

TABLE OF CONTENTS

August 30, 2019 Volume 43, Issue 35

PROPOSED RULES

GAMING BOARD, ILLINOIS

Video Gaming (General)

11 Ill. Adm. Code 1800.....9209

JUVENILE JUSTICE, DEPARTMENT OF

Americans With Disabilities Act Grievance Procedure

4 Ill. Adm. Code 530.....9215

ADOPTED RULES

INSURANCE, DEPARTMENT OF

Advertising and Sales Promotion of Life Insurance and Annuities

50 Ill. Adm. Code 909.....9222

Individual and Group Life Insurance Policy Illustrations

50 Ill. Adm. Code 1406.....9228

Workers' Compensation Electronic and Standardized Paper Billing

50 Ill. Adm. Code 2908.....9237

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

The Administration and Operation of the State Employees' Retirement System of Illinois

80 Ill. Adm. Code 1540.....9252

EMERGENCY RULES

GAMING BOARD, ILLINOIS

Video Gaming (General)

11 Ill. Adm. Code 1800.....9261

JCAR REVIEW OF PROPOSED RULES STATEMENT OF RECOMMENDATION

RACING BOARD, ILLINOIS

Illinois Racing Board

11 Ill. Adm. Code 200.....9292

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....9293

OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF

Nurse Practice Act (Failure to Meet Requirements of IAPA)

68 Ill. Adm. Code 1300.....9294

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

Executive Order Reorganizing Divisions Within the Department of State Police

2019-12.....	9295
Executive Order Establishing the Governor's Task Force On Forensic Science	
2019-13.....	9299

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
1800.110	Amendment
1800.250	Amendment
1800.260	Amendment
1800.420	Amendment
1800.430	Amendment
1800.540	Amendment
1800.580	Amendment
1800.1810	New Section
- 4) Statutory Authority: Authorized by Section 78 of the Video Gaming Act (VGA) [230 ILCS 40/78 (a) (3) and (b)].
- 5) A Complete Description of the Subjects and Issues Involved: The legislation adds the following definitions to 11 Ill. Adm. Code 1800.110:

"In-location bonus jackpot game" and "in-location jackpot game." Consistently with the amended statute, these terms are identically defined as a video game in which the value of the top prize increases each time the game is played and the top prize is not won.

"Licensed large truck stop establishment" is defined identically as in PA 101-0031, namely, as a facility located within 3 road miles from a freeway interchange that: (i) is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 50,000 gallons of diesel or biodiesel fuel per month, and (iv) has parking spaces for commercial motor vehicles.

The definition of "licensed video gaming location" is amended to include licensed large truck stop establishments.

A redundant definition of "person with significant interest or control" (PSIC) is deleted, as a definition of this term is contained in 11 Ill. Adm. Code 1800.430 (d).

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

"Progressive jackpot" is defined as the top prize in an in-location bonus jackpot game or in-location bonus jackpot game.

The title of 11 Ill. Adm. Code 1800.250 is changed from "Licensed Video Terminal Operators" to "Terminal Operators" to be consistent with the terminology of the Video Gaming Act. The following new duties are imposed on terminal operators:

Purchase keys and locks for video gaming terminals (VGTs) that are approved by the Board and are specific to the terminal operator. The keys shall be numbered, reported to the Board and available for audits. The Board shall be provided with access to the logic box of a video gaming terminal upon request. If a terminal operator's actions necessitate a rekeying, the costs of rekeying shall be at the terminal operator's expense. A terminal operator shall immediately inform the Board if a key is lost or stolen (new subsection (v)).

Provide, at the terminal operator's expense, digital surveillance cameras that record at all times that video gaming terminals are operational at all locations where video gaming is being conducted. The camera surveillance shall extend to all areas where video gaming is being conducted and where vouchers are redeemed. The rulemaking establishes specific technical requirements for surveillance recordings (new subsection (w)).

Create a form for the use of licensed video gaming locations that will be used as a receipt for progressive jackpot winners. Forms must be approved by the Administrator. The terminal operator shall distribute the approved forms to all licensed video gaming locations operating progressive games with which the terminal operator has a use agreement. The form shall have payment instructions for the winning patron, provide contact information for the terminal operator, and be capable of having the following information recorded, in triplicate:

Winner's name and address;

Date and time the progressive jackpot was won;

Amount of the progressive jackpot won;

Identification number and location of the video gaming terminal on which the progressive jackpot was won; and

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

Game outcome (for example, reel symbols, card values or suits)
(New subsection (x))

11 Ill. Adm. Code 1800.260 (Duties of Licensed Technicians and Licensed Terminal Handlers) is amended to impose the following new duties on licensed technicians and licensed terminal handlers:

Comply with all technical standards and requirements imposed by the Board (previously, this compliance requirement applied to "specifications and standards") (subsection (d)).

Comply with all requests by Board agents for identification or for access to the logic box within a video gaming terminal (new subsection (j)).

Following any access, possession or control of a video gaming terminal, provide information on a project sheet that shall include, at a minimum, the name of the licensed technician or terminal handler, time of access, possession or control, and nature of any servicing or repairs (new subsection (k)).

Inform the central communications system before clearing meters on a video gaming terminal.

11 Ill. Adm. Code 1800.420 (Qualifications for Licensure) is amended by adding a new subsection (b) providing that in considering applications for licenses under the Video Gaming Act, the Board shall apply the same criteria set forth in Section 9 of the Illinois Gambling Act (IGA) [230 ILCS 10/9]. If the applicant is not an individual, the Board may not license until it is satisfied that the applicant's owners and PSICs meet the requirements of Section 9 of the IGA.

11 Ill. Adm. Code 1800.430 (Persons with Significant Influence or Control) is amended at subsection (d) by expanding the definition of PSIC to include each person directly owning an applicant or licensee as well as each person who holds an indirect ownership interest of at least 5 percent in an applicant or licensee.

11 Ill. Adm. Code 1800.540 (Application Fees) is amended to conform with provisions in PA 100-1152 and PA 101-0031 that establish a \$100 application fee for licensed establishments, licensed truck stop establishments, licensed large truck stop establishments, licensed fraternal establishments or licensed veterans establishments and raise the application fee for terminal handlers from \$50 to \$100.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

11 Ill. Adm. Code 1800.580 (Renewal Fees and Dates) is amended to raise the renewal fee for terminal handlers from \$50 to \$100 as provided by PA 100-1152.

A new Subpart R is added, entitled "Implementation of Technology." This subpart gives the Administrator authority to direct and oversee the installation, maintenance or improvement of technology that, in the Administrator's discretion, is needed to implement the provisions of the Video Gaming Act or the Video Gaming (General) Part of the Illinois Administrative Code. An applicant or licensee may be billed directly or be required to reimburse the Board for any expenses, including third-party expenses, associated with the testing, certification, installation, training, review or approval of video gaming-related technology or technological enhancements to a video gaming operation (new Section 1810).

- 6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: 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? No
- 10) Are there any rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.
- 12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

fax: 312/814-7253

email: Agostino.lorenzini@igb.illinois.gov

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: The rulemaking will affect the following small business licensees under the Video Gaming Act: terminal operators, licensed establishments, licensed fraternal establishments, licensed veterans establishments, licensed truck stop establishments, licensed large truck stop establishments, licensed technicians and licensed terminal handlers.
- B) Reporting, bookkeeping or other procedures required for compliance: The rulemaking will require new reporting procedures relating to purchases of keys and locks for video gaming terminals as well as accession, possession and control of video gaming terminals by licensed technicians and licensed terminal handlers.
- C) Types of professional skills necessary for compliance: Implementation of the rulemaking will require the professional skills of all units of the Illinois Gaming Board, including the following units: financial analysis, accounting and auditing; licensing; enforcement and investigations; legal; and information technology.

14) Small business impact analysis:

A) Types of businesses subject to the proposed rule:

- | | |
|----|--|
| 54 | Professional, Scientific, and Technical Services |
| 55 | Management of Companies and Enterprises |
| 72 | Accommodation and Food Services. |

B) Categories that the agency reasonably believes the rulemaking will impact, including:

- ii. regulatory requirements;
chasing;
- vi. equipment and material needs;
- vii. training requirements
- viii. record keeping.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda.

The full text of the Proposed Rules is identical to that of the Emergency Rules found in this issue of the *Illinois Register* on page 9261.

DEPARTMENT OF JUVENILE JUSTICE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Americans with Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 530
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
530.10	New Section
530.20	New Section
530.30	New Section
530.40	New Section
530.50	New Section
530.60	New Section
530.70	New Section
- 4) Statutory Authority: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 3-10-9 of the Unified Code of Corrections [730 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: This Part creates grievance procedures for the Americans with Disabilities Act for the Department of Juvenile Justice. The federal regulations (28 CFR 35.107) require all State government agencies with at least fifty employees to adopt its own grievance procedure rules. The Department has over fifty employees and as such is required to adopt rules. This new Part will outline how employees of the Department may file a grievance when they allege discrimination has occurred. Specifically, this Part outlines the procedure for filing a grievance, how the designated coordinator proceeds with the initial investigation and how the employee can request a final review by the Director if he or she is unsatisfied with the designated coordinator's decision. Finally, this Part will acknowledge all grievances will be considered and resolved on a case-by-case basis given the unique facts and circumstances presented.
- 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

DEPARTMENT OF JUVENILE JUSTICE

NOTICE OF PROPOSED RULES

- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rulemaking does not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:
- Lindsay M. Bentivegna
Policy Staff Attorney
Department of Juvenile Justice
2715 W. Monroe St.
Springfield IL 62704
- 217/557-1030
DJJ.Rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: There is no adverse impact on small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because it was not anticipated.

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

DEPARTMENT OF JUVENILE JUSTICE

NOTICE OF PROPOSED RULES

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER XVIII: DEPARTMENT OF JUVENILE JUSTICEPART 530
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
530.10	Purposes
530.20	Definitions
530.30	Procedure
530.40	Designated Coordinator Level
530.50	Final Level
530.60	Accessibility
530.70	Case-By-Case Resolution

AUTHORITY: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-10-9].

SOURCE: Adopted at 43 Ill. Reg. _____, effective _____.

Section 530.10 Purpose

- a) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the Department of Juvenile Justice, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Department to foster open communication with all individuals requesting readily accessible programs, services and activities. The Department encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

DEPARTMENT OF JUVENILE JUSTICE

NOTICE OF PROPOSED RULES

Section 530.20 Definitions

"Act" or "ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"Complainant" is an individual with a disability who files a Grievance Form provided by the Agency under this procedure.

"Department" means the Department of Juvenile Justice.

"Designated Coordinator" is the person appointed by the Director who is responsible for the coordination of efforts of the Department to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at 2715 West Monroe Street, Springfield IL 62704. (See 28 CFR 35.107.)

"Director" means the Director of the Department of Juvenile Justice.

"Disabilities" shall have the meaning set forth in the Americans With Disabilities Act.

"Grievance" is any complaint under the ADA that is reduced to writing by an individual with a disability who meets the essential eligibility requirements for participation in, or receipt of the benefits of, a program, activity or service offered by the Department and believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Department or has been subject to discrimination by the Department.

"Grievance Form" is prescribed for the purpose of filing a grievance under this Part and includes information such as name, address, phone number, and nature of the grievance, with specificity, including date, time and place of the incident and witnesses if applicable.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services from, or the participation in programs or activities provided by, the Department.

DEPARTMENT OF JUVENILE JUSTICE

NOTICE OF PROPOSED RULES

Section 530.30 Procedure

- a) Grievances must be submitted in accordance with procedures established in Sections 530.40 and 530.50. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer at the Designated Coordinator Level and/or the Final Levels described in Section 530.50.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response from the Department given in the grievance procedure.
- c) The Designated Coordinator shall, upon being informed of the individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

Section 530.40 Designated Coordinator Level

- a) If an individual desires to file a grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance in completing the Grievance Form shall be provided by the Department.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and the Director within 15 business days after receipt of the Grievance Form.

Section 530.50 Final Level

DEPARTMENT OF JUVENILE JUSTICE

NOTICE OF PROPOSED RULES

- a) If the grievance is not resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reasons for dissatisfaction with the Designated Coordinator's written response, within 15 business days after receipt by the complainant of the Designated Coordinator's response.
- b) Within 15 days, the Director shall appoint a three-member panel to review the grievance at the Final Level. One member shall be the designated chairman. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last member of the panel is appointed.
- c) Complainant shall be afforded an opportunity to appear before the panel. Complainant shall have the right to appoint a representative to appear on his or her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (b), the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for the recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall sign that recommendation.
- e) Within 15 business days after receipt of recommendations from a panel, the Director or designee shall approve, disapprove or modify the panel recommendations; shall render a decision on those recommendations in writing; shall state the basis for his or her decision; and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the panel's recommendations, the Director may include written reasons for that disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel, and the decision of the Director shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

DEPARTMENT OF JUVENILE JUSTICE

NOTICE OF PROPOSED RULES

Section 530.60 Accessibility

The Department shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

Section 530.70 Case-By-Case Resolution

Each grievance involves a unique set of factors that includes, but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Advertising and Sales Promotion of Life Insurance and Annuities
- 2) Code Citation: 50 Ill. Adm. Code 909
- 3) Section Number: 909.20 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Sections 149, 151, 236, 237, 426 and Article XXXI and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/149, 151, 236, 237, 401, 426 and Article XXXI].
- 5) Effective Date of Rule: August 19, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 4862; May 3, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: We removed the reference in the regulation to actuarial Standard of Practice (ASOP) 24 because it was unnecessary and out-of-date. This revision does not prevent an illustration actuary from relying on the ASOP, as it is consistent with this Part.
- 16) Information and questions regarding this adopted rule shall be directed to:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

Bruce Sartain, Life Actuary
Department of Insurance
320 West Washington Street
Springfield IL 62767-0001

217/785-0903

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIESPART 909
ADVERTISING AND SALES PROMOTION OF
LIFE INSURANCE AND ANNUITIES

Section	
909.10	Authority
909.20	Definitions
909.30	Applicability
909.40	Form and Content of Advertisements
909.50	Disclosure Requirements
909.60	Identity of Insurer
909.70	Jurisdictional Licensing and Status of Insurer
909.80	Statements about an Insurer
909.85	Advertising and Marketing of Annuities and Variable Life Contracts
909.90	Advertising Records and Certificate
909.100	Noncompliance
909.110	Conflict with Other Rules
909.120	Severability Provision

AUTHORITY: Implementing Sections 149, 151, 236, 237, 426 and Article XXXI and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Filed April 26, 1976, effective May 7, 1976; codified at 7 Ill. Reg. 3460; amended at 14 Ill. Reg. 13584, effective August 14, 1990; amended at 15 Ill. Reg. 15665, effective October 18, 1991; amended at 22 Ill. Reg. 3027, effective June 1, 1998; amended at 22 Ill. Reg. 16468, effective September 1, 1998; amended at 26 Ill. Reg. 16500, effective October 28, 2002; amended at 28 Ill. Reg. 4591, effective March 1, 2004; transferred from the Department of Insurance to the Department of Financial and Professional Regulation pursuant to Executive Order 2004-6 on July 1, 2004; amended at 31 Ill. Reg. 12732, effective January 1, 2008; recodified from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-04 at 39 Ill. Reg. 4164; amended at 43 Ill. Reg. 9222, effective August 19, 2019.

Section 909.20 Definitions

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

For the purpose of this Part:

"Advertisement" ~~doesshall~~ not include:

Communications or materials used within an insurer's own organization and not intended for dissemination to the public;

Communications with policyholders other than material urging policyholders to purchase, increase, modify, reinstate or retain a policy;

A general announcement from a group or blanket policyholder to eligible individuals on an employment or membership list that a policy or program has been written or arranged, provided the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage.

"Advertisement" means material designed to create public interest in life insurance or annuities or in an insurer, or to induce the public to purchase, increase, modify, reinstate or retain a policy including:

Printed and published material, audio-visual material and descriptive literature of an insurer used in direct mail, newspapers, magazines, radio and television scripts, billboards and similar displays;

Descriptive literature and sales aids of all kinds issued by an insurer or agent, including but not limited to circulars, leaflets, booklets, depictions, illustrations and form letters;

Material used for the recruitment, training, and education of an insurer's sales personnel, agents, solicitors and brokers ~~that~~which is designed to be used or is used to induce the public to purchase, increase, modify, reinstate or retain a policy;

Prepared sales talks, presentations, and material for use by sales personnel, agents, solicitors and brokers.

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Currently Payable Scale" means a scale of non-guaranteed elements in effect for

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

a policy form as of the preparation date of the illustration, or declared to become effective within the next 95 days ~~after~~ the preparation date.

"Department" means the Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance.

"Disciplined Current Scale" means a scale of non-guaranteed elements constituting a limit on illustrations currently being illustrated by an insurer that is reasonably based on actual recent historical experience, as certified annually by an illustration actuary designated by the insurer. ~~The standards established by the Actuarial Standards Board (ASB) (1720 I Street, N.W., 7th Floor, Washington, D.C. 20006) (Actuarial Standard of Practice No. 24, Compliance with the NAIC Life Insurance Illustrations Model Regulation as of December 1995, no subsequent dates or editions) may be relied upon if the standards:~~

~~Are consistent with all provisions of this Part;~~

~~Limit a disciplined current scale to reflect only actions that have already been taken or events that have already occurred;~~

~~Do not permit a disciplined current scale to include any projected trends of improvements in experience or any assumed improvements in experience beyond the illustration date; and~~

~~Do not permit assumed expenses to be less than minimum assumed expenses.~~

"Illustrated Scale" means a scale of non-guaranteed elements, currently being illustrated for policies other than variable life insurance, individual and group annuity contracts, credit life insurance, or life insurance policies and certificates with guaranteed death benefits of \$10,000 or less, or illustrated death benefits less than \$15,000, that is not more favorable to the policy owner than the lesser of:

The disciplined current scale; or

The currently payable scale.

Insurance Producer means a person required to be licensed under the laws of this

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

State to sell, solicit, or negotiate insurance [215 ILCS 5/500-10].

"Insurer" ~~includes~~ ~~shall include~~ any organization or person ~~that~~ ~~which~~ issues life insurance or annuities to residents of this State.

"Non-guaranteed Elements" means premiums, benefits, values, credits or charges under a policy of life insurance that are not guaranteed or not determined at issue.

"Policy" ~~includes~~ ~~shall include~~ any policy, plan, certificate, contract, agreement, statement of coverage, rider or endorsement ~~that~~ ~~which~~ provides for life insurance or annuity benefits.

"Preneed Funeral Contract" or "Prearrangement" ~~means~~ ~~shall mean~~ an arrangement by or for an individual before the individual's death relating to the purchase or provision of specific funeral or cemetery merchandise or services.

(Source: Amended at 43 Ill. Reg. 9222, effective August 19, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Individual and Group Life Insurance Policy Illustrations
- 2) Code Citation: 50 Ill. Adm. Code 1406
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1406.30	Amendment
1406.100	Amendment
- 4) Statutory Authority: Implementing Sections 224 and 230.1 of the Illinois Insurance Code [215 ILCS 5/224 and 230.1] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].
- 5) Effective Date of Rules: August 19, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 4868; May 3, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Part has been amended to update references to Actuarial Standard of Practice (ASOP) 24 to cite the date of the most current version of the ASOP, which is December, 2016. The amendment also removes the unnecessary use of the reference to the ASOP in the definition of "Disciplined Current Scale."

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

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

Bruce Sartain, Life Actuary
Department of Insurance
320 West Washington Street
Springfield IL 62767-0001

217/785-0903

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCEPART 1406
INDIVIDUAL AND GROUP LIFE INSURANCE POLICY ILLUSTRATIONS

Section

1406.10	Purpose
1406.20	Applicability and Scope
1406.30	Definitions
1406.40	Policies to Be Illustrated
1406.50	Standards for Basic Illustrations
1406.60	Standards for Supplemental Illustrations
1406.70	General Rules and Prohibitions
1406.80	Delivery of Illustrations and Record Retention
1406.90	Annual Report – Notice to Policyowners
1406.100	Annual Certifications
1406.110	Penalties

AUTHORITY: Implementing Sections 224 and 230.1 of the Illinois Insurance Code [215 ILCS 5] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Adopted at 22 Ill. Reg. 3038, effective June 1, 1998; amended at 22 Ill. Reg. 20121, effective November 9, 1998; amended at 43 Ill. Reg. 9228, effective August 19, 2019.

Section 1406.30 Definitions

"Actuarial Standards Board" or "ASB" means the board established by the American Academy of Actuaries to develop and promulgate standards of actuarial practice.

"Contract Premium" means the gross premium that is required to be paid under a fixed premium policy, including the premium for a rider for which benefits are shown in the illustration.

"Currently Payable Scale" means a scale of non-guaranteed elements in effect for a policy form as of the preparation date of the illustration, or declared to become effective within the next 95 days after the preparation date.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

"Director" means the Director of the Illinois Department of Insurance.

"Disciplined Current Scale" means a scale of non-guaranteed elements constituting a limit on illustrations currently being illustrated by an insurer that is reasonably based on actual recent historical experience, as certified annually by an illustration actuary designated by the insurer. ~~The standards established by the Actuarial Standards Board (ASB) (1720 I Street, N.W., 7th Floor, Washington, D.C. 20006) (Actuarial Standard of Practice No. 24, Compliance with the NAIC Life Insurance Illustrations Model Regulation as of December 1995, no subsequent dates or editions) may be relied upon if they:~~

~~Are consistent with all provisions of this Part;~~

~~Limit a disciplined current scale to reflect only actions that have already been taken or events that have already occurred;~~

~~Do not permit a disciplined current scale to include any projected trends of improvements in experience or any assumed improvements in experience beyond the illustration date; and~~

~~Do not permit assumed expenses to be less than minimum assumed expenses.~~

"Generic Name" means a short title descriptive of the policy being illustrated, such as "Whole Life," "Term Life" or "Flexible Premium Adjustable Life."

"Guaranteed Elements" and "Non-guaranteed Elements" mean:

"Guaranteed Elements" means the premiums, benefits, values, credits or charges under a policy of individual or group life insurance that are guaranteed and determined at the time of issuance.

"Non-guaranteed Elements" means the premiums, benefits, values, credits or charges under a policy of individual or group life insurance that are not guaranteed or not determined at the time of issuance.

"Illustrated Scale" means a scale of non-guaranteed elements currently being illustrated that is not more favorable to the policy owner than the lesser of:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

The disciplined current scale; or

The currently payable scale.

"Illustration" means a presentation or depiction that includes non-guaranteed elements of a policy of individual or group life insurance over a period of years and that is one of the 3 types defined below:

"Basic Illustration" means a ledger or proposal used in the sale of an individual or group life insurance policy that shows both guaranteed and non-guaranteed elements.

"Supplemental Illustration" means an illustration furnished in addition to a basic illustration that meets the applicable requirements of this Part, and that may be presented in a format differing from the basic illustration, but may only depict a scale of non-guaranteed elements that is permitted in a basic illustration.

"In Force Illustration" means an illustration furnished at any time after the policy that it depicts has been in force for one year or more.

"Illustration Actuary" means an actuary meeting the requirements of Section 1406.100 who certifies that illustrations are based on the standard of practice promulgated by the Actuarial Standards Board.

"Lapse-supported Illustration" means an illustration of a policy form for individual or group life insurance failing the test of self-supporting as defined in this Section, under a modified persistency rate assumption using persistency rates underlying the disciplined current scale for the first 5 years and 100% policy persistency thereafter.

"Minimum Assumed Expenses" means the minimum expenses that may be used in the calculation of the disciplined current scale for a policy form.

The insurer may choose to designate each year the method of determining assumed expenses for all policy forms from the following:

Fully allocated expenses;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Marginal expenses; and

A generally recognized expense table based on fully allocated expenses representing a significant portion of insurance companies and approved by the National Association of Insurance Commissioners ([NAIC](#)) or by the Director.

Marginal expenses may be used only if greater than a generally recognized expense table. If no generally recognized expense table is approved, fully allocated expenses must be used.

"Non-term Group Life" means a group policy or individual policies of life insurance issued to members of a group [when/where](#):

Every plan of coverage was selected by the employer or other group representative;

Some portion of the premium is paid by the group or through payroll deduction; and

Group underwriting or simplified underwriting is used.

"Policyowner" means the owner named in the policy or the certificateholder in the case of a group policy.

"Premium Outlay" means the amount of premium assumed to be paid by the policyowner or other premium payer out-of-pocket.

"Self-supporting Illustration" means an illustration of a policy form, either individual or group, for which it can be demonstrated that, when using experience assumptions underlying the disciplined current scale, for all illustrated points in time on or after the fifteenth policy anniversary or the twentieth policy anniversary for last survivor policies (or upon policy expiration if sooner), the accumulated value of all policy cash flows equals or exceeds the total policyowner value available. For this purpose, policyowner value will include cash surrender values and any other illustrated benefit amounts available at the policyowner's election.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 43 Ill. Reg. 9228, effective August 19, 2019)

Section 1406.100 Annual Certifications

- a) The Board of Directors of each insurer shall appoint one or more illustration actuaries.
- b) The illustration actuary shall certify that the disciplined current scale used in illustrations is in conformity with the Actuarial Standard of Practice No. 24, Compliance with the NAIC Life Insurance Illustrations Model Regulation promulgated by the Actuarial Standards Board (ASB), as of December 2016 (no subsequent dates or editions), 1850 M Street NW, Suite 300, Washington DC 20006; website <http://www.actuarialstandardsboard.org/>(1720 I Street, N.W., 7th Floor, Washington, DC 20006), and that the illustrated scales used in insurer-authorized illustrations meet the requirements of this Part.
- c) The illustration actuary shall:
 - 1) Be a member of the American Academy of Actuaries;
 - 2) Be familiar with the standard of practice regarding life insurance policy illustrations;
 - 3) Not have been found by the Director, following appropriate notice and hearing, to have:
 - A) Violated any provision of, or any obligation imposed by, the insurance law or other law in the course of his or her dealings as an illustration actuary;
 - B) Been found guilty of fraudulent or dishonest practices;
 - C) Demonstrated his or her incompetence, lack of cooperation, or untrustworthiness to act as an illustration actuary; or
 - D) Resigned or been removed as an illustration actuary within the past 5 years as a result of acts or omissions indicated in any adverse report on examination or as a result of a failure to adhere to generally acceptable actuarial standards;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 4) Not fail to notify the Director of any action taken by a commissioner of another state similar to that identified under subsection (c)(3) ~~of this Section;~~
 - 5) Disclose in the annual certification whether, since the last certification, a currently payable scale applicable for business issued within the previous 5 years and within the scope of the certification has been reduced for reasons other than changes in the experience factors underlying the disciplined current scale. If non-guaranteed elements illustrated for new policies are not consistent with those illustrated for similar in force policies, this must be disclosed in the annual certification. If non-guaranteed elements illustrated for both new and in force policies are not consistent with the non-guaranteed elements actually being paid, charged or credited to the same or similar forms, this must be disclosed in the annual certification; and
 - 6) Disclose, in the annual certification, the method, of the following, used to allocate overhead expenses for all illustrations:
 - A) Fully allocated expenses;
 - B) Marginal expenses; or
 - C) A generally recognized expense table based on fully allocated expenses representing a significant portion of insurance companies and approved by the NAIC National Association of Insurance Commissioners or by the Director.
- d) The illustration actuary shall:
- 1) File a certification with the insurer's Board of Directors and the Director:
 - A) Annually for all policy forms for which illustrations are used; and
 - B) Before a new policy form is illustrated.
 - 2) If an error in a previous certification is discovered, the illustration actuary shall notify the insurer's Board of Directors and the Director promptly.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- e) If an illustration actuary is unable to certify the scale for any policy form illustration the insurer intends to use, the actuary shall notify the Board of Directors of the insurer promptly of his or her inability to certify.
- f) An annual certification shall be filed with the Director by the insurer by no later than December 31 of each year for the 12 months immediately preceding the certification date ~~itself. For the initial 1998 filing, the insurer shall provide a certification for the calendar months which follow the effective date of this Part. The insurer shall submit the actuarial certification as required by subsection (d) of this Section to the Life, Accident/Health Compliance Unit of the Illinois Department of Insurance.~~ A responsible officer of the insurer, other than the illustration actuary, shall certify:
- 1) That the illustration formats meet the requirements of this Part and that the scales used in insurer-authorized illustrations are those scales certified by the illustration actuary; and
 - 2) That the insurer has provided its insurance producers with information about the expense allocation method used by the insurer in its illustrations and disclosed as required by subsection (c)(6) ~~of this Section.~~
- g) If an insurer changes the illustration actuary responsible for all or a portion of the insurer's policy forms, the insurer shall notify the Director of that fact promptly and disclose the reason for the change.

(Source: Amended at 43 Ill. Reg. 9228, effective August 19, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Workers' Compensation Electronic and Standardized Paper Billing
- 2) Code Citation: 50 Ill. Adm. Code 2908
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2908.60	Amendment
2908.70	Amendment
2908.100	New Section
- 4) Statutory Authority: Implementing and authorized by Section 8.2a of the Workers' Compensation Act [820 ILCS 305/8.2a].
- 5) Effective Date of Rules: August 19, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 960; January 11, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Yes. It was published at 43 Ill. Reg. 7304; June 28, 2019. The Department's response was published at 43 Ill. Reg. 7910; July 26, 2019.
- 11) Differences between Proposal and Final Version: Relabeled all paragraphs within 2908.60(b) and added new 2908.60(b)(2): "2) Any electronically submitted bill determined to be complete but not paid or objected to within 30 days shall be subject to interest pursuant to Section 8.2(d)(3) of the Act."

In 2908.60(d)(5) deleted "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."

In 2908.60(e)(4) changed "The" to "In addition to the requirements of Section 8.2(d)(2) of the Act, the"

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Opened Section 2908.70 for amendment and in the second line of 2980.70(d), added "provide written notification in the form of an explanation of benefits and" after "shall".

Added a new Section 2908.100 in response to public comments, then revised it in response to JCAR's Statement of Objections.

In addition, several nonsubstantive changes were made at JCAR's request.

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

Erica Weyhenmeyer, Chief Market Conduct Examiner
Department of Insurance
320 West Washington Street
Springfield IL 62767-0001

217/782-1790

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

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
2908.100	Administrative Fines

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. 9237, effective August 19, 2019.

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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

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
- 1) To be considered a complete electronic medical bill, the bill or supporting transmission shall:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- ~~A)1)~~ Be submitted in the correct billing format, with the correct billing code sets as set forth in Section 2908.50;
- ~~B)2)~~ Be transmitted in compliance with the format requirements described in Section 2908.40;
- ~~C)3)~~ Include in legible text ~~theaH~~ 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;
- ~~D)4)~~ Identify the:
- ~~i)A)~~ Injured employee;
 - ~~ii)B)~~ Employer;
 - ~~iii)C)~~ Insurance carrier, third party administrator, managed care organization or its agent;
 - ~~iv)D)~~ Health care provider; and
 - ~~v)E)~~ Medical service or product.
- ~~2)~~ Any electronically submitted bill determined to be complete but not paid or objected to within 30 days shall be subject to interest pursuant to Section 8.2(d)(3) of the Act.
- 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.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 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
 - 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.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 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.
 - 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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 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.
- 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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

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:

- 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

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

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.

- 4) In addition to the requirements of Section 8.2(d)(2) of the Act, the~~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.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 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
 - 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 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 [of Insurance](#).
 - 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. 9237, effective August 19, 2019)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Section 2908.70 Employer, Insurance Carrier, Managed Care Organization or Agents' Receipt of Medical Bills from Health Care Providers

- a) Upon receipt of medical bills submitted in accordance with Sections 2908.30, 2908.40 and 2908.50, a payer shall evaluate each bill's conformance with the criteria for a complete medical bill set forth in Section 8.2(d) of the Act.
 - 1) A payer shall not reject medical bills that are complete, unless the bill is a duplicate bill.
 - 2) Within 21 calendar days after receipt of an incomplete medical bill, a payer or its agent shall either:
 - A) Complete the bill by adding missing health care provider identification or demographic information already known to the payer; or
 - B) Reject the incomplete bill in accordance with this subsection (a).
- b) The received date of an electronic medical bill is the date all of the contents of a complete electronic medical bill are successfully received by the claims payer. Transmission of an Implementation Acknowledgment (ASC X12 999) under Section 2908.40(a)(2), and acceptance of a complete, structurally correct file, serve as proof of the received date for an electronic medical bill in this subsection (b).
- c) The payer may contact the medical provider to obtain the information necessary to make the bill complete.
 - 1) Any request by the payer or its agent for additional documentation to pay a medical bill shall:
 - A) be made by telephone or electronic transmission unless the information cannot be sent by those media, in which case the sender shall send the information by first class mail or personal delivery;
 - B) be specific to the bill or the bill's related episode of care;

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- C) describe with specificity the clinical and other information to be included in the response;
 - D) be relevant and necessary for the resolution of the bill;
 - E) be for information that is contained in or is in the process of being incorporated into the injured employee's medical or billing record maintained by the health care provider; and
 - F) indicate the specific reason for which the insurance carrier is requesting the information.
- 2) If the payer or its agent obtains the missing information and completes the bill to the point it can be adjudicated for payment, the payer shall document the name and telephone number of the person who supplied the information.
 - 3) Payers shall maintain documentation of any pertinent internal or external communications that are necessary to make the medical bill complete.
- d) A payer shall not return a medical bill except as provided in subsection (a). When rejecting or denying an electronic medical bill, the payer shall [provide written notification in the form of an explanation of benefits and](#) clearly identify the reasons for the bill's rejection or denial by utilizing the appropriate Reason and Rejection Code identified in the standards incorporated by reference in Section 2908.40.
 - e) The rejection of an incomplete medical bill in accordance with this Section fulfills the obligation of the payer to provide to the health care provider or its agent information related to the incompleteness of the bill.
 - f) Payers shall timely reject incomplete bills or request additional information needed to reasonably determine the amount payable.
 - 1) For bills submitted electronically, the rejection of the entire bill or the rejection of specific service lines included in the initial bill shall be sent to the submitter within two business days after receipt.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 2) If bills are submitted in a batch transmission, only the specific bills failing edits shall be rejected.
- 3) If there is a technical defect within the transmission itself that prevents the bills from being accessed or processed, the transmission will be rejected with a TA1 and/or a 999 transaction, as appropriate.
- g) If a payer has reason to challenge the coverage or amount of a specific line item on a bill, but has no reasonable basis for objections to the remainder of the bill, the uncontested portion must be paid timely, as defined in subsection (h).
- h) Payment of all uncontested portions of a complete medical bill shall be made within 30 days after receipt of the original bill or receipt of additional information requested by the payer allowed under the law. Amounts paid after this 30 day review period will accrue an interest penalty of one percent per month after the due date. The interest payment must be made at the same time as the medical bill payment.
- i) A payer shall not reject or deny a medical bill except as provided in this Section. When rejecting or denying a medical bill, the payer shall also communicate the reasons for the medical bill's rejection or denial.

(Source: Amended at 43 Ill. Reg. 9237, effective August 19, 2019)

Section 2908.100 Administrative Fines

- a) *The Department shall impose an administrative fine if it determines that a payer has failed to comply with the electronic claims acceptance and response process required by this Part or by the Act. The amount of the administrative fine shall be no greater than \$1,000 per violation and shall not exceed \$10,000 for identical violations during a calendar year. [820 ILCS 305/8.2a(a)(7)]*
- b) The amount of the fine assessed for each violation by the payer or payer agent shall be as follows:
 - 1) For the first violation of an applicable requirement within a calendar year, \$300;
 - 2) For a second, identical violation within the same year, \$700; and

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 3) For each additional, identical violation within the same year, \$1,000.
- c) For purposes of calculating fines, a payer or payer agent's violation of an applicable requirement of this Part or Section 8.2a of the Act occurs only once per medical bill. A given medical bill includes all duplicates, but a corrected medical bill counts as a new, original bill.
- d) Identical violations are violations of the same requirement of this Part or Section 8.2a of the Act that occur in relation to different medical bills. Violations of different requirements are not identical violations even if they occur in relation to the same medical bill. Each nonidentical violation carries its own fine determined under subsection (b). It is possible for a payer or payer agent to commit multiple, nonidentical violations in relation to the same medical bill.
- e) If a late payment violation causes a payer or payer agent to accrue an interest penalty provided in this Part or Section 8.2(d)(3) of the Act, a fine will not be assessed for that violation unless one month of interest has accrued.

(Source: Added at 43 Ill. Reg. 9237, effective August 19, 2019)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Number: 1540.395 Adopted Action: Amendment
- 4) Statutory Authority: 40 ILCS 5/14-135.03, 40 ILCS 5/14-147.5(g); 40 ILCS 5/14-147.6(e)
- 5) Effective Date of Rule: August 16, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 6166; May 24, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Two substantive changes were added after the proposed rules were filed and are summarized below.

For the accelerated total pension benefit payment program, we have been advised by the State's Deferred Compensation Plan administrators that the pre-tax plan will not accept rollovers consisting of post-tax contribution. This rule prevents such scenario from occurring.

This rulemaking reflects the change to the program's statutory sunset date as provided by PA 101-10.
- 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

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules are part of the State Employees' Retirement System's efforts to implement PA 100-587 as directed by statute.

This rulemaking provides a clarification to the rule provision related to accelerated pension benefit payments. The rulemaking clarifies that funds used to pay accelerated pension benefit payments shall be transferred from the State Pension Obligation Acceleration Bond Fund to the State Employees' Retirement System trust fund. This clarification reflects the statutory language regarding the method used to facilitate the payment of the Bond Fund revenue to eligible retirement accounts of accelerated pension benefit payment recipients.

For the accelerated total pension benefit payment program, we have been advised by the State's Deferred Compensation Plan administrators that the pre-tax plan will not accept rollovers consisting of post-tax contribution. This rule prevents such scenario from occurring.

This rulemaking reflects the change to the program's statutory sunset date as provided by PA 101-10.

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

Jeff Houch
Assistant to the Executive Secretary
State Employees' Retirement System
2101 South Veterans Parkway
Springfield IL 62794

217/524-8105
jeff.houch@srs.illinois.gov

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

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section

1540.5	Introduction (Repealed)
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment – A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application – Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.195	Mandatory Distributions Pursuant to Section 401(a)(9) of the Internal Revenue Code
1540.200	Removal from the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions by the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

- 1540.255 Pick-up Option for Optional Service Contributions
 - 1540.260 Contributions and Service Credit During Nonwork Periods
 - 1540.270 Written Appeals and Hearings
 - 1540.280 Availability for Public Inspection (Recodified)
 - 1540.290 Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
 - 1540.300 Organization of the State Employees' Retirement System (Recodified)
 - 1540.310 Amendments
 - 1540.320 Optional Forms of Benefits – Basis of Computation
 - 1540.330 Board Elections
 - 1540.340 Excess Benefit Arrangement
 - 1540.350 Qualified Illinois Domestic Relations Orders (QILDRO)
 - 1540.360 Election to be an Employee under Section 14-103.05(b)(3) of the Illinois Pension Code
 - 1540.370 Americans With Disabilities Act
 - 1540.380 Correction of Mistakes in Benefit Payments
 - 1540.385 Suspension of Benefits from Uncashed Warrants
 - 1540.390 Freedom of Information Act
 - 1540.395 Accelerated Pension Benefit Payment Program
- 1540.APPENDIX A Grievance Form
- 1540.TABLE A Optional Forms of Benefits – Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective September 1, 1999; amended at 24 Ill. Reg. 6975, effective April 20, 2000; amended at 24 Ill. Reg. 18090, effective December 1, 2000; amended at 25 Ill. Reg. 5632, effective April 4, 2001; emergency amendment at 26 Ill. Reg. 11133, effective June 28, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16575, effective October 22, 2002; emergency amendment at 28 Ill. Reg. 8775, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15628, effective November 18, 2004; amended at 29 Ill. Reg. 15554, effective October 1, 2005; amended at 30 Ill. Reg. 12303, effective July 1, 2006; amended at 31 Ill. Reg. 211, effective December 21, 2006; amended at 32 Ill. Reg. 17779, effective October 29, 2008; emergency amendment at 33 Ill. Reg. 9449, effective June 19, 2009, for a maximum of 150 days; emergency expired November 15, 2009; amended at 34 Ill. Reg. 285, effective December 15, 2009; amended at 34 Ill. Reg. 8313, effective June 10, 2010; amended at 38 Ill. Reg. 4023, effective January 24, 2014; emergency amendment at 39 Ill. Reg. 2792, effective February 6, 2015, for a maximum of 150 days; emergency amendment modified in response to Joint Committee on Administrative Rules Objection at 39 Ill. Adm. Code 5626, effective April 7, 2015, for the remainder of the 150 days; amended at 39 Ill. Reg. 9582, effective June 26, 2015; amended at 41 Ill. Reg. 4217, effective March 22, 2017; amended at 42 Ill. Reg. 9568, effective May 29, 2018; emergency amendment at 42 Ill. Reg. 21436, effective November 13, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 768, effective December 19, 2018; amended at 43 Ill. Reg. 3965, effective March 18, 2019; amended at 43 Ill. Reg. 9252, effective August 16, 2019.

Section 1540.395 Accelerated Pension Benefit Payment Program

- a) Purpose. This Section establishes policies specific to SERS concerning the Accelerated Pension Benefit Payment Options authorized by Sections 14-147.5 and 14-147.6 of the Illinois Pension Code.
- b) Payment Option Limitations
 - 1) A member needs to be an eligible person on or before June 1, ~~2024~~²⁰²¹ in order to elect an accelerated pension benefit payment.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

- 2) A member who elects the Level Income Option is ineligible to elect an accelerated pension benefit payment.
- 3) A member who elects the Social Security Offset Removal is ineligible to elect an accelerated pension benefit payment.
- 4) A member who elects a reversionary annuity is ineligible to elect an accelerated pension benefit payment.
- 5) A member subject to a mandatory distribution pursuant to section 401(a)(9) of the Internal Revenue Code is ineligible to elect an accelerated pension benefit payment at least 30 days prior to the date the mandatory distribution must be paid. The election form of such a member must be received by the System at least 30 days prior to the date the mandatory distribution must be paid.
- 6) A member who is indebted to the System because of an overpayment is ineligible to elect the accelerated pension benefit payment under section 14-147.5 of the Illinois Pension Code. That member may qualify for an accelerated pension benefit payment upon repaying the debt in full.
- 7) A member who cashed or deposited the payment of a proportional annuity from another participating system prior to December 1, 2018, when creditable service or earnings credit established under Article 14 of the Illinois Pension Code was used to calculate a proportional annuity or to qualify the member for a proportional annuity, is ineligible to elect an accelerated pension benefit payment.
- 8) A member who cashed or deposited the payment of a proportional annuity from another participating system prior to December 1, 2018, when creditable service or earnings credit established under another participating system was used to calculate the proportional annuity payable by the System established under Article 14 of the Illinois Pension Code or to qualify the member for the proportional annuity payable by the System established under Article 14 of the Illinois Pension Code is ineligible to elect an accelerated pension benefit payment.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

- c) For the purposes of Section 14-147.5(a)(2) of the Illinois Pension Code, "*accrued sufficient service credit to be eligible to receive a retirement annuity under this Article*" shall mean that a member must have established sufficient creditable service to qualify for a retirement annuity under Article 14 of the Illinois Pension Code. Service credit on file with another participating system at the time of the member's election for an accelerated pension benefit payment under Section 14-147.5 shall be excluded for those purposes.
- d) The present value of pension benefits calculation as determined by Section 14-147.5(b) of the Illinois Pension Code shall not include any earnings credits under another participating system.
- e) For a member that elects the accelerated pension benefit payment prescribed under Section 14-147.5 of the Illinois Pension Code, the effective date of that accelerated pension benefit payment shall not be before April 1, 2019. Furthermore, the effective date of the payment shall not be before the first of the month immediately following the date in which a valid application is received by the System.
- f) The effective date for accelerated pension benefit payment prescribed under Section 14-147.6 of the Illinois Pension Code:
- 1) shall not be before December 1, 2018; and
 - 2) shall not be before the effective date of the member's retirement annuity.
- g) The accelerated pension benefit payment shall not be transferred to the member's eligible account prior to the effective date of the member's retirement annuity.
- h) A valid application for an accelerated pension benefit must be received by the System before June 1, ~~2024~~2021 in order to qualify a member for an accelerated pension benefit.
- i) The election to receive an accelerated pension benefit payment under Section 14-147.6 of the Illinois Pension Code becomes irrevocable on either the date the member cashes or deposits the first retirement annuity payment, or the date on which the accelerated pension benefit payment is vouchered, whichever occurs earlier.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

- j) The election to receive an accelerated pension benefit payment under Section 14-147.5 of the Illinois Pension Code becomes irrevocable on the date the accelerated pension benefit payment is vouchered.
- k) Accelerated pension benefit payments shall be paid solely from the amounts transferred to the System from the State Pension Obligation Acceleration Bond Fund. Under no circumstance will ~~other~~the assets of the System be used to pay accelerated pension benefit payments. All elections for an accelerated pension benefit payment that will not be paid from amounts transferred to the System from the State Pension Obligation Acceleration Bond Fund shall be null and void.
- l) For cases in which a member is charged with a felony related to or arising out of or in connection with his or her service as an employee and elects an accelerated pension benefit payment, the adjudication process related to the charges must be completed before the accelerated pension benefit payment is vouchered. If the member is convicted and sentenced of a felony related to, arising out of or in connection with, his or her service as an employee, the payment shall not be vouchered.
- m) A member that elects the accelerated pension benefit payment under Section 14-147.5 of the Illinois Pension Code is ineligible to receive a refund under Section 14-130(c) of the Illinois Pension Code.
- n) A member with post-tax contributions on file with the System who elects the accelerated pension benefit payment under Section 14-147.5 of the Illinois Pension Code may not elect to transfer the payment into the pre-tax plan offered under the State Employees Deferred Compensation Plan.

on) Definitions

"Accelerated Pension Benefit Payment" means an accelerated pension benefit payment under Sections 14-147.5 and 14-147.6 of the Illinois Pension Code.

"Creditable Service" means service defined as "creditable service" under Section 14-103.15 of the Illinois Pension Code.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

"Eligible Account" means a "tax qualified retirement plan or account" required by Sections 14-147.5(e) and 14-147.6(d) of the Illinois Pension Code.

"Level Income Option" means a benefit payment option prescribed by Section 14-112 of the Illinois Pension Code.

"Participating System" means a retirement system defined as a "participating system" by Section 20-108 of the Illinois Pension Code.

"Proportional Annuity" means a retirement annuity paid in accordance with Section 20-121 of the Illinois Pension Code.

"Reversionary Annuity" means a reversionary annuity authorized by Section 14-113 of the Illinois Pension Code.

"Social Security Offset Removal" means the 3.825% reduction to a member's retirement annuity established by Sections 14-119(d) and 14-121(g) of the Illinois Pension Code.

["State Employees Deferred Compensation Plan" means the plan described under Section 24-104 of the Illinois Pension Code.](#)

"State Pension Obligation Acceleration Bond Fund" means the bond fund created by Section 7.7(d) of the General Obligation Bond Act.

"Vouchered" means that the voucher has been signed and dated, even though the warrant has not been issued by the Office of the State Comptroller.

(Source: Amended at 43 Ill. Reg. 9252, effective August 16, 2019)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Video Gaming (General)
- 2) Code Citation: 11 Ill. Adm. Code 1800
- 3)

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
1800.110	Amendment
1800.250	Amendment
1800.260	Amendment
1800.420	Amendment
1800.430	Amendment
1800.540	Amendment
1800.580	Amendment
1800.1810	New Section
- 4) Statutory Authority: Implementing and authorized by Section 78 (b) the Video Gaming Act [230 ILCS 40/78 (b)] as amended by PA 101-0031, effective June 28, 2019.
- 5) Effective Date of Rules: August 13, 2019
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency amendments will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: August 13, 2019
- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the Illinois Gaming Board's principal office and is available for public inspection.
- 9) Reason for Emergency: The Illinois Gaming Board is mandated by Section 78 (b) of the Video Gaming Act [230 ILCS 40/78 (b)] to "adopt emergency rules to administer this Act in accordance with Section 5-45 of the Illinois Administrative Procedure Act." The present emergency rulemaking is required to conform the Board's administrative practice with the changes to the Video Gaming Act enacted as part of PA 101-0031, effective June 28, 2019.
- 10) A Complete Description of the Subjects and Issues Involved: The legislation adds the following definitions to 11 Ill. Adm. Code 1800.110:

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

"In-location bonus jackpot game" and "in-location jackpot game." Consistently with the amended statute, these terms are identically defined as a video game in which the value of the top prize increases each time the game is played and the top prize is not won.

"Licensed large truck stop establishment" is defined identically as in PA 101-0031, namely, as a facility located within 3 road miles from a freeway interchange that: (i) is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 50,000 gallons of diesel or biodiesel fuel per month, and (iv) has parking spaces for commercial motor vehicles.

The definition of "licensed video gaming location" is amended to include licensed large truck stop establishments.

A redundant definition of "person with significant interest or control" (PSIC) is deleted, as a definition of this term is contained in 11 Ill. Adm. Code 1800.430 (d).

"Progressive jackpot" is defined as the top prize in an in-location bonus jackpot game or in-location bonus jackpot game.

The title of 11 Ill. Adm. Code 1800.250 is changed from "Licensed Video Terminal Operators" to "Terminal Operators" to be consistent with the terminology of the Video Gaming Act. The following new duties are imposed on terminal operators:

Purchase keys and locks for video gaming terminals (VGTs) that are approved by the Board and are specific to the terminal operator. The keys shall be numbered, reported to the Board and available for audits. The Board shall be provided with access to the logic box of a video gaming terminal upon request. If a terminal operator's actions necessitate a rekeying, the costs of rekeying shall be at the terminal operator's expense. A terminal operator shall immediately inform the Board if a key is lost or stolen (new subsection (v)).

Provide, at the terminal operator's expense, digital surveillance cameras that record at all times that video gaming terminals are operational at all locations where video gaming is being conducted. The camera surveillance shall extend to all areas where video gaming is being conducted and where vouchers are

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

redeemed. The rulemaking establishes specific technical requirements for surveillance recordings (new subsection (w)).

Create a form for the use of licensed video gaming locations that will be used as a receipt for progressive jackpot winners. Forms must be approved by the Administrator. The terminal operator shall distribute the approved forms to all licensed video gaming locations operating progressive games with which the terminal operator has a use agreement. The form shall have payment instructions for the winning patron, provide contact information for the terminal operator, and be capable of having the following information recorded, in triplicate:

Winner's name and address;

Date and time the progressive jackpot was won;

Amount of the progressive jackpot won;

Identification number and location of the video gaming terminal on which the progressive jackpot was won; and

Game outcome (for example, reel symbols, card values or suits)

(New subsection (x))

11 Ill. Adm. Code 1800.260 (Duties of Licensed Technicians and Licensed Terminal Handlers) is amended to impose the following new duties on licensed technicians and licensed terminal handlers:

Comply with all technical standards and requirements imposed by the Board (previously, this compliance requirement applied to "specifications and standards") (subsection (d)).

Comply with all requests by Board agents for identification or for access to the logic box within a video gaming terminal (new subsection (j)).

Following any access, possession or control of a video gaming terminal, provide information on a project sheet that shall include, at a minimum, the name of the licensed technician or terminal handler, time of access, possession or control, and nature of any servicing or repairs (new subsection (k)).

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

Inform the central communications system before clearing meters on a video gaming terminal.

11 Ill. Adm. Code 1800.420 (Qualifications for Licensure) is amended by adding a new subsection (b) providing that in considering applications for licenses under the Video Gaming Act, the Board shall apply the same criteria set forth in Section 9 of the Illinois Gambling Act (IGA) [230 ILCS 10/9]. If the applicant is not an individual, the Board may not license until it is satisfied that the applicant's owners and PSICs meet the requirements of Section 9 of the IGA.

11 Ill. Adm. Code 1800.430 (Persons with Significant Influence or Control) is amended at subsection (d) by expanding the definition of PSIC to include each person directly owning an applicant or licensee as well as each person who holds an indirect ownership interest of at least 5 percent in an applicant or licensee.

11 Ill. Adm. Code 1800.540 (Application Fees) is amended to conform with provisions in PA 100-1152 and PA 101-31 that establish a \$100 application fee for licensed establishments, licensed truck stop establishments, licensed large truck stop establishments, licensed fraternal establishments or licensed veterans establishments and raise the application fee for terminal handlers from \$50 to \$100.

11 Ill. Adm. Code 1800.580 (Renewal Fees and Dates) is amended to raise the renewal fee for terminal handlers from \$50 to \$100 as provided by PA 100-1152.

A new Subpart R is added, entitled "Implementation of Technology." This subpart gives the Administrator authority to direct and oversee the installation, maintenance or improvement of technology that, in the Administrator's discretion, is needed to implement the provisions of the Video Gaming Act or the Video Gaming (General) Part of the Illinois Administrative Code. An applicant or licensee may be billed directly or be required to reimburse the Board for any expenses, including third-party expenses, associated with the testing, certification, installation, training, review or approval of video gaming-related technology or technological enhancements to a video gaming operation (new Section 1810).

- 11) Are there any other rulemakings pending to this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 13) Information and questions regarding these emergency rules shall be directed to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

fax: 312/814-7253
email: Agostino.lorenzini@igb.illinois.gov

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

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

SUBPART A: GENERAL PROVISIONS

- Section
- 1800.110 Definitions
- EMERGENCY
- 1800.115 Gender
- 1800.120 Inspection
- 1800.130 Board Meetings

SUBPART B: DUTIES OF LICENSEES

- Section
- 1800.210 General Duties of All Video Gaming Licensees
- 1800.220 Continuing Duty to Report Information
- 1800.230 Duties of Licensed Manufacturers
- 1800.240 Duties of Licensed Distributors
- 1800.250 Duties of ~~Licensed Video~~ Terminal Operators
- EMERGENCY
- 1800.260 Duties of Licensed Technicians and Licensed Terminal Handlers
- EMERGENCY
- 1800.270 Duties of Licensed Video Gaming Locations

SUBPART C: STANDARDS OF CONDUCT FOR LICENSEES

- Section
- 1800.310 Grounds for Disciplinary Actions
- 1800.320 Minimum Standards for Use Agreements
- 1800.330 Economic Disassociation

SUBPART D: LICENSING QUALIFICATIONS

Section

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1800.410 Coverage of Subpart
1800.420 Qualifications for Licensure
EMERGENCY
1800.430 Persons with Significant Influence or Control
EMERGENCY
1800.440 Undue Economic Concentration

SUBPART E: LICENSING PROCEDURES

- Section
1800.510 Coverage of Subpart
1800.520 Applications
1800.530 Submission of Application
1800.540 Application Fees
EMERGENCY
1800.550 Consideration of Applications by the Board
1800.555 Withdrawal of Applications and Surrender of Licenses
1800.560 Issuance of License
1800.570 Renewal of License
1800.580 Renewal Fees and Dates
EMERGENCY
1800.590 Death and Change of Ownership of Video Gaming Licensee

SUBPART F: DENIALS OF APPLICATIONS FOR LICENSURE

- Section
1800.610 Coverage of Subpart
1800.615 Requests for Hearing
1800.620 Appearances
1800.625 Appointment of Administrative Law Judge
1800.630 Discovery
1800.635 Subpoenas
1800.640 Motions for Summary Judgment
1800.650 Proceedings
1800.660 Evidence
1800.670 Prohibition on Ex Parte Communication
1800.680 Sanctions and Penalties
1800.690 Transmittal of Record and Recommendation to the Board
1800.695 Status of Applicant for Licensure Upon Filing Request for Hearing

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

SUBPART G: DISCIPLINARY ACTIONS AGAINST LICENSEES

Section

- 1800.710 Coverage of Subpart
- 1800.715 Notice of Proposed Disciplinary Action Against Licensees
- 1800.720 Hearings in Disciplinary Actions
- 1800.725 Appearances
- 1800.730 Appointment of Administrative Law Judge
- 1800.735 Discovery
- 1800.740 Subpoenas
- 1800.745 Motions for Summary Judgment
- 1800.750 Proceedings
- 1800.760 Evidence
- 1800.770 Prohibition on Ex Parte Communication
- 1800.780 Sanctions and Penalties
- 1800.790 Transmittal of Record and Recommendation to the Board
- 1800.795 Persons Subject to Proposed Orders of Economic Disassociation

SUBPART H: LOCATION OF VIDEO GAMING TERMINALS IN
LICENSED VIDEO GAMING LOCATIONS

Section

- 1800.810 Location and Placement of Video Gaming Terminals
- 1800.815 Licensed Video Gaming Locations Within Malls
- 1800.820 Measurement of Distances from Locations
- 1800.830 Waivers of Location Restrictions

SUBPART I: SECURITY INTERESTS

Section

- 1800.910 Approvals Required, Applicability, Scope of Approval
- 1800.920 Notice of Enforcement of a Security Interest
- 1800.930 Prior Registration

SUBPART J: TRANSPORTATION, REGISTRATION,
AND DISTRIBUTION OF VIDEO GAMING TERMINALS

Section

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1800.1010 Restriction on Sale, Distribution, Transfer, Supply and Operation of Video Gaming Terminals
- 1800.1020 Transportation of Video Gaming Terminals into the State
- 1800.1030 Receipt of Video Gaming Terminals in the State
- 1800.1040 Transportation of Video Gaming Terminals Between Locations in the State
- 1800.1050 Approval to Transport Video Gaming Terminals Outside of the State
- 1800.1060 Placement of Video Gaming Terminals
- 1800.1065 Registration of Video Gaming Terminals
- 1800.1070 Disposal of Video Gaming Terminals

SUBPART K: STATE-LOCAL RELATIONS

- Section
- 1800.1110 State-Local Relations

SUBPART L: FINGERPRINTING OF APPLICANTS

- Section
- 1800.1210 Definitions
- 1800.1220 Entities Authorized to Perform Fingerprinting
- 1800.1230 Qualification as a Livescan Vendor
- 1800.1240 Fingerprinting Requirements
- 1800.1250 Fees for Fingerprinting
- 1800.1260 Grounds for Revocation, Suspension and Denial of Contract

SUBPART M: PUBLIC ACCESS TO INFORMATION

- Section
- 1800.1310 Public Requests for Information

SUBPART N: PAYOUT DEVICES AND REQUIREMENTS

- Section
- 1800.1410 Ticket Payout Devices
- 1800.1420 Redemption of Tickets Following Removal or Unavailability of Ticket Payout Devices

SUBPART O: NON-PAYMENT OF TAXES

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

Section
1800.1510 Non-Payment of Taxes

SUBPART P: CENTRAL COMMUNICATIONS SYSTEM

Section
1800.1610 Use of Gaming Device or Individual Game Performance Data

SUBPART Q: RESPONSIBLE GAMING

Section
1800.1710 Conversations About Responsible Gaming
1800.1720 Responsible Gaming Education Programs
1800.1730 Problem Gambling Registry
1800.1740 Utilization of Technology to Prevent Problem Gambling

SUBPART R: IMPLEMENTATION OF TECHNOLOGY

Section
1800.1810 Implementation of Technology
EMERGENCY

AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150 days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892,

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. 12762, effective August 19, 2016; amended at 40 Ill. Reg. 15131, effective October 18, 2016; emergency amendment at 41 Ill. Reg. 2696, effective February 7, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 2939, effective February 24, 2017; amended at 41 Ill. Reg. 4499, effective April 14, 2017; amended at 41 Ill. Reg. 10300, effective July 13, 2017; amended at 42 Ill. Reg. 3126, effective February 2, 2018; amended at 42 Ill. Reg. 3735, effective February 6, 2018; emergency amendment at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 1800.110 Definitions**EMERGENCY**

For purposes of this Part the following terms shall have the following meanings:

"Act": The Video Gaming Act [230 ILCS 40].

"Adjusted gross receipts" means the gross receipts less winnings paid to wagerers. The value of expired vouchers shall be included in computing adjusted gross receipts.

"Administrator": The chief executive officer responsible for day-to-day operations of the Illinois Gaming Board.

"Affiliate": An "affiliate of", or person "affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

"Affiliated entity": An "affiliated entity" of a person is any business entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, the person.

"Applicant": A person applying for any license under the Act.

"Application": All material submitted, including the instructions, definitions, forms and other documents issued by the Illinois Gaming Board, comprising the video gaming license application submitted to the Illinois Gaming Board.

"Associated video gaming equipment": Ticket payout systems and validation procedures; wireless, promotional and bonusing systems; kiosks; gaming-related peripherals; hardware, software and systems; and other gaming devices and equipment for compliance with:

Illinois laws, regulations and requirements as codified or otherwise set forth; and

Board-approved video gaming industry standards.

"Attributed interest": A direct or indirect interest in an enterprise deemed to be held by an individual not through the individual's actual holdings but either through the holdings of the individual's relatives or through a third party or parties on behalf of the individual pursuant to a plan, arrangement, agreement or contract.

"Board": The Illinois Gaming Board.

"Business entity" or "Business": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chi-square test": A statistical test used to determine if a relationship between variables exists by comparing expected and observed cell frequencies. Specifically, a chi-square test examines the observed frequencies in a category and compares them to what would be expected by chance or would be expected if there was no relationship between variables.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

"Control": The possession, direct or indirect, of power to direct or cause the direction of the management and policies of an applicant or licensee through the ownership of voting securities, by contract or otherwise.

"Convenience store": A retail store that is open long hours and sells motor fuel and a limited selection of snacks and general goods.

"Credit": One, five, 10 or 25 cents.

"Distributor": An individual, partnership, corporation or limited liability company licensed under the Act to buy, sell, lease or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

"Enforce a security interest": To transfer possession of ownership or title pursuant to a security interest.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a game on a video gaming terminal.

"Facility-pay" or "facility payment" means a manual payment of currency by an authorized employee [licensee](#) of a licensed video gaming location or an authorized employee of a terminal operator for amounts owed to a patron by a video gaming terminal when a video gaming terminal or ticket payout device has malfunctioned and is unable to produce or redeem a ticket.

"Fraternal organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation and that is exempt from federal income taxation under section 501(c)(8) or (c)(10) of the Internal Revenue Code (26 USC 501(c)(8) or (c)(10)).

"Game": A gambling activity that is played for money, property or anything of value, including without limitation those played with cards, chips, tokens, vouchers, dice, implements, or electronic, electrical or mechanical devices or machines.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any game.

"Gaming operation": The conducting of gaming or the providing or servicing of gaming equipment.

"Gaming property collateral": Video gaming equipment subject to a security interest.

"Illinois resident":

With respect to an individual, an individual who is either:

domiciled in Illinois or maintains a bona fide place of abode in Illinois; or

is required to file an Illinois tax return during the taxable year.

With respect to a corporation, any corporation organized under the laws of this State and any foreign corporation with a certificate of authority to transact business in Illinois. A foreign corporation not authorized to transact business in this State is a nonresident of this State.

With respect to a partnership, a partnership in which any partner is an Illinois resident, or where the partnership has an office and is doing business in Illinois.

With respect to an irrevocable trust, a trust where the grantor was an Illinois resident individual at the time the trust became irrevocable.

"In-location bonus jackpot game" or "in-location progressive game": A video game in which the value of the top prize increases each time the game is played and the top prize is not won.

"Institutional investor":

A retirement fund administered by a public agency for the exclusive benefit of federal, state or local public employees;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

An investment company registered under section 8 of the Investment Company Act of 1940 (15 USC 80a-8);

A collective investment trust organized by a bank under Part 9 of the Rules of the Comptroller of the Currency (12 CFR 9.18);

A closed end investment trust registered with the United States Securities and Exchange Commission;

A chartered or licensed life insurance company or property and casualty insurance company;

A federal or state bank;

An investment advisor registered under the Investment Advisors Act of 1940 (15 USC 80b-1 through 80b-21); or

Such other person as the Illinois Gaming Board may determine for reasons consistent with the Act and this Part.

"License": Authorization granted by the Board permitting a licensee to engage in the defined activities of video gaming.

"Licensed establishment": Any retail establishment licensed under the Act where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises. Licensed establishment does not include a facility operated by an organization licensee, an intertrack wagering licensee, or an intertrack wagering location licensee licensed under the Illinois Horse Racing Act of 1975 [230 ILCS 5] or a riverboat ~~or casino~~ licensed under the ~~Illinois Riverboat~~ Gambling Act [230 ILCS 10].

"Licensed fraternal establishment": The location licensed under the Act where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

"Licensed large truck stop establishment": A facility located within 3 road miles from a freeway interchange, as measured in accordance with the Department of Transportation's rules regarding the criteria for the installation of business signs:

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

that is at least a 3-acre facility with a convenience store;

with separate diesel islands for fueling commercial motor vehicles;

that sells at retail more than 50,000 gallons of diesel or biodiesel fuel per month; and

with parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code.

The requirement of this definition may be met by showing that estimated future sales or past sales average at least 50,000 gallons per month.

"Licensed technician": An individual who is licensed under the Act to repair, service and maintain video gaming terminals. A licensed technician is not licensed under the Act to possess or control a video gaming terminal or have access to the inner workings of a video gaming terminal (i.e., the logic area maintained in a separately locked cabinet of the video gaming terminal that houses electronic components that have the potential to significantly influence the operation of the video gaming terminal).

"Licensed terminal handler": A person, including but not limited to an employee or independent contractor working for a manufacturer, distributor, supplier, technician or terminal operator, who is licensed under the Act to possess or control a video gaming terminal or to have access to the inner workings of a video gaming terminal. A licensed terminal handler does not include an individual, partnership, corporation or limited liability company defined as a manufacturer, distributor, supplier, technician or terminal operator under Section 5 of the Act.

"Licensed truck stop establishment": A facility licensed under the Act that is at least a 3-acre facility with a convenience store, that has separate diesel islands for fueling commercial motor vehicles, that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and that has parking spaces for commercial motor vehicles. "Commercial motor vehicles" has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code [625 ILCS 5/18b-101]. The 10,000 gallon requirement may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

"Licensed veterans establishment": The location licensed under the Act where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

"Licensed video gaming location": A licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment, all as defined in Section 5 of the Act and this Part.

"Liquor license": A license issued by a governmental body authorizing the holder to sell and offer for sale at retail alcoholic liquor for use or consumption.

"Major components or parts": Components or parts that comprise the inner workings and peripherals of a video gaming terminal, including but not limited to the device's hardware, software, human interface devices, interface ports, power supply, ticket payout system, bill validator, printer and any component that affects or could affect the result of a game played on the device.

"Manufacturer": An individual, partnership, corporation or limited liability company that is licensed under the Act and that manufactures or assembles video gaming terminals.

"Net terminal income": Money put into a video gaming terminal minus credits paid out to players.

"Nominee": Any individual or business entity that holds as owner of record the legal title to tangible or intangible personal or real property, including without limitation any stock, bond, debenture, note, investment contract or real estate on behalf of another individual or business entity, and as such is designated and authorized to act on his, her or its behalf with respect to the property.

"Ownership interest": Includes, but is not limited to, direct, indirect, beneficial or attributed interest, or holder of stock options, convertible debt, warrants or stock appreciation rights, or holder of any beneficial ownership or leasehold interest in a business entity.

"Payout device": A device, approved by the Board and provided by a supplier or distributor, that redeems for cash tickets dispensed by a video gaming terminal in exchange for credits accumulated on a video gaming terminal.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

"Person": Includes both individuals and business entities.

~~"Person with significant interest or control": Any of the following:~~

~~Each person in whose name the liquor license is maintained for each licensed video gaming location;~~

~~Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee, or elect a majority of its board of directors, other than a bank or licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;~~

~~Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation;~~

~~Each person who receives any net terminal income pursuant to a contractual agreement;~~

~~Any business entity that holds an option agreement to acquire an equity stake in a terminal operator licensee.~~

"Place of worship under the Religious Corporation Act": A structure belonging to, or operated by, a church, congregation or society formed for the purpose of religious worship and eligible for incorporation under the Religious Corporation Act [805 ILCS 110], provided that the structure is used primarily for purposes of religious worship and related activities.

"Problem gambling": "A repetitive set of gaming behaviors that negatively impacts someone's life.

"Progressive jackpot": The top prize in an in-location bonus jackpot game or in-location progressive game.

"Redemption period": The one-year period, starting on the date of issuance, during which a ticket dispensed by a video gaming terminal may be redeemed for cash.

"Responsible gaming" means all of the following:

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

Policies for reducing harms related to gaming;

Providing a transparent and fair game;

Playing within time and money limits; and

Gaming for entertainment and fun.

"Secured party": A person who is a lender, seller or other person who holds a valid security interest.

"Security": An ownership right or creditor relationship.

"Security agreement": An agreement that creates or provides a security interest, including but not limited to a use agreement.

"Security interest": An interest in property that secures the payment or performance of an obligation or judgment.

"Sole proprietor": An individual who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Substantial interest": With respect to a partnership, a corporation, an organization, an association, a business or a limited liability company means:

When, with respect to a sole proprietorship, an individual or his or her spouse owns, operates, manages, or conducts, directly or indirectly, the organization, association or business, or any part thereof; or

When, with respect to a partnership, the individual or his or her spouse shares in any of the profits, or potential profits, of the partnership activities; or

When, with respect to a corporation, an individual or his or her spouse is an officer or director or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of any class of stock of the corporation; or

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

When, with respect to a limited liability company, an individual or his or her spouse is a member, or the individual or his or her spouse is a holder, directly or beneficially, of 5% or more of the membership interest of the limited liability company; or

When, with respect to any other organization not covered in the preceding four paragraphs, an individual or his or her spouse is an officer or manages the business affairs, or the individual or his or her spouse is the owner of, or otherwise controls, 10% or more of the assets of the organization; or

When an individual or his or her spouse furnishes 5% or more of the capital, whether in cash, goods or services, for the operation of any business, association or organization during any calendar year.

For purposes of this definition, "individual" includes all individuals or their spouses whose combined interest would qualify as a substantial interest under this definition and whose activities with respect to an organization, association, or business are so closely aligned or coordinated as to constitute the activities of a single entity.

"Supplier": An individual, partnership, corporation or limited liability company that is licensed under the Act to supply major components or parts to video gaming terminals to licensed terminal operators.

"Terminal operator": An individual, partnership, corporation or limited liability company that is licensed under the Act that owns, services, and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments or licensed veterans establishments.

"Use agreement": A contractual agreement between a licensed terminal operator and a licensed video gaming location establishing terms and conditions for placement and operation of video gaming terminals by the licensed terminal operator within the premises of the licensed video gaming location, and complying with all of the minimum standards for use agreements contained in Section 1800.320.

"Veterans organization": An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

the operation and that is exempt from federal income taxation under section 501(c)(19) of the Internal Revenue Code (26 USC 501(c)(19)).

"Video gaming equipment": Video gaming terminals, associated video gaming equipment and major components or parts.

"Video gaming manager": An employee or owner or designated representative of a licensed video gaming location who manages, oversees or is responsible for video gaming operations at the location, and coordinates the video gaming operations with a terminal operator or the central communications system vendor.

"Video gaming operation": As the context requires, the conducting of video gaming and all related activities.

"Video gaming terminal": Any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days)

SUBPART B: DUTIES OF LICENSEES

Section 1800.250 Duties of ~~Licensed Video~~ Terminal Operators**EMERGENCY**

In addition to all other duties and obligations required by the Act and this Part, each licensed terminal operator has an ongoing duty to comply with the following:

- a) Assume the primary responsibility for the operation and maintenance of video gaming terminals and for payment of tax remittance to the State as required by the Act;
- b) Maintain and provide, either directly or through a licensed manufacturer, distributor, supplier, licensed technician, or licensed terminal handler, an

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

inventory of associated video gaming equipment to ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;

- c) Ensure the timely repair and continued, approved operation and play of the video gaming terminals it operates;
- d) Assume responsibility for the payment of valid receipt tickets issued by video gaming terminals it operates;
- e) Maintain at all times an approved method of payout for valid receipt tickets and pay all valid receipt tickets;
- f) Assume responsibility for terminal and associated video gaming equipment malfunctions, including any claim for the payment of credits arising from malfunctions;
- g) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- h) Extend no form of deferred payment for video gaming terminal play in which an individual receives something of value now and agrees to repay the lender in the future for the purpose of wagering at a video gaming terminal;
- i) Maintain a single bank account for all licensed video gaming locations with which it contracts for deposit of aggregate revenues generated from the play of video gaming terminals and allow for electronic fund transfers for tax payments;
- j) Enter into written use agreements with licensed video gaming locations that comply with the Act and this Part;
- k) Obtain and install, at no cost to the State and as required by the Board, all hardware, software and related accessories necessary to connect video gaming terminals to a central communications system;
- l) Offer or provide nothing of value to any licensed video gaming location or any agent or representative of any licensed video gaming location as an incentive or inducement to locate, keep or maintain video gaming terminals at the licensed video gaming location;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- m) Not own, manage or control a licensed establishment, licensed truck stop establishment, [licensed large truck stop establishment](#), licensed fraternal establishment or licensed veterans establishment;
- n) Conduct advertising and promotional activities in accordance with this Part and in a manner that does not reflect adversely on or that would discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
- o) Respond to service calls within a reasonable time from the time of notification by the video gaming location;
- p) Immediately remove all video gaming terminals from the restricted area of play:
 - 1) upon order of the Board or an agent of the Board, or
 - 2) that have been out of service or otherwise inoperable for more than 72 hours;
- q) Provide the Board on a monthly basis a current list of video gaming terminals acquired for use in Illinois;
- r) Not install, remove or relocate any video gaming terminal without prior notification and approval of the Administrator or his designee;
- s) Provide prompt notice of an assignment of a use agreement to the Board, the affected location, and the central communications system vendor;
- t) Maintain a video gaming terminal access log for each video gaming terminal, which must be kept inside the video gaming terminal at all times, documenting all access to the video gaming terminal. The log format shall provide for the time and date of access, the persons who had access, the license number when applicable and the nature of the service or repair made during the access; and
- u) Service, maintain or repair video gaming terminals at licensed video gaming locations only by licensed technicians or licensed terminal handlers.
- v) [Purchase keys and locks for video gaming terminals that are approved by the Board and are specific to the terminal operator. All keys shall be numbered, reported to the Board and available for audits. The Board shall be provided with](#)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

access to the logic box of a video gaming terminal upon request. If a terminal operator's actions necessitate a rekeying, the costs of rekeying shall be at the terminal operator's expense. A terminal operator shall immediately inform the Board if a key is lost or stolen.

- w) Provide, at the terminal operator's expense, digital surveillance cameras that continuously record at all times when video gaming terminals are operational at all locations with which the terminal operator has entered into a use agreement. The surveillance shall extend to all areas where video gaming is being conducted and video gaming vouchers are redeemed. Recorded images must clearly and accurately display the time and date. Recordings shall not be destroyed or altered and shall be retained for at least 90 days. Surveillance recordings are subject to inspection by the Illinois Gaming Board through its agents and must be kept in a manner that allows the Board to view and obtain copies of the recordings immediately upon request. All surveillance recordings must record at a minimum of 10 frames per second and at a minimum resolution of 1280 x 720 px. All surveillance recordings must be stored or backed up to a location other than the licensed location where a surveillance camera is installed.
- x) Create a form for the use of licensed video gaming locations as a receipt for progressive jackpot winners. After the Administrator approves such form, the terminal operator shall distribute the forms to all licensed video gaming locations operating in-location bonus jackpot games or in-location progressive games with which the terminal operator has a use agreement. The form shall have payment instructions for the winning patron, identify contact information for the terminal operator and be capable of having the following information recorded in triplicate:
- 1) The winner's name and address:
 - 2) The date and time the progressive jackpot was won:
 - 3) Identification number and location of the video gaming terminal on which the progressive jackpot was won; and
 - 4) Game outcome (for example, reel symbols, card values or suits).

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

Section 1800.260 Duties of Licensed Technicians and Licensed Terminal Handlers
EMERGENCY

In addition to all other duties and obligations required by the Act and this Part, each licensed technician and licensed terminal handler has an ongoing duty to comply with the following:

- a) Promptly notify the Board of electronic or mechanical malfunctions or problems experienced in a terminal that affect the integrity of terminal play;
- b) Promptly notify the Board of any unauthorized or illegal video gaming location or any video gaming terminal that is in violation of Section 35 of the Act;
- c) Ensure that every video gaming terminal is licensed by the Board before any service, maintenance or repair is performed;
- d) Comply with all ~~specifications and~~ technical standards and requirements issued by the Board;
- e) Carry and display identification issued by the Board when working on video gaming terminals and associated video gaming equipment;
- f) For each video gaming terminal accessed by a licensed terminal handler, record in each video gaming terminal access log the time and date of access, the person, and his or her license number, who had access, and the nature of the service or repair made during the access;
- g) Pay a fee of \$10 to the Board for any necessary replacement of identification;
- h) Return identification to the Board upon resignation or termination of employment; and
- i) Not play any video gaming terminal for recreational purposes.
- j) Comply with all requests by Board agents for identification or for access to the logic box within a video gaming terminal.
- k) Following any access, possession or control of a video gaming terminal, provide information on a project sheet that shall include, at a minimum, the name of the

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

licensed technician or licensed terminal handler, time during which the video gaming terminal was accessed, possessed or controlled, and nature of any servicing or repairs.

- 1) Inform the central communications system before clearing meters on a video gaming terminal.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days)

SUBPART D: LICENSING QUALIFICATIONS

Section 1800.420 Qualifications for Licensure**EMERGENCY**

- a) In addition to the qualifications required in the Act, the Board may not grant any video gaming license until the Board is satisfied that the applicant has disclosed all persons with significant influence or control over the applicant or licensee and is:
 - 1) A person of good character, honesty and integrity;
 - 2) A person whose background, including criminal record, reputation and associations, is not injurious to the public health, safety, morals, good order and general welfare of the people of the State of Illinois;
 - 3) A person whose background, including criminal record, reputation and associations, does not discredit or tend to discredit the Illinois gaming industry or the State of Illinois;
 - 4) A person whose background, including criminal record, reputation, habits, social or business associations does not adversely affect public confidence and trust in gaming or pose a threat to the public interests of the State or to the security and integrity of video gaming;
 - 5) A person who does not create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of video gaming;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 6) A person who does not present questionable business practices and financial arrangements incidental to the conduct of video gaming activities or otherwise;
 - 7) A person who, either individually or through employees, demonstrates business ability and experience to establish, operate and maintain a business for the type of license for which application is made;
 - 8) A person who does not associate with, either socially or in business affairs, or employ persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body; and
 - 9) A person who has not had a gaming license revoked in any other jurisdiction.
- b) In considering applications for licenses issued under the Act, the Board shall apply the same criteria set forth in Section 9 of the Illinois Gambling Act [230 ILCS 10/9]. If the applicant is not an individual, the Board may not license an applicant until it is satisfied that the applicant's owners and persons of significant interest or control are licensable using the same criteria set forth in Section 9 of the Illinois Gambling Act.
- ~~c)~~ In addition to all other qualifications required in the Act and this Part, the Board may not grant a video terminal operator license until the Board is satisfied that the applicant is a person who demonstrates adequate financing for the business proposed. The Board shall consider whether any financing is from a source that meets the qualifications in subsections (a)(1) through (9) of this section and is in an amount sufficient to ensure the likelihood of success in the performance of the licensee's duties and responsibilities pursuant to the Act and this Part.;
- ~~1)~~ Is a person who demonstrates adequate financing for the business proposed. The Board shall consider whether any financing is from a source that meets the qualifications in subsections (a)(1) through (9) of this Section and is in an amount sufficient to ensure the likelihood of success in the performance of the licensee's duties and responsibilities pursuant to the Act and this Part; and

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

~~2) Has disclosed all persons with significant influence or control over the applicant or licensee.~~

de) Past Participation in Video Gaming

- 1) The Board shall not grant a license to a person who has facilitated, enabled or participated in the use of coin-operated amusement devices for gambling purposes on or after December 16, 2009, or who is under the significant influence or control of such a person.
- 2) The Board has discretion not to grant a license to a person who, before December 16, 2009, has facilitated, enabled or participated in the use of coin-operated amusement devices for gambling purposes, or who is under the significant influence or control of such a person.

ed) The Board shall have discretion to deny a license application on the basis that one of the following persons has placed himself or herself on the Self-Exclusion List established by 86 Ill. Adm. Code 3000.750:

- 1) The applicant;
- 2) A person with significant influence or control over the applicant;
- 3) A person with an ownership interest in the applicant of 5% or more; or
- 4) A person involved in the operation or management of the applicant's business related to video gaming.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days)

Section 1800.430 Persons with Significant Influence or Control

EMERGENCY

- a) The Administrator shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Board for the specified applicant or licensee.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- b) Each person identified as a person with significant influence or control shall comply with the following:
- 1) Cooperate fully with any investigation conducted by or on behalf of the Board;
 - 2) Comply with the Act and this Part; and
 - 3) Submit initial and annual disclosure information on forms provided by the Board.
- c) An owner or person with significant influence or control of a terminal operator shall not play any video gaming terminal owned or leased by the terminal operator at any operating licensed location for recreational purposes.
- d) Persons with significant influence or control include, but are not limited, to the following:
- 1) Each person in whose name the liquor license is maintained for each licensed video gaming location;
 - 2) Each person directly owning an applicant or licensee;
 - 3) Each person who holds an indirect ownership interest of at least 5 percent in an applicant or licensee;
 - 42) Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee or elect a majority of its board of directors, other than a bank or other licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;
 - ~~53~~) Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation;
 - ~~64~~) Any person or business entity receiving any net terminal income pursuant to a contractual agreement;

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- ~~75~~) Any person or business entity holding an option agreement to acquire an equity stake in a terminal operator licensee.
- e) The prohibition against gaming by persons with significant influence or control in a licensed nonprofit establishment, licensed fraternal establishment or licensed veterans establishment does not apply unless the person with significant influence or control directly manages the establishment's video gaming operation.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 9261, effective August 13, 2019 for a maximum of 150 days)

SUBPART E: LICENSING PROCEDURES

Section 1800.540 Application Fees**EMERGENCY**

All applicants for a license issued by the Board shall pay the following application fees, as applicable, at the time of filing their application:

- a) Manufacturer – \$5,000
- b) Distributor – \$5,000
- c) Terminal Operator – \$5,000
- d) Supplier – \$2,500
- e) Technician – \$100
- f) Terminal Handler – ~~\$100~~
- g) Licensed establishment, licensed truck stop establishment, licensed large truck stop establishment, licensed fraternal establishment or licensed veterans establishment – \$100

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days)

Section 1800.580 Renewal Fees and Dates

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY

A licensee shall pay the following license fees annually, as applicable:

- a) Manufacturer – \$10,000
- b) Distributor – \$10,000
- c) Terminal Operator – \$5,000
- d) Supplier – \$2,000
- e) Technician – \$100
- f) Licensed establishment, licensed truck stop establishment, [licensed large truck stop establishment](#), licensed fraternal establishment or licensed veterans establishment – \$100
- g) Video gaming terminal – \$100
- h) Terminal Handler – ~~\$10050~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days)

SUBPART R: IMPLEMENTATION OF TECHNOLOGY**Section 1800.1810 Implementation of Technology****EMERGENCY**

The Administrator shall have authority to direct and oversee the installation, maintenance or improvement of technology that, in the Administrator's discretion, is needed to implement the provisions of the Act or this Part. An applicant or licensee may be billed directly or be required to reimburse the Board for any expenses, including third-party expenses, associated with the testing, certification, installation, training, review or approval of video gaming-related technology or technological enhancements to a video gaming operation.

(Source: Added by emergency rulemaking at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

Heading of the Part: Illinois Racing Board

Code Citation: 11 Ill. Adm. Code 200

Section Number: 200.50

Date Originally published in the *Illinois Register*: 5/10/19
43 Ill. Reg. 5189

At its meeting on August 13, 2019, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that the Board be more timely in implementing new statute. The statute requiring the Board to appoint a Director of Inter-track and Simulcast Wagering was enacted in 1983.

Additionally, JCAR recommended that, if the Board believes it to be advisable that this position be merged with that of the State Director of Mutuels, the Board request a change in the statute that currently requires the Board to fill 2 separate positions.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of August 13, 2019 through August 19, 2019. The rulemakings are scheduled for the September 17, 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>
9/28/19	<u>Emergency Management Agency,</u> Development, Annual Review, Coordination of Chemical Safety Contingency Plans (29 Ill. Adm. Code 610)	6/7/19 43 Ill. Reg. 6700	9/17/19
9/27/19	<u>Department of Public Health,</u> Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)	6/21/19 43 Ill Reg. 7099	9/17/19

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF FAILURE TO MEET THE REQUIREMENTS OF SECTION
5-85(b) OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

Heading of the Part: Nurse Practice Act

Code Citation: 68 Ill. Adm. Code 1300

Section Number: 1300.430

Date Published in the *Illinois Register*: 7/26/19
43 Ill. Reg. 7911

At its meeting on August 13, 2019, the Joint Committee on Administrative Rules considered the above-referenced Request for Expedited Correction. After consideration, the Joint Committee certifies that the proposed corrective language fails to meet the requirements of Section 5-85(b) of the Illinois Administrative Procedure Act.

EXECUTIVE ORDERS

2019-12
EXECUTIVE ORDER REORGANIZING
DIVISIONS WITHIN THE DEPARTMENT OF STATE POLICE

Whereas, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions among or reorganize executive agencies which are directly responsible to him. The Department of State Police ("Department") is such an agency;

Whereas, the Department began service to the State of Illinois on April 1, 1922, and will celebrate its Centennial Anniversary in 2022;

Whereas, State statutes refer to the Department interchangeably as the Department of State Police and the Illinois State Police;

Whereas, pursuant to Illinois statute, 20 ILCS 2605/2605-25, the Department is currently divided into the Illinois State Police Academy, the Office of the Statewide 9-1-1 Administrator, and four divisions: the Division of Operations, the Division of Forensic Services, the Division of Administration, and the Division of Internal Investigation;

Whereas, the Department's organization and structure has evolved over the years and must continue to evolve in response to the ever-changing demands of protecting public safety; Whereas, the Department's organizational structure must support the delivery of professional and specialized criminal investigative services to protect Illinois citizens from violent crime, dangerous drugs, public corruption, digital crimes, and human trafficking;

THEREFORE, I, JB Pritzker, Governor of Illinois, by virtue of the executive authority vested in me by Section 11 of Article V of the Constitution of the State of Illinois, hereby order as follows:

I. RENAMING THE DEPARTMENT OF STATE POLICE

The Department of State Police shall now be known as the Illinois State Police.

II. DIVISIONS WITHIN THE ILLINOIS STATE POLICE

- A. The Division of Operations shall be split into two divisions: the Division of Patrol and the Division of Criminal Investigation.
- B. The Illinois State Police Academy shall be renamed the Division of the Academy and Training.
- C. Each Division shall have as its administrative head a person named by the Director who shall be referred to as Deputy Director.

EXECUTIVE ORDERS

- D. The remaining titles provided in 20 ILCS 2605/2605-25 shall retain their present names.
- E. This reorganization shall affect functions established by Sections 25, 30, and 35 of 20 ILCS 2605/2605.
- F. The Director shall work with the General Assembly to prepare revisory legislation codifying this Executive Order.

III. DUTIES OF THE DIVISION OF PATROL AND THE DIVISION OF CRIMINAL INVESTIGATION

- A. The powers, duties, rights and responsibilities of the Division of Operations shall be vested in and divided between the Division of Patrol and the Division of Criminal Investigations subject to the provisions of this Order. Each act done in the exercise of such powers, duties, rights, and responsibilities shall have the same legal effect as if done by the former division thereof.
- B. The Division of Patrol shall be responsible for and exercise the following functions as set forth in 20 ILCS 2605/2605-30:
 - a. Cooperate with federal and State authorities requesting utilization of the Department's radio network system under the Illinois Aeronautics Act.
 - b. Exercise the rights, powers, and duties of the State Police under the State Police Act.
 - c. Exercise the rights, powers, and duties vested by law in the Department by the State Police Radio Act.
 - d. Exercise the rights, powers, and duties of the Department vested by law in the Department and the Illinois State Police by the Illinois Vehicle Code.
 - e. Exercise other duties that have been or may be vested by law in the Illinois State Police.
 - f. Exercise other duties that may be assigned by the Director in order to fulfill the responsibilities and to achieve the purposes of the Department.
- C. The Division of Criminal Investigations shall be responsible for and exercising the following functions as set forth in 20 ILCS 2605/2605-35:
 - a. Exercise the rights, powers, and duties vested by law in the Department by the Illinois Horse Racing Act of 1975.
 - b. Investigate the origins, activities, personnel, and incidents of crime and enforce the criminal laws of the State related thereto.
 - c. Enforce all laws regulating the production, sale, prescribing, manufacturing, administering, transporting, having possession, dispensing, delivering, distributing, or use of controlled substances and cannabis.

EXECUTIVE ORDERS

- d. Cooperate with the police of cities, villages, and incorporated towns and with the police officers of any county in enforcing the laws of the State and in making arrests and recovering property.
 - e. Apprehend and deliver up any person charged in this State or any other state with treason or a felony or other crime who has fled from justice and is found in this State.
 - f. Investigate recipients and providers under the Illinois Public Aid Code and any personnel involved in the administration of the Code who are suspected of any violation of the Code pertaining to fraud in the administration, receipt, or provision of assistance and pertaining to any violation of criminal law; and exercise the functions required under 20 ILCS 2605-220 in the conduct of those investigations.
 - g. Conduct other investigations as provided by law.
 - h. Exercise the powers and perform the duties that have been vested in the Department by the Sex Offender Registration Act and the Sex Offender Community Notification Law; and promulgate reasonable rules and regulations necessary thereby.
 - i. Exercise other duties that may be assigned by the Director in order to fulfill the responsibilities and achieve the purposes of the Department.
- D. The status and rights of employees serving under the Personnel Code and Illinois State Police Merit Board assigned to the Division of Operations shall not be affected by this reorganization.
- E. The property and records, including personnel records, documents, books, correspondence, and other property, of the Division of Operations shall be transferred to the Division of Patrol or the Division of Criminal Investigations as necessary based on the reorganization of powers and duties.
- F. Any unexpended balances of appropriations and other funds available for use by the Division of Operations shall be transferred to the Division of Patrol or the Division of Criminal Investigations. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.
- G. Any rules, regulations, and other actions of the Division of Operations shall be transferred and continue as rules, regulations, and actions of the Division of Patrol and the Division of Criminal Investigations. The Illinois State Police shall modify any rules or regulations as necessary to carry out the reorganization.
- H. No obligations arising from any civil or criminal penalties previously imposed are affected by this Executive Order. All powers, duties, rights, and responsibilities of Illinois State Police remain intact as if such powers, duties, rights and responsibilities had been exercised by the former division or employees thereof.
- I. Whenever reports or notices are now required to be made or given, or papers or documents furnished or served by any person to or upon the Division of

EXECUTIVE ORDERS

Operations, they shall be made, given, furnished or served in the same manner to or upon the Division of Patrol or the Division of Criminal Investigations.

- J. The Executive Order shall not affect any act done, ratified, or cancelled or any right occurring or established or any action of proceeding had or commenced in an administrative, civil or criminal cause before this Executive Order takes effect, but such actions or proceedings may be prosecuted and continued by the Division of Patrol and the Division of Criminal Investigations.

IV. DIVISION OF THE ACADEMY AND TRAINING

- A. The powers, duties, rights and responsibilities of the Illinois State Police Academy shall be vested in and exercised by the Division of the Academy and Training subject to the provisions of this Order. Each act done in the exercise of such powers duties, rights and responsibilities shall have the same legal effect as if done by the former division.
- B. The status and rights of employees serving under the Personnel Code and Illinois State Police Merit Board assigned to the Illinois State Police Academy shall not be affected by this reorganization.
- C. The property and records, including personnel records, documents, books, correspondence, and other property, of the Illinois State Policy Academy shall be transferred accordingly to Division of the Academy and Training.
- D. Any unexpended balances of appropriations and other funds available for use by the Illinois State Police Academy shall be transferred to the Division of the Academy and Training. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.
- E. Any rules, regulations, and other actions of the Illinois State Police Academy shall be transferred and continue as rules, regulations, and actions of the Division of the Academy and Training. The Illinois State Police shall modify any rules or regulations as necessary to carry out the reorganization.
- F. No obligations arising from any civil or criminal penalties previously imposed are affected by this Executive Order. All powers, duties, rights and responsibilities of the Illinois State Police remain intact as if such powers, duties, rights, and responsibilities had been exercised by the former division or employees thereof.
- G. Whenever reports or notices are now required to be made or given, or papers or documents furnished or served by any person to or upon the Illinois State Police Academy, they shall be made, given, furnished or served in the same manner to or upon the Division of the Academy and Training.

V. SAVINGS CLAUSE

EXECUTIVE ORDERS

This Executive Order does not contravene, and shall not be construed to contravene, any contracts, agreements, or collective bargaining agreement.

VI. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any other prior Executive Order.

VII. SEVERABILITY CLAUSE

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

VIII. FILINGS

This Executive Order shall be filed with Secretary of State. A copy of this Executive Order shall be delivered to the Secretary of the Senate and to the Clerk of the House of Representatives and, for the purpose of preparing revisory legislation, to the Legislative Reference Bureau.

IX. EFFECTIVE DATE

This Executive Order shall take effect immediately with necessary transitions to be completed within 60 days.

Issued by the Governor: August 16, 2019

Filed with the Secretary of State: August 16, 2019

2019-13**EXECUTIVE ORDER ESTABLISHING THE
GOVERNOR'S TASK FORCE ON FORENSIC SCIENCE**

WHEREAS, the mission of the Illinois State Police Division of Forensic Services ("ISP DFS") is to deliver complete, accurate, and timely crime scene evidence collection and forensic analysis to every law enforcement agency within the state;

WHEREAS, the ISP DFS, provides forensic science analytical services to more than 1,200 state, county, and local criminal justice agencies;

WHEREAS, with nearly 500 forensic services personnel completing over 70,000 forensic assignments every year, the ISP operates one of the largest lab systems in the country;

EXECUTIVE ORDERS

WHEREAS, there are two other (non-ISP) publicly-funded law enforcement forensic laboratories, the DuPage County Forensic Science Center and the Northeastern Illinois Regional Crime Laboratory, which also provide forensic analysis services to a subset of Illinois criminal justice agencies;

WHEREAS, in a recent report to Congress, the United State Government Accountability Office stated, "the reported number of backlogged requests for crime scene DNA analysis at state and local government labs has increased by 85 percent from 2011 through 2017...[T]his growth has occurred despite labs' collectively processing more requests over time...";

WHEREAS, as noted by the Joyful Heart Foundation, the national crime laboratory backlog "represents a lost opportunity to bring healing and justice to a survivor of sexual violence and safety to a community";

WHEREAS, while the appropriate level of funding is vitally important, the issues facing our crime laboratory system are not simply fiscal, and addressing these issues requires a systematic approach;

WHEREAS at least 10 states have legislatively created forensic science commissions; and

WHEREAS, state forensic science commissions provide a forum for robust discussions among forensic science stakeholders;

WHEREAS, state forensic science commissions focus on critical operation and oversight issues including communication and collaboration among laboratories and stakeholders, allocation of resources, laboratory improvements and the promulgation of accreditation and certification standards;

WHEREAS, a forensic science commission in Illinois would assist the Illinois State Police and the other publicly-funded forensic laboratories to proactively address issues and challenges in their forensic science work; and,

WHEREAS, a forensic science commission in Illinois would play an important and positive role in improving the provision of forensic science analytical services, including enhancing cooperation among forensic science laboratories and stakeholders, which will ultimately improve public confidence in these services;

THEREFORE, I, JB Pritzker, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V of the Constitution of the State of Illinois, hereby order as follows:

EXECUTIVE ORDERS

I. ESTABLISHMENT OF THE GOVERNOR'S TASK FORCE ON FORENSIC SCIENCE

There is hereby established the Governor's Task Force on Forensic Science (the "Forensic Science Task Force").

II. PURPOSE

The Forensic Science Task Force shall bring together key stakeholders to work collaboratively to identify and analyze the issues and challenges facing Illinois' publicly-funded crime laboratories. Based on that analysis and using sound scientific judgment, the goal of the Forensic Science Task Force shall be to develop a report providing guidance on the best and most effective long-term strategies to overcome challenges facing the publicly-funded laboratories, ensure effective oversight of the laboratories, maximize the use of forensic technologies to solve crimes and protect the public, and identify potential scientific breakthroughs and new technologies.

III. DUTIES

To achieve the purpose set forth in this Executive Order, the Forensic Science Task Force shall be charged with the following:

- (1) Review the current status of equipment, instrumentation, maintenance, facilities and staffing levels at ISP Crime Laboratories;
- (2) Identify obstacles to the acquisition of supplies, equipment and services that are necessary for the effective delivery of timely forensic science services by ISP crime laboratories and other publicly-funded laboratories;
- (3) Identify obstacles to recruitment, hiring, training, and retention of forensic scientists and crime scene investigators at ISP crime laboratories and other publicly-funded crime laboratories, including efforts to increase diversity;
- (4) Review the law and procedures to identify measures to improve submissions to the Combined DNA Index System (CODIS) and to reduce all Illinois crime laboratories' backlogs;
- (5) Review and recommend improvements in the sharing of information concerning the status of criminal cases and testing of evidence, including the sharing of information between lead investigators and state's attorneys, and the updating of criminal history record information systems;
- (6) Review and recommend improvements in current procedures for prioritizing the testing of evidence at ISP crime laboratories and other publicly-funded crime laboratories;

EXECUTIVE ORDERS

- (7) Review the structure and work of forensic science commissions in other states and make recommendations concerning the creation and structure of such a commission in Illinois; and
- (8) Make any other recommendations and proposals which would, in the view of the Forensic Science Task Force, further ensure complete, accurate, and timely evidence collection and forensic analysis, as well as the transparent, efficient and effective operation of the publicly-funded Illinois crime laboratories.

Each department, agency, board, or authority of the State shall participate, provide records and other information to the Forensic Science Task Force as requested by the Forensic Science Task Force to carry out its duties, provided that the Forensic Science Task Force and the provider of such information shall make appropriate arrangements to ensure that the provision of information complies with all applicable laws.

The Illinois State Police shall provide administrative support to the Forensic Science Task Force, as needed.

IV. MEMBERSHIP OF THE FORENSIC SCIENCE TASK FORCE

The Forensic Science Task Force shall consist of members appointed by the Governor who have experience or expertise related to the criminal justice system and the testing of evidence by publicly-funded crime laboratories. The Forensic Science Task Force shall be chaired by the Director of the State Police. The members of the Forensic Science Task Force shall serve without compensation.

V. REPORT AND SUNSET

The Forensic Science Task Force shall issue a report detailing its findings and providing guidance and recommendations to the Governor by June 1, 2020. The report shall also be submitted to the General Assembly. Upon submission of this report, the Forensic Science Task Force shall be dissolved.

VII. SEVERABILITY CLAUSE

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

VIII. SAVINGS CLAUSE

EXECUTIVE ORDERS

This Executive Order does not contravene, and shall not be construed to contravene, any federal law, state statute, or collective bargaining agreement.

IX. EFFECTIVE DATE

This Executive Order shall take effect immediately upon filing with the Secretary of State.

Issued by the Governor: August 16, 2019

Filed with the Secretary of State: August 16, 2019

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 43, Issue 35 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

11 - 1800	9209
4 - 530	9215

ADOPTED RULES

50 - 909	8/19/2019	9222
50 - 1406	8/19/2019	9228
50 - 2908	8/19/2019	9237
80 - 1540	8/16/2019	9252

EMERGENCY RULES

11 - 1800	8/13/2019	9261
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**JCAR REVIEW OF EXISTING RULES
STATEMENT OF RECOMMENDATIONS**

11 - 200	9292
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**EXECUTIVE ORDERS AND
PROCLAMATIONS**

19 - 12	8/16/2019	9295
19 - 13	8/16/2019	9299

**OTHER INFORMATION REQUIRED BY
LAW TO BE PUBLISHED IN THE
ILLINOIS REGISTER**

68 - 1300	9294
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