those currently receiving public assistance, legally responsible relatives or household members, will be made at a loaded mileage rate.
 - j) The Department may adjust reimbursement for medical transportation services in a county when such adjustment is necessary to ensure the availability of transportation to medical services.

(Source: Amended at 43 Ill. Reg. 1014, effective December 31, 2018)

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Section 140.TABLE D Schedule of Dental Procedures

Effective January 1, ~~2018~~2016. Additional dental services may be approved based on medical necessity.

- a) Diagnostic Services
 - 1) Clinical Oral Evaluations
 - A) Oral Exams ~~(ages 0-20)~~ – ~~limited to one every 6 months per patient~~ in an office and school setting;
 - i) For ages 0-20 – Limited to one every 6 months per patient;
and
 - ii) For ages 21 and over – Limited to one every 12 months per patient
 - B) Limited Exam ~~(ages 0-99)~~
 - C) Comprehensive Exam ~~(ages 0-99)~~
 - 2) X-rays ~~(ages 0-99)~~
- b) Preventive Services ~~(ages 0-20)~~
 - 1) Prophylaxis – ~~limited to one every 6 months per patient~~ in an office or school setting
 - A) For ages 0-20 – Limited to one every 6 months per patient; and
 - B) For ages 21 and over – Limited to one every 12 months per patient
 - 2) Topical Application of Fluoride ~~(ages 0-20)~~ – limited to one every 6 months per patient in an office or school setting
 - 3) Fluoride Varnish ~~(ages 0-2)~~ – limited to three per 12 months per patient ages 0-2 years in an office setting

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- 4) Sealants ([ages 0-20](#)) – limited to one per lifetime per tooth regardless of place of service
- 5) Space Maintenance ([ages 0-20](#)) – limited to one per lifetime per quadrant
- c) Restorative Services (~~ages 0-99~~)
 - 1) Amalgams
 - 2) Resins
 - 3) Crowns
 - 4) Other Restorative Services
- d) Endodontic Services (~~ages 0-20~~)
 - 1) Pulpotomy – [limited to ages 0-20](#)
 - 2) Endodontic Therapy (ages 21 and over; limited to anterior teeth only)
 - 3) Apexification/Recalcification Procedures [limited to ages 0-20](#)
 - 4) Apicoectomy/Periradicular Services [limited to ages 0-20](#)
- e) Periodontal Services (~~ages 0-20~~)
 - 1) Surgical Services
 - 2) Non-Surgical Periodontal Services
 - 3) Other Periodontal Services
- f) Removable Prosthodontic Services (~~ages 0-99~~)
 - 1) Complete Denture

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- 2) Partial Denture – limited to ~~(ages 0-20)~~
- 3) Repairs to Complete Denture
- 4) Repairs to Partial Denture
- 5) Denture Reline Procedures
- g) Maxillofacial Prosthetics ~~(ages 0-99)~~
- h) Prosthodontics Fixed limited to ~~(ages 0-20)~~
 - 1) Fixed Partial Denture Pontics
 - 2) Fixed Partial Denture Retainers – Crowns
 - 3) Other Fixed Partial Denture Services
- i) Oral and Maxillofacial Services ~~(ages 0-99)~~
 - 1) Extractions
 - 2) Surgical Extractions
 - 3) Other Surgical Procedures
 - 4) Alveoloplasty
 - 5) Surgical Excision of Intra-osseous Lesions
 - 6) Surgical Incision
 - 7) Treatment of Fractures – Simple
 - 8) Treatment of Fractures – Compound
 - 9) Reduction of Dislocation and Management of Other Temporomandibular Joint Dysfunctions

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- 10) Other Repair Procedures
- j) Orthodontic Services limited to(~~ages 0-20~~)
 - 1) Comprehensive Orthodontic
 - 2) Other Orthodontic Services
- k) Adjunctive General Services (~~ages 0-99~~)
 - 1) Unclassified Treatment
 - 2) Anesthesia
 - 3) Professional Consultation
 - 4) Drugs

(Source: Amended at 43 Ill. Reg. 1014, effective December 31, 2018)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Medicaid Community Mental Health Services Program
- 2) Code Citation: 59 Ill. Adm. Code 132
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
132.10	Repealed
132.15	Repealed
132.20	Repealed
132.25	Repealed
132.27	Repealed
132.30	Repealed
132.32	Repealed
132.33	Repealed
132.35	Repealed
132.40	Repealed
132.42	Repealed
132.44	Repealed
132.45	Repealed
132.47	Repealed
132.48	Repealed
132.50	Repealed
132.55	Repealed
132.58	Repealed
132.60	Repealed
132.65	Repealed
132.70	Repealed
132.75	Repealed
132.80	Repealed
132.90	Repealed
132.91	Repealed
132.95	Repealed
132.100	Repealed
132.105	Repealed
132.110	Repealed
132.115	Repealed
132.120	Repealed
132.125	Repealed
132.130	Repealed

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132.135	Repealed
132.140	Repealed
132.142	Repealed
132.145	Repealed
132.148	Repealed
132.150	Repealed
132.151	Repealed
132.155	Repealed
132.160	Repealed
132.170	Repealed
132.Appendix A	Repealed
132.Appendix B	Repealed
132.Table A	Repealed
132.Table B	Repealed
132.Table C	Repealed

- 4) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].
- 5) Effective Date of Repealer: January 1, 2019
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated, 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. 7322; April 20, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.

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NOTICE OF ADOPTED REPEALER

- 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, 59 Ill. Adm. Code 132 provides the certification requirements and process for Community Mental Health Centers, and defines the Medicaid Services they provide. In conjunction with HFS, the rule is revised to separate the service definitions from the certification process. As such, 59 Ill. Adm. Code 132 is repealed entirely. A new 59 Ill. Adm. Code 132 is adopted to replace the repealed language. The revised 59 Ill. Adm. Code 132 contains the certification requirements and process, while HFS will file a corresponding amendment (89 Ill. Adm. Code 140) to include the service definitions.
- 16) Information and questions regarding this adopted repealer shall be directed to:

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

217/785-9772

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Medicaid Community Mental Health Services Program
- 2) Code Citation: 59 Ill. Adm. Code 132
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
132.10	New Section
132.15	New Section
132.25	New Section
132.30	New Section
132.35	New Section
132.40	New Section
132.45	New Section
132.50	New Section
132.55	New Section
132.60	New Section
132.65	New Section
132.70	New Section
132.75	New Section
132.80	New Section
132.85	New Section
132.95	New Section
132.100	New Section
132.105	New Section
132.110	New Section
132.115	New Section
132.120	New Section
132.125	New Section
132.130	New Section
132.135	New Section
132.140	New Section
132.145	New Section
132.150	New Section
132.155	New Section
- 4) Statutory Authority: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.3].
- 5) Effective Date of Rules: January 1, 2019

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- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes; International Classification of Diseases, 10th Revision, Clinical Modification (ICD-10-CM) and Diagnostic and Statistical Manual of Mental Disorders, 5th Edition (DSM-5)
- 8) A copy of the adopted rules, including any material incorporated, 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. 7408; April 20, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: Various grammatical and technical changes were made to Sections 132.25, 132.30, 132.55, 132.60, 132.80, 132.85, 132.95, 132.100, 132.105, 132.120, 132.135 and 132.155 since First Notice.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Currently, 59 Ill. Adm. Code 132 provides the certification requirements and process for Community Mental Health Centers, and defines the Medicaid Services they provide. In conjunction with HFS, the rule is revised to separate the service definitions from the certification process. As such, 59 Ill. Adm. Code 132 is repealed entirely. This new 59 Ill. Adm. Code 132 is adopted to replace the repealed language. This Part contains the certification requirements and process, while HFS will file a corresponding amendment (89 Ill. Adm. Code 140) to include the service definitions.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

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

217/785-9772

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

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NOTICE OF ADOPTED RULES

TITLE 59: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

PART 132
MEDICAID COMMUNITY MENTAL HEALTH SERVICES PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
132.10	Purpose
132.15	Incorporation by Reference
132.25	Definitions
132.30	Client Rights
132.35	Inter-Departmental Administration and Coordination of Services

SUBPART B: CERTIFIED SPECIALTY PROVIDER (CSP)

Section	
132.40	Definition and Characteristics
132.45	General Requirements
132.50	Quality Systems Requirements
132.55	Personnel and Staffing Requirements
132.60	Recordkeeping Requirements
132.65	Physical Plant Location Requirements

SUBPART C: CERTIFIED COMPREHENSIVE
COMMUNITY MENTAL HEALTH CENTER (CMHC)

Section	
132.70	Definition, Characteristics and Incentives
132.75	General Requirements
132.80	Personnel and Staffing Requirements
132.85	Addition and Removal of Physical Plant Locations

SUBPART D: ENROLLMENT AND CERTIFICATION REQUIREMENTS OF
CERTIFIED COMPREHENSIVE COMMUNITY MENTAL HEALTH CENTERS
AND CERTIFIED SPECIALTY PROGRAMS

Section

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- 132.95 Certified Specialty Providers (CSP) and Certified Comprehensive Community Mental Health Center (CMHC) Certification Process
- 132.100 Initial On-site Certification
- 132.105 Certification Review Cycle
- 132.110 Appeal of Certification Determination
- 132.115 Nontransferability
- 132.120 Deemed Status

SUBPART E: SPECIALTY PROGRAM CERTIFICATION AND COMPETENCY

Section

- 132.125 Organizational Capacity and Readiness
- 132.130 Interdisciplinary Care
- 132.135 Assertive Community Treatment Program
- 132.140 Psychosocial Rehabilitation Program
- 132.145 Community Support Team Program
- 132.150 Intensive Outpatient Program
- 132.155 Specialty Certification Process

AUTHORITY: Implementing and authorized by the Community Services Act [405 ILCS 30] and Section 15.3 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 211, effective December 31, 1991, for a maximum of 150 days; new rules adopted at 16 Ill. Reg. 9006, effective May 29, 1992; amended at 18 Ill. Reg. 15593, effective October 5, 1994; emergency amendment at 19 Ill. Reg. 9200, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16178, effective November 28, 1995; amended at 21 Ill. Reg. 8292, effective June 25, 1997; recodified from the Department of Mental Health and Developmental Disabilities to the Department of Human Services at 21 Ill. Reg. 9321; amended at 22 Ill. Reg. 21870, effective December 1, 1998; emergency amendment at 23 Ill. Reg. 4497, effective April 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10205, effective August 23, 1999; amended at 24 Ill. Reg. 17737, effective November 27, 2000; amended at 26 Ill. Reg. 13213, effective August 20, 2002; amended at 28 Ill. Reg. 11723, effective August 1, 2004; amended at 31 Ill. Reg. 9097, effective July 1, 2007; emergency amendments at 31 Ill. Reg. 10159, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 15805, effective November 8, 2007; amended at 32 Ill. Reg. 9981, effective July 1, 2008; emergency amendment at 35 Ill. Reg. 1128, effective January 1, 2011, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 35 Ill. Reg. 7719, effective April 28, 2011; amended at 35 Ill. Reg. 8860, effective

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May 26, 2011; amended at 36 Ill. Reg. 18582, effective December 13, 2012; amended at 38 Ill. Reg. 15550, effective July 1, 2014; amended at 39 Ill. Reg. 13684, effective October 1, 2015; old Part repealed at 43 Ill. Reg. 1046 and new Part adopted at 42 Ill. Reg. 1049, effective January 1, 2019.

SUBPART A: GENERAL PROVISIONS

Section 132.10 Purpose

- a) To facilitate the establishment of a comprehensive and coordinated continuum of community-based programs, sensitive to the needs of local communities, for persons with or at risk for a diagnosis of mental illness.
- b) To effectuate the Division of Mental Health's role as the federally-recognized State Mental Health Authority with statutory mandates to plan, fund and monitor community-based mental health programs.
- c) To promote the availability of culturally relevant, evidence-based, developmentally appropriate, trauma-informed mental health programs across the lifespan.
- d) To maximize the effectiveness and quality of programs to ensure cost efficiency and best possible outcomes in natural settings that reduce the use of institutional care.
- e) To establish criteria for certification and recertification of Comprehensive Community Mental Health Centers (CMHC) and other entities seeking to offer programs directly funded by DHS-DMH and DCFS.

Section 132.15 Incorporation by Reference

Any rules or standards of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified and do not include any later amendments or editions.

Section 132.25 Definitions

For the purposes of this Part, the following terms are defined:

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Accessibility – Compliance with all appropriate provisions of the Americans With Disabilities Act (ADA) of 1990 (42 USC 12101 et seq.), as amended, and section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the most recent standards identified in the Illinois Accessibility Code (71 Ill. Adm. Code 400) and/or ADA Accessibility Guidelines, whichever standard is more stringent.

Assertive Community Treatment Program or ACT Program – An evidence-based program that includes all components necessary to provide the assertive community treatment model.

Applicant – An entity that seeks certification as a Certified Specialty Provider (CSP) or CMHC under this Part

Centers for Medicare and Medicaid Services or CMMS – A federal agency within the U.S. Department of Health and Human Services with responsibility for Medicare, Medicaid, State Children's Health Insurance (SCHIP), Health Insurance Portability and Accountability Act (HIPAA), and Clinical Laboratory Improvement Amendments (CLIA).

Certifying State Agency or CSA – Departments responsible for determining and monitoring compliance with this Part, i.e., Department of Human Services or Department of Children and Family Services.

Client – An individual who is receiving community mental health services eligible for Medical Assistance funding.

Certified Comprehensive Community Mental Health Center or CMHC – An entity that meets the requirements of Subparts C and D and has been certified by a Certifying State Agency. Any entity certified as a CMHC under this Part shall be designated as an Essential Community Behavioral Health Center by the Division of Mental Health.

Certified Specialty Provider or CSP – An entity that has chosen to meet the requirements set forth in Subpart B to be eligible to provide specialty programs directly funded by DHS-DMH and/or DCFS.

Community Support Team Program – A program designed with the infrastructure and supports necessary to provide team-based care consistent with DHS-DMH certification requirements.

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Day – A calendar day unless otherwise indicated.

Department – The Illinois Department of Human Services (DHS)

Department of Children and Family Services or DCFS – The State child welfare agency responsible for:

protecting children who are reported to be abused or neglected and to increase their families' capacity to safely care for them;

providing for the well-being of children in care; providing appropriate, permanent families as quickly as possible for those children who cannot safely return home;

supporting early intervention and child abuse prevention activities and working in partnerships with communities to fulfill this mission.

Department of Human Services or DHS – The State agency responsible for providing a wide variety of safety net services to Illinois residents in poverty who are facing other economic challenges or who have any of a variety of disabilities or health challenges.

Department of Human Services-Division of Mental Health or DHS-DMH – A program division of DHS that, as the State Mental Health Authority pursuant to Department of Human Services (Mental Health and Developmental Disabilities) Law [20 ILCS 1710], is responsible for assuring that children, adolescents and adults throughout Illinois have the availability of and access to public-funded mental health services.

Emotional Disturbance – For clients under age 21, symptoms of an emotional disorder contained in the DSM-5 and ICD-10-CM that is the condition that will be the main focus of treatment. For clients under age 6, DC 0-5 may be utilized to develop an age appropriate diagnosis, then the crosswalk between the DSM 5/ICD -10/DC 0-5 shall be used to identify which DSM-5/ICD-10 condition will be the main focus of treatment. Emotional disturbance does not include organic disorders such as dementia and those associated with known or unknown physical conditions such as hallucinations, amnesic disorder and delirium; psychoactive

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substance induced organic mental disorders; and intellectual disabilities, autism spectrum disorders or psychoactive substance use disorders.

Enrollment – The official act of registering an entity or an individual as a provider in the Illinois Medical Assistance Program.

Guardian – The court-appointed guardian or conservator of the person under the Probate Act of 1975 [755 ILCS 5] or a temporary custodian or guardian of the person of a child appointed by an Illinois juvenile court or a legally-appointed guardian or custodian or other party granted legal care, custody and control over a minor child by a juvenile court of competent jurisdiction located in another state whose jurisdiction has been extended into Illinois via the child's legally authorized placement in accordance with the applicable interstate compact. (See the Juvenile Court Act of 1987 [705 ILCS 405] and the Interstate Compact on the Placement of Children [45 ILCS 15].)

Healthcare and Family Services or HFS – The State agency responsible for administering Medicaid for Illinois.

Health Information Technology for Economic and Clinical Health (HITECH) Act – Title XIII of Division A and Title IV of Division B of the American Recovery and Reinvestment Act of 2009 (ARRA), P.L. 111-5 (Feb. 17, 2009).

Health Insurance Portability and Accountability Act or HIPAA – 42 USC 1320 et seq. and 45 CFR 160 and 164 (2003).

Illinois Medicaid Program Advanced Cloud Technology or IMPACT – The HFS web-based Medicaid Management Information System platform.

Intensive Outpatient Program – A program designed with the infrastructure and supports necessary to provide group therapeutic sessions consistent with the clinical standards set forth in Subpart E.

Interdisciplinary Care – Professionals from a range of disciplines working together to deliver comprehensive services and supports that address as many of the client's needs as possible. This can be delivered by a range of professionals and paraprofessionals functioning as a team under one organizational umbrella or from a range of organizations, including private practice, brought together as a unique team. As a client's condition changes over time, the composition of the

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team may change to reflect the changing clinical and psychosocial needs of the client.

Licensed Clinician – An individual who is:

A licensed practitioner of the healing arts (LPHA);

A licensed social worker (LSW) possessing at least a master's degree in social work and licensed under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] with specialized training in mental health services or with at least two years' experience in mental health services;

A licensed professional counselor (LPC) possessing at least a master's degree and licensed under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] with specialized training in mental health services or with at least two years' experience in mental health services;

A registered professional nurse (RPN) licensed under the Nurse Practice Act [225 ILCS 65] with at least one year of clinical experience in a mental health setting or who possesses a master's degree in psychiatric nursing; or

An occupational therapist (OT) licensed under the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of clinical experience in a mental health setting.

Licensed Practitioner of the Healing Arts or LPHA – A LPHA is defined as one of the following (additional information can be found in 89 Ill. Adm. Code 140.453):

Physician;

Licensed advanced practice registered nurse with psychiatric specialty;

Licensed clinical psychologist;

Licensed clinical professional counselor;

Licensed marriage and family therapist; or

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Licensed clinical social worker.

Medical Assistance – Health care benefits authorized by HFS under Article V of the Illinois Public Aid Code [305 ILCS 5].

Mental Health Professional or MHP – An individual who provides services under the supervision of a Qualified Mental Health Professional (additional information can be found in 89 Ill. Adm. Code 140.453) and who possesses:

A bachelor's degree in counseling and guidance, rehabilitation counseling, social work, education, vocational counseling, psychology, pastoral counseling, family therapy, or a related human service field;

A bachelor's degree in any other field with two years of supervised clinical experience in a mental health setting;

A practical nurse license under the Illinois Nurse Practice Act [225 ILCS 65];

A certificate of psychiatric rehabilitation from a DHS-approved program, plus a high school diploma or GED, plus 2 years of experience in providing mental health services;

A recovery support specialist certified by, and in good standing with, the Illinois Alcohol and Other Drug Abuse Professional Certification Association, Inc.;

A family partnership professional certificate from and in good standing with the Illinois Alcohol and Other Drug Abuse Professional Certification Association, Inc.;

An occupational therapy assistant licensed under the Illinois Occupational Therapy Practice Act [225 ILCS 75] with at least one year of experience in a mental health setting;

A minimum of a high school diploma or GED and 5 years supervised clinical experience in mental health or human services; or

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Any individual employed as an MHP prior to July 1, 2013 may continue to be so designated unless employment changes.

Mental Health Setting – A location, public or private, in a group or individual practice, in a mental health center, hospital or clinic where services intended to reduce symptoms of mental illness are provided to persons with mental illness.

Mental Illness – For clients age 18 and older, a mental disorder diagnosis contained in the DSM-5 and ICD-10-CM. Mental illness does not include organic disorders such as dementia and those associated with known or unknown physical conditions such as hallucinations, amnesic disorder and delirium; psychoactive substance induced organic mental disorders; and intellectual disabilities, autism spectrum disorders or psychoactive substance use disorders.

Natural Setting – A setting where an individual who has not been diagnosed with a mental illness typically spends time, including home, work, churches, community centers, libraries, parks, recreation centers, educational settings, courthouses, jails or other public buildings. These sites are not licensed, certified or accredited as a treatment setting nor typically identified as treatment sites.

Natural Support – Persons identified by the client who are not paid to provide support, e.g., family, friends, pastor, colleague, landlord.

Notice of Violation or NOV – A written document that specifies the standards within this Part with which the entity/CMHC is not compliant.

Psychiatric Resource –

A physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine or osteopathy with training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness, or specialized training (i.e., the treatment of children and adolescents);

A psychiatrist (a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60]) who has successfully completed a training program in psychiatry approved by the American Medical Association, the American Osteopathic Association or other training program identified as equivalent by the Department;

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An advanced practice registered nurse (APRN) with a psychiatric specialty licensed in Illinois under Article 65 of the Nurse Practice Act [225 ILCS 65] ; or

A prescribing psychologist licensed in Illinois pursuant to the Clinical Psychologist Licensing Act [225 ILCS 15], practicing within his or her scope of practice and adhering to all applicable federal and State administrative rules and policies, with sufficient credentials to prescribe psychotropic medications in Illinois.

Psychosocial Rehabilitation Program or PSR – A facility-based program designed with the infrastructure and supports necessary to provide intensive skill development in a classroom-based setting, consistent with clinical standards set forth in Subpart E.

Public Payer – A State agency or a unit of local government that is responsible for payment for services provided to a client.

"Qualified Mental Health Professional" or "QMHP" means one of the following:

Any individual identified as an LPHA.

A registered professional nurse who holds a valid license in the state of practice, is legally authorized under state law or rule to practice as registered nurse or registered professional nurse, so long as that practice is not in conflict with the Illinois Nurse Practice Act, and has training in mental health services or one year of clinical experience, under supervision, in treating problems related to mental illness, or specialized training in the treatment of children and adolescents.

An occupational therapist who holds a valid license in the state of practice and is authorized under state law or rule to practice as an occupational therapist, so long as that practice is not in conflict with the Illinois Occupational Therapy Practice Act, with at least one year of clinical experience in a mental health setting. If the state of practice does not provide a legal authority for licensure, the individual must meet the requirements of 42 CFR 484.4 for an occupational therapist.

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An individual who possesses a master's or doctoral degree in counseling and guidance, rehabilitation counseling, social work, psychology, pastoral counseling, family therapy, or a related field and has:

Successfully completed 1,000 hours of practicum and/or internship under clinical and educational supervision; or

One year of documented clinical experience under the supervision of a QMHP.

Rehabilitative Services Associate or RSA – An RSA assists in the provision of rehabilitative services under the supervision of a QMHP (additional information can be found in 89 Ill. Adm. Code 140.453) and must:

Be at least 21 years of age;

Have demonstrated skills in the field of services to adults or children;

Have demonstrated the ability to work within agency structure and accept supervision; and

Have demonstrated the ability to work constructively with clients, other providers and the community.

SAMHSA – The federal Substance Abuse and Mental Health Services Administration responsible for guidance to the State Mental Health Authorities, including administration of the federal block grant, defining and identifying evidence-based practices, and translation of research to practice.

Safety Net – A collection of services provided, in collaboration with health care and social service providers throughout the community, to the uninsured and other vulnerable populations. The collection of services is designed to help prevent individuals from further emotional, mental, physical and economic decompensation, while promoting stability and empowerment.

Specialty Certification – The confirmation from DHS-DMH, the Illinois State Mental Health Authority, that a program meets the required clinical standards set forth in Subpart E.

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State Mental Health Authority or SMHA – The entity within a state with federal and state statutorily assigned responsibility for planning, organizing, delivering and monitoring the programs that provide critical mental health services, through the development of safety net programs that provide critical care to individuals with serious mental illnesses who lack insurance and/or have high levels of service needs. In Illinois, DHS-DMH is charged with this responsibility, which includes the development and implementation of a plan for comprehensive community mental health systems and reporting a set of standardized utilization and outcome measures.

Supervision of Treatment Services – The dedicated time an LPHA or QMHP spends with his or her supervisees discussing the supervisees' work. This may include reviewing individual cases, treatment plans, group counseling, individual counseling, progress made by clients, or problem solving when progress is not occurring or when individuals are not engaged in the therapeutic process. Supervision may be done individually or in groups.

Treatment, Habilitation and Support Services – Services designed to:

help individuals develop skills that promote independence and improved levels of social and vocational functioning and personal growth; and

provide nontreatment support services necessary for successful community living [405 ILCS 30/2(e)].

Section 132.30 Client Rights

To assure that a client's rights are protected and that all services provided to clients comply with the law, all providers under this Part shall ensure that:

- a) A client's rights shall be protected in accordance with Chapter 2 of the Mental Health and Developmental Disabilities Code [405 ILCS 5].
- b) The right of a client to confidentiality shall be governed by the Mental Health and Developmental Disabilities Confidentiality Act and the federal Health Insurance Portability and Accountability Act of 1996.
- c) Staff shall inform the client upon intake and annually of the following:

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- 1) The rights in accordance with subsections (a) and (b);
 - 2) The right to contact the Illinois Guardianship and Advocacy Commission and Equip for Equality, Inc. The provider shall offer assistance to a client in contacting these groups, giving each client the address and telephone number of the Guardianship and Advocacy Commission and Equip for Equality, Inc.;
 - 3) The right to be free from abuse, neglect and exploitation;
 - 4) The right to be provided mental health services in the least restrictive setting;
 - 5) The client's right or the guardian's right to present grievances up to and including the provider's Executive Director or comparable position. The client or guardian will be informed of how his or her grievances will be handled at the provider level. A record of, and the response to, those grievances shall be maintained by the provider. The Executive Director's decision on the grievance shall constitute a final administrative decision (except when the decisions are reviewable by the provider's governing board, in which case the governing board's decision is the final authority at the provider level);
 - 6) The right not to have services reduced, denied, suspended or terminated for exercising any rights;
 - 7) The right to contact the public payer or its designee and to be informed of the public payer's process for reviewing grievances;
 - 8) The right to have disabilities accommodated as required by the Americans With Disabilities Act, section 504 of the Rehabilitation Act and the Human Rights Act [775 ILCS 5]; and
 - 9) The right to contact HFS or its designee and to be informed by HFS or its designee of the client's healthcare benefit and the process for reviewing grievances.
- d) The sharing of information consistent with this Section shall be communicated in a language or a method of communication that the client understands.

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Documentation that this information was shared in that manner shall be noted in the clinical record.

Section 132.35 Inter-Departmental Administration and Coordination of Services

- a) DHS-DMH and DCFS, pursuant to an executed interagency agreement with the Department, shall ensure the administration and coordination of mental health services.
- b) Specific service details of Medicaid Rehabilitation Option (MRO) qualified mental health services pursuant to section 1905(a)(13)(C) of the Social Security Act are found in 89 Ill. Adm. Code 140.453(e) and (f).

SUBPART B: CERTIFIED SPECIALTY PROVIDER (CSP)

Section 132.40 Definition and Characteristics

- a) The Department shall make CSP certification available on a voluntary basis to entities seeking CSP designation. CSP certification may be required for receipt of DHS-DMH and DCFS funding.
- b) A CSP is an entity providing community-based mental health services under the direction of an LPHA in a specific geographic area or to a specialized population. At a minimum, a CSP:
 - 1) Provides services necessary to prevent unnecessary institutionalization.
 - 2) Collaborates with other entities supporting the needs of individuals, including, but not limited to, primary care providers, coordination entities and/or managed care entities.
 - 3) Meets all of the requirements outlined in Subpart D, as demonstrated by having been issued a certificate by a CSA in accordance with the requirements set forth in this Part.

Section 132.45 General Requirements

- a) The CSP shall operate in a manner compliant with all applicable State and federal laws, regulations, and adopted policies and procedures.

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- b) The CSP shall establish and maintain policies and procedures to be used by all CSP staff in the administration of programs and the delivery of services from any CSP site or location.

Section 132.50 Quality Systems Requirements

- a) The CSP shall establish and maintain continuous quality improvement systems to ensure quality of care provided in the least restrictive setting supporting the ongoing purchase of services.
- b) The CSP shall establish and maintain a Utilization Review Plan for the ongoing review and assessment of delivered services and client outcomes to ensure services are cost effective and result in the expected outcomes.
- c) The CSP shall establish and maintain a system for obtaining feedback from individuals served and community stakeholders.

Section 132.55 Personnel and Staffing Requirements

The CSP shall:

- a) Establish and maintain a comprehensive set of personnel policies and procedures, minimally addressing hiring, training, evaluation, disciplining, termination, and other personnel matters related to staffing. Establish and maintain job descriptions detailing the duties and qualifications for all positions, including volunteers, interns and unpaid personnel. Establish and maintain individual personnel records for all personnel, paid and unpaid, minimally including the following components:
 - 1) Documentation of current education, experience, licensure and certification;
 - 2) Employment status of the individual (e.g., hire date, employee/contractor, termination date, etc.);
 - 3) Review of individual employee's performance within the last 12 months; and

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- 4) Documentation of training and continuing education units, as applicable.
- b) Upon hire, perform sufficient background checks for all employees, volunteers, interns, unpaid personnel, or other individuals who are agents of the CSP or CMHC. At a minimum, the review shall include:
 - 1) Searching the Illinois Department of Public Health's (DPH) Health Care Worker Registry concerning the person. If the Registry has information substantiating a finding of abuse or neglect against the person, the provider shall not employ him or her in any capacity.
 - 2) Performing background checks in compliance with requirements set forth in the Health Care Worker Background Check Act [225 ILCS 46] and in DPH rules at 77 Ill. Adm. Code 955.
 - 3) Reviewing the Provider Sanctions List, provided by the HFS Office of Inspector General (HFS-OIG), to ensure the provider is not on the list of sanctioned providers. The CSP/CMHC shall not employ or contract with any provider found on the List.
 - c) Annually, at a minimum, comply with all requirements set forth in the Health Care Worker Background Check Act and in DPH rules.
 - d) Ensure that all assessment activities and subsequent individual treatment plans are developed with the active involvement of a QMHP and the clinical review of an LPHA.
 - e) Ensure management and oversight of all treatment staff by a QMHP. Management and oversight may be face to face or virtual, to include group supervision as well as supervision by teleconference and videoconference. All treatment staff must have access to a QMHP who is available for immediate consultation and supervision of treatment services.
 - f) All staff shall receive, at a minimum, one hour of supervision per month delivered face to face, or by teleconference or videoconference.
 - 1) Group supervision is acceptable and the size of the group shall be conducive to the topic being discussed.

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- 2) Supervision must be documented in a written record.
- 3) LPHAs are not required to have supervision under this Section.
- 4) QMHPs must be supervised by an LPHA. MHPs and RSAs must be supervised by, at a minimum, a QMHP.

Section 132.60 Recordkeeping Requirements

- a) The CSP shall maintain records, including but not limited to the following:
 - 1) Clinical records;
 - 2) Service billing files;
 - 3) Organizational records, including policies and procedures;
 - 4) Personnel records; and
 - 5) All other documents required in this Part.
- b) Required records shall be retained for a period of not less than 10 calendar years from the date of service, or origin of the record, except that, if an audit is initiated within the required retention period, the records shall be retained until the audit is completed and every exception resolved. This provision is not to be construed as a statute of limitations.
- c) Required records shall be readily available for inspection, audit and copying during normal business hours by personnel representing the CSA, the public payer, HFS, CMMS, or U.S. Department of Health and Human Services, as applicable.
- d) The compilation, storage of, and accessibility to records, including electronic records, shall be governed by written policies and procedures, in accordance with the Confidentiality Act, HIPAA, HITECH, and all other applicable State and federal laws.
- e) Clinical records and other client information, regardless of format, shall be secured from theft, loss or fire.

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- f) Electronic or digital signature of records is acceptable when the CSP has established the necessary policies and procedures to:
 - 1) safeguard the issuance and identity of users;
 - 2) ensure uniqueness in issuance of signature;
 - 3) regularly review the usage of signature;
 - 4) ensure adequate safeguards within the system upon application of signature to documents; and
 - 5) audit users to remove unnecessary, unused, and abuses on a regular frequency.

Section 132.65 Physical Plant Location Requirements

- a) At a minimum, a CSP shall have a single discrete physical location, owned, leased or controlled by the entity seeking certification.
- b) All additional locations where treatment services occur, if owned, leased or controlled by the CSP, must be certified. Locations meeting the definition of natural settings do not need to be certified.
- c) All locations must meet the following physical plant requirements for certification:
 - 1) Provide a safe, functional, sanitary and comfortable environment for clients and staff that is conducive to the provision of behavioral health services.
 - A) A safe, functional and sanitary environment includes the establishment and maintenance of policies and procedures specific to the operation of each specific physical plant, including an emergency disaster plan, fire evacuation plan, and procedures for managing the basic mechanics of the site.

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- B) A comfortable environment shall be reflective of trauma informed care, ensuring that the interventions being provided and the populations being served have access to an environment that ensures the physical, psychological and emotional safety of both employees and populations being served;
- 2) Meet health and safety standards and State health care occupancy regulations as applicable;
- 3) Be deemed accessible in accordance with the ADA, the Illinois Accessibility Code, and the ADA Accessibility Guidelines, whichever is more stringent. Providers must maintain a written policy for reasonable accommodations for the provision of services to clients unable to access the provider's sites due to physical inaccessibility;
- 4) Be in compliance with approved State and local building and fire ordinances and codes as follows:
 - A) Fire safety in accordance with rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code 100.
 - B) Building requirements in compliance with the uniform or national building code adopted by local or county ordinance.

SUBPART C: CERTIFIED COMPREHENSIVE
COMMUNITY MENTAL HEALTH CENTER (CMHC)**Section 132.70 Definition, Characteristics and Incentives**

- a) Certified Comprehensive Community Mental Health Centers are a specialty service provider type embedded in the community with knowledge and expertise in providing services to adults with or at risk of serious mental illnesses (SMI) and/or children and youth with or at risk of serious emotional disturbances (SED). CMHCs respond to the unique mental health needs of the community with a continuum of services ranging from prevention/promotion through treatment and recovery. CMHCs collaborate with other social service and health care providers to deliver integrated care to individuals in the identified geographic service area. CMHCs must be nonprofit or local government entities.

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- b) CMHCs shall:
- 1) Comply with all requirements of a CSP as articulated in Subpart B, in addition to the requirements set forth in this Subpart C.
 - 2) Operate within a system of care that provides treatment, habilitation and support services.
 - 3) Provide a comprehensive strengths-based array of mental health services within an identified geographic service area.
 - 4) Provide care to individuals with or at risk for SMI/SED by using a person-centered approach to care performed by an interdisciplinary team.
 - 5) Serve individuals who have complex needs as a result of child welfare, justice or multisystem involvement, medical co-morbidity, homelessness, dual disorders, etc.
 - 6) Ensure the connectability of services in the service area for individuals across the life span.
 - 7) Provide services in the client's natural settings.
 - 8) Provide a safety net for individuals with SMI/SED who are indigent.
 - 9) Provide outreach and engagement to individuals in need of mental health services.
 - 10) Provide evidence-based and evidence-informed developmentally appropriate practices in a proficient manner.
 - 11) Provide for a screening prior to a referral to a more intensive level of care.
 - 12) Provide education and resources to the public on mental health issues, including suicide prevention and wellness.
 - 13) Prioritize principles of recovery, system of care, trauma informed care, and culturally relevant practices.

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- 14) Provide access or linkage to psychiatric services and other health and social services.
- c) CMHCs are the only entities that may pursue certifications of the following programs:
 - 1) Assertive Community Treatment Programs; and
 - 2) Psychosocial Rehabilitation Programs.
- d) DHS-DMH will recognize certified CMHCs as preferred provider types when awarding State grant funds to support mental health treatment programs and services as State laws permit.
- e) DHS-DMH will recognize certified CMHCs as preferred provider types when pursuing federal or other grants within DMH or when awarding federal pass-through funds as federal and State laws permit.
- f) DHS-DMH will recognize certified CMHCs as preferred provider types when establishing technical assistance and training programs.

Section 132.75 General Requirements

- a) Establish and maintain policies and procedures to be used by all CMHC staff in the administration of CMHC programs and the delivery of services from any CMHC site or location.
 - 1) Policies detailing the organization's clear commitment to person-centered recovery and resilience principles and the empowerment of families and individuals served. Programs and services should promote personal choice, self-help measures, the strengthening of natural supports, the use of education and interventions in natural settings, and the reduction of the utilization of institutional levels of care.
 - 2) Policies detailing how clients will actively participate in the development, planning and oversight of programs and services.
 - 3) Policies and procedures to ensure co-morbid physical healthcare needs are addressed for clients as needed. A CMHC that is not licensed to provide

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Level 1 and Level 2 Substance Use services and enrolled to participate in the Illinois Medical Assistance Program shall develop policies and procedures to ensure clients receive referrals for services as needed.

- 4) Policies and procedures to ensure SAMHSA's principles of trauma informed approaches are embedded into the organizational structure and clinical practices of the CMHC.
- b) Ensure the availability of services that are culturally and linguistically appropriate and responsive to the needs of clients served, including but not limited to children/youth, military families, those in the criminal justice system, and the LGBTQ population.
- c) Ensure the availability of and/or linkage to a psychiatric resource for the purpose of consultation, evaluation, prescription and management of medication as needed by clients served by the CMHC. This may be secured through various arrangements, including but not limited to employment, contractual relationship or mutual agreement.
- d) Identify a specific geographic service area in which the CMHC will operate and organize the delivery of services and programs and provide interventions to clients.
- e) Maintain insurance against professional and physical liabilities.
- f) Ensure the estimated incidence and prevalence of serious mental illness and severe emotional disturbance are collected. Providers must participate in DHS-DMH surveys to collect data to meet federal reporting requirements via registration information and/or ad hoc surveys.

Section 132.80 Personnel and Staffing Requirements

Establish and maintain an organizational structure that includes a staffing structure and management system consistent with the following:

- a) Employ a full-time LPHA to oversee and direct the clinical functions of the CMHC;

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- b) Maintain staff with training and credentialing to provide interdisciplinary person-centered care, evidence based/informed practices, developmentally appropriate trauma informed care, and culturally and linguistically responsive services.
- c) When good cause is established by the organization, an exception to the full-time status of the LPHA may be granted by the Department in accordance with the process and criteria outlined in this subsection (c).
 - 1) The organization shall submit a request for consideration of waiver to the Department detailing the reasons for the request.
 - 2) The organization shall provide a detailed staffing plan that includes the number and credential levels of all staff providing direct services that include a calculation of the hours of clinical supervision necessary to meet the requirements of Section 132.55(e)(4).
 - 3) The organization shall provide a projected number of individuals to be served on annual basis and calculation of the hours required for provision of clinical oversight and direction of all clinical functions related to those services. This calculation shall be based on a needs assessment of the service area completed by the organization.
 - 4) The organization shall propose a staffing equivalency for clinical oversight and direction by the LPHA that is sufficient to meet the needs identified in Section 132.80(c)(2) and (3).
 - 5) The organization shall describe a plan to ensure access to clinical direction and oversight of an LPHA by less-credentialed staff in the event of emergent situations.
 - 6) Request for an exception must be submitted to the Department for consideration at least 30 calendar days prior to the anticipated need for the exception.

Section 132.85 Addition and Removal of Physical Plant Locations

- a) Upon enrollment and establishment of the CMHC, the entity may seek to add additional physical plant locations to operate as part of the CMHC, pursuant to Section 132.65. All CMHC requirement documentation and plans must be

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updated to reflect the addition of the physical plant location and must meet standards established in Subparts B and C.

- b) The CMHC must notify the CSA and HFS of a change in status if any physical plant location is removed from the CMHC or becomes inactive. Furthermore, such a change must note if the removal or inactive status impacts the CMHC's ability to meet the standards detailed in Subparts B and C.
- c) The addition, removal or other potential changes in status reported by the CMHC to the CSA and HFS may result in a review of documents and plans consistent with Subparts B, C and D, resulting in certification, compliance review, or failure of the CMHC to retain status as a CMHC.

SUBPART D: ENROLLMENT AND CERTIFICATION REQUIREMENTS OF
CERTIFIED COMPREHENSIVE COMMUNITY MENTAL HEALTH CENTERS
AND CERTIFIED SPECIALTY PROGRAMS

Section 132.95 Certified Specialty Providers (CSP) and Certified Comprehensive Community Mental Health Center (CMHC) Certification Process

- a) The IMPACT portal is the enrollment site for the HFS Provider Participation Unit. Entities seeking certification as a CMHC shall request enrollment through the IMPACT portal. Any entity enrolled through the IMPACT portal may request certification from a CSA as a CSP or CMHC.
- b) During the IMPACT application process, entities shall determine what population they will be serving and will be directed to the appropriate CSA to complete the certification process.
 - 1) If an entity intends to contract for services with more than one CSA, it shall submit its certification application to the State agency that provides the most funding for community mental health services.
 - 2) If the funding from both CSAs is equal, the provider shall submit the application to DHS.
- c) The entity shall contact the CSA in writing to request the application packet.

DHS-BALC:

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401 S. Clinton, 7th Floor
Chicago IL 60627
DHS.BALC@illinois.gov

DCFS:
DCFS.Medicaid@illinois.gov

- d) IMPACT will issue notice of initial enrollment to the provider and the CSAs within 10 days. The CSA shall review the provider information provided through the IMPACT portal.
- e) Upon review of all submitted materials, the CSA shall determine that:
 - 1) The submitted materials meet the standards of a CSP or CMHC established in Subparts B and C; or
 - 2) The submitted materials do not meet the standards established in Subparts B and C.
- f) If the CSA determines that the submitted materials meet the standards established in Subparts B and C, the CSA shall issue a provisional certification determination to HFS, if applicable, and the entity within 30 days after reviewing materials and reaching a determination.
 - 1) The effective date of provisional certification shall indicate the type of certification awarded and the date that the application was approved.
 - 2) A provisional certificate shall be in effect for 12 months, unless extended by the CSA.
 - 3) An entity issued a provisional certificate shall enroll in any information system required by the CSA.
- g) If the CSA determines that the submitted materials do not meet the standards established in Subparts B and C, the CSA shall issue the applicant a Notice of Violation within 30 days after the review. The NOV shall provide the entity 30 days to remedy the violations.

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- 1) If the entity intends to proceed with certification as a CSP or CMHC, the entity may submit notice and documentation of corrections to the CSA to address all identified violations by the due date indicated on the NOV.
 - 2) If the notice and documentation of corrections is found to address all of the identified violations included in the NOV, then the CSA shall continue with the certification process outlined in this Part.
 - 3) If the entity pursuing CMHC certification fails to supply the necessary materials or the supplied materials fail to meet the standards detailed in this Part, the CSA shall notify HFS and the entity in writing of the entity's failure to obtain certification as a CMHC and right to appeal pursuant to Section 132.110.
 - 4) If the entity pursuing CSP certification fails to supply the necessary materials or the supplied materials fail to meet the standards detailed in this Part, the CSA shall notify the entity in writing of the entity's failure to obtain certification as a CSP and right to appeal pursuant to Section 132.110.
- h) The CSA may supply technical assistance through the certification process as deemed necessary.

Section 132.100 Initial On-site Certification

- a) The CSA shall be granted access to all physical plant locations.
- b) The CSA shall be granted access to all records, upon request, during any certification or other compliance review activities.
- c) On-site Certification
 - 1) The CSA shall perform an on-site review within the provisional certification period outlined in Section 132.95(f) to confirm the findings of the provisional certification determination. If the CSA determines the CSP or CMHC to be:
 - A) In compliance, the CSA shall notify the CSP or CMHC. For providers enrolled in the IMPACT system, the CSA shall notify

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HFS of the change in certification status from provisional to full certification.

- B) Not in compliance, the CSA shall issue the CSP or CMHC a Notice of Violation within 15 days after the on-site review. The entity shall respond to the NOV by the due date indicated on the NOV, which shall be approximately 30 days after the date of the NOV.
- 2) The CSP or CMHC shall submit notice and a Plan of Correction to the CSA to address all identified violations by the due date indicated on the NOV.
- 3) If the notice and Plan of Correction is found to address all of the identified violations, the CSA shall assure implementation of the Plan of Correction. The program certification status must be in "good standing" with the CSA. The CSA shall notify the CSP or CMHC of the change in certification status from provisional to full certification. For entities enrolled in the IMPACT Portal, the CSA shall notify HFS of the change in certification status from provisional to full certification.
- 4) If the CSP or CMHC fails to supply a Plan of Correction or fails to implement its approved Plan of Correction and is "not in good standing" with the CSA, as detailed in this Part, the CSA shall notify the entity in writing of its failure to retain certification and right to appeal pursuant to Section 132.100. For entities enrolled in IMPACT, the CSA shall also notify HFS of the entity's failure to retain certification.
- 5) If the CSA finds evidence of suspected fraud or abuse relating to Medical Assistance, the CSA shall refer that evidence to HFS-OIG for further action.

Section 132.105 Certification Review Cycle

- a) The CSA may perform a review for compliance with the standards of this Part at any CSP or CMHC, at will, regardless of deemed status and without prior notice to the entity.

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- b) The CSAs shall, at a minimum, review one-third of all CSPs and CMHCs on an annual basis, ensuring that all CSPs and CMHCs are reviewed within a three year period. If the CSA determines the entity to be:
- 1) In compliance with Subparts B, C and D, the CSA shall notify the entity of retention of certification. For entities enrolled in the IMPACT system, the CSA shall notify HFS of retention of certification.
 - 2) Not in compliance, the CSA shall issue the entity a Notice of Violation within 15 days after the on-site review. The entity shall respond to the NOV by the due date indicated on the NOV, which shall be approximately 30 days after the date of the NOV.
 - A) The entity shall submit a Plan of Correction to the CSA to address all identified violations by the due date indicated on the NOV.
 - B) If the Plan of Correction is found to address all of the identified violations included in the NOV, the CSA shall assure implementation of the Plan of Correction, which will determine the certification status. The program certification status must be in "good standing" with the CSA. The CSA shall notify the entity of retention of certification. For an entity enrolled in IMPACT, the CSA shall also notify HFS of the entity's retention of certification.
- c) If the entity fails to supply the necessary materials or the supplied materials fail to meet the standards detailed in Subparts B, C and D, the CSA shall notify the entity of its failure to retain certification and the right to appeal pursuant to Section 132.340. For entities enrolled in IMPACT, the CSA shall also notify HFS in writing of the entity's failure to retain certification.
- d) If the CSA finds evidence of suspected fraud or abuse relating to Medical Assistance, the CSA shall refer that evidence to HFS Office of Inspector General for further action.
- e) Revocation of Certification
- 1) The CSA may revoke an entity's certification at any time for any of the following reasons:

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- A) The entity meets any of the grounds for termination set forth in 89 Ill. Adm. Code 140.16;
 - B) The entity is convicted of defrauding the Medical Assistance Program under Article VIII A of the Illinois Public Aid Code; or
 - C) The entity fails to comply with the requirements of Subpart B, C or D.
- 2) The CSA shall notify the entity in writing of the entity's revocation of certification and right to appeal pursuant to Section 132.110. For providers enrolled in the IMPACT system, the CSA shall notify HFS.

Section 132.110 Appeal of Certification Determination

- a) An entity may appeal the following actions detailed in this Part:
 - 1) Refusal to issue a provisional certification;
 - 2) Refusal to issue full certification;
 - 3) Refusal to retain certification; or
 - 4) Revocation of certification.
- b) If the CSA determines that provisional certification or certification shall not be issued, that certification shall not be retained, or that an entity's certification shall be revoked, the CSA shall send written notice to DHS and the entity within 30 days after that determination. The notice shall contain the specific requirements with which the entity has not complied, the CSA's proposed action, and the entity's rights as follows:
 - 1) If the entity chooses to appeal the CSA's decision, the entity shall submit a written request for a hearing to the DHS Bureau of Hearings, within 20 days after the date of the notice.
 - 2) If an appeal is initiated by a CMHC with provisional certification or certification, the entity may continue to provide services pending a final

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administrative decision unless the entity's continued provision of services would present an imminent risk of harm.

- 3) Hearing Process
 - A) The DHS rules at 89 Ill. Adm. Code 508 (Administrative Hearings) shall apply.
 - B) The sole issue at the hearing shall be whether the provider is in compliance with certification requirements set forth in this Part or meets the criteria for revocation of certification set forth in this Part.
 - C) The burden of proof in hearings conducted pursuant to this Section shall be on the appealing entity.
- 4) If the final administrative decision pursuant to appeal is that certification shall not be issued or retained, or that an entity's certification shall be revoked, the notice shall specify that the decision shall take effect upon receipt by the entity and that the entity shall not be certified as a CMHC during the pendency of any proceeding for judicial review of the hearing decision, except by court order.

Section 132.115 Nontransferability

- a) CMHC certification is assignable or transferable consistent with the policies and procedures established by the HFS Provider Participation Unit related to the assignment and transferability of an entity's enrollment status with HFS.
- b) CMHC certification is not assignable or transferable between or among entity-owned or leased physical plant locations without an on-site review of the location to ensure compliance with this Part.

Section 132.120 Deemed Status

- a) The CSA, in qualifying an entity as a CMHC for participation and enrollment in the Illinois Medical Assistance Program as governed by the Social Security Act and all applicable federal regulations, shall grant deemed status to accredited CMHCs, pursuant to Section 3 of the Community Services Act [405 ILCS 30] and

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this Section.

- 1) "Deemed status" means that, if an entity is actively accredited by an Acknowledged Accrediting Organization (AAO) or Standard identified in subsection (a)(2), the CSA shall deem the entity to meet all qualifying requirements of this Part covered by the AAO, as determined by DHS in collaboration with the AAOs, consistent with subsection (b).
- 2) Acknowledged Accrediting Organizations and Standards
 - A) The Joint Commission, One Renaissance Boulevard, Oakbrook Terrace IL 60181; Standards for Behavioral Health Care Accreditation; Standards for Hospital Accreditation
 - B) Council on Accreditation (COA), 45 Broadway, 29th Floor, New York NY 10006; Standards for Private Organization/Behavioral Health Services Accreditation; Standards for Public Agency/Behavioral Health Services Accreditation
 - C) The Council on Quality and Leadership, 100 West Road, Suite 300, Towson MD 21204; Standards for Quality Assurances Accreditation; Standards for Person-Centered Excellence Accreditation; Standards for Person-Centered Excellence Accreditation with Distinction
 - D) Commission on Accreditation of Rehabilitation Facilities (CARF), 6951 East Southpoint Road, Tucson AZ 85756-9407; Standards for Behavioral Health Accreditation
 - E) Healthcare Facilities Accreditation Program (HFAP), 142 E. Ontario Street, Chicago IL 60611; Standards for Behavioral Health Accreditation
- b) Determination of Covered Standards. In an effort to afford entities and CMHCs a streamlined certification process, DHS shall complete a process to determine covered standards pursuant to Section 3(d-10) of the Community Services Act;
 - 1) Due to the proprietary nature of the intellectual property retained by the AAO within its standards, DHS shall require the AAO to complete the

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following documents:

- A) Crosswalk of Standards. On and after January 1, 2019, and upon any material changes to any standard, the Crosswalk of Standards shall be completed and submitted by the AAOs with their Attestation of Accrediting Standards. The AAO can provide an updated Crosswalk of Standards, including new standards, at any time. The standards received by the CSA by January 31 of any given year will be considered for deeming at the start of the next State Fiscal Year.
 - B) Attestation of Accrediting Standards. The Attestation of Accrediting Standards shall be completed, signed and submitted to DHS prior to May 30 of any given year when material changes to the standards that are matched to requirements in this Part are made, in attestation for the following State Fiscal Year to begin on July 1.
 - C) The Crosswalk of Standards and Attestation of Accrediting Standards shall be submitted to:

DHS Bureau of Accreditation, Licensure and Certification
401 S. Clinton Street, 7th Floor
Chicago IL 60607
- 2) The CSAs reserve the right to request additional detail regarding any submitted Crosswalk of Standards or Attestation of Accrediting Standards.
 - 3) Entities and CMHCs accredited by an AAO or Standard shall be deemed to have met any certification requirements of this Part that are determined by DHS pursuant to this Section to be covered by the accreditation standards of that AAO.
 - 4) Non-deemed requirements and applicable violations identified in the AAO report shall be reviewed for compliance by the CSA.
- c) The CMHC shall demonstrate current accreditation status by submission to the CSA of a certificate of accreditation and the most recent accreditation report.

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- d) If the CMHC's accreditation is suspended, lost or discontinued, the CMHC shall notify the CSA of that change within 30 days after the effective date of the change.
- e) The CMHC shall submit its complete accreditation report to the CSA within 30 days after receipt from the AAO.
- f) Deemed status may be nullified in part or in whole by a complaint or report to the CSA that the CMHC is noncompliant with Subpart B, C or D.
- g) Upon notification of loss or discontinuance of accreditation or nullification of deemed status, the CSA shall prepare to review the CMHC pursuant to Section 132, applying all of the standards of Subparts B, C and D.

SUBPART E: SPECIALTY PROGRAM CERTIFICATION AND COMPETENCY

Section 132.125 Capacity and Organizational Readiness

Entities requesting certification shall demonstrate sufficient capacity and organizational readiness to deliver specialty programs safely, effectively, and in a manner consistent with evidence-based and developmentally appropriate practices.

Section 132.130 Interdisciplinary Care

Organizations certified as competent in interdisciplinary care have access to the range of professionals and paraprofessionals necessary to meet the variety of mental health needs of individuals in their community. Components of this certification include:

- a) Demonstration of collaboration across disciplines, as described in the organization's policy and practices;
- b) Demonstration of clinical leadership by an LPHA;
- c) Demonstration of team development as informed by the clinical needs of the client;
- d) Demonstration of training in evidence-based/evidence-informed practices,

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- e) Demonstration of the infrastructure necessary to support cross-training and shared learning;
- f) Demonstration of the ability to appropriately share client information across multiple providers to support ongoing collaboration, treatment planning, and after care; and
- g) Demonstration of a staff-to-client ratio sufficient to meet the needs of individual clients.

Section 132.135 Assertive Community Treatment Program

Components of this certification include:

- a) Demonstration of ability to conduct thorough assessments of individuals with dual diagnoses of mental illness and substance use disorder;
- b) Demonstration of ability to provide the evidence-based treatment model for Assertive Community Treatment;
- c) Demonstration of ability to meet the six-member-team-based requirements of ACT, including but not limited to:
 - 1) Supervision by a licensed clinician, as defined in Section 132.25, who is the team leader;
 - 2) A full time RN;
 - 3) Program support provided by a psychiatrist and a program administrative assistant;
 - 4) An individual certified in substance abuse treatment;
 - 5) An individual who can provide rehabilitative counseling; and
 - 6) A Certified Recovery Support Specialist;

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- d) Demonstration that the team can maintain a client-to-staff ratio of no more than 10 clients to one full time staff member, which shall not include the psychiatrist and program administrative assistant;
- e) Demonstration of the ability for the ACT team to meet daily (a minimum of four times/week) to conduct an organizational staff meeting; and
- f) Demonstration of the ability to meet the training and documentation requirements included in the provider manual.

Section 132.140 Psychosocial Rehabilitation Program

Components of this certification include:

- a) Demonstration of a QMHP providing on-site supervision 50% of the program time;
- b) Demonstration that, at minimum, an RSA provides the PSR services;
- c) Demonstration of ability to maintain a maximum client-to-staff ratio of 15 to one;
- d) Demonstration that, at minimum, one staff member has documented experience and training to provide services and interventions to individuals with co-occurring psychiatric and substance use disorders;
- e) Demonstration of ability to provide PSR services on site;
- f) Demonstration of coordination of access to the mental health services identified in the individual treatment plan; and
- g) Demonstration that training and documentation requirements included in the provider manual are met.

Section 132.145 Community Support Team Program

Components of this certification include:

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- a) Demonstration of ability to meet staffing requirement that each team includes a minimum of three and a maximum of six full-time equivalent employees, consisting of no more than eight different staff members.
- b) Demonstration of ability to meet the requirement to staff the program with a QMHP who is the full-time team leader and functions as a practitioner on the team.
- c) Demonstration of ability to maintain a maximum client-to-staff ratio of 18 to one.
- d) Demonstration that the team includes at least one Certified Recovery Support Specialist (CRSS) or Certified Family Partnership Professional (CFPP) as a team member.
- e) Demonstration of ability to provide 60% of CST services in a natural setting.

Section 132.150 Intensive Outpatient Program

Components of this certification include:

- a) Demonstration of QMHP providing program supervision and oversight.
- b) Demonstration of ability to maintain a maximum client-to-staff ratio of four to one for children and adolescents and eight to one for adults.
- c) Demonstration that services are available a minimum of four hours per day, five days per week.

Section 132.155 Specialty Certification Process

- a) The provider shall submit to DHS.DMH.SPC@illinois.gov information that demonstrates compliance with the components listed in this Subpart E for each specialty program in which it is seeking certification.
- b) CMHCs shall be awarded deemed status, pursuant to Section 132.120, for components that are covered by accreditation or certification.
- c) DMH will review all submitted materials to determine eligibility for special program certification within 90 days after receipt.

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- 1) If the provider is eligible for special program certification, DHS-DMH will issue a certificate to the provider and inform HFS of the certification status.
 - A) Special program certification will be effective on date of issue.
 - B) Recertification of a specialty program shall occur annually.
- 2) If the provider is ineligible for special program certification, DHS-DMH will issue a Notice of Violation that will provide the entity 30 days to remedy the violations.
 - A) If the entity submits documentation of corrections by the due date indicated on the NOV, DHS-DMH will review and make a determination within 10 days after receipt; and
 - B) DHS-DMH will notify the entity of the outcome within 15 days.
- 3) The appeals process for a specialty certification shall follow the process defined in 89 Ill. Adm. Code 140. Table N.
- d) DHS-DMH may supply technical assistance through the certification process as deemed necessary.

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

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
545.20	Amendment
545.70	New Section
545.75	New Section
545.80	New Section
545.85	New Section
545.90	New Section
545.APPENDIX A	Repealed
545.APPENDIX B	Repealed
- 4) Statutory Authority: Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].
- 5) Effective Date of Rules: January 1, 2019
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: This rulemaking will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: December 31, 2018
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: The purpose of this emergency rulemaking is to ensure that hospitals and pediatric health care facilities submit their plans to the Department for approval on or as close to the January 1, 2019, effective date of PA 100-775, as possible. This emergency rulemaking is part of the Illinois Department of Public Health's efforts to ensure that sexual assault survivors of all ages receive proper medical and forensic treatment. The emergency rulemaking implements PA 100-775, which amended the Sexual Assault Survivors Emergency Treatment Act (the Act) to create a new category of emergency treatment for sexual assault survivors: pediatric sexual assault care. PA 100-775 provides for pediatric sexual assault care in hospitals and in "approved pediatric health care facilities" that meet specific criteria. The amendments in PA 100-775 provide for comprehensive medical and forensic treatment of pediatric sexual assault survivors in

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hospitals, approved pediatric health care facilities, and out-of-state hospitals that comply with certain criteria. The emergency rulemaking implements the first step toward the full implementation of PA 100-775: the process by which transfer hospitals, treatment hospitals, pediatric health care facilities, and out-of-state hospitals qualify for approval of their respective plans. Each Section being added to Part 545 includes the requirements for each health care setting plan in order to obtain approval from the Department.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare". In addition, the emergency must require adoption of a rule upon fewer days than is required by the regular rulemaking process. The situation that the Department faces in regard to the treatment of pediatric sexual assault survivors meets these criteria. Prior to the passage of PA 100-775, the Act had no provisions for the treatment of sexual assault survivors younger than age 13. Hospitals and pediatric health care facilities cannot implement treatment or transfer programs for this vulnerable population without prior approval of their treatment or transfer plans by the Department. It is vital for the Department to begin approving providers' plans as close to the January 1, 2019, effective date as possible. Hence, the necessity of filing these emergency rules. Adoption of these emergency rules will help to fulfill the Department's goal of approving providers' treatment and transfer plans by the time the rest of PA 100-775 is implemented through regular rulemaking. The Department also is publishing identical proposed rules.

- 10) A Complete Description of the Subject and Issues: This rulemaking implements portions of PA 100-775, signed August 10, effective January 1, 2019, which amended the Sexual Assault Emergency Treatment Center Act to provide for emergency treatment for pediatric sexual assault survivors, whether in a hospital or in a new category of health care provider, an approved pediatric health care facility.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding these emergency rules shall be directed to:

Erin Conley
Rules Coordinator

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

217/782-2043
dph.rules@illinois.gov

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

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NOTICE OF EMERGENCY AMENDMENTS

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

Section

545.10 Applicability

545.20 Definitions

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545.25 Incorporated and Referenced Materials

545.30 Application of Rules (Repealed)

545.35 Development and Approval of Plans

545.40 Program Administration (Repealed)

545.50 Areawide Sexual Assault Treatment Plans

545.60 Treatment of Sexual Assault Survivors

545.61 Submitting Sexual Assault Evidence to Law Enforcement

545.65 Transfer of Sexual Assault Survivors

545.67 Compliance Review

545.70 Approval Requirements of a Sexual Assault Transfer Plan ~~Plans (Repealed)~~EMERGENCY545.75 Approval of a Sexual Assault Treatment Hospital with a Pediatric Transfer PlanEMERGENCY545.80 Approval of a Sexual Assault Treatment Plan ~~(Repealed)~~EMERGENCY545.85 Approval of Pediatric Health Care Facility Sexual Assault Treatment PlanEMERGENCY545.90 Approval of an Out-of-State Hospital Sexual Assault Treatment ~~Sexual Assault Transfer Plan (Repealed)~~EMERGENCY

545.95 Emergency Contraception

545.100 Written Notice to Sexual Assault Survivors

545.APPENDIX A Sexual Assault Treatment Plan Form ~~(Repealed)~~EMERGENCY545.APPENDIX B Sexual Assault Transfer Plan Form ~~(Repealed)~~

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545.APPENDIX C Emergency Contraception Protocols

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

SOURCE: Filed December 30, 1977; rules repealed and new rules adopted at 5 Ill. Reg. 1139, effective January 23, 1981; codified at 8 Ill. Reg. 16334; amended at 11 Ill. Reg. 1589, effective February 1, 1987; amended at 12 Ill. Reg. 20790, effective December 1, 1988; emergency amendment at 26 Ill. Reg. 5151, effective April 1, 2002, for a maximum of 150 days; emergency expired August 28, 2002; amended at 27 Ill. Reg. 1567, effective January 15, 2003; amended at 33 Ill. Reg. 14588, effective October 9, 2009; amended at 34 Ill. Reg. 12214, effective August 4, 2010; amended at 41 Ill. Reg. 14980, effective November 27, 2017; amended at 42 Ill. Reg. 16036, effective August 2, 2018; emergency amendment at 43 Ill. Reg. 1089, effective January 1, 2019, for a maximum of 150 days.

Section 545.20 DefinitionsEMERGENCY

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

Advanced practice registered nurse – has the meaning provided in Section 50-10 of the Nurse Practice Act. (Section 1a of the Act)

Alcohol-facilitated sexual assault – the use of any alcoholic beverage in the commission of a sexual assault.

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

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

Approved pediatric health care facility – a health care facility, other than a

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hospital, with a sexual assault treatment plan approved by the Department to provide medical forensic services to pediatric sexual assault survivors who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days. (Section 1a of the Act)

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

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

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

Drug-facilitated sexual assault – the use of a chemical submissive agent in the commission of a sexual assault~~sex offense~~, given without consent of the victim, that produces relaxant effects, blackouts, coma, impaired judgment, or loss of coordination.

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

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

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

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Health care professional – a physician, a physician assistant, a sexual assault forensic examiner, ~~or an advanced practice nurse~~, a registered professional nurse, a licensed practical nurse, or a sexual assault nurse examiner. (Section 1a of the Act)

Hospital – a hospital licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act, any outpatient center included in the hospital's sexual assault treatment plan where hospital employees provide medical forensic services, and an out-of-state hospital that has consented to the jurisdiction of the Department under Section 2.06 of the Act ~~has the meaning given to that term in the Hospital Licensing Act~~. (Section 1a of the Act)

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

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

Law enforcement agency having jurisdiction – the law enforcement agency in the jurisdiction where an alleged sexual assault or sexual abuse occurred. (Section 1a of the Act)

Licensed practical nurse – has the meaning provided in Section 50-10 of the Nurse Practice Act. (Section 1a of the Act)

Medical forensic services – health care delivered to patients within or under the care and supervision of personnel working in a designated emergency department of a hospital or an approved pediatric health care facility. "Medical forensic services" includes, but is not limited to, taking a medical history, performing photo documentation, performing a physical and anogenital examination, assessing the patient for evidence collection, collecting evidence in accordance with a statewide sexual assault evidence collection program administered by the

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Department of State Police using the Illinois State Police Sexual Assault Evidence Collection Kit, if appropriate, assessing the patient for drug-facilitated or alcohol-facilitated sexual assault, providing an evaluation of and care for sexually transmitted infection and human immunodeficiency virus (HIV), pregnancy risk evaluation and care, and discharge and follow-up healthcare planning. (Section 1a of the Act)

Pediatric health care facility – a clinic or physician's office that provides medical services to pediatric patients. (Section 1a of the Act)

Pediatric sexual assault survivor – a person under the age of 13 who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault. (Section 1a of the Act)

Photo documentation – digital photographs or colposcope videos stored and backed-up securely in the original file format. (Section 1a of the Act)

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

Physician – a person licensed to practice medicine in all its branches as defined in the Medical Practice Act of 1987. (Section 1a of the Act)

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

Registered Professional Nurse – has the meaning provided in Section 50-10 of the Nurse Practice Act. (Section 1a of the Act)

Sexual assault:–

~~An~~ act of ~~nonconsensual~~ sexual conduct; as used in this Part, "sexual conduct" has the meaning provided under Section 11-0.1 of the Criminal Code of 2012; or

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Any act of sexual penetration; as used in this paragraph, "sexual penetration" has the meaning provided under Section 11-0.1 of the Criminal Code of 2012 and includes, ~~or sexual penetration, as defined in Section 11-0.1 of the Criminal Code of 2012, including,~~ without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012. (Section 1a of the Act)

Sexual assault forensic examiner – a physician or physician assistant who has completed training that meets or is substantially similar to the Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses. (Section 1a of the Act)

Sexual assault nurse examiner – ~~an advanced practice registered nurse or a~~ registered professional nurse who has completed a sexual assault nurse examiner ~~(SANE)~~~~(SANE)~~ training program that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses. (Section ~~1a~~~~6.4(e)~~ of the Act)

Sexual assault services voucher – a document generated by a hospital or approved pediatric health care facility at the time the sexual assault survivor receives outpatient medical forensic services that may be used to seek payment for any ambulance services, medical forensic services, laboratory services, pharmacy services, and follow-up healthcare provided as a result of the sexual assault. (Section 1a of the Act)

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

Sexual assault transfer plan – a written plan developed by a hospital and approved by the Department, which describes the hospital's procedures for transferring sexual assault survivors to another hospital, ~~and an approved~~ pediatric health care facility, if applicable, in order to receive forensic medical services~~emergency treatment~~. (Section 1a of the Act)

Sexual assault treatment plan – a written plan ~~developed by a hospital~~ that describes the ~~hospital's~~ procedures and protocols for providing medical~~hospital~~

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~~*emergency services and forensic services to sexual assault survivors who present themselves for such services, either directly or through transfer from a another hospital or approved pediatric health care facility.*~~ (Section 1a of the Act)

~~*Transfer hospital – a hospital with a sexual assault transfer plan approved by the Department.*~~ (Section 1a of the Act)~~*Transfer hospital – a hospital that provides only transfer services to sexual assault survivors, pursuant to an Areawide Sexual Assault Treatment Plan.*~~

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

~~*Treatment hospital – a hospital with a sexual assault treatment plan approved by the Department to provide medical forensic services to all sexual assault survivors who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.*~~ (Section 1a of the Act)~~*Treatment hospital – a hospital that provides hospital emergency treatment services and forensic evidence collection to sexual assault survivors, pursuant to a sexual assault treatment plan or areawide sexual assault treatment plan.*~~

~~*Treatment hospital with approved pediatric transfer – a hospital with a treatment plan approved by the Department to provide medical forensic services to sexual assault survivors 13 years old or older who present with a complaint of sexual assault within a minimum of the last 7 days or who have disclosed past sexual assault by a specific individual and were in the care of that individual within a minimum of the last 7 days.*~~ (Section 1a of the Act)

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

~~*Voucher – a document generated by a hospital at the time the sexual assault*~~

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

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 1089, effective January 1, 2019, for a maximum of 150 days)

Section 545.70 Approval Requirements of a Sexual Assault Transfer Plan (Repealed)
EMERGENCY

- a) The transfer hospital shall submit its sexual assault transfer plan on a form provided by the Department. The transfer plan shall include, at a minimum:
- 1) The name and address of the transfer hospital;
 - 2) The contact information, including the name, telephone number, fax number, and the email address of the individual responsible for implementation and enforcement of the transfer plan and the billing submission to the Illinois Department of Healthcare and Family Services; and
 - 3) Documentation of the transfer hospital's ability to comply with Sections 2, 2.2, 5, 5.2, 5.3, and 7 of the Act.
- b) The completed transfer plan shall be sent to:
- Illinois Department of Public Health
Division of Health Care Facilities and Programs
525 West Jefferson Street, 4th Floor
Springfield, Illinois 62761-0001
- c) A completed copy of the transfer plan shall be retained by the transfer hospital.

(Source: Old Section repealed at 12 Ill. Reg. 20790, effective December 1, 1988, new Section added by emergency rulemaking at 43 Ill. Reg. 1089, effective January 1, 2019)

Section 545.75 Approval of a Sexual Assault Treatment Hospital with a Pediatric Transfer Plan

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EMERGENCY

- a) The treatment hospital shall submit its treatment/pediatric transfer plan on a form provided by the Department. The pediatric transfer plan shall include, at a minimum:
- 1) The name and address of the treatment hospital
 - 2) The contact information, including name, telephone number, fax number, and email address of the individual responsible for implementation and enforcement of the adult treatment and pediatric transfer plan and billing submission to the Illinois Department of Healthcare and Family Services; and
 - 3) Documentation of the treatment hospital's ability to comply with Sections 2, 2.2, 5, 5.1, 5.2, 5.3, 6.5, 6.6, and 7 of the Act.
- b) The completed adult treatment and pediatric transfer plan shall be sent to:
- Illinois Department of Public Health
Division of Health Care Facilities and Programs
525 West Jefferson Street, 4th Floor
Springfield, Illinois 62761-0001
- c) A completed copy of the treatment/pediatric transfer plan shall be retained by the treatment hospital.

(Source: Added by emergency rulemaking at 43 Ill. Reg. 1089, effective January 1, 2019)

Section 545.80 Approval of a Sexual Assault Treatment Plan ~~(Repealed)~~**EMERGENCY**

- a) The treatment hospital shall submit its sexual assault treatment plan on a form provided by the Department. The sexual assault treatment plan shall include, at a minimum:
- 1) The name and address of the treatment hospital;

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- 2) The contact information, including name, telephone number, fax number, and email address of the individual responsible for implementation and enforcement of the plan and billing submission to the Illinois Department of Healthcare and Family Services; and
 - 3) Documentation of the treatment hospital's ability to comply with Sections 2, 2.2, 5, 5.1, 5.2, 5.3, 6.5, 6.6, and 7 of the Act.
- b) The completed sexual assault treatment plan shall be sent to:
- Illinois Department of Public Health
Division of Health Care Facilities and Programs
525 West Jefferson Street, 4th Floor
Springfield, Illinois 62761-0001
- c) A completed copy of the sexual assault treatment plan shall be retained by the treatment hospital.

(Source: Old Section repealed at 27 Ill. Reg. 1567, effective January 15, 2003; new Section added by emergency rulemaking at 43 Ill. Reg. 1089, effective January 1, 2019, for a maximum of 150 days)

Section 545.85 Approval of a Pediatric Health Care Facility Sexual Assault Treatment Plan
EMERGENCY

- a) The pediatric health care facility shall submit its pediatric sexual assault treatment plan on a form provided by the Department. The pediatric sexual assault treatment plan shall include, at a minimum:
- 1) The name and address of the pediatric health care facility;
 - 2) The contact information, including name, telephone number, fax number, and email address of the individual responsible for implementation and enforcement of the sexual assault treatment plan and billing submission to the Illinois Department of Healthcare and Family Services; and

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- 3) Documentation of the pediatric health care facility's ability to comply with Sections 2, 2.06, 2.2, 5, 5.1, 5.2, 5.3, 6.5, 6.6, and 7 of the Act.
- b) The completed pediatric sexual assault treatment plan shall be sent to:

Illinois Department of Public Health
Division of Health Care Facilities and Programs
525 West Jefferson Street, 4th Floor
Springfield, Illinois 62761-0001
- c) A completed copy of the pediatric sexual assault treatment plan shall be retained by the pediatric health care facility.

(Source: Added by emergency rulemaking at 43 Ill. Reg. 1089, effective January 1, 2019, for a maximum of 150 days)

Section 545.90 Approval of an Out-of-State Hospital's Sexual Assault Treatment Transfer Plan (Repealed)
EMERGENCY

- a) The out-of-state hospital that consents to the jurisdiction of the Department in accordance with Section 2.06 of the Act (Section 5.4(b)(i) of the Act) shall submit its sexual assault treatment plan on a form provided by the Department. The out-of-state hospital sexual assault treatment plan shall include, at a minimum:
 - 1) The name and address of the out-of-state hospital;
 - 2) The contact information, including name, telephone number, fax number, and email address of the individual responsible for implementation and enforcement of the sexual assault treatment plan and billing submission to the Illinois Department of Healthcare and Family Services; and
 - 3) Documentation of the out-of-state hospital's ability to comply with Sections 2, 2.06, 2.2, 5, 5.1, 5.2, 5.3, 5.4, 6.5, 6.6, and 7 of the Act.
- b) The completed sexual assault treatment plan shall be sent to:

Illinois Department of Public Health

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Division of Health Care Facilities and Programs
525 West Jefferson Street, 4th Floor
Springfield, Illinois 62761-0001

- c) A completed copy of the sexual assault treatment plan shall be retained by the out-of-state hospital.

(Source: Old Section repealed at 27 Ill. Reg. 1567, effective January 15, 2003; new Section added by emergency rulemaking at 43 Ill. Reg. 1089, effective January 1, 2019, for a maximum of 150 days)

Section 545.APPENDIX A Sexual Assault Treatment Plan Form (Repealed)
EMERGENCY

Sexual Assault Treatment Plan

~~Instructions: This form describes the minimum components of a Sexual Assault Treatment Plan. References to the "Regulations" mean the Illinois Department of Public Health Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545). All responses shall be written as clearly and succinctly as possible. If additional sheets are necessary, attach those sheets to the page on which the information is originally requested. A completed copy of the plan shall be retained by the hospital. The completed plan shall be sent to:~~

~~Illinois Department of Public Health
Division of Health Facilities and Programs
525 West Jefferson Street, 4th Floor
Springfield, Illinois 62761-0001~~

PART A

Name of Treatment Hospital: _____

Mailing _____

Address: _____

Contact Person for Program: _____

(Name)

(Job Title)

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(E-mail)	(Telephone Number)	(Fax Number)
Contact Person for Billing:	(Name)	(Job Title)

(E-mail)	(Telephone Number)	(Fax Number)
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Estimated number of sexual assault survivors to be served in coming FY: _____

Areawide Plan: Yes No

If yes, names of participating transfer hospitals: _____

PART B

1. ~~Attach copies of appropriate documents distributed to sexual assault survivors that describe:~~
 - a) ~~Risk of sexually transmitted diseases and infections.~~
 - b) ~~Types of medication for sexually transmitted diseases and side effects.~~
 - c) ~~Medical procedures, medication given, and possible contraindications of the medication.~~
 - d) ~~Necessity of follow up visits, examinations and laboratory tests.~~
 - e) ~~Information concerning emergency contraception in accordance with Section 545.95 of the Regulations.~~

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- f) ~~The Evidence Collection Kit Patient Information Sheet shall be used as a component of written information distribution. (See Section 545.60(d) of the Regulations.)~~
 - g) ~~Drug facilitated sexual assault testing information, including an explanation of the comprehensive scope of drug screening and the limited time frame within which evidence can be collected.~~
2. ~~Describe evidence collection procedures to be taken. The Illinois State Police Evidence Collection Instruction Sheet and Notes to Forensic Examiner Sheet may be used and attached.~~
 3. ~~Describe counseling resources provided to sexual assault survivors. Counseling services shall comply with Section 545.60(d) of the Regulations.~~

PART C

~~Review and sign the Conditions of Approval:~~

CONDITIONS OF APPROVAL

~~The following conditions of approval shall apply to all hospitals providing treatment services to sexual assault survivors. These conditions are enumerated below to ensure that all treatment hospitals are informed and aware of their responsibilities in accordance with the Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545) and the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70]~~

1. ~~The hospital shall provide hospital emergency services to sexual assault survivors, with the consent of the sexual assault survivor and as ordered by the attending physician, advanced practice nurse or physician assistant in accordance with the Sexual Assault Survivors Emergency Treatment Act and with the Sexual Assault Survivors Emergency Treatment Code (see Section 545.60 of the Regulations).~~
2. ~~The hospital shall provide emergency services at no direct charge to the survivor. If the survivor is neither eligible to receive services under the Illinois Public Aid Code nor covered by a policy of insurance, the hospital shall seek reimbursement only from the Illinois Department of Healthcare and Family Services (HFS),~~

DEPARTMENT OF PUBLIC HEALTH

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~~according to procedures established by HFS for that purpose (Hospital Services, 89 Ill. Adm. Code 148).~~

- ~~3. The hospital shall submit billings to HFS on properly authenticated vouchers supplied by HFS for all eligible survivors for whom hospital emergency services were provided pursuant to its approved Treatment Plan.~~
- ~~4. The hospital shall maintain and preserve all survivor medical records in a manner and for a duration established by hospital policy for not less than 10 years, in accordance with Section 6.17 of the Hospital Licensing Act.~~
- ~~5. The hospital shall maintain all business and professional records in accordance with acceptable business and accounting practices, and all records shall be legible. Records shall be retained for a period of not less than three years after the date of service or as required by State law, whichever period is longer, except that if an audit is initiated within the required retention period, the records shall be retained until the audit is completed and every exception is resolved.~~
- ~~6. The hospital shall comply with the reporting procedures for sexual assault survivors as required by Section 3.2 of the Criminal Identification Act [20 ILCS 2630].~~
- ~~7. The hospital shall post information in the emergency department concerning crime victim compensation to comply with the Crime Victims Compensation Act [740 ILCS 45].~~

~~FOR THE HOSPITAL:~~

~~Administrator~~

(Source: Repealed by emergency rulemaking at 43 Ill. Reg. 1089, effective January 1, 2019, for a maximum of 150 days)

Section 545.APPENDIX B Sexual Assault Transfer Plan Form (Repealed)
EMERGENCY

Sexual Assault Transfer Plan

~~Note: All transfer plans shall conform to the requirements of the federal Emergency Medical~~

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~~Treatment and Active Labor Act (42 USC 1395dd).~~

~~Instructions: This form describes the minimum components of a Sexual Assault Transfer Plan as part of an areawide plan. References to the "Regulations" mean the Illinois Department of Public Health Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545). All responses shall be written as clearly and succinctly as possible. If additional sheets are necessary, attach those sheets to the page on which the information is originally requested. A completed copy of the plan shall be retained by the hospital. The completed plan shall be sent to:~~

Illinois Department of Public Health
Division of Health Care Facilities and Programs
525 West Jefferson Street, 4th Floor
Springfield, Illinois 62761-0001

PART A

Name of Transfer Hospital: _____

Mailing Address: _____

Contact Person for Program: _____
(Name) (Job Title)

(E-mail) (Telephone Number) (Fax Number)

Contact Person for Billing: _____
(Name) (Job Title)

(E-mail) (Telephone Number) (Fax Number)

Estimated number of sexual assault survivors to be transferred in coming FY: _____

Name of affiliated Treatment Hospital: _____

Distance of Transfer Hospital from affiliated Treatment Hospital: _____

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~~Estimate of maximum distance survivor may have to travel to receive treatment: _____~~

~~Name, telephone number and address of ambulance provider(s): _____~~

PART B

- ~~1. Describe the procedures that will be taken to ensure privacy and support for the survivor. Services shall be in accordance with Section 545.65 of the Regulations.~~
- ~~2. Attach a copy of the emergency department treatment record that shall be used as required by Section 545.65(i) of the Regulations.~~

PART C

~~Review and sign the Conditions of Approval:~~

CONDITIONS OF APPROVAL

~~The following conditions of approval shall apply to all hospitals providing transfer services to sexual assault survivors. These conditions are enumerated below to ensure that all transfer hospitals are informed and aware of their responsibilities in accordance with the Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545) and the Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70].~~

- ~~1. The hospital shall provide an appropriate medical screening examination and initial stabilizing treatment. (See Section 545.65 of the Regulations.)~~
- ~~2. The hospital shall provide pre-transfer and transfer services to sexual assault survivors in accordance with Section 545.65 of the Regulations.~~
- ~~3. The hospital shall provide services at no direct charge to the survivor. If the survivor is neither eligible to receive services under the Illinois Public Aid Code nor covered by a policy of insurance, the hospital shall seek reimbursement only from the Department of Healthcare and Family Services (HFS) according to~~

DEPARTMENT OF PUBLIC HEALTH

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~~procedures established by HFS for that purpose (Hospital Services, 89 Ill. Adm. Code 148).~~

- ~~4. The hospital shall comply with the Emergency Medical Treatment Act [210 ILCS 70] and the federal Emergency Medical Treatment and Active Labor Act (42 USC 1395dd).~~
- ~~5. The hospital shall submit billings to HFS on properly authenticated vouchers supplied by HFS for all eligible survivors for whom hospital emergency services were provided pursuant to its Transfer Plan.~~
- ~~6. The hospital shall maintain all survivor medical records in a manner and for a duration established by hospital policy for not less than 10 years, in accordance with Section 6.17 of the Hospital Licensing Act.~~
- ~~7. The hospital shall maintain all business and professional records in accordance with acceptable business and accounting practices, and all records shall be legible. Records shall be retained for a period of not less than three years after the date of service or as required by State law, whichever period is longer, except that if an audit is initiated within the required retention period, the records shall be retained until the audit is completed and every exception is resolved.~~

FOR THE HOSPITAL:

Administrator

(Source: Repealed by emergency rulemaking at 43 Ill. Reg. 1089, effective January 1, 2019, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

December 20, 2018

Agency: Department of Human Services

Heading of the Part: Medicaid Community Mental Health Services Program

Code Citation: 59 Ill. Adm. Code 132

Register Citation: 42 Ill. Reg. 7408; April 20, 2018

Agency Response to Joint Committee Statement of Recommendation:

At its meeting on December 11, 2018, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Department delay adopting these rulemakings until the Illinois Department of Healthcare and Family Services (HFS) is ready to adopt related amendments to 89 Ill. Adm. Code 140 addressing Medicaid coverage issues that are no longer included in this new Part 132. JCAR further recommended that the Department and HFS, to the greatest extent possible, ensure consistency between these rulemakings.

The Department of Human Services has reviewed the recommendation from the Joint Committee on Administrative Rules regarding the above-cited rulemaking. However, because Rule 132 and Rule 140 currently have contradictory elements, the Department is adopting this rule by January 1, 2019 to provide necessary clarity to the providers. The Department is committed to ensuring consistency between Rule 132 and Rule 140 and will promulgate further rulemakings, if necessary, to make certain no inconsistencies exist between Rule 132 and Rule 140. In the future, the Department will strive to work closely with HFS on any further rulemakings regarding these rules.

James T. Dimas
Secretary

DEPARTMENT OF HUMAN SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

December 20, 2018

Agency: Department of Human Services

Heading of the Part: Medicaid Community Mental Health Services Program

Code Citation: 59 Ill. Adm. Code 132

Register Citation: 42 Ill. Reg. 7322; April 20, 2018

Agency Response to Joint Committee Statement of Recommendation:

At its meeting on December 11, 2018, the Joint Committee on Administrative Rules considered the above-cited rulemaking and recommended that the Department delay adopting these rulemakings until the Illinois Department of Healthcare and Family Services (HFS) is ready to adopt related amendments to 89 Ill. Adm. Code 140 addressing Medicaid coverage issues that are no longer included in this new Part 132. JCAR further recommended that the Department and HFS, to the greatest extent possible, ensure consistency between these rulemakings.

The Department of Human Services has reviewed the recommendation from the Joint Committee on Administrative Rules regarding the above-cited rulemaking. However, because Rule 132 and Rule 140 currently have contradictory elements, the Department is adopting this rule by January 1, 2019 to provide necessary clarity to the providers. The Department is committed to ensuring consistency between Rule 132 and Rule 140 and will promulgate further rulemakings, if necessary, to make certain no inconsistencies exist between Rule 132 and Rule 140. In the future, the Department will strive to work closely with HFS on any further rulemakings regarding these rules.

James T. Dimas
Secretary

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of December 18, 2018 through January 2, 2019. The following rulemakings are scheduled for the January 15, 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>
1/11/19	<u>Office of the State Treasurer</u> , Illinois Public Treasurers' Investment Pool for Public Treasurers in the State of Illinois (Repealer) (74 Ill. Adm. Code 740)	9/28/18 42 Ill. Reg. 17103	1/15/19
1/30/19	<u>Department of Corrections</u> , Records of Offenders (20 Ill. Adm. Code 107)	9/14/18 42 Ill. Reg. 16574	1/15/19
2/2/19	<u>Department of Human Services</u> , Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)	10/12/18 42 Ill. Reg. 18285	1/15/19
2/2/19	<u>Department of Human Services</u> , Appeals and Hearings (89 Ill. Adm. Code 510)	10/12/18 42 Ill. Reg. 18287	1/15/19
2/2/19	<u>Department of Human Services</u> , Program Description (89 Ill. Adm. Code 676)	10/12/18 42 Ill. Reg. 18292	1/15/19
2/2/19	<u>Department of Human Services</u> , Determination of Need (DON) and Resulting Service Cost Maximums (SCMs) (89 Ill. Adm. Code 679)	10/12/18 42 Ill. Reg. 18307	1/15/19

2/2/19	<u>Department of Human Services</u> , Customer Rights and Responsibilities (89 Ill. Adm. Code 677)	10/12/18 42 Ill. Reg. 18301	1/15/19
2/2/19	<u>Department of Human Services</u> , Eligibility (89 Ill. Adm. Code 682)	10/12/18 42 Ill. Reg. 18312	1/15/19
2/2/19	<u>Department of Human Services</u> , Service Planning and Provision (89 Ill. Adm. Code 684)	10/12/18 42 Ill. Reg. 18318	1/15/19
2/2/19	<u>Department of Human Services</u> , Provider Requirements, Type Services, and Rates of Payment (89 Ill. Adm. Code 686)	10/12/18 42 Ill. Reg. 18323	1/15/19
2/9/19	<u>Illinois Student Assistance Commission</u> , AIM HIGH Grant Pilot Program (23 Ill. Adm. Code 2766)	9/28/18 42 Ill. Reg. 17233	1/15/19
2/9/19	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	6/8/18 42 Ill. Reg. 9052	1/15/19
2/9/19	<u>Department of Healthcare and Family Services</u> , Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)	9/7/18 42 Ill. Reg. 16462	1/15/19
2/10/19	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	10/12/18 42 Ill. Reg. 18242	1/15/19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2019 REGULATORY AGENDA

a) Part (Heading and Code Citations): Pay Plan 80 Ill. Adm. Code 3101) Rulemaking: Proposed AmendmentsA) Description: Projected amendments to the Department of Central Management Services' Pay Plan include the following revisions to the following sections:

In Section 310.47, establishment of or changes to in-hire rates.

In Section 310.130 Effective Date, the change advances the effective date of the Pay Plan to the new fiscal year 2020.

In various sections, changes based on classifications either being established, revised or abolished with the approval of the Civil Service Commission.

In various sections, changes to which positions are represented by a bargaining unit, or other changes, based on a decision issued by the Illinois Labor Relations Board.

In various sections, changes to the format of the Pay Plan that reduce duplicate information and provide easier access to information contained within the Pay Plan, and to remove outdated provisions or rates.

B) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a, 20 ILCS 415/8c, 20 ILCS 415/8e, 20 ILCS 415/9(7) and 20 ILCS 415/9(14)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].C) Scheduled meeting/hearing dates: No meeting or hearing is scheduled. An interested person may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the Pay Plan amendments.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JANUARY 2019 REGULATORY AGENDA

- D) Date Agency anticipates First Notice: Proposed amendments based on new, revised, or abolished classifications not represented by the bargaining units, will be filed as the classification actions are approved by the Civil Service Commission.

Proposed amendments to remove positions, or other changes, based on decisions issued by the Illinois Labor Relations Board will be filed after the date the decisions are issued.

Amendments to sections to add clarity, to alter in-hire rates or remove outdated information will be filed as the Governor approves changes.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: The amendments to the Pay Plan pertain only to state employees subject to the Personnel Code under the Governor. They do not set out guidelines that are to be followed by local or other jurisdictional bodies within the State.
- F) Agency contact person for information:

Lisa Fendrich
Compensation Section
Division of Technical Services
Bureau of Personnel
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706

217/782-7976
fax: 217/558-4497
email: CMS.PayPlan@Illinois.gov

- G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues regarding State employee salary rates and policies.

DEPARTMENT OF HUMAN RIGHTS

JANUARY 2019 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Access to Records of the Department of Human Rights (2 Ill. Adm. Code 926).
- 1) Rulemaking:
- A) Description: The Department's proposed amendment would require governmental entities and not-for-profit entities with 50 or fewer employees to reimburse the Training Institute for travel expenses incurred in providing complimentary, on-site training to those entities.
- B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and authorized by Sections 7-101(A), 7-105(A), and 7-112.5 of the Illinois Human Rights Act [775 ILCS 5/7-101(A), 7-105(A), and 7-112.5].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date Agency anticipates First Notice: April 1, 2019
- E) Effect on small business, small municipalities or not-for-profit corporations: Small municipalities and not-for-profit entities will incur the cost of reimbursing the Training Institute for travel expenses incurred in providing complimentary, on-site training to those municipalities and not-for-profit entities.
- F) Agency contact person for information:

Mary M. (Betsey) Madden
Chief Legal Counsel & Ethics Officer
Illinois Department of Human Rights – Legal Division
100 W. Randolph Street, Suite 10-100
Chicago IL 60601

312/814-3386
fax: 312/814-1436
TTY: 866/740-3953

DEPARTMENT OF HUMAN RIGHTS

JANUARY 2019 REGULATORY AGENDA

- G) Related rulemaking and other pertinent information: None
- b) Part (Heading and Code Citation): Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520).
- 1) Rulemaking:
- A) Description: The proposed amendments will clarify: (1) that whenever a time period for the Department to serve documents on Respondents commences upon filing with the Department, the time period shall commence upon filing and receipt by the Department; and (2) that dismissal may be based upon administrative dismissal and dismissal for a Complainant's opting out of the Department's investigatory process.
- B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and authorized by Sections 7-101(A), 7-105(A), 7A-102 and 7B-102 of the Illinois Human Rights Act [775 ILCS 5/7-101(A), 7-105(A), 7A-102 and 7B-102].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date Agency anticipates First Notice: April 1, 2019
- E) Effect on small business, small municipalities or not-for-profit corporations: No anticipated effect.
- F) Agency contact person for information:

Mary M. (Betsey) Madden
Chief Legal Counsel & Ethics Officer
Illinois Department of Human Rights – Legal Division
100 W. Randolph Street, Suite 10-100
Chicago IL 60601

312/814-3386
fax: 312/814-1436
TTY: 866/740-3953

DEPARTMENT OF HUMAN RIGHTS

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- G) Related rulemaking and other pertinent information: None

DEPARTMENT OF HUMAN SERVICES

JANUARY 2019 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Treatment and Habilitation Services (59 Ill. Adm. Code 112)
- 1) Rulemaking:
- A) Description: This rulemaking is necessary to establish that a transfer to a more restrictive unit within the facility would trigger a utilization hearing.
- B) Statutory Authority: Implementing Sections 1-110.5, 1-121.5, 2-102, 2-107.1, 2-107.2, 2-110, 2-110.1, 2-200, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709, of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-110.5, 1-121.5, 2-102, 2-107.1, 2-107.2, 2-110, 2-110.1, 2-200, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704, and 4-709] and Sections 5.1 and 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5.1 and 7] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: June 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

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

DEPARTMENT OF HUMAN SERVICES

JANUARY 2019 REGULATORY AGENDA

217/785-9772

G) Related rulemakings and other pertinent information: Noneb) Part (Heading and Code Citation): Administration of Medication in Community Settings
(59 Ill. Adm. Code 116)1) Rulemaking:A) Description: This rulemaking is necessary to establish a limit on the number of individuals for whom a direct support professional can have responsibility for administering medications.B) Statutory Authority: Implementing and authorized by Section 15.4 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15.4].C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].D) Date Agency anticipates First Notice: June 2019E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses and not-for-profit corporations that provide developmental disabilities services in community-based and institutional residential settings of 16 persons or fewer.F) Agency contact person for information:

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

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217/785-9772

G) Related rulemakings and other pertinent information: Nonec) Part (Heading and Code Citation): Medicaid Home and Community-Based Services Waiver Program for Individuals with Developmental Disabilities (59 Ill. Adm. Code 120)1) Rulemaking:

- A) Description: This rulemaking updates the language to be consistent with new federal HCBS waiver regulations which add flexibility to help increase integration into community-based day programs.
- B) Statutory Authority: Implementing Section 3 of the Community Services Act [405 ILCS 30/3] and Sections 5-1 through 5-11 of the Public Aid Code [305 ILCS 5/5-1 through 5-11] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5]; 42 CFR 441.301.
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: June 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services in community-based residential settings.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East

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Springfield IL 62762

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G) Related rulemakings and other pertinent information: Noned) Part (Heading and Code Citation): Maternal and Child Care Health Services Code (77 Ill. Adm. Code 630)1) Rulemaking:

- A) Description: This rulemaking will update language, current terminology and processes.
- B) Statutory Authority: Implementing the Developmental Disability Prevention Act [410 ILCS 250], the Lead Poisoning Prevention Act [410 ILCS 45], the Phenylketonuria Testing Act [410 ILCS 240], the Autopsy Act [410 ILCS 505], the Infant Mortality Reduction Act [410 ILCS 220], the Problem Pregnancy Health Services and Care Act [410 ILCS 230], and the Illinois Family Case Management Act [410 ILCS 212], and authorized by Section 2310-25 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-25].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: May 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures

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Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): WIC Vendor Management Code (77 Ill. Adm. Code 672)

1) Rulemaking:

A) Description: As result of WIC EBT, this rulemaking will update language, current terminology, processes and sanctions in the WIC Vendor Management Code.

B) Statutory Authority: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: April 2019

E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations.

F) Agency contact person for information:

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

DEPARTMENT OF HUMAN SERVICES

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217/785-9772

G) Related rulemakings and other pertinent information: Nonef) Part (Heading and Code Citation): Schedule of Controlled Substances (77 Ill. Adm. Code 2070)1) Rulemaking:

- A) Description: This rulemaking is necessary to add cannabidiol to the Schedule of Controlled Substances.
- B) Statutory Authority: Implementing and authorized by Section 100 of the Illinois Controlled Substances Act [720 ILCS 570/100]; 720 ILCS 570/213.
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: June 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

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

217/785-9772

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G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Child Care (89 Ill. Adm. Code 50)

1) Rulemaking:

A) Description: This rulemaking will update and re-index the Maximum Income and Parent Fee by Family Size and Income Level based on the most recent Federal Poverty Levels.

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

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].

D) Date Agency anticipates First Notice: June 2019

E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide child care services.

F) Agency contact person for information:

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

217/785-9772

G) Related rulemakings and other pertinent information: None

2) Rulemaking:

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- A) Description: This rulemaking will revise language regarding non-temporary loss of activity.
- B) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: June 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide child care services.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
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Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762

217/785-9772

- G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)

1) Rulemaking:

- A) Description: In order to maintain the benefit levels, this rulemaking will increase the AABD Grant Adjustment and the Sheltered Care/Personal or

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Nursing Care Rates by the amount of the January 2019 SSA/SSI Cost of Living Adjustment (COLA).

- B) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and 20 CFR 416.2096.
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: January 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide sheltered care or nursing care services.
- F) Agency contact person for information:

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

217/785-9772

- G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Program Definitions (89 Ill. Adm. Code 521)

1) Rulemaking:

- A) Description: This rulemaking will add new language or update current language regarding certain words or phrases including, but not limited to, the following: Authorized Activities, Competitive Employment Outcome, Customized Employment, DSU, Employment Outcome, Entity, Extended

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Services, Federal Minimum Wage, Ongoing Support Services, Pre-Employment Transition Coordination, Pre-Employment Transition Services, Recipients, Required Activities, Special Wage Certificate, Student with a Disability, Supported Employment, Supported Employment Services, Transition Services, and Youth with a Disability.

- B) Statutory Authority: Implementing and authorized by Section 3(a), (b) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)]; The Rehabilitation Act of 1973 as amended by the Workforce Innovation and Opportunity Act (WIOA).
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: June 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses, small municipalities or not-for-profit corporations who provide Vocational Rehabilitation services.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: None
- j) Part (Heading and Code Citation): Criteria for the Evaluation of Programs and Services in Community Rehabilitation Agencies (89 Ill. Adm. Code 530)

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- 1) Rulemaking:
- A) Description: This rulemaking will amend language regarding applicable standards, evaluation procedures, programs and services, disposition of referrals, outcomes, contracts, and fiscal and administration standards and will remove language regarding organization and administration, safety and designated program week.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: June 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect small businesses and not-for-profit corporations that provide programs and services in Community Rehabilitation Agencies.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: None
- k) Part (Heading and Code Citation): Prescreening (89 Ill. Adm. Code 681)

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1) Rulemaking:

- A) Description: This rulemaking will update language to ensure the rule is consistent with current Program standards and practices that relate to federal Home and Community-Based Services regulations.
- B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: June 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services under the Home Services Program.
- F) Agency contact person for information:

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

217/785-9772

- G) Related rulemakings and other pertinent information: None

- 1) Part (Heading and Code Citation): Illinois Long-Term Care Partnership Program (89 Ill. Adm. Code 688)

1) Rulemaking:

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- A) Description: This rulemaking will update language to ensure the rule is consistent with current Program standards and practices that relate to the Long-Term Care Partnership Program.
- B) Statutory Authority: Long-Term Care Partnership Program Act [215 ILCS 132] and Section 3(g) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(g)].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: June 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: None
- m) Part (Heading and Code Citation): Illinois Center for Rehabilitation and Education/Community Residential Services for the Blind, Visually Impaired and Deafblind (89 Ill. Adm. Code 730)
- 1) Rulemaking:

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- A) Description: This rulemaking will update and/or add new language regarding eligibility criteria and available programs and will also remove language regarding medical services, equipment loans, telephone services, dietary services and transportation services.
- B) Statutory Authority: Implementing and authorized by Sections 3(b), (f) and (k) and 12 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(b), (f), (k) and 12].
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: June 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not have an effect on small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Tracie Drew, Bureau Chief
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100 South Grand Avenue, East
Springfield IL 62762

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- G) Related rulemakings and other pertinent information: None
- n) Part (Heading and Code Citation): Centers for Independent Living (89 Ill. Adm. Code 886)
- 1) Rulemaking:

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- A) Description: Pursuant to the Workforce Innovation Opportunity Act, this rulemaking will update language to address certification and/or accreditation.
- B) Statutory Authority: Implementing and authorized by Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a], and 29 U.S.C. 711 and 796; The Rehabilitation Act of 1973 as amended by the Workforce Innovation and Opportunity Act (WIOA).; and Centers for Independent Living (34 CFR 364 and 366).
- C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedure Act [5 ILCS 100].
- D) Date Agency anticipates First Notice: June 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Yes, this rulemaking will affect small businesses and not-for-profit corporations that provide services related to Centers for Independent Living.
- F) Agency contact person for information:
- Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield IL 62762
- 217/785-9772
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2019 REGULATORY AGENDA

- a) Part (Heading and Code Citations): Child Support Services (89 Ill. Adm. Code 160)
- 1) Rulemaking:
- A) Description: Proposed amendments may be necessary as the result of recent legislative action.
- B) Statutory Authority: Authorized by 750 ILCS 5/505 et seq. and 305 ILCS 5/4-1.6 of the Public Aid Code; and 750 ILCS 46/1 et seq. of the Illinois Parentage Act of 2015.
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in the above referenced rulemaking.
- D) Date Agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any affect rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:
- Christopher Gange
Acting General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, Third Floor
Springfield IL 62763-0002
- HFS.Rules@Illinois.gov
- G) Related rulemakings and other pertinent information: None
- b) Parts (Heading and Code Citations): Medical Assistance Programs (89 Ill. Adm. Code 120),

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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Covering All Kids Health Insurance Program (89 Ill. Adm. Code 123), Children's Health Insurance Program (89 Ill. Adm. Code 125), Children's Behavioral Health (89 Ill. Adm. Code 139), Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146), Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147), Hospital Services (89 Ill. Adm. Code 148), Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149), Hospital Reimbursement Changes (89 Ill. Adm. Code 152), and Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153).

1) Rulemaking:

- A) Description: Proposed amendments may be necessary as the result of legislative action. The Department's rulemaking may include, but not be limited to, changes in eligibility, services, programs, quality or reimbursement rates. Depending on the timing of the legislative mandates or budget agreements, emergency rules may be necessary.
- B) Statutory Authority: Authorized by 305 ILCS 5/12-13, 305 ILCS 5/5-5, and 305 ILCS 5/5b of the Public Aid Code.
- C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in the above referenced rulemaking.
- D) Date Agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any affect rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.
- F) Agency contact person for information:

Christopher Gange
Acting General Counsel
Illinois Department of Healthcare and Family Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2019 REGULATORY AGENDA

201 South Grand Avenue East, Third Floor
Springfield IL 62763-0002

HFS.Rules@Illinois.gov

G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citations): Medical Payment (89 Ill. Adm. Code 140)

1) Rulemaking:

A) Description: Proposed amendments may be necessary as the result of legislative action. The Department's rulemaking may include, but not be limited to, changes in eligibility, services, programs, quality or reimbursement rates. Depending on the timing of the legislative mandates or budget agreements, emergency rules may be necessary.

Proposed amendments may be necessary to update to the reimbursement methodology for Critical Clinic Providers.

B) Statutory Authority: Authorized by 305 ILCS 5/12-13, 305 ILCS 5/5-5, and 305 ILCS 5/5b of the Public Aid Code.

C) Scheduled meeting/hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in the above referenced rulemaking.

D) Date Agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on small businesses, small municipalities or not-for-profit corporations: The Department is unaware of any affect rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

JANUARY 2019 REGULATORY AGENDA

F) Agency contact person for information:

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

HFS.Rules@Illinois.gov

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2019 REGULATORY AGENDA

I. DIVISION OF BANKING

a) Part (Heading and Code Citation): Illinois State Treasurer and Office of Banks and Real Estate Joint Rules Governing the Uniform Disposition of Unclaimed Property (38 Ill. Adm. Code 321)

1) Rulemaking:

A) Description: This will be a repealer. The Unclaimed Property Act has been substantially amended. Rules for that Act are now promulgated by the Treasurer's office (74 Ill. Adm. Code 761). The Department has no input in rules regulating the disposition of unclaimed property.

B) Statutory Authority: Uniform Disposition of Unclaimed Property Act [765 ILCS 1025/26]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date Agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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

G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Disclosure of Confidential Supervisory Information (38 Ill. Adm. Code 325)

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- 1) Rulemaking:
 - A) Description: The instructions for sending in requests need to be updated or deleted.
 - B) Statutory Authority: Section 48.3 of the Illinois Banking Act [205 ILCS 5/48.3]
 - C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
 - D) Date Agency anticipates First Notice: Unknown
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: None
 - F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451
 - G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Lending Limits (38 Ill. Adm. Code 330)
 - 1) Rulemaking:
 - A) Description: Overhaul the rules so as to be more comprehensive and more in line with federal regulators.
 - B) Statutory Authority: Illinois Banking Act [205 ILCS 5/32 and 48(6)]

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- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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

- G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Hearings Before the Office of Banks and Real Estate Bureau of Banks and Trust Companies (38 Ill. Adm. Code 392)

1) Rulemaking:

- A) Description: Update the rules to match our current actual procedures for issuing an order.
- B) Statutory Authority: Illinois Banking Act [205 ILCS 5/48]
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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F) Agency contact person for information:

Department of Financial and Professional Regulation
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G) Related rulemakings and other pertinent information: Savings banks rules (38 Ill. Adm. Code 1075) related to hearings.e) Part (Heading and Code Citation): Corporate Fiduciary Applications and Notices (38 Ill. Adm. Code 396)1) Rulemaking:

A) Description: Repeal and/or revise to match rules for banks giving branch notice.

B) Statutory Authority: Corporate Fiduciary Act [205 ILCS 620/1-7(a) and (b) and 5-1(a)]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date Agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not-for-profit corporations: This rule will lessen the paperwork requirement, allowing small trust companies to grow without waiting on the Department.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2019 REGULATORY AGENDA

Springfield IL 62786

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G) Related rulemakings and other pertinent information: Nonef) Part (Heading and Code Citation): Savings Bank Act (38 Ill. Adm. Code 1075)1) Rulemaking:A) Description: Various technical changes may be considered for the section on Disclosure of confidential information, lending limits and hearings.B) Statutory Authority: Savings Bank Act [205 ILCS 205]C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.D) Date Agency anticipates First Notice: UnknownE) Effect on small businesses, small municipalities or not-for-profit corporations: NoneF) Agency contact person for information:

Department of Financial and Professional Regulation
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G) Related rulemakings and other pertinent information: None**II. DIVISION OF FINANCIAL INSTITUTIONS**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2019 REGULATORY AGENDA

a) Part (Heading and Code Citation): Consumer Installment Loan Act (CILA) (38 Ill. Adm. Code 110)

1) Rulemaking:

A) Description: Need to update the Section regarding definitions by adding additional terms for clarity and to minimize legal uncertainty; and also implement the Agency's decision to adopt new procedures regarding the processing of license applications and renewals

B) Statutory Authority: Consumer Installment Loan Act [205 ILCS 670/22]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date Agency anticipates First Notice: February 2019

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Debt Management Service Act (38 Ill. Adm. Code 140)

1) Rulemaking:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- A) Description: Need to update the Section regarding definitions by adding additional terms for clarity, and also implement the Agency's decision to adopt new procedures regarding the processing of license applications and renewals.
- B) Statutory Authority: Debt Management Service Act [205 ILCS 665]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: February 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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

- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Debt Settlement Consumer Protection Act (38 Ill. Adm. Code 145)

1) Rulemaking:

- A) Description: Need to update the Section regarding definitions by adding additional terms for clarity, and also implement the Agency's decision to adopt new procedures regarding the processing of license applications and renewals.

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- B) Statutory Authority: Debt Settlement Consumer Protection Act [225 ILCS 429]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: February 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
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fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Sales Finance Agency Act (38 Ill. Adm. Code 160)
- 1) Rulemaking:
- A) Description: Need to update the Section regarding definitions by adding additional terms for clarity, and also implement the Agency's decision to adopt new procedures regarding the processing of license applications and renewals.
- B) Statutory Authority: Sales Finance Agency Act [205 ILCS 660/13]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: February 2019

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
- 217/785-0813
fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Transmitters of Money Act (TOMA) (38 Ill. Adm. Code 205)
- 1) Rulemaking:
- A) Description: Will incorporate a Section for definitions to provide clarity to terms which are used throughout the Act and related rules; and also implement the Agency's decision to adopt new procedures regarding the processing of license applications and renewals.
- B) Statutory Authority: Transmitters of Money Act [205 ILCS 657]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: February 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Department of Financial and Professional Regulation
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- G) Related rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): Payday Loan Reform Act (38 Ill. Adm. Code 210)
- 1) Rulemaking:
- A) Description: Need to update the Section regarding definitions by adding additional terms for clarity and to minimize legal uncertainty; and also implement the Agency's decision to adopt new procedures regarding the processing of license applications and renewals.
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: February 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
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fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2019 REGULATORY AGENDA

g) Part (Heading and Code Citation): Title Insurance Act (38 Ill. Adm. Code 8100)

1) Rulemaking:

A) Description: Updates will be made to the rules especially in the Section regarding definitions by adding the definition of "Full service title agent" and a new section with additional definitions of title insurance terms and services. There are also plans to add new sections to fully define "Non-Escrow Title agents".

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date Agency anticipates First Notice: April 2019

E) Effect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Department of Financial and Professional Regulation

Attention: Craig Cellini

320 West Washington, 3rd Floor

Springfield IL 62786

217/785-0813

fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

III. DIVISION OF PROFESSIONAL REGULATION

a) Part (Heading and Code Citation): Illinois Architecture Practice Act of 1989 (68 Ill Adm. Code 1150)

1) Rulemaking:

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- A) Description: Add language for new National Council of Architectural Registration Boards (NCARB) alternative certification programs, Integrated Path to Architectural Licensure (IPAL) information and clean-up/clarifying language on a few other sections.
- B) Statutory Authority: Illinois Architecture Practice Act of 1989 [225 ILCS 305]
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: March 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed architects may be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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

- G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Boxing and Full-Contact Martial Arts Act (68 Ill. Adm. Code 1370)

1) Rulemaking:

- A) Description: Clarification is needed of the Section 13 requirement in the Act that requires promoters to timely pay a percentage of broadcast tax receipts to ensure proper documentation is produced to the Department. Additional clarification of the municipal exemption outlined in Section 6(a)(3) of the Act which has been a point of confusion for the public as

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highlighted by recent legislation and industry efforts is also needed. The purpose of these changes would be to clarify the necessary documentation promoters must produce in order to provide guidance to licensees and to municipalities seeking an exemption under the Act so that they may properly conduct events.

- B) Statutory Authority: Boxing and Full-contact Martial Arts Act [225 ILCS 105]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Individuals and/or entities licensed by the Division under the provisions of the Professional Boxing Act may be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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

- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citation): Collection Agency Act (68 Ill. Adm. Code 1210)

1) Rulemaking:

- A) Description: Various Sections may be amended to address changes as a result of the sunset reauthorization of the Act (Public Act 99-227).
- B) Statutory Authority: Collection Agency Act [225 ILCS 425]

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- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
 - D) Date Agency anticipates First Notice: Unknown
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed collection agencies may be affected.
 - F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

217/785-0813
fax: 217/557-4451
 - G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)
- 1) Rulemaking:
 - A) Description: Changes to curriculum and education requirements may be made as well as technical clean-up changes.
 - B) Statutory Authority: Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]
 - C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
 - D) Date Agency anticipates First Notice: March 2019

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed professional counselors may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
- 217/785-0813
fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Illinois Controlled Substances Act (77 Ill. Adm. Code 3100)
- 1) Rulemaking:
- A) Description: An amendment to this Part needed to include prescribing psychologists as well as visiting professors and opioid prescribing. Additional technical changes and updates are needed.
- B) Statutory Authority: Illinois Controlled Substances Act [720 ILCS 570]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed medical professionals may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini

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- G) Related rulemakings and other pertinent information: Clinical Psychologist Licensing Act (68 Ill. Adm. Code 1400)
- f) Part (Heading and Code Citation): Professional Geologist Licensing Act (68 Ill. Adm. Code 1252)
- 1) Rulemaking:
- A) Description: Various Sections may be amended to address changes as a result of the sunset reauthorization of the Act (PA 99-26). Technical clean-up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation will also be needed.
- B) Statutory Authority: Professional Geologist Licensing Act [225 ILCS 745]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed geologists may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
- 217/785-0813

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G) Related rulemakings and other pertinent information: Noneg) Part (Heading and Code Citation): Home Medical Equipment and Services Provider License Act (68 Ill. Adm. Code 1253)1) Rulemaking:A) Description: Various Sections may be amended to address changes as a result of the sunset reauthorization of the Act (PA 100-525). Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation will also be needed.B) Statutory Authority: Home Medical Equipment and Services Provider Act [225 ILCS 51]C) Schedule meeting/hearing date: No hearings have been scheduled.D) Date Agency anticipates First Notice: UnknownE) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed home medical equipment providers may be affected.F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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

G) Related rulemakings and other pertinent information: None

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- h) Part (Heading and Code Citation): Nursing Home Administrators Licensing and Disciplinary Act (68 Ill. Adm. Code 1310)
- 1) Rulemaking:
- A) Description: Various Sections may be amended to address changes as a result of the sunset reauthorization of the Act (PA 100-560). Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation will also be needed.
- B) Statutory Authority: Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Nursing home administrators may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
- 217/785-0813
fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Podiatric Medical Practice Act of 1987 (68 Ill. Adm. Code 1360)
- 1) Rulemaking:

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- A) Description: Various Sections may be amended to address changes as a result of the sunset reauthorization of the Act (PA 100-525).
- B) Statutory Authority: Podiatric Medical Practice Act of 1987 [225 ILCS 100]
- C) Schedule meeting/hearing date: No hearings have been scheduled.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed podiatrists may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
- 217/785-0813
fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- j) Part (Heading and Code Citation): Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 (68 Ill. Adm. Code 1240)
- 1) Rulemaking:
- A) Description: PA 100-44 amended the Act to transfer the fingerprint equipment certification requirement from individual fingerprint vendors to the fingerprint vendor agency. The rules will need to be amended to make the corresponding change in the license application section.
- B) Statutory Authority: Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447]

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- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: January 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Fingerprint vendors may be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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

- G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Illinois Roofing Industry Licensing Act (68 Ill. Adm. Code 1460)

- 1) Rulemaking:
 - A) Description: Various Sections may be amended to address changes as a result of the sunset reauthorization of the Act (PA 99-469).
 - B) Statutory Authority: Illinois Roofing Industry Licensing Act [225 ILCS 335]
 - C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
 - D) Date Agency anticipates First Notice: March 2019

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed roofing contractors and applicants for licensure may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
- 217/785-0813
fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- 1) Part (Heading and Code Citation): Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill. Adm. Code 1465)
- 1) Rulemaking:
- A) Description: Various Sections may be amended to address changes as a result of the sunset reauthorization of the Act (Public Act 100-530). Technical clean-up changes will also need to be made.
- B) Statutory Authority: Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Licensed speech-language pathologists, assistants, and audiologists may be affected.
- F) Agency contact person for information:

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Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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

- G) Related rulemakings and other pertinent information: None

IV. DIVISION OF REAL ESTATE

- a) Part (Heading and Code Citation): Real Estate License Act of 2000 (68 Ill. Adm. Code 1450)
- 1) Rulemaking:
- A) Description: The Division of Real Estate began initiating significant amendatory changes to implement PA 100-188, which amended the Real Estate License Act of 2000 to make various changes to the licensing and education criteria affecting Illinois real estate professionals, among numerous other technical revisions. Most of those were submitted at the end of 2018. The remaining technical revisions should be submitted by early 2019.
- B) Statutory Authority: Real Estate License Act of 2000 [225 ILCS 454]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Those that operate pursuant to the Real Estate License Act of 2000 may be affected.
- F) Agency contact person for information:

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Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786

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fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

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- a) Part (Heading and Code Citations): The Illinois Liquor Control Commission (11 Ill. Adm. Code 100)
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Liquor Control Commission regulations to reflect new statutory developments, decisional law and Commission policies.
- B) Statutory Authority: 235 ILCS 5
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect businesses licensed under the Liquor Control Act.
- F) Agency contact person for information:
- Pamela Paziotopoulos
Deputy General Counsel
Illinois Liquor Control Commission
100 West Randolph St., Ste. 7-801
Chicago IL 60601
- 312/814-1801
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citations): Income Tax (86 Ill. Adm. Code 100)
- 1) Rulemaking:

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- A) Description: New rules will be added to Part 100 concerning the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209); the reallocation of items under IITA Section 404; pass-through of investment credits from partnerships and Subchapter S corporations to their partners and shareholders; filing of refund claims and other collection matters, and interest computations.

Part 100 will be amended by adding rules and amending existing rules governing the computation of base income and net income under Article 2 of the IITA, the allocation and apportionment of base income under Article 3 of the IITA, and the filing of returns and payment of taxes under Articles 5 and 6 of the IITA.

Part 100 will be amended to update the provisions defining unitary business groups and computing the combined tax liability of unitary business groups.

Part 100 will be amended by adding rules providing guidance on the addition and subtraction modifications allowed in IITA Section 203, on the credit for residential property taxes paid in IITA Section 208, on the acceptance of substitute W-2s, electronic filing of returns, and rounding amounts on returns to the nearest dollar.

Part 100 will be amended to clarify definitions of terms in IITA Section 1501(a).

Part 100 will be amended to implement legislation enacted, including EDGE credits, limits on exemptions and credits for taxpayers with high adjusted gross incomes, the historic preservation and hospital credits, the foreign tax credit, the education credit, the research and development credit, the angel investment credit, the credit for instructional materials and supplies, the earned income credit, the adoption credit, the historic preservation credit, the River Edge Redevelopment zone historic property rehabilitation credit, the credits and subtractions allowed with respect to enterprise zones, credits for hiring veterans and ex-felons, bonus depreciation adjustments, withholding by employers, partnerships, Subchapter S corporations and trusts, changes to apportionment formulas

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and taxation of real estate investment trusts and their investors, appeals to the Tax Tribunal, and the Illinois Secure Choice Savings Program Act.

Part 100 will be amended to provide additional guidance on nexus and on the Illinois income tax consequences of changes in federal income tax laws.

Finally, the Department will continue the updating and correction of Part 100.

- B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.
- F) Agency contact person for information:

Brian Stocker
Associate Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844
- G) Related rulemakings and other pertinent information: None

c) Part (Heading and Code Citations): Retailers' Occupation Tax (86 Ill. Adm. Code 130)

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1) Rulemaking:

- A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments, decisional law and Department policies. Rulemakings will also be promulgated as part of the Department's continuing effort to codify policies contained in various letter rulings and to delete outdated provisions. Included are changes to Section 130.340 governing the rolling stock exemption to reflect the provisions of PA 100-321 and changes to Sections 130.455 and 130.2013 to implement the provisions of PA 98-628 and PA 98-1080, which change the method of determining the "selling price" for first division and certain types of second division motor vehicles that are leased for defined periods in excess of one year. Changes will also be made to reflect the provisions of PA 100-940, which imposes penalties for failure to keep books and records or to produce books and records for examination.
- B) Statutory Authority: 35 ILCS 120/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations.
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

DEPARTMENT OF REVENUE

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G) Related rulemakings and other pertinent information: Noned) Part (Heading and Code Citations): Use Tax (86 Ill. Adm. Code 150)1) Rulemaking:

A) Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments, decisional law and Department policies. Regulations will be proposed to replace emergency regulations implementing the provisions of PA 100-587, which amended the Use Tax to provide for Wayfair nexus (nexus without physical presence if specific thresholds for selling activities are met); related nexus regulations will also be amended as necessary.

B) Statutory Authority: 35 ILCS 105/12

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons subject to the Use Tax.

F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

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- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citations): Bingo License and Tax Act (86 Ill. Adm. Code 430)
- 1) Rulemaking:
- A) Description: Regulations will be updated to reflect the provisions of Public PA 93-742, which authorizes the Department to issue 3-year bingo licenses, including regular licenses, limited licenses or senior citizen restricted licenses; the provisions of PA 95-228, dealing with licensing; and the provisions of PA 97-1150, implementing the Criminal Code of 2012. The regulations will also be amended to clarify definitions; record keeping requirements; the documentation required for a license application; and the provisions of PA 99-177 regarding special permits.
- B) Statutory Authority: 230 ILCS 25/1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Entities eligible for bingo licenses will be affected by these rulemakings.
- F) Agency contact person for information:

Brian Stocker
Associate Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

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- G) Related rulemakings and other pertinent information: There are no related rulemakings.
- f) Part (Heading and Code Citations): Pull Tabs and Jar Games Act (86 Ill. Adm. Code 432)
- 1) Rulemaking:
- A) Description: Regulations will be amended to implement the amendments in PA 95-228 dealing with licensing and to clarify record keeping requirements and the documentation required for a license application and the amendments in PA 97-1150, implementing the Criminal Code of 2012.
- B) Statutory Authority: 230 ILCS 20/1
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: Entities eligible for pull tabs and jar games licenses will be affected by these rulemakings.
- F) Agency contact person for information:
- Brian Stocker
Associate Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: There are no related rulemakings.

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g) Part (Heading and Code Citations): Uniform Penalty and Interest Act (86 Ill. Adm. Code 700)

1) Rulemaking:

- A) Description: The Department will amend the regulations in Part 700 to reflect recent amendments to the Uniform Penalty and Interest Act and Department policies.
- B) Statutory Authority: 20 ILCS 2505/2505-795
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Effect on small business, small municipalities and not-for-profit corporations: These rulemakings will provide guidance for any business or not-for-profit corporation that incurs tax liabilities potentially subject to penalty or interest obligations under the Uniform Penalty and Interest Act.
- F) Agency contact person for information:

Brian Stocker
Associate Counsel, Income Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citations): Home Rule Municipal Retailers' Occupation Tax (86 Ill. Adm. Code 270)

1) Rulemaking:

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- A) Description: Rules will be amended to reflect new statutory developments, decisional law and Department policies.
- B) Statutory Authority: 35 ILCS 120/2-12
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rules within the next six months of the year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any small business that operates at retail in a jurisdiction imposing a local occupation tax.
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson Street, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citations): Service Use Tax (86 Ill. Adm. Code 160)

1) Rulemaking:

- A) Description: Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments, decisional law and Department policies.
- B) Statutory Authority: 35 ILCS 110/12

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- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 160 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect service customers in Illinois.
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citations): Service Occupation Tax (86 Ill. Adm. Code 140)

1) Rulemaking:

- A) Description: Amendments will be made to update the Service Occupation Tax regulations to reflect new statutory developments, decisional law and Department policies. Changes will also be made to reflect the provisions of PA 100-940, which imposes penalties for failure to keep books and records or to produce books and records for examination.
- B) Statutory Authority: 35 ILCS 115/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 140 during the next six months of this year.

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- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect servicemen in Illinois.
- F) Agency contact person for information:
- Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: None
- k) Part (Heading and Code Citations): Motor Fuel Tax (86 Ill. Adm. Code 500)
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Motor Fuel Tax regulations to reflect new statutory developments, decisional law and Department policies. The rules will also be amended to delete obsolete provisions and make technical changes. Changes will also be made to reflect the provisions of PA 100-9, which changed the manner in which LNG, CNG and LPG are taxed.
- B) Statutory Authority: 35 ILCS 505/14
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 500 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons subject to the Motor Fuel Tax and the Motor Fuel Use Tax (IFTA).

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F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

G) Related rulemakings and other pertinent information: Nonel) Part (Heading and Code Citations): Environmental Impact Fee (86 Ill. Adm. Code 501)1) Rulemaking:

A) Description: Amendments will be made to update the Environmental Impact Fee regulations to reflect new statutory developments, decisional law and Department policies.

B) Statutory Authority: 415 ILCS 125/325

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 501 during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect businesses subject to the Environmental Impact Fee.

F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue

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G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citations): Cigarette Tax Act (86 Ill. Adm. Code 440)

1) Rulemaking:

A) Description: Amendments will be made to update the Cigarette Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Changes will also be made to reflect the provisions of PA 100-940, which imposes penalties for failure to keep books and records or to produce books and records for examination. Additional changes from PA 100-940 include provisions prohibiting the sale of loose cigarettes and penalties for violation of these provisions.

B) Statutory Authority: 35 ILCS 130/8

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 440 during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons subject to the Cigarette Tax Act and retailers selling cigarettes.

F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

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G) Related rulemakings and other pertinent information: Nonen) Part (Heading and Code Citations): Cigarette Use Tax Act (86 Ill. Adm. Code 450)1) Rulemaking:

A) Description: Amendments will be made to update the Cigarette Use Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Changes will also be made to reflect the provisions of PA 100-940, which imposes penalties for failure to keep books and records or to produce books and records for examination. Additional changes from PA 100-940 include provisions prohibiting the sale of loose cigarettes and penalties for violation of these provisions.

B) Statutory Authority: 35 ILCS 135/21

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 450 during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons subject to the Cigarette Use Tax Act.

F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

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- G) Related rulemakings and other pertinent information: None
- o) Part (Heading and Code Citations): Telecommunications Excise Tax (86 Ill. Adm. Code 495)
- 1) Rulemaking:
- A) Description: Amendments will be made to update the Telecommunications Excise Tax Act regulations to reflect new statutory developments, decisional law and Department policies.
- B) Statutory Authority: 35 ILCS 630/17
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 495 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons subject to the Telecommunications Excise Tax Act.
- F) Agency contact person for information:
- Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: None
- p) Part (Heading and Code Citations): Hotel Operators' Occupation Tax (86 Ill. Adm. Code 480)

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- 1) Rulemaking:
 - A) Description: Amendments will be made to update the Hotel Operators' Occupation Tax Act regulations to reflect new statutory developments, decisional law and Department policies. Included are changes made in response to PA 100-213, which added new exemptions.
 - B) Statutory Authority: 35 ILCS 145/7
 - C) Scheduled meetings/hearing dates: No schedule has been established at this time.
 - D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 480 during the next six months of this year.
 - E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect hotel operators and their guests.
 - F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844
 - G) Related rulemakings and other pertinent information: None
- q) Part (Heading and Code Citations): State Tax Lien Registration Act (86 Ill. Adm. Code 715)
 - 1) Rulemaking:

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- A) Description: A new part will be added to implement the State Tax Lien Registration Act
- B) Statutory Authority: 35 ILCS 750/1-35
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rules to implement this new part during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons utilizing titling information or services
- F) Agency contact person for information:
- Jim Nichelson
Assistant General Counsel
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: None
- r) Part (Heading and Code Citations): Rental Purchase Agreement Occupation and Use Tax Act (86 Ill. Adm. Code 125)
- 1) Rulemaking:
- A) Description: A new part will be added to implement the Rental Purchase Agreement Occupation and Use Tax Act.
- B) Statutory Authority: 35 ILCS 180/40

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- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rules implementing this new part during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect businesses that lease merchandise under rental purchase agreements and their customers.
- F) Agency contact person for information:
- Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: None
- s) Part (Heading and Code Citations): Misallocation of Local Taxes (86 Ill. Adm. Code 290)
- 1) Rulemaking:
- A) Description: A new part will be added which governs the procedures utilized by the Department to handle the misallocation of local taxes.
- B) Statutory Authority: 30 ILCS 105-6z-18; 30 ILCS 105/6z-20; 35 ILCS 636/5-50(i); 50 ILCS 470/30; 50 ILCS 470/31; 55 ILCS 5/5-1006; 65 ILCS 5/8-11-1; 65 ILCS 5/8-11-1.3; 65 ILCS 5/8-11-1.6; 65 ILCS 5/8-11-1.7; 65 ILCS 5/8-11-16; 65 ILCS 5/11-74.3-6; and 70 ILCS 1605/30
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

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- D) Date Agency anticipates First Notice: We anticipate filing rules adding this new part during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect units of local government that receive allocations of tax revenues from the Department.
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: None

t) Part (Heading and Code Citations): Board of Appeals (86 Ill. Adm. Code 210)

1) Rulemaking:

- A) Description: Amendments will be made to update the rules to reflect new statutory developments, decisional law and Department policies.
- B) Statutory Authority: 20 ILCS 2505/2505-505; 20 ILCS 2505/2505-795
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 210, during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect persons utilizing the Board of Appeals.

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F) Agency contact person for information:

Brian Wolfberg
Chairman, Board of Appeals
Illinois Department of Revenue
100 W. Randolph
Chicago IL 60601

312/814-1607

G) Related rulemakings and other pertinent information: Noneu) Part (Heading and Code Citations): The Public Utilities Revenue Act (86 Ill. Adm. Code 510)1) Rulemaking:

A) Description: The rules will be updated to remove obsolete language and make technical changes.

B) Statutory Authority: 20 ILCS 2505/2505-795

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: The technical changes and deletion of obsolete provisions in these rulemakings will clarify the rules for small businesses.

F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500

DEPARTMENT OF REVENUE

JANUARY 2019 REGULATORY AGENDA

Springfield IL 62794

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G) Related rulemakings and other pertinent information: Nonev) Part (Heading and Code Citations): Electricity Excise Tax Law (86 Ill. Adm. Code 511)1) Rulemaking:A) Description: The rules will be amended to remove obsolete language and make technical changes.B) Statutory Authority: 20 ILCS 2505/2505-795C) Scheduled meetings/hearing dates: No schedule has been established at this time.D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.E) Effect on small business, small municipalities or not-for-profit corporations: The technical changes and deletion of obsolete provisions in these rulemakings will clarify the rules for small businesses.F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

G) Related rulemakings and other pertinent information: Nonew) Part (Heading and Code Citations): Energy Assistance Charge (86 Ill. Adm. Code 516)

DEPARTMENT OF REVENUE

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- 1) Rulemaking:
 - A) Description: These rules will be amended to make technical changes and remove obsolete language.
 - B) Statutory Authority: 20 ILCS 2505/2505-795
 - C) Scheduled meetings/hearing dates: No schedule has been established at this time.
 - D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.
 - E) Effect on small business, small municipalities or not-for-profit corporations: The technical changes and deletion of obsolete provisions in these rulemakings will clarify the rules for small businesses.
 - F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844
 - G) Related rulemakings and other pertinent information: None
- x) Part (Heading and Code Citations): Amnesty Regulations (86 Ill. Adm. Code 520)
 - 1) Rulemaking:
 - A) Description: This rulemaking will repeal obsolete rules that implemented the Tax Delinquency Amnesty Act covering the amnesty period October 1, 2010 through November 8, 2010.

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- B) Statutory Authority: Illinois Tax Delinquency Amnesty Act [35 ILCS 745]
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: None
- y) Part (Heading and Code Citations): Tax Increment Allocation Financing (86 Ill. Adm. Code 525)
- 1) Rulemaking:
- A) Description: Rules will repeal obsolete provisions regarding the distribution of State sales taxes to certain TIF districts, which distributions expired on September 30, 2013.
- B) Statutory Authority: Tax Increment Allocation Redevelopment Act [65 ILCS 5/11-74.4-1 et seq.]
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

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JANUARY 2019 REGULATORY AGENDA

D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

G) Related rulemakings and other pertinent information: None

z) Part (Heading and Code Citations): County Water Commission Retailers' Occupation Tax (86 Ill. Adm. Code 630)

1) Rulemaking:

A) Description: This rulemaking will repeal rules due to the statutory termination of the tax on June 1, 2016.

B) Statutory Authority: County Water Commission Act of 1985 [70 ILCS 3720/4]

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: None

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JANUARY 2019 REGULATORY AGENDA

F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

G) Related rulemakings and other pertinent information: Noneaa) Part (Heading and Code Citations): County Water Commission Service Occupation Tax
(86 Ill. Adm. Code 640)1) Rulemaking:

A) Description: This rulemaking will repeal rules due to the statutory termination of the tax on June 1, 2016.

B) Statutory Authority: County Water Commission Act of 1985 [70 ILCS 3720/4]

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue

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101 W. Jefferson, MC 5-500
Springfield IL 62794

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G) Related rulemakings and other pertinent information: None

bb) Part (Heading and Code Citations): County Water Commission Use Tax (86 Ill. Adm. Code 650)

1) Rulemaking:

A) Description: This rulemaking will repeal rules due to the statutory termination of the tax on June 1, 2016.

B) Statutory Authority: County Water Commission Act of 1985 [70 ILCS 3720/4]

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.

E) Effect on small business, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

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G) Related rulemakings and other pertinent information: None

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- cc) Part (Heading and Code Citations): Tobacco Products Act of 1995 (86 Ill. Adm. Code 660)
- 1) Rulemaking:
- A) Description: Rules will be amended to reflect new statutory developments, Department policy and decisional law. Changes will also remove obsolete language and make technical changes. Changes will also be made to reflect the provisions of PA 100-940, which imposes penalties for failure to keep books and records or to produce books and records for examination. Additional changes from PA 100-940 include provisions governing records required to be kept.
- B) Statutory Authority: 35 ILCS 143/10-45; 35 ILCS 120/12
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: The technical changes and deletion of obsolete provisions in these amendments will clarify the rules for small businesses.
- F) Agency contact person for information:
- Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF REVENUE

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- dd) Part (Heading and Code Citations): Public List of Delinquent Taxpayers (86 Ill. Adm. Code 710)
- 1) Rulemaking:
- A) Description: Rules will be amended to remove obsolete language and make technical changes.
- B) Statutory Authority: 20 ILCS 2505/2505-795
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: The technical changes and deletion of obsolete provisions in these rulemakings will clarify the rules for small businesses.
- F) Agency contact person for information:
- Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794
- 217/782-2844
- G) Related rulemakings and other pertinent information: None
- ee) Part (Heading and Code Citations): Payment of Taxes by Electronic Funds Transfer (86 Ill. Adm. Code 750)
- 1) Rulemaking:

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- A) Description: Rules will be amended to remove obsolete language and make technical changes.
- B) Statutory Authority: 35 ILCS 5; 35 ILCS 105; 35 ILCS 110; 35 ILCS 115; 35 ILCS 120; 35 ILCS 640; 20 ILCS 2505-2505-210
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: The technical changes and deletion of obsolete provisions in these rulemakings will clarify the rules for small businesses.
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: None

ff) Part (Heading and Code Citations): Electronic Filing of Returns or Other Documents (86 Ill. Adm. Code 760)

1) Rulemaking:

- A) Description: Rules will be amended to remove obsolete language and make technical changes.
- B) Statutory Authority: 20 ILCS 2505/2505-200

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- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: The technical changes and deletion of obsolete provisions in these amendments will clarify the rules for small businesses.
- F) Agency contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales & Excise Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/782-2844

- G) Related rulemakings and other pertinent information: None

gg) Part (Heading and Code Citations): Automobile Renting Occupation Tax (86 Ill. Adm. Code 180)

1) Rulemaking:

- A) Description: Rules will be amended to reflect new statutory developments, decisional law and Department policies.
- B) Statutory Authority: 35 ILCS 155; 20 ILCS 2505/2505-25
- C) Scheduled meetings/hearing dates: Not schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of this year.

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E) Effect on small business, small municipalities or not-for-profit corporations: The technical changes and deletion of obsolete provisions in these rulemakings will clarify the rules for small businesses.

F) Agency Contact person for information:

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 West Jefferson St. MC 5-500
Springfield IL 62794

217/782-2844

G) Related rulemakings and other pertinent information: None

hh) Part (Heading and Code Citations): Automobile Renting Use Tax (86 Ill. Adm. Code 190)

1) Rulemaking:

A) Description: Rules will be amended to reflect new statutory developments, decisional law and Department policies.

B) Statutory Authority: 35 ILCS 155; 20 ILCS 2505-2505-25

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date Agency anticipates First Notice: We anticipate filing rules during the next six months of the year.

E) Effect on small business, small municipalities or not-for-profit corporations: The technical changes and deletion of obsolete provisions in these rulemakings will clarify the rules for small businesses.

F) Agency contact person for information:

DEPARTMENT OF REVENUE

JANUARY 2019 REGULATORY AGENDA

Jerilynn Troxell Gorden
Deputy General Counsel, Sales and Excise Tax
Illinois Department of Revenue
101 West Jefferson St. MC 5-500
Springfield IL 62794

217/782-2844

G) Related rulemakings and other pertinent information: None

ii) Part (Heading and Code Citations): Property Tax Code (86 Ill. Adm. Code 110)

1) Rulemaking:

A) Description: Part 110 will be amended with respect to Section 110.125 to reflect verbiage changes in state statute with reference to the Cook County Board of Review and reporting requirements for each chief county assessment official.

Section 110.115 will be amended to update the use of the PTAX 300-H form required by a statutory change for hospital exemption applications; to update and clarify language and verbiage such as the change from board of appeals to board of review; to reflect changes in form numbers; and to clarify who is not required to file an annual statement regarding property tax exemptions.

Section 110.116 will be updated to clarify current language about requirements for an exemption application.

Section 110.125 will be updated to clarify language and verbiage such as the change from board of appeals to board of review.

Section 110.155 will be updated to reflect the proper terminology for facility accessibility for persons with disabilities and to remove the requirement that a candidate must specify a county in which the board of review examination will be taken. This section will also be amended to correct the map identified as Illustration A, which reflects the qualification requirements for each county.

DEPARTMENT OF REVENUE

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Section 110.180 will be amended to reduce the number of signatures required by the Department from two to one with respect to testing results for the supervisor of assessments examination. There will also be an update to reflect the proper terminology for facility accessibility for persons with disabilities.

- B) Statutory Authority: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625]
- C) Scheduled meeting/hearing dates: No schedule has been established.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 110 during the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Robin W. Gill
Associate Counsel, Property Tax
Illinois Department of Revenue
101 W. Jefferson, MC 5-500
Springfield IL 62794

217/524-4886

- G) Related rulemakings and other pertinent information: None

jj) Part (Heading and Code Citations): Real Estate Transfer Tax (86 Ill. Adm. Code 120)

1) Rulemaking:

- A) Description: Section 120.5 will be amended to update and/or delete the dates listed on 120.5(a) and (b). It will also be amended to reflect changes

DEPARTMENT OF REVENUE

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made in the electronic filing system for transfer declarations because many declarations are now filed electronically requiring an electronic signature.

Section 120.5 will also be amended to update the changes in the name and date of the required PTAX 203 form, to account for changes in electronic filing allowing recorder of deeds to use the system and to require chief county assessment officers to utilize a certain format for electronic filing.

- B) Statutory Authority: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625]
- C) Scheduled meeting/hearing dates: No schedule has been established.
- D) Date Agency anticipates First Notice: We anticipate filing rulemakings amending Part 120 during the next six months of this year
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Robin W. Gill
Associate Counsel, Property Tax
Illinois Department of Revenue
W. Jefferson, MC 5-500
Springfield IL 62794

217/524-4886

- G) Related rulemakings and other pertinent information: None

kk) Part (Heading and Code Citations): Practice and Procedure for Hearings before the Illinois Department of Revenue (86 Ill. Adm. Code 200)

- 1) Rulemaking:

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JANUARY 2019 REGULATORY AGENDA

- A) Description: Amendments will be made to update the Department's regulations concerning the practice and procedure for administrative hearings to reflect the enactment of PA 100-880 regarding the changes to the Illinois Administrative Procedure Act for service of notices by email and to include references to the jurisdiction of the Independent Tax Tribunal.
- B) Statutory Authority: Sections 2505-790 and 2505-795 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-790; 20 ILCS 2505/2505-790]
- C) Scheduled meeting/hearing dates: No schedule has been established at this time.
- D) Date Agency anticipates First Notice: We anticipate filing such rulemakings amending Part 200 within the next six months of this year.
- E) Effect on small business, small municipalities or not-for-profit corporations: These rulemakings will affect any small business, small municipality, or not-for-profit corporation that requests an administrative hearing, or is involved as a party to an administrative hearing, before the Department.
- F) Agency contact person for information:
- Terry D. Charlton
Chief Administrative Law Judge
Illinois Department of Revenue
101 West Jefferson, MC 5-550
Springfield IL 62794
- 217/782-6995
- G) Related rulemakings and other pertinent information: None

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2019 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Grant Accountability and Transparency Act (GATA) (44 Ill. Adm. Code 7030)
- 1) Rulemaking: Proposed New Rule
- A) Description: IEMA will propose rules consistent with 2 CFR 200 Subpart C through F as required for State of Illinois grants under the Grant Accountability and Transparency Act.
- B) Statutory Authority: Authorized by and implementing Section 50(a) of the Grant Accountability and Transparency Act [30 ILCS 708/50(a)].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Summer 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These entities may be affected if they receive grant funding from IEMA.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/524-0770
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Conference Fees (29 Ill. Adm. Code 115)
- 1) Rulemaking: Proposed New Rule

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2019 REGULATORY AGENDA

- A) Description: Pursuant to new statutory authorization in Section 5(i) of the Illinois Emergency Management Agency Act, the Illinois Emergency Management Agency (IEMA) plans to propose a rule for the assessment and collection of fees for attendance at IEMA-sponsored conferences.
- B) Statutory Authority: Authorized by and implementing Section 5(i) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(i)].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: January 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These entities may be affected if they have individuals that attend an IEMA-sponsored conference. Conference attendance is voluntary and not mandated.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/524-0770
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Emergency and Written Notification of an Incident or Accident Involving a Reportable Hazardous Material or Extremely Hazardous Substance (29 Ill. Adm. Code 430)
- 1) Rulemaking: Proposed Repealer

ILLINOIS EMERGENCY MANAGEMENT AGENCY

JANUARY 2019 REGULATORY AGENDA

- A) Description: IEMA plans to repeal this regulation because requirements for reporting hazardous spills are included in both 29 Ill. Adm. Code 430 and 29 Ill. Adm. Code 620. IEMA will include any necessary requirements in 29 Ill. Adm. Code 620. Merging the requirements into one regulation will streamline requirements and alleviate public confusion.
- B) Statutory Authority: Implementing Section 304 of Title III of the Superfund Amendments and Reauthorization Act of 1986 [42 USC 11004] and authorized by Section 5(e) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(e)] and Section 7 of the Hazardous Materials Emergency Act [430 ILCS 50/7].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: IEMA anticipates that this rulemaking could alleviate duplicative regulatory burdens for businesses in the State.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield IL 62704
- 217/524-0770
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: IEMA anticipates amending 29 Ill. Adm. Code 620, Emergency Planning and Community Right-to-Know.
- d) Part (Heading and Code Citation): Emergency Planning and Community Right-To-Know (29 Ill. Adm. Code 620)

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- 1) Rulemaking: Proposed Amendment
 - A) Description: IEMA plans to propose amendments to reflect recent changes in federal requirements and to update antiquated references and procedures. IEMA also plans to merge requirements from 29 Ill. Adm. Code 430.
 - B) Statutory Authority: Implementing Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 USC 11001 et seq.) and the Illinois Emergency Planning and Community Right to Know Act [430 ILCS 100] and authorized by Section 5(e) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5(e)].
 - C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
 - D) Date Agency anticipates First Notice: Spring 2019
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: IEMA anticipates that this rulemaking could alleviate duplicative regulatory burdens for businesses in the State.
 - F) Agency contact person for information:

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 - G) Related rulemakings and other pertinent information: IEMA also anticipates repealing 29 Ill. Adm. Code 430, merging those requirements into Part 620.

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- e) Part (Heading and Code Citation): Administrative Hearings (32 Ill. Adm. Code 200)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA anticipates proposing amendments to IEMA's hearing regulations to identify the CMS Bureau of Administrative Hearings and include hearing procedures for all programs of IEMA and procedures for quashing subpoenas.
- B) Statutory Authority: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100], Illinois Grant Funds Recovery Act [30 ILCS 705] and the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: IEMA does not anticipate these entities will be affected unless they have a hearing before IEMA.
- F) Agency contact person for information:
- Traci Burton
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- G) Related rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): General Provisions for Radiation Protection (32 Ill. Adm. Code 310)

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- 1) Rulemaking: Proposed Amendment
 - A) Description: IEMA plans to propose amendments to clarify the definition of dosimetry processor to include new technologies, such as direct ion storage, for obtaining and storing dosimetry results. In addition, IEMA is proposing to delete duplicative language.
 - B) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40].
 - C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
 - D) Date Agency anticipates First Notice: Spring 2019
 - E) Effect on small businesses, small municipalities or not-for-profit corporations: This change will benefit all businesses with a radioactive material license by giving them an alternate method of measuring and reporting occupational doses to workers.
 - F) Agency contact person for information:

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217/524-0770
fax: 217/524-3698
 - G) Related rulemakings and other pertinent information: None
- g) Part (Heading and Code Citation): Licensing of Radioactive Material (32 Ill. Adm. Code 330)
 - 1) Rulemaking: Proposed Amendment

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- A) Description: IEMA plans to propose an amendment to Section 330.40(d) to remove the exemption for water treatment residuals from this Part. Revised regulations for water treatment residuals will be provided in a new rule being proposed by IEMA.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: IEMA anticipates that businesses, small and some not-for-profit corporations will be affected if they are producing or in possession of water treatment residuals.
- F) Agency contact person for information:
- Traci Burton
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fax: 217/524-3698
- G) Related rulemakings and other pertinent information: See information regarding the proposal of 32 Ill. Adm. Code 622.

2) Rulemaking: Proposed Amendment

- A) Description: IEMA will propose amendments to Section 330.310 (i)(1) to include sealed sources in the two-year storage restriction for radioactive material that is not being used and Section 330.310(c) to add a time

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limitation on submittal of information for transfer of ownership for licenses. IEMA needs to have a written request in hand 90 days prior to transfer in order to make sure all the licensing requirements are met and that the new owner is legally bound to adhere to those requirements. IEMA plans to eliminate duplicative language and outdated cross-references.

- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time but, if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These proposed amendments may affect these entities if they have licensed radioactive material in storage. The amendment would increase the level of oversight of material and may result in costs for disposal of unwanted material. In addition, these entities may be affected if they transfer ownership of their license. This change will benefit all entities as it ensures that regulatory requirements are met with no delay in production for businesses.
- F) Agency contact person for information:
- Traci Burton
Illinois Emergency Management Agency
1035 Outer Park Drive
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- 217/524-0770
fax: 217/524-3698
- G) Related rulemakings and other pertinent information: The source storage regulation already exists in 32 Ill. Adm. Code 330.220(a)(6) for generally licensed sources.

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h) Part (Heading and Code Citation): Fees for Radioactive Material Licensees (32 Ill. Adm. Code 331)

1) Rulemaking: Proposed Amendment

- A) Description: IEMA will propose amendments to add clarifying language to ensure that fees are required unless the licensee has submitted a termination request and disposed of licensed radioactive material prior to September 30th and to ensure consistency of billing with recovery and remediation fees and reciprocity fees. In addition, IEMA will propose an exemption to the reciprocity fee for federal agencies and their prime contractors that provide training to first responders and governmental entities in Illinois.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These proposed amendments could affect small businesses or not-for-profit corporations if they hold a radioactive material license. The effect should be minimal and will help prevent unnecessary billing to the licensee. The fee exemption for federal agencies will be beneficial to small municipalities who receive training as the cost of the fee will not be passed down.
- F) Agency contact person for information:

Traci Burton
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G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Medical Use of Radioactive Material (32 Ill. Adm. Code 335)

1) Rulemaking: Proposed Amendment

- A) Description: IEMA plans to propose amendments to clarify the language in Section 335.1060(a)(3) so that only authorized users can interpret the 'final' results of tests, studies and treatments.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This will mainly affect not-for-profit corporations such as hospitals. These amendments will clarify that the authorized user named on the license must be the physician of record on medical tests, studies and treatments involving radioactive material. It also benefits hospitals as it allows them to use off-site radiology firms to provide medical interpretations on a consulting basis to on-site authorized users.
- F) Agency contact person for information:

Traci Burton
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- G) Related rulemakings and other pertinent information: None
- j) Part (Heading and Code Citation): Standards for Protection Against Radiation (32 Ill. Adm. Code 340)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA plans to propose amendments to change a reference for obtaining instructions for completing waste manifests from our federal counterparts at U.S. NRC and to change the requirement for securing portable gauges under two locks when not under the control of the licensee to include all portable devices. Recent events have demonstrated that this additional layer of protection is necessary for public health and safety.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This may affect small businesses in possession of a portable gauge; however, the cost should be minimal to introduce another lock or locking container into their storage and transportation procedures. This requirement will benefit both the licensee and the public by ensuring the radioactive material is secured from theft, sabotage or loss.
- F) Agency contact person for information:

Traci Burton
Illinois Emergency Management Agency

ILLINOIS EMERGENCY MANAGEMENT AGENCY

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- G) Related rulemakings and other pertinent information: None
- k) Part (Heading and Code Citation): Radiation Safety Requirements for Industrial Radiographic Operations (32 Ill. Adm. Code 350)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA will propose amendments to Part 350 adding a requirement that devices must be stored and transported under a two lock security system and to allow use of the latest electronic dosimeters based on new technology.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This may affect small businesses; however, the cost should be minimal to include another lock or locking container into their storage and transportation procedures. This will benefit the licensee and the public by ensuring radioactive material is secured from loss, theft or sabotage. The change to dosimetry will allow licensees to use the latest technology and add other options for their dosimetry needs.
- F) Agency contact person for information:

Traci Burton

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- G) Related rulemakings and other pertinent information: A similar regulation was adopted in 32 Ill. Adm. Code 340.810(g) for portable gauges.
- l) Part (Heading and Code Citation): Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (32 Ill. Adm. Code 351)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA will propose amendments to Part 351 to add a requirement that devices must be stored and transported under a two lock security system and to allow use of the latest electronic dosimeters based on new technology.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This may affect small businesses; however, the cost should be minimal to introduce another lock or locking container into their storage and transportation procedures. This requirement will benefit both the licensee and the public by ensuring the radioactive material is secured from theft, sabotage or loss. The change to dosimetry will allow licensees to use the latest technology and add other options for their dosimetry needs.

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- F) Agency contact person for information:
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- G) Related rulemakings and other pertinent information: A similar rule in 32 Ill. Adm. Code 340.810(g) for portable gauges has been in existence since 2007.
- m) Part (Heading and Code Citation): Notices, Instructions and Reports to Workers; Inspections (32 Ill. Adm. Code 400)
- 1) Rulemaking: Proposed Amendment
- A) Description: IEMA will propose amendments to Section 400.120 adding a requirement to maintain records of training for five years so that these can be verified during inspections. The amendment would also clarify that signatures are not required for on-line training if identity can be verified.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This could affect all these entities if they have a radioactive material license with IEMA. They will have to ensure that documented evidence of training is maintained. The effect should be minimal since most licensees already have this in place. It will also allow larger

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institutions such as universities to use on-line training without securing actual signatures from every user.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: Nonen) Part (Heading and Code Citation): Accrediting Persons in the Practice of Medical Radiation Technology (32 Ill. Adm. Code 401)1) Rulemaking: Proposed Amendment

- A) Description: IEMA plans to propose amendments to Part 401 to expand the exemption for individuals that may perform a CT examination; to clarify and adjust the fee charged for limited examinations; and to eliminate duplicative provisions.
- B) Statutory Authority: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40/5, 6, 7 and 36].
- C) Scheduled meeting/hearing dates: None currently scheduled.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This may affect these entities if they have radiologic technologists as employees.
- F) Agency contact person for information:

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- G) Related rulemakings and other pertinent information: None
- o) Part (Heading and Code Citation): Water Treatment Residuals (32 Ill. Adm. Code 622)
- 1) Rulemaking: Proposed New Rule
- A) Description: IEMA anticipates proposing a new rule that provides requirements and guidance for entities in possession of water treatment residuals. Currently, requirements for possession of water treatment residuals are located in 32 Ill. Adm. Code 330.40(d) as an exemption to radioactive material licensing. IEMA's anticipated rule amendments will remove the exemption in Section 330.40(d) and replace it with revised requirements in the new Part 622. Part 622 will not require a radioactive material license as long as certain possession and worker safety requirements are met.
- B) Statutory Authority: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].
- C) Scheduled meeting/hearing dates: None are scheduled at this time, but if scheduled, dates and times will be announced on IEMA's website or in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small municipalities and not-for-profit corporations may be affected if they possess water treatment residuals. A radioactive material license will not be required as long as certain possession and worker safety

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requirements are met. Some of the regulatory burdens such as annual reporting will be eliminated.

F) Agency contact person for information:

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G) Related rulemakings and other pertinent information: See also information under proposed amendment to 32 Ill. Adm. Code 330.40(d).

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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- a) Part (Heading and Code Citation): Homeownership Mortgage Loan Program (47 Ill. Adm. Code 300)
- 1) Rulemaking:
- A) Description: Amend various sections to conform with administrative changes.
- B) Statutory Authority: Illinois Housing Development Act [20 ILCS 3805]
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: March 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Karri Kartes
Illinois Housing Development Authority
111 E. Wacker Drive, Suite 1000
Chicago IL 60601
- 312/836-5313
- G) Related rulemakings and other pertinent information: N/A
- b) Part (Heading and Code Citation): Homeowner Mortgage Revenue Bond Program (47 Ill. Adm. Code 260)
- 1) Rulemaking:
- A) Description: Amend various sections to conform with administrative changes.
- B) Statutory Authority: Illinois Housing Development Act [20 ILCS 3805]

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- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: June 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Karri Kartes
Illinois Housing Development Authority
111 E. Wacker Drive, Suite 1000
Chicago IL 60601

312/836-5313
- G) Related rulemakings and other pertinent information: N/A

OFFICE OF THE STATE FIRE MARSHAL

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- a) Part (Heading and Code Citation): Policy and Procedures Manual for Fire Protection Personnel (41 Ill. Adm. Code 141)
- 1) Rulemaking:
- A) Description: A third phase of amendments to this Part will focus on updates to Subpart B (Training Facilities) and Subpart C (Examination). This proposal will also include any updates to certifications approved by the certification subcommittees established by the Fire Advisory Commission and any corrections or clarifications needed for certification requirements in Subpart D.
- B) Statutory Authority: Implementing and authorized by Sections 8 and 11 of the Fire Protection Training Act [50 ILCS 740/8] and the Peace Officer Fire Investigation Act [20 ILCS 2910].
- C) Scheduled meeting/hearing dates: None scheduled.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking may impact small municipalities or fire protection districts that elect to participate in the Office of the State Fire Marshal's voluntary certification program and seek reimbursement for training expenditures from funds appropriated to the Office for these reimbursements. Streamlined procedural rules are expected to speed the curriculum approval time and decrease administrative burdens on participants.
- F) Agency contact person for information:

Mitzi Woodson
Manager
Division of Personnel Standards and Education
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

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217/785-1003

- G) Related rulemakings and other pertinent information: The first phase of amendments to this Part was published for First Notice on April 1, 2016 (40 Ill. Reg. 5366), received a Certification of No Objection from JCAR and was adopted, effective March 27, 2017. The second phase was published for First Notice on November 18, 2016 (40 Ill. Reg. 15482), received a Certification of No Objection from JCAR and was adopted, effective August 1, 2017
- b) Part (Heading and Code Citation): Race Track Rules For Fire Safety (41 Ill. Adm. Code 150)
- 1) Rulemaking:
- A) Description: This rulemaking will update the Agency's rules applicable to fire safety at horse race track complexes. This may be done by amendment or repeal contemporaneous with joint rulemaking with the Illinois Racing Board, which has nearly identical rules for this subject.
- B) Statutory Authority: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9].
- C) Scheduled meeting/hearing dates: None scheduled.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules may impact any small business, municipality or not-for-profit corporation that owns a facility which is part of a horse race track complex.
- F) Agency contact person for information:

Dale Simpson
Manager
Division of Fire Prevention
Office of the State Fire Marshal

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JANUARY 2019 REGULATORY AGENDA

1035 Stevenson Drive
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217/558-0639

- G) Related rulemakings and other pertinent information: Illinois Race Track Rules for Fire Safety (11 Ill. Adm. Code 403)
- c) Parts (Heading and Code Citations): Storage, Transportation, Sale and Use of Gasoline and Volatile Oils: Rules and Regulations \ Relating to General Storage (41 Ill. Adm. Code 160); Storage, Transportation, Sale and Use of Gasoline and Volatile Oils (41 Ill. Adm. Code 180)
- 1) Rulemaking:
- A) Description: This rulemaking will update the agency's rules applicable to aboveground storage tanks (ASTs). This includes two primary rule Parts: 41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 180 that are applicable to ASTs used for both dispensing and non-dispensing purposes. Part 160 rules primarily address the use of ASTs for bulk storage of flammable or combustible liquids (storage for other than dispensing purposes). Part 180 rules primarily address the use of ASTs for flammable or combustible liquids used to dispense fuel into vehicles or portable containers. The primary focus of the rules will be to replace the currently outdated rules with references to nationally recognized standards for ASTs and the storage and handling of flammable and combustible liquids.
- B) Statutory Authority: Implementing and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules will impact any small business, municipality or not-for-profit corporations that install or relocate an AST containing

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flammable or combustible liquids. The proposed rules are not anticipated to impose further restrictions upon ASTs that are already in-place. It is estimated these changes will make the storage and handling of flammable and combustible liquids, including ASTs, less expensive, more cost effective and safer.

F) Agency contact person for information:

Cathy Stashak
Technical Services Division
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601

312/814-2425

G) Related rulemakings and other pertinent information: The proposed changes to 41 Ill. Adm. Code 160 are related to the proposed changes to 41 Ill. Adm. Code 180.d) Parts (Heading and Code Citations): Storage, Transportation, Sale and Use of Gasoline and Volatile Oils: Rules and Regulations \ Relating to General Storage (41 Ill. Adm. Code 160); Storage, Transportation, Sale and Use of Gasoline and Volatile Oils (41 Ill. Adm. Code 180)1) Rulemaking:A) Description: This rulemaking may be filed separately from the one described in paragraph (c) above and will amend the Agency's rules applicable to aboveground storage tanks (ASTs) in two primary rule Parts: 41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 180. The primary focus of the rulemaking will be to amend the provisions pertaining to the maximum number of storage or dispensing ASTs and maximum allowable capacity for storage or dispensing ASTs at facilities used for fleet dispensing as described in Section 180.20(a)(2).B) Statutory Authority: Implementing and authorized by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

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- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules will impact any small business, municipality or not-for-profit corporations that install or relocate an AST containing flammable or combustible liquids. The proposed rules are not expected to create more stringent restrictions upon ASTs. It is estimated that these changes will make the dispensing of flammable and combustible liquids using ASTs less expensive, more cost effective and safer.
- F) Agency contact person for information:
- Cathy Stashak
Technical Services Division
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601
- 312/814-2425
- G) Related rulemakings and other pertinent information: The proposed changes to 41 Ill. Adm. Code 160 are related to the proposed changes to 41 Ill. Adm. Code 180.
- e) Part (Heading and Code Citation): Petroleum Equipment Contractor Licensing (41 Ill. Adm. Code 172)
- 1) Rulemaking:
- A) Description: This rulemaking will update certification and licensure rules for petroleum equipment contractors doing work on underground storage tanks as a result of changes to the program made by PA 97-428. The rulemaking will address inconsistencies between the rules and the statute.

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It will also update cross-references to OSFM rules for which the numbering has changed from Part 170 to Parts 174, 175 and 176.

- B) Statutory Authority: Petroleum Equipment Contractor Licensing Act [225 ILCS 729/25, 35(a)(4), and 35(b)(7)]
- C) Scheduled meeting/hearing dates: None scheduled yet.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will have a minimal impact on small businesses that conduct permitted work on underground storage tanks.
- F) Agency contact person for information:

Fred Schneller
Manager
Division of Petroleum and Chemical Safety
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62603

217/557-3131

- G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill. Adm. Code 200)

1) Rulemaking:

- A) Description: This rulemaking will update the Agency's rules applicable to liquefied petroleum gas (LPG) tanks. The primary focus of the rules will be to update the reference to a national standard: NFPA 58 Liquefied Petroleum Gas Code. The rule currently references to the 2011 edition of NFPA 58 and the OSFM intends to update that reference to the latest published edition of NFPA 58 (2017 edition) in order to remain current

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with industry practices. The statute requires that OSFM rules on this topic be in substantial conformity with the national codes published by the National Fire Protection Association (NFPA).

- B) Statutory Authority: Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3]
- C) Scheduled meeting/hearing dates: None scheduled
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules will impact any small business, municipality or not-for-profit corporation that installs or relocates a LPG (including propane) storage tank. The proposed rules are not anticipated to impose further restrictions upon existing LPG tanks.
- F) Agency contact person for information:

Cathy Stashak
Technical Services Division
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601

312/814-2425
- G) Related rulemakings and other pertinent information: None

g) Part (Heading and Code Citation): Appeals and Enforcement Proceedings (41 Ill. Adm. Code 210)

1) Rulemaking:

- A) Description: This Part will be amended to delineate and clarify the appeal process utilized during certain OSFM administrative enforcement proceedings. Amendments will include, among other things, clarification concerning the duties of the respective parties, the initiation of contested

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hearings, pleadings, motions, discovery, the burden and standard of proof, the applicable rules of evidence, the consequences of failing to appear, and default procedures.

- B) Statutory Authority: Implemented and authorized by Section 10-5 of the Illinois Administrative Procedures Act [5 ILCS 100/10-5].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: None anticipated.
- F) Agency contact person for information:

Matt Taksin
General Counsel-Legal Division
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

312/814-6322

- G) Related rulemakings and other pertinent information: None

h) Part (Heading and Code Citation): Pyrotechnic Distributor and Operator Licensing Rules (41 Ill. Adm. Code 230)

1) Rulemaking:

- A) Description: This rulemaking will update referenced industry technical standards and incorporate recent federal requirements relating to OSFM Pyrotechnic Distributor and Operator Licensing Rules. It will also update or delete references to the Music Entertainment Task Force because its work has concluded. It will also develop an expedited licensing protocol for out-of-state production companies with an appropriate fee schedule

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and require cover license operators to identify out-of-state touring pyrotechnic participants on the display report that summarizes the pyrotechnic event. This will also require that distributors identify certain business information on the regulatory application, for example, any assumed name being used as well as the full legal name for the legal entity submitting the application. Finally, this will add a fee of \$30 per pyrotechnic assistant at time of registration renewal (every three years).

- B) Statutory Authority: Implemented and authorized by Section 30 of Pyrotechnic Distributor and Operator Licensing Act [225 ILCS 227/30].
- C) Scheduled meeting/hearing dates: None scheduled yet.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: A new fee (\$30) would be required for an assistant's registration renewal. Other aspects of the rules may impact any small business, municipality or not-for-profit corporation that possesses or applies for a State Pyrotechnic license.
- F) Agency contact person for information:

Dale Simpson
Manager
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0639

- G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Pyrotechnic and Consumer Display Permitting Rules (41 Ill. Adm. Code 235)
 - 1) Rulemaking:

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- A) Description: This rulemaking will update referenced industry technical standards and incorporate recent federal requirements relating to OSFM Pyrotechnic Distributor and Operator Licensing Rules. It will also require local permitting authorities to maintain certain minimum records.
- B) Statutory Authority: Implementing and authorized by Section 4.1 of the Pyrotechnics Use Act [425 ILCS 35/4.1].
- C) Scheduled meeting/hearing dates: None scheduled yet.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules may impact any small business, municipality or not-for-profit corporation that possesses or applies for a Pyrotechnic or Consumer Display permit.
- F) Agency contact person for information:
- Dale Simpson
Manager
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703
- 217/558-0639
- G) Related rulemakings and other pertinent information: Proposed revisions to 41 Ill. Adm. Code 230's requirements for Flame Effect Licensure and Permit requirements.
- j) Parts (Heading and Code Citations): Fire Equipment Distributor and Employee Standards (41 Ill. Adm. Code 251); Fire Equipment Administrative Procedures (41 Ill. Adm. Code 280)
- 1) Rulemaking:

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- A) Description: This proposed rulemaking will update the OSFM's rules applicable to fire equipment distributor and employee licensing, and will consider combining the Part 251 and Part 280 rules into one document to address procedures for administering the fire equipment contractor and employee licensing programs. This proposed rulemaking will require a photo or electronic copy of a driver's license or State identification for each employee being licensed. This proposed rulemaking will update rule references to cite the updated statutory authority which is now known as the Fire Equipment Distributor and Employee Regulation Act of 2011 [225 ILCS 217]. This proposed rulemaking will also define the procedures for the citation authority provided in Section 83 of this Act [225 ILCS 217/83]. Finally, this rulemaking will implement statutory changes that eliminated the Fire Equipment Distributor and Employee Advisory Board and divided Class II employees into separate classes for pre-engineered industrial fire suppression systems versus kitchen hood fire suppression systems.
- B) Statutory Authority: Implementing and authorized by the Fire Equipment Distributor and Employee Regulation Act of 2011 [225 ILCS 217].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The rules may impact any small business, small municipality or not-for-profit corporation that may be licensed by the OSFM as a fire equipment distributor or may be involved in the servicing of portable fire extinguishers and/or fixed fire suppression systems other than water-based systems. By clarifying standards and procedures and providing an enforcement mechanism authorized by statute, this will make compliance simpler and more efficient and reliable for the regulated community, including small businesses, small municipalities, and not-for-profit entities. Fire equipment companies will need to ensure their employees have the correct National Association of Fire Equipment Distributors (NAFED) certification to work on and service these systems,

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and the correct National Institute for Certification in Engineering Technologies (NICET) certification to design the appropriate systems.

F) Agency contact person for information:

Dale Simpson
Manager
Division of Fire Prevention
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0639

G) Related rulemakings and other pertinent information: Nonek) Part (Heading and Code Citation): Fire Truck Revolving Loan Program (41 Ill. Adm. Code 290)1) Rulemaking:

A) Description: The Office of the Illinois State Fire Marshal (OSFM) and the Illinois Finance Authority (IFA) have authority to jointly administer a program to provide zero-interest loans or low-interest loans to finance or reimburse the purchase of fire trucks or brush trucks by a unit of local government (fire department, fire protection district or township fire department). This rulemaking would update language regarding the work of the review committee in reviewing and scoring loan applications. This would include the deletion of obsolete language about voting and quorums. The rulemaking would also clarify that a function of the Fire Marshal's designee is to have the ability to review applications that may be submitted by a department or district that one of the members of the review committee is employed by.

B) Statutory Authority: Implementing and authorized by Section 825-80 of the Illinois Finance Authority Act [20 ILCS 3501/825-80].

C) Scheduled meeting/hearing dates: None

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- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Changing these references would merely clarify the rules and would not have any fiscal or other impacts.
- F) Agency contact person for information:

Ronny J. Wickenhauser
Chief Fiscal Officer
Office of the Illinois State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0577

- G) Related rulemakings and other pertinent information: None

- 1) Part (Heading and Code Citation): Small Equipment Grant Program (41 Ill. Adm. Code 291)

1) Rulemaking:

- A) Description: The Office of the Illinois State Fire Marshal (OSFM) administers a program to provide grants for the purchase of small equipment by a not-for-profit ambulance service or a unit of local government (fire department, fire protection district or township fire department) in Illinois that provides emergency medical service within a geographical area. This rulemaking would update language regarding the work of the review committee in reviewing and scoring loan applications. This would include the deletion of obsolete language about voting and quorums. The rulemaking would also clarify that a function of the Fire Marshal's designee is to have the ability to review applications that may be submitted by a department or district that one of the members of the review committee is employed by.

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- B) Statutory Authority: Implementing and authorized by Section 2.7 of the State Fire Marshal Act [20 ILCS 2905/2.7].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Changing these references would merely clarify the rules and would not have any fiscal or other impacts.
- F) Agency contact person for information:

Ronny J. Wickenhauser
Chief Fiscal Officer
Office of the Illinois State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0577

- G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Ambulance Revolving Loan Program (41 Ill. Adm. Code 292)

1) Rulemaking:

- A) Description: The Office of the Illinois State Fire Marshal (OSFM) and the Illinois Finance Authority (IFA) have authority to jointly administer a program to provide zero-interest and low-interest loans for the purchase of an ambulance or ambulances by a not-for-profit ambulance service or a unit of local government (fire department, fire protection district or township fire department) in Illinois that provides emergency medical service within a geographical area. This rulemaking would update language regarding the work of the review committee in reviewing and scoring loan applications. This would include the deletion of obsolete language about voting and quorums. The rulemaking would also clarify

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that a function of the Fire Marshal's designee is to have the ability to review applications that may be submitted by a department or district that one of the members of the review committee is employed by.

- B) Statutory Authority: Implementing and authorized by Section 825-85 of the Illinois Finance Authority Act [20 ILCS 3501/825-85].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Changing these references would merely clarify the rules and would not have any fiscal or other impacts.
- F) Agency contact person for information:

Ronny J. Wickenhauser
Chief Fiscal Officer
Office of the Illinois State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0577

- G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Fire Sprinkler Dormitory Revolving Loan Program (41 Ill. Adm. Code 293)

1) Rulemaking:

- A) Description: The Office of the Illinois State Fire Marshal (OSFM) and the Illinois Finance Authority (IFA) have authority to jointly administer a program to provide low-interest loans to post-secondary educational institutions for the planning, purchasing, installing, upgrading, altering, modifying, fixing or repairing of a fire sprinkler system or fire sprinkler systems located in such institutions' on-campus housing. This rulemaking

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would update language regarding the work of the review committee in reviewing and scoring loan applications. This would include the deletion of obsolete language about voting and quorums. The rulemaking would also clarify that a function of the Fire Marshal's designee is to have the ability to review applications that may be submitted by a department or district that one of the members of the review committee is employed by.

- B) Statutory Authority: Implementing and authorized by Section 15 of the Fire Sprinkler Dormitory Act [110 ILCS 47/15].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Changing these references would merely clarify the rules and would not have any fiscal or other impacts.
- F) Agency contact person for information:

Ronny J. Wickenhauser
Chief Fiscal Officer
Office of the Illinois State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0577

- G) Related rulemakings and other pertinent information: None

o) Part (Heading and Code Citation): Fire Station Revolving Loan Program (41 Ill. Adm. Code 294)

1) Rulemaking:

- A) Description: The Office of the Illinois State Fire Marshal (OSFM) and the Illinois Finance Authority (IFA) have authority to jointly administer a program to provide zero-interest loans or low-interest loans to finance all

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or any portion of the costs associated with the construction, rehabilitation, remodeling or expansion of a fire station by a unit of local government (fire department, fire protection district or township fire department). This rulemaking would update language regarding the work of the review committee in reviewing and scoring loan applications. This would include the deletion of obsolete language about voting and quorums. The rulemaking would also clarify that a function of the Fire Marshal's designee is to have the ability to review applications that may be submitted by a department or district that one of the members of the review committee is employed by.

- B) Statutory Authority: Implementing and authorized by Section 825-81 of the Illinois Finance Authority Act [20 ILCS 3501/825-81].
- C) Scheduled meeting/hearing dates: None
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Changing these references would merely clarify the rules and would not have any fiscal or other impacts.
- F) Agency contact person for information:

Ronny J. Wickenhauser
Chief Fiscal Officer
Office of the Illinois State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703

217/558-0577

- G) Related rulemakings and other pertinent information: None
- p) Part (Heading and Code Citation): Furniture Fire Safety Regulations (41 Ill. Adm. Code 300)
 - 1) Rulemaking:

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- A) Description: As required by statute [425 ILCS 45], this rulemaking will update referenced standards to the current "bulletins" (standards) used by the State of California's Department of Consumer Affairs: Bureau of Home Furnishings and Thermal Insulation for descriptions of the tests that are required to be performed on upholstered furniture components.
- B) Statutory Authority: Implementing and authorized by Section 15 of the Furniture Fire Safety Act [425 ILCS 45/15].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Any small business or not-for-profit corporation that manufactures upholstered seating furniture used in public occupancies or public assembly areas, or any small business, small municipality or not-for-profit that owns or maintains a public occupancy or public assembly area that contains stuffed or upholstered furniture for specified occupancies. These include assembly occupancies; day care centers; health care occupancies; detention and correctional facilities; and public assembly areas of hotel and motels that contain seating for more than 10 (individual guest rooms are not included). These proposed rules are not anticipated to impose further restriction upon regulated furniture.
- F) Agency contact person for information:
- Cathy Stashak
Technical Services Division
Office of the State Fire Marshal
100 W. Randolph St., Suite 4-600
Chicago IL 60601
- 312/814-2425
- G) Related rulemakings and other pertinent information: None

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- q) Part (Heading and Code Citation): Illinois Elevator Safety Rules (41 Ill. Adm. Code 1000)
- 1) Rulemaking:
- A) Description: Incorporate nationally recognized safety codes which were recently published. Pursuant to statute, the Elevator Safety Board is given 12 months after the effective date of a new standard to adopt any new safety code cited in the statute.
- B) Statutory Authority: Authorized by Section 35 of the Elevator Safety and Regulation Act [225 ILCS 312/35].
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: All new conveyances and conveyances being modernized will be required to conform to the new codes. Municipalities would also be required to enforce these new codes locally, per their municipal elevator agreements with OSFM.
- F) Agency contact person for information:
- Bob Capuani
Elevator Safety Division
Office of the Illinois State Fire Marshal
James R. Thompson Center
100 W. Randolph Street
Suite 4-600
Chicago IL 60601
- 312/814-8734
- G) Related rulemakings and other pertinent information: None

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- r) Part (Heading and Code Citation): Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 2120)
- 1) Rulemaking:
- A) Description: Incorporate nationally recognized safety codes which were recently published and required by the Boiler and Pressure Vessel Safety Act to be incorporated into the rules promulgated under that Act.
- B) Statutory Authority: Section 2 of the Boiler and Pressure Vessel Safety Act [430 ILCS 75/2]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date Agency anticipates First Notice: Spring 2019
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No significant impact anticipated.
- F) Agency contact person for information:
- Mike Vogel
Chief Inspector
Division of Boiler and Pressure Vessel Safety
Office of the Illinois State Fire Marshal
1035 Stevenson Drive
Springfield IL 62703
- 217/785-1008
- G) Related rulemakings and other pertinent information: None

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