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October 18, 2019 Volume 43, Issue 42

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2019

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

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

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Fairs Operating Under the Agricultural Fair Act
- 2) Code Citation: 8 Ill. Adm. Code 260
- 3) Section Number: 260.100 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Agricultural Fair Act [30 ILCS 120].
- 5) A Complete Description of the Subjects and Issues Involved: The amendment updates the policy of when grand summary reports are due by setting a due date of December 31.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: It does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Albert A. Coll
Assistant General Counsel
State Fairgrounds
P.O. Box 19281
Springfield IL 62794-9281

217/782-5051

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 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 to 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 Amendment begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER j: FAIRS

PART 260

FAIRS OPERATING UNDER THE AGRICULTURAL FAIR ACT

SUBPART A: FAIRS OPERATING UNDER THE
AGRICULTURAL PREMIUM FUND

Section	
260.5	Definitions
260.10	Appropriations
260.15	Declaration of Intention
260.20	Premium State Aid Payable on the Authorized Base
260.25	Denial of State Aid Claim (Repealed)
260.30	Premiums and Receipts for Premiums Paid
260.35	Stall or Pen Fees
260.40	Entry Fees and Entry Fee Certification Form
260.45	County Fair Organization and Operation
260.50	Exhibits and Livestock; Presence on the Fairgrounds and Early Release Procedure
260.55	Premium Book
260.60	Horse Racing – Harness and Running
260.65	Heavy Horses (Repealed)
260.70	Light Horses and Western Horses (Repealed)
260.75	Western Horse Shows (Repealed)
260.80	Livestock Classification and Registration Papers
260.85	Registration Papers (Repealed)
260.87	Open and Junior Jackpot Shows
260.90	Inspections and Inspectors Reports (Repealed)
260.95	Junior Classes
260.100	Premium Grand Summary Report
260.105	Growth Incentive Program
260.110	Pro Rata (Grant) Payments and Justification
260.115	Petitioning for Base Adjustments (Repealed)
260.117	Administrative Rules (Formal Administrative Hearings, Contested Cases, Petitions, and Administrative Procedures)

SUBPART B: FAIRS

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

PARTICIPATING IN THE REHABILITATION FUND

Section	
260.200	Appropriation
260.205	Ownership of Grounds
260.207	Rehabilitation Declaration of Intent (Repealed)
260.210	Rehabilitation Claims
260.215	Major Building Projects (Repealed)
260.220	Rehabilitation Report and Receipts
260.225	Pro Rata Payments and Justification

SUBPART C: PROCEDURES FOR PARTICIPATION
IN THE 4-H FUND

Section	
260.300	Appropriation and Eligibility
260.305	A 4-H Claim Report
260.310	Pro Rata Payment and Justification (Repealed)

SUBPART D: PROCEDURES FOR PARTICIPATION
IN THE VOCATIONAL AGRICULTURE FUND

Section	
260.400	Appropriation
260.405	Eligibility for Premiums
260.410	List of Premiums Sent to Bureau (Repealed)
260.415	Vocational Agriculture Report of Premium Awards
260.420	Pro Rata Payments
260.425	Fiscal Accounting (Repealed)

SUBPART E: FAIRS OPERATING UNDER THE
FAIR AND EXPOSITION FUND

Section	
260.500	Appropriation (Repealed)
260.505	Eligibility
260.510	Ownership or Leasing of Grounds
260.515	Declaration of Intention and Construction Plans/Specifications
260.520	Transfer of Funds (Repealed)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

260.522	Entry Fee Certification Form and Premium Books
260.524	Premium State Aid Payable on the Authorized Base
260.525	Penal Bond
260.530	Expenditure of Funds
260.535	Accumulation of Funds for Major Building Projects (Repealed)
260.537	Premium Grand Summary Report and Fair and Exposition Financial Statement and Receipts
260.540	Administrative Rules (Formal Administrative Hearings, Contested Cases, Petitions, and Administrative Procedures)

AUTHORITY: Implementing and authorized by the Agricultural Fair Act [30 ILCS 120].

SOURCE: Rules and Regulations Governing Fairs Operating Under The Agricultural Fair Act, filed December 6, 1977, effective January 1, 1978; codified at 5 Ill. Reg. 10529; amended at 6 Ill. Reg. 4109, effective April 6, 1982; amended at 9 Ill. Reg. 3233, effective March 1, 1985; amended at 10 Ill. Reg. 7654, effective April 28, 1986; amended at 11 Ill. Reg. 10175, effective May 15, 1987; amended at 21 Ill. Reg. 2139, effective January 29, 1997; amended at 26 Ill. Reg. 5122, effective April 1, 2002; amended at 28 Ill. Reg. 11091, effective July 23, 2004; amended at 30 Ill. Reg. 2253, effective February 6, 2006; amended at 44 Ill. Reg. _____, effective _____.

SUBPART A: FAIRS OPERATING UNDER THE
AGRICULTURAL PREMIUM FUND

Section 260.100 Premium Grand Summary Report

- a) In accordance with Section 12 of the Act, the premium grand summary report shall be filed with the Bureau in person or postmarked on or before October 15 of each year. A fee of \$25 will be deducted from the total premiums claimed by the fair for each day the report is late. A premium book shall accompany the premium grand summary report. This information may be supplied by computer printout. Premium grand summary reports and paid receipts should be retained for three years by the fair association or agricultural society. County fairs whose grand summary reports are not filed or postmarked by December 31 of each year shall not qualify to receive premium reimbursements from the Department for that year.
- b) The Bureau shall mail each fair association or agricultural society a copy of the premium grand summary report form to be used in submitting the information

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

required by Sections 10 and 12 of the Act. A copy of the report should be retained by the fair association or agricultural society for its records.

- c) Receipts for trophies, ribbons, rosettes, engraving and premiums paid as outlined in Section 260.30 shall accompany the premium grand summary report.
- d) The receipts for each department must be accompanied by an adding machine tabulation, tabulated in chronological order, showing the premiums paid and the total for each department. This information may be supplied by computer printout or other electronic data transfer system if approved by the Bureau.
- e) Copies of the premium grand summary report (pages 1 and 2) are due directly following the fair in order for the Bureau to prepare and publish a recapitulation report and county fair date list, as well as for the Department of Agriculture and the Illinois General Assembly to use to evaluate appropriation needs, the following information shall be submitted by the fair association or agricultural society on the premium grand summary report:
 - 1) The year for which the report is being submitted;
 - 2) The name of the fair association or agricultural society (exactly how the check should be made out);
 - 3) The city or town where the fair was held;
 - 4) County where the fair was held;
 - 5) The names, titles (if applicable) and mailing address for all officers and directors of the fair association or agricultural society;
 - 6) The date the fair was organized;
 - 7) The date the fair association or agricultural society was incorporated, if applicable;
 - 8) The number of acres in the fairgrounds and whether the fairgrounds are owned or leased. If the fairgrounds are leased, the number of years remaining under the terms of the lease and the expiration date of the lease;

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 9) The dates of the current year's fair;
 - 10) The dates of next year's fair;
 - 11) Verification statement that exhibitors have been paid in full;
 - 12) Estimated attendance and gate admission fees charged;
 - 13) Name of carnival;
 - 14) A breakdown of the following information for each department listed in Section 260.55(a)(2):
 - A) Number of animals or articles entered/shown;
 - B) Amount of premiums offered;
 - C) Entry fees collected; and
 - D) Amount of premiums paid;
 - 15) Totals for the information requested in subsection (e)(14) for each division and the grand total; and
 - 16) A financial statement for the current year showing receipts, expenditures and the total operating profit or loss. The amount of money spent for real estate and capital or permanent improvements for the current year shall also be provided.
- f) *No one department or class shall be paid premiums awarded in excess of 30% of the total premiums awarded by the county fair except those departments or classes limited to junior exhibitors [30 ILCS 120/9]. The grand total of Column 4 (Amount of Premiums Paid Each Department) on the premium grand summary report is the amount on which the 30% is figured. The Bureau shall deduct the excess from the grand total premiums paid.*
- g) Income shown on the financial statement shall include gate admission, grandstand admission, auto parking, stall and pen fees, fees paid by concessionaires, commercial exhibits and the carnival, entry fees, estimated premium State aid for

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

the current year, estimated rehabilitation aid for the current year, aid from the county, if any, rental fees for the buildings and grounds for periods other than the fair, and any other income that was received by the fair but not included in the other categories mentioned. Borrowed money shall not be reported as income. Expenses of the fair shall include premiums paid, costs of grounds improvements, charges for music and attractions, judges' and assistants' fees, administrative and office payrolls, personnel expenses for gates, grandstand help, policy and parking vehicles, general and common labor payrolls, advertising expenses including the costs of the premium book, federal admission tax paid, and other operating expenses, such as interest on indebtedness, that were not listed in the categories mentioned. The financial statement on file with the Department of Agriculture is subject to audit by auditors investigating Department of Agriculture accounts.

- h) The premium grand summary report shall be signed and notarized by a notary. The President and the Secretary of the fair association or agricultural society shall sign the premium grand summary report.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Extensions of Jurisdiction
- 2) Code Citation: 80 Ill. Adm. Code 305
- 3) Section Number: 305.330 Proposed Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].
- 5) A Complete Description of the Subjects and Issues Involved: This change is to reflect the transfer of technology functions from the Illinois Emergency Management Agency (IEMA) to the Department of Innovation and Technology (DoIT). Personnel Code Jurisdictions A, B and C will be extended to the Illinois Emergency Management Agency positions Nuclear Safety Information Systems Specialist I and II.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Sean Coombe
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

217/524-7518

- 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 to small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in a regulatory agenda because it was not anticipated at that time.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 305
EXTENSIONS OF JURISDICTION

Section

305.50	Extends Jurisdiction A, B & C
305.60	Extends Jurisdiction A, B & C (July 1, 1970)
305.70	Extends Jurisdiction A, B & C (July 1, 1970)
305.80	Extends Jurisdiction A, B & C (August 1, 1970)
305.90	Extends Jurisdiction A, B & C (August 1, 1971)
305.100	Extends Jurisdiction A, B & C (November 16, 1971)
305.110	Extends Jurisdiction A, B & C (April 1, 1972)
305.120	Extends Jurisdiction A, B & C (May 1, 1972)
305.130	Extends Jurisdiction A & C (October 1, 1972)
305.140	Extends Jurisdiction A & C (October 1, 1972)
305.150	Extends Jurisdiction A, B and C (November 1, 1972)
305.160	Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170	Extension of Jurisdiction
305.180	Termination of Extension of Jurisdiction
305.190	Extension of Jurisdiction
305.200	Third Extension of Jurisdiction to Office of the Treasurer
305.210	Extends Jurisdiction A, B and C (December 1, 1998)
305.220	Extends Jurisdiction A, B and C (December 1, 1998)
305.230	Extends Jurisdiction A, B and C (July 16, 2002)
305.240	Extends Jurisdiction A, B and C (April 7, 2005)
305.250	Extends Jurisdiction A, B and C (January 16, 2006)
305.260	Extends Jurisdiction A, B and C (November 30, 2008)
305.270	Extends Jurisdiction A, B and C (December 30, 2009)
305.280	Extends Jurisdiction A, B and C (June 1, 2011)
305.290	Extends Jurisdiction A, B and C (July 25, 2012)
305.300	Extends Jurisdiction A, B and C (March 31, 2013)
305.310	Extends Jurisdiction B
305.320	Extends Jurisdiction A, B and C (January 1, 2016)
<u>305.330</u>	<u>Extends Jurisdiction A, B and C (February 1, 2020)</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. 21302, effective December 1, 1998; emergency amendment at 26 Ill. Reg. 12060, effective July 16, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16150, effective October 18, 2002; emergency amendment at 29 Ill. Reg. 5751, effective April 7, 2005, for a maximum of 150 days; emergency expired September 3, 2005; amended at 29 Ill. Reg. 14530, effective September 14, 2005; emergency amendment at 30 Ill. Reg. 1378, effective January 16, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 9321, effective May 4, 2006; amended at 32 Ill. Reg. 18931, effective November 30, 2008; amended at 34 Ill. Reg. 834, effective December 30, 2009; amended at 35 Ill. Reg. 8982, effective June 1, 2011; amended at 36 Ill. Reg. 12811, effective July 25, 2012; amended at 37 Ill. Reg. 4231, effective March 31, 2013; amended at 40 Ill. Reg. 13604, effective September 13, 2016; amended at 42 Ill. Reg. 12967, effective June 25, 2018; amended at 44 Ill. Reg. _____, effective _____.

Section 305.330 Extends Jurisdiction A, B and C (February 1, 2020)

- a) Effective February 1, 2020, the Personnel Code Jurisdictions A, B and C will be extended to the Illinois Emergency Management Agency positions of Nuclear Safety Information Systems Specialist I and Nuclear Safety Information Systems Specialist II.
- b) With the exception of those employees who have already been determined qualified, the affected employees cited in subsection (a) will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All other appointments subsequent to the effective date will be made pursuant to provisions of the Illinois Personnel Code and the rules of the Department of Central Management Services (see 80 Ill. Adm. Code 301, 302, 303, 304, 310 and 320). No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and rules of the Department of Central Management Services will apply to the affected employees effective February 1, 2020.

(Source: Added at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: General Grantmaking (DHS)
- 2) Code Citation: 44 Ill. Adm. Code 7040
- 3) Section Number: 7040.10 Proposed Action:
New Section
- 4) Statutory Authority: Implementing and authorized by the Grant Accountability and Transparency Act [30 ILCS 708].
- 5) A Complete Description of the Subjects and Issues Involved: Per the Grant Accountability and Transparency Act [30 ILCS 708/50(a)], "The specific requirements and responsibilities of State grantmaking agencies and non-federal entities are set forth in this Act. State agencies making State awards to non-federal entities must adopt by rule the language in 2 CFR 200, Subpart C through Subpart F unless different provisions are required by law." The purpose of this new Part is to adopt the federal grant statute (2 CFR 200) which provides a framework for grantmaking, management, and monitoring/reporting.
- 6) Any published studies or reports, along with the sources of underlying data that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

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

217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2019

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

TITLE 44: GOVERNMENTAL CONTRACTS, GRANTMAKING,
PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE F: GRANTMAKING
CHAPTER V: DEPARTMENT OF HUMAN SERVICES

PART 7040
GENERAL GRANTMAKING (DHS)

Section

7040.10 Uniform Administrative Requirements, Cost Principles, and Audit Requirements
for Federal Awards

AUTHORITY: Implementing and authorized by Section 50(a) of the Grant Accountability and
Transparency Act [30 ILCS 708].

SOURCE: Adopted at 44 Ill. Reg._____, effective_____.

**Section 7040.10 Uniform Administrative Requirements, Cost Principles, and Audit
Requirements for Federal Awards**

DHS incorporates by reference 2 CFR 200, Subparts A through F and Appendices I through XII
(December 26, 2014), except as otherwise indicated at 44 Ill. Adm. Code 7000, 59 Ill. Adm.
Code 103, 77 Ill. Adm. Code 2030, and 89 Ill. Adm. Code 507, 509, 511, 525 and 527, or as
recorded in the Illinois Catalog of State Financial Assistance.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sexually Violent Persons
- 2) Code Citation: 59 Ill. Adm. Code 299
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
299.120	Amendment
299.130	Amendment
299.200	Amendment
299.210	Amendment
299.220	Amendment
299.230	Amendment
299.300	Amendment
299.310	Amendment
299.320	Amendment
299.330	Amendment
299.340	Amendment
299.345	New Section
299.350	Amendment
299.400	Amendment
299.410	Amendment
299.420	Amendment
299.430	Amendment
299.500	Amendment
299.600	Amendment
299.610	Amendment
299.620	Amendment
299.630	Amendment
299.640	Amendment
299.650	Amendment
299.655	New Section
299.660	Repealed
299.665	New Section
299.670	Repealed
299.680	Amendment
299.690	Amendment
299.700	Amendment
299.800	Amendment
299.810	Amendment
299.820	Amendment

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

299.830	Amendment
299.840	Amendment
299.850	Amendment
299.900	Amendment
299.920	Amendment
299.930	Amendment
299.1000	New Section
299.1010	New Section
299.1020	New Section
299.1030	New Section
299.1040	New Section
299.1050	New Section
299.1060	New Section
299.1070	New Section
299.Appendix A	Amendment
299.Table A	New Section

- 4) Statutory Authority: Implementing and authorized by the Sexually Violent Persons Commitment Act [725 ILCS 20].
- 5) A Complete Description of the Subjects and Issues Involved: 59 Ill. Adm. Code 299 provides guidance for the implementation of the Sexually Violent Persons Program. This rulemaking is being done to make the Part consistent with current Department policy and practices. Specifically, this rulemaking implements a Resident reimbursement system for Residents to pay part of their cost of care; revises the Resident management system; eliminates the use of summary restrictions by staff; adds provisions for behavior adjustments by the Program Unit Hearing Officer; adds provisions for emergency mental health care, updates evaluator standards to reflect current law; updates Resident rights; modifies the grievance procedures; and updates the overall management of the Program to reflect the treatment focused (non-correctional) nature of the Program.
- 6) Any published studies or reports, along with the sources of underlying data that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these amendments within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield IL 62762
- 217/785-9772
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2018

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

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

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SEXUALLY VIOLENT PERSONS

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299.APPENDIX A	Rule Violations
<u>299.TABLE A</u>	<u>Responsible Relative Liability</u>

AUTHORITY: Implementing and authorized by the Sexually Violent Persons Commitment Act [725 ILCS 20].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 19608, effective October 26, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 4231, effective March 23, 1999; emergency amendment at 23 Ill. Reg. 14038, effective November 10, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 6567, effective April 5, 2000; amended at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 299.120 Definitions

"Act" means the Sexually Violent Persons Commitment Act [725 ILCS 207].

~~"Act of sexual violence" means an act or attempted act that is a basis for an allegation made in a petition under of Section 15(b)(1) of the Act.~~

"Administrative Officer on Call" or "AOC" means the designated management

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staff responsible for responding to after-hours and weekend emergency calls from an on-duty facility staff.

"Administrative Officer on Duty" or "AOD" means the designated management staff responsible for the daily operation of the Program and/or responding to emergency calls.

"Allowable Reserve" means an amount set by the Department that is exempt from services charges. This amount shall not be less than the exemptions from garnishment set forth in Part 7 of Article 12 of the Code of Civil Procedure [735 ILCS 5] or otherwise provided under Section 299.1030(e) or (f).

"Ancillary Services" means services not covered under the Sex Offender Evaluation and Treatment Provider Act [225 ILCS 109], such as general healthcare, education/vocational, recreation, rehabilitation, anger management, mental health treatment, substance use and abuse treatment, victim empathy, tactics, penile plethysmograph, etc.

"Annual Income" means adjusted gross income as defined by Section 2-203 of the Illinois Income Tax Act [35 ILCS 5].

"Assault" means conduct described in Sections 12-1 and 12-2 of the Criminal Code of 2012 [720 ILCS 5].

"Assets" means:

any property, tangible or intangible, real or personal:

belonging to or due to a service recipient from social security, worker's compensation, veteran's compensation, or pension benefits; or

from any other source whatsoever; and

any and all assets and property of whatever character held in the name of the service recipient, held for the benefit of the service recipient, or payable or otherwise deliverable to the service recipient.

Any trust, or portion of a trust, of which a recipient is a beneficiary shall be

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construed as an asset of the recipient if, under terms of the trust, benefits may be paid to the recipient.

"Attempt to Resolve" or "ATR" means the process a resident uses to try to resolve incidents, problems or general complaints. Complaints concerning behavior management proceedings are not handled through the ATR process.

"Average Per Capita Cost" means the amount calculated for the daily average per capita cost of operation, as applicable, of either:

the secure residential facility, for the fiscal year immediately preceding the period of State care for which the rate is being calculated; or

the average daily costs associated with the service recipient's conditional release.

"Battery" means the conduct described in Sections 12-3 and 12-3.05 of the Criminal Code of 2012 [720 ILCS 5].

"Behavior Committee" ~~consists of~~ means the resident's primary therapist, a security representative and at least two members ~~one other member~~ of the clinical staff ~~resident's treatment team~~.

"Behavioral Intervention" means a response to a violation of the facility rules.

"Behavioral restriction" means the withdrawal of positive incentives (e.g., restrictions of privileges and liberties) as a consequence to inappropriate behavior.

"Body search" means the removal and search of all outer garments such as coats, jackets, sweaters covering shirts, shoes, hats and gloves and a pat down of the person subsequent to removal of the outer garments.

"Chemical Agent" means a compound such as mace, pepper spray, etc., utilized to manage a resident who is violent, disruptive and/or out of control.

"Chief Administrative Officer" means the highest ranking official (i.e., warden) of a correctional facility where a secure residential facility is located, or that person's designee.

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"Clinical Director" means the staff member responsible for the oversight and provision of sex offender specific treatment and certain ancillary services at the facility~~Associate Director for Clinical Services for the Division of Disability and Behavioral Health Services of the Department~~, or that person's designee.

"Clinical File" consists of the records relating to sex offender treatment and certain ancillary services.

"Close Status" means a management status to which residents are assigned as a step-up from special management or reassignment after rule violations. Residents will remain on Close Status for a period of time determined by the Behavior Committee for observation of their ability to successfully reintegrate. Any rule violation at this level may result in either an extension of this status or a change of management status.

"Committed ~~Person~~person" means a person who has been committed ~~to~~by the custody of the Department under the Sexually Violent Persons Commitment Act~~court as a sexually violent person.~~

"Conditional Release" means a committed person who has been placed into the community on court ordered supervision, treatment and related services as authorized by the Act.

"Contraband" means any item that is~~items that are~~ proscribed by criminal law, Department rules, departmental or facility rules or posted notices; an item~~items~~ that a resident has no authorization to possess; or property that is in excess of that authorized by the facility. This includes, but is not limited to, any:

altered property; property fashioned into a weapon; property not being used for its intended design or its initial purpose; or

object, item or food/beverage product that has been determined to pose a therapeutic, fire, health and/or safety risk.

"Corporal ~~Punishment~~punishment" means physical contact intended to inflict pain for purposes of punishment. Given the facility's treatment focus, all forms of punishment are prohibited at the facility.

"Correctional facility" means that correctional facility where a secure residential

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~~facility is located.~~

"Deadly Force" means force that is likely to cause death or great bodily harm.

"Department" or "DHS" means the Illinois Department of Human Services.

"Detained Person~~person~~" means a person who the court has sent to a detention facility, approved by the Department, pursuant to a detention order or after a probable cause hearing under Section 30 of the Act.

"DHS Victim-Notification Coordinator" means the person who is responsible for securely and confidentially maintaining all victim requests for notification and for following the procedures for notifying victims (see Section 299.500).

"Discharge" means the court-ordered release of a committed person from the custody of DHS.

"Emergency Mental Health Care" refers to those interventions used to protect the life and health of residents who are at risk to harm themselves or others as the result of mental illness or mental disorder. Harm is defined as physical injury. Residents may be at risk of harming themselves or others when they are physically or verbally assaultive or aggressive; engage in or threaten to engage in self-injurious behavior; use, misuse or destroy property in a fashion that could be used to harm oneself or others (e.g., use glass shards to cut or stab); or refuse direction to the point that force is needed to secure the resident's compliance.

"Emergency Mental Health Status" is the emergency placement of a resident on either Mental Health Status 1 or Mental Health Status 2, as ordered by a mental health professional pursuant to Section 299.345.

"Employee" means any person providing services at the direction of the DHS Secretary or Program Director, on or off site. For the purposes of this Part only, this includes payroll personnel, contractors, subcontractors and volunteers. Under no circumstances does this definition intend to confer employment status upon contractors, subcontractors or volunteers.

"Estate of Recipient" means all income and assets of a service recipient, including, but not limited to, real property.

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"Force" means physical contact used to coerce or prevent some action on the part of a resident, including the use of chemical agents.

~~"Immediate family" means the spouse, child, parent or sibling(s) of the resident.~~

~~"Individual services plan" means a plan of treatment individualized for each resident that is formulated and periodically reviewed by the treatment team.~~

"General Status" means a management status to which residents are assigned after they have completed admission/orientation evaluations or as a reassignment from Close or Intermediate Status. Residents remain on this status when they are without a major rule violation, or without more than two minor rule violations, for 180 consecutive days.

"Grievance Examiner" means the employee or employees designated by the Program Director to review and, as appropriate, resolve problems and grievances that residents have been unable to resolve through routine channels.

"Ill-1, Financial Questionnaire" means a designation assigned to a set of schedules developed for the purpose of collecting financial data on service recipients.

"Incident Report" means a report that must be completed by an employee when he/she observes any unusual occurrence or situation that may pose a threat to the safety or security of the facility, staff, residents, visitors or others.

"Individualized Treatment Plan" or "ITP" or "Treatment Plan" means the set of goals and levels of progress within the Program for each resident. The Treatment Plan is reviewed every six months and includes recommendations relative to the treatment phase, testing, diagnosis, resident cooperation and participation, as well as levels of programming.

"Informed Consent" means consent of the resident to treatment and ancillary services after being advised of the attendant risks and benefits.

"Intermediate Status" means a management status to which residents are assigned after they have completed general status. Residents remain on this status when they are without a major rule violation, and without more than two minor rule violations, for 180 consecutive days.

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"Internal Security Investigator" means the person who investigates, as assigned by the Program Director, incidents within the secure residential facility or incidents that affect recipients on conditional release.

"Legal Dependents" means those persons:

dependent on the recipient for more than one-half of their support; and

shown as dependents on the recipient's U.S. Individual Income Tax Return.

"Management ~~Status~~status" means the provision of different levels of privileges, responsibilities and activities to provide a greater degree of individualization in the treatment of residents (e.g., ~~Special Management Status, Close Status~~admission status, ~~secure management status~~, general status, ~~Intermediate C, B and A Status, Admission Status~~high privilege status).

"Medical Director" means the physician responsible for the oversight and provision of medical treatment in the Program, or that person's designee.

"Medical File" consists of the records relating to health care services. The provision of psychotropic medication is a health care service.

"Medical Professional" means a person who provides medical care under the overall supervision of the Medical Director. This could include a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60], a nurse licensed under the Nurse Practice Act [225 ILCS 65], or a physician assistant licensed under the Physician Assistant Practice Act of 1987 [225 ILCS 95].

"Mental ~~Disorder~~disorder" means a congenital or acquired condition affecting the emotional or volitional capacity that predisposes a person to engage in acts of sexual violence.

"Mental Health Professional" means a person who provides mental health services under the overall supervision of the Clinical Director. This could include a physician, a psychiatrist, a psychologist or other clinical staff.

"Mental Health Status 1" is a level of special observation in which one staff person will be assigned to continuously observe and monitor one, and only one,

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resident. The staff person shall remain no more than 12 feet away. In all instances, the staff person must maintain sight of the resident, including during bathing or using the toilet. No staff person shall be assigned to provide 1:1 observation for a continuous period exceeding two hours without at least a 15-minute period of alternative assignment. At each 15-minute interval, the staff member observing the resident shall enter a note in the resident's clinical file concerning the status and condition of the resident.

"Mental Health Status 2" is a level of special observation in which the resident is observed and monitored by staff every 15 minutes. At each 15-minute interval, the staff member observing the resident shall enter a note in the resident's clinical file concerning the status and condition of the resident.

"Notice of Determination" means notification sent to a service recipient when charges have been established for services (see Section 90 of the Act).

"Physician" means any person licensed by the State of Illinois to practice medicine in all its branches and includes any person holding a temporary license, as provided in the Medical Practice Act of 1987. Physician includes a psychiatrist as defined in this Section.

"Primary ~~Therapist~~therapist" means the clinical staff person responsible for implementing the ~~resident's~~resident's ~~ITP~~treatment plan.

"Program" means the Sexually Violent Persons Treatment and Detention Program. The term "Program" encompasses recipients in the secure facility and recipients living in the community on a court-ordered plan of conditional release.

"Program Administrator" means the person within DHS - Division of Mental Health appointed by the Secretary to oversee~~responsible for the Department's Sexually Violent Persons Treatment~~ Program, or his/her~~that person's~~ designee.

"Program Director" means the chief administrative officer of the Treatment and Detention Facility~~highest ranking official of a secure residential facility,~~ or his/her~~that person's~~ designee. The designee may be the:

Medical Director;

Assistant Program Director;

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Security Director; or

Administrative Officer on Call.

"Program Unit Hearing Officer" means the person designated by the Program Director to hear allegations of minor rule violations that do not result in reassignment of management status.

"Provider Act" means the Sex Offender Evaluation and Treatment Provider Act [225 ILCS 109].

"Psychiatrist" means a physician who has at least 3 years of formal training or primary experience in the diagnosis and treatment of mental illness.

"Psychologist" means a person who is licensed under the Clinical Psychologist Licensing Act [225 ILCS 15], or the Provider Act.

"Psychotropic ~~Medication~~medication" means medication whose use for antipsychotic, antidepressant, antimanic, antianxiety, antiandrogenic, behavior modification or behavioral management purposes is listed in the most recent edition of the Physician's Desk Reference (2019 edition) available at www.PDR.net, ~~1999 edition~~, or that are administered for any of these purposes. It also includes those tests and related procedures that are essential for ~~the~~ safe and effective administration ~~of a psychotropic medication~~.

"Recipient" or "Service Recipient" means a person receiving services at the secure residential facility or while on a court-ordered plan of conditional release.

~~"Qualified professional" means a physician, psychiatrist or psychologist, with at least two years of experience in the treatment and evaluation of persons who have committed acts of sexual violence.~~

"Resident" means either a detained person or a committed ~~sexually violent~~ person placed in a facility.

"Restriction" means constraining, reducing or eliminating activities of a resident (e.g., setting limits on or removal of certain privileges, behaviors or activities).

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"Secretary" means the Secretary of the Department of Human Services, or ~~his/her~~that person's designee.

~~"Secure residential facility" or "facility" refers to the program operated by the Department within the building supplied by the Illinois Department of Corrections in accord with Section 50 of the Act.~~

"Security Director" means the employee, and his/her designee, responsible for the safety and security of residents, staff, visitors and State property. The designee may be the AOD.

"Sex Offender Evaluation" or "Evaluation" means a sex-offender specific evaluation as that term is used in the Provider Act.

"Sex Offender Evaluator" or "Evaluator" means a person licensed under the Provider Act to conduct sex offender evaluations.

"Sex Offender Specific Treatment" or "Sex Offender Treatment" or "Treatment" means a comprehensive set of planned therapeutic interventions and experiences to reduce the risk of further sexual offending and abusive behaviors by the offender. The treatment must be provided by, or under the supervision of, a person licensed under the Provider Act. Treatment specifically excludes matters such as security, health care, housing, food service, religious accommodations, management status, behavioral intervention and ancillary services.

"Sexual Activity" means an activity involving two or more persons for the sexual gratification of any participant.

"Sexually Violent Person" or "SVP" means a person who has been convicted of a sexually violent offense, has been adjudicated delinquent for a sexually violent offense, or had been found not guilty of a sexually violent offense by reason of insanity and who is dangerous because he/she suffers from a mental disorder that makes it substantially probable that the person will engage in acts of sexual violence. "Sexually violent offense" has the same meaning as set forth in the Act.

"Shift Supervisor" has the same meaning as "Administrative Officer on Duty".

~~"Strip search" means the removal or arrangement of some or all of a person's clothing so as to permit a visual inspection of the body or undergarments of such~~

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~~person.~~

"Special Management Status" means an assigned management status utilized for the safe containment and effective management of a resident who is presenting a risk of harm to self or others. Residents may remain on Special Management Status until the Behavior Committee determines that the resident is no longer a risk to self or others or while criminal charges are being investigated or pending.

"Transferring Authority" means the agency with jurisdiction, as defined in Section 10 of the Act, that had custody and control of the person prior to an order of detention issued under Section 30 of the Act.

~~"Treatment" means an effort to accomplish an improvement in the mental disorder of a committed person. This includes, but is not limited to, individual and group therapy, behavior modification programs, and medication.~~

"Treatment and Detention Facility" or "TDF" or "Secure Residential Facility" or "Facility" means the secure facility provided by the Department of Corrections and operated by DHS pursuant to Section 50 of the Act for the detention and treatment of persons alleged or determined to be sexually violent and at risk of re-offending.

"Treatment Review Committee" means the committee appointed by the Program Director/Administrator for the review of orders for the administration of psychotropic medications.

"Treatment Team" or "team" means a cross-functional, multi-disciplinary group composed, at a minimum, of the resident's team leader and resident's primary therapist, a medical representative, a security representative, a recreation therapist or substance abuse counselor, and other clinical staff involved in the resident's treatment a psychologist.

"Victim" means a person against whom an act of sexual violence has been committed and includes a person who has requested notification under the Act or under the Rights of Crime Victims and Witnesses Act [725 ILCS 120].

"Working Day" means Monday through Friday and excludes State holidays and days when the facility may not be fully open due to order of the Governor.

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(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.130 Records

a) Required Admission Documents—

1) When a resident ~~or detained person~~ is delivered to the custody of the Department, the following documents shall be requested:

A+) Of the court:

iA) A copy of the detention order or the court order finding probable cause which orders the person evaluated in a detention facility or the court order that commits the person to the custody of the Department.

iiB) A copy of the petition.

iiiC) All additional matters that the court directs the clerk to transmit.

B2) Of the transferring authority:

iA) Admissions:

Prior to the admission of a new resident, the Department shall request a detention summary from the transferring authority. The Department shall request that the detention summary contain any relevant medical, psychiatric or psychological information in the transferring authority's records to allow Department treatment and evaluation staff to prepare for behavioral or health needs of the resident. The Department shall further request that the transferring authority share the master file, medical file, and clinical and field services information pertaining to the resident as necessary for the proper evaluation and treatment to the resident and for program safety and security. Prior to the admission of a new resident, the Department shall request a copy of the report recommending commitment and/or petition seeking commitment from the Attorney General

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and/or ~~petition seeking commitment from the Attorney General and/or~~ State's Attorney filing the petition.

- iiB) Probable Cause:
Following a probable cause hearing in which the court enters a finding of probable cause, the Department shall request the Attorney General's Office or appropriate State's Attorney to provide documents in its possession which were provided as required under the Act in support of the transferring authority's recommendation for commitment and/or records gathered by the Attorney General or State's Attorney in preparation for filing the petition seeking commitment. The Department shall further request upon a finding of probable cause that the transferring authority make the resident's criminal history, disciplinary history, mental health records, escape risk and other relevant information accessible to the Department if the Attorney General or State's Attorney has not already provided this information.
- iiiC) Juveniles:
Prior to the admission of a juvenile, the Department shall request that the Attorney General or State's Attorney of the appropriate county ~~to~~ seek a court order allowing the Attorney General or State's Attorney to provide juvenile records which were provided to the Attorney General or State's Attorney in support of the transferring authority's recommendation for commitment pursuant to the Act to the Department and to further enter an order allowing the transferring authority to make the master file, medical file, and clinical records of the juvenile accessible to the Department for purposes of the juvenile's custody, care and treatment.
- ivD) Confidentiality:
The Department is responsible for maintaining the confidentiality and security of any and all documents and records that are made accessible and/or provided to the Department.

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- b) Access to Records
- 1) Records of a resident may be accessed by authorized facility~~the resident, treatment staff, and persons~~ authorized conditional release staff, Department evaluators, and staff from the Illinois Attorney General or other Illinois prosecutorial staff.
 - 2) Records of a resident may be accessed:
 - A) by the resident; and persons authorized by the resident~~as necessary to complete the functions of the Act~~ or
 - B) as otherwise ordered by a court. ~~2)~~The Department may require payment of copying costs for any records it is asked to produce, except that each resident is entitled to receive, upon request, one free copy of his/her clinical file and medical file. ~~3)~~The Department shall maintain a record in each resident's clinical ~~resident's~~ file that indicates:
 - i) ~~A)~~ The parties who have requested to inspect and/or copy clinical records under the provisions of this subsection (b) and their authorization; and
 - ii) ~~B)~~ The clinical records inspected and/or copied under this subsection (b).

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART B: DETENTION AND EVALUATION

Section 299.200 Detention Facility

The Department may utilize a secure residential facility as a detention facility. ~~To the extent possible considering operational, programmatic and security needs, detained persons shall be kept separate from committed persons.~~

- a) The Department also approves all ~~Illinois~~ Department of Corrections and Department of Juvenile Justice~~correctional~~ facilities for the detainment of

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~~residents~~~~individuals~~ until they complete any term of imprisonment imposed for a criminal conviction or ~~finding~~~~adjudication~~ of delinquency that may run parallel to either an order for detention under Section 30 of the Act or an order of commitment under Section 40 of the Act. While in the Department of Corrections or the Department of Juvenile Justice, the Department with custody shall be of ~~Corrections remains~~ responsible for the control,~~their~~ care and custody of the resident.

- b) The Department also approves the use of a county jail ~~as for~~ a detention facility when~~where~~ there is a written agreement between the Department and the county sheriff authorizing that~~such~~ usage. Any written agreement shall outline responsibilities assigned to both parties. The Department shall determine which detention facilities it will use based upon geographic area, space availability, willingness of the local officials to participate, and adequacy of the facility to meet the needs of the detained ~~person~~individual.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.210 Temporary Detention by Court Order

During the course of a trial, or when the detained person or committed person is ordered by the court to be present ~~in a county,~~ the county jail or federal detention facility is approved for use as a temporary detention site. While the detained person is in the county jail or detention facility, the jail or detention facility is responsible for the control,~~their~~ care and custody of the resident.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.220 Evaluator Standards

All evaluators engaged by the Department shall be licensed as sex offender evaluators pursuant to the Provider Act~~The evaluator shall be a physician, psychiatrist, or clinical psychologist who has a minimum of two years experience providing sex offender evaluation and treatment.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.230 Evaluation

An evaluation shall be conducted pursuant to Section 30 of the Act for the purpose of determining whether a detained person meets the criteria for commitment as a sexually violent

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person under the Act. The evaluation shall ~~comply with 20 Ill. Adm. Code 1905 consist of, but not be limited to, a mental status examination, standardized psychological tests, a social history including information concerning sexual behaviors, an assessment of alleged and self reported sexual behaviors, and a review of available records. The evaluation may also include an objective sexual assessment.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART C: SECURE RESIDENTIAL

Section 299.300 Secure Residential Facility

The secure residential facility shall be operated by the Department ~~in a facility provided by the Department of Corrections pursuant to Section 50 of the Act.~~ Standards for living conditions shall include the following provisions:

- a) All double-room assignments shall be screened for appropriateness based on safety, security and treatment considerations.
- b) Minimally, each ~~resident room~~ shall be furnished with:
 - 1) A bed securely fastened to the ~~wall and/or floor, with the exception being a medical type bed~~;
 - 2) Clean bedding, including a mattress, blanket, sheets, pillow and pillow case;
 - 3) A wash basin with running water and flushable toilet facilities (controls may be located outside the ~~room~~); and
 - 4) Adequate lighting for reading and observation purposes.
- c) ~~Rooms~~ shall be located at or above ground level; and ~~shall~~ have heat and ventilation consistent with the climate.
- d) Each ~~room~~ shall have a single door and ~~may have~~ a food passage. When only a solid door is available, it shall be provided with a vision panel.
- e) Cleaning materials shall be made available ~~to residents on an as-needed~~

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~~regular~~ basis.

- f) Personal health and hygiene needs of the resident shall be addressed as follows:
- 1) A shower and shave ~~shall be offered~~ no less than once ~~every three days per week~~.
 - 2) ~~Access to~~ State issued toilet tissue, soap, shampoo, shaving cream, towel, toothbrush, and toothpaste ~~for daily use if the resident has insufficient commissary funds to purchase these items~~.
 - 3) A weekly exchange of clean ~~facility~~~~institutional~~ clothes ~~and bed linens~~ or availability of laundry services at least weekly.
 - 4) False teeth, eye glasses, prosthetic devices and other essential items of personal hygiene and health shall be permitted unless they are a threat to safety or security.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.310 Treatment

- a) A resident shall be provided with adequate and humane care and treatment services pursuant to an ~~ITP~~~~individual services plan~~, which shall be formulated and periodically reviewed by the treatment team with the participation of the resident to the extent feasible and, ~~when~~~~where~~ appropriate, ~~the~~~~such~~ resident's guardian. A ~~licensed sex-offender treatment provider~~~~qualified professional~~ shall be responsible for overseeing the implementation of ~~the~~~~such~~ plan.
- b) ~~Although all treatment offerings require informed consent, residents are encouraged to~~~~Residents shall~~ attend scheduled individual and group therapy sessions, objective sexual assessment appointments, and other programming as set forth in the ~~ITP~~~~individualized services plans~~. ~~A resident may be excused from attendance requirements by the Program Director for illness, pursuant to the Resident Behavior Management System or for other good cause.~~
- c) If the ~~ITP~~~~services plan~~ includes the administration of medication, ~~a medical professional may~~~~the physician shall~~ advise the resident, in writing, of the side effects of the medication to the extent ~~the~~~~such~~ advice is consistent with the nature

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and frequency of the side effects and the resident's ability to understand the information communicated.

- d) Care and treatment shall include the regular use of sign language for any hearing-impaired ~~resident individual~~ for whom sign language is a primary mode of communication and an interpreter for ~~residents persons~~ who do not understand English.
- e) If the resident refuses to consent to ~~or enter recommended~~ treatment, ~~withdraws from treatment, or~~ demonstrates disinterest ~~in treatment~~ or a lack of progress ~~in attributable to poor motivation within~~ treatment, the ~~treatment~~ team may ~~revisereassign~~ the ITP as necessary to encourage and improve the resident's participation in treatment ~~resident to another management status~~.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.320 Periodic Re-evaluation

- a) The Department shall conduct an ~~evaluation examination of the mental condition~~ of a committed person ~~not less than within 6 months after an initial commitment and again at least~~ once each 12 months for the purpose of determining whether the person ~~may have made sufficient progress to~~ be conditionally released or ~~the person's condition has changed, since the most recent periodic re-examination, to the extent that he/she is no longer a sexually violent person discharged~~.
- b) Any evaluator conducting an ~~evaluation under this Section or examination under~~ Section 55 of the Act shall prepare a written report of the ~~evaluation examination~~ no later than 30 days after the date of the ~~evaluation examination~~. The evaluator shall:
- 1) ~~send a copy to the DHS - Health Information Department, which will place a copy of the report in the person's clinical file; records and shall~~
 - 2) provide a copy of the report to the ~~Office of Attorney General or other prosecutorial agency for filing with the~~ court that committed the person.
- c) ~~All evaluations conducted by the Department shall comply with the Provider Act and 20 Ill. Adm. Code 1905.~~

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(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.330 Rights

- a) No resident shall be presumed incompetent, nor shall such person be held legally disabled, except as determined by a court. ~~This~~Such determination shall be separate from a judicial proceeding held to determine whether a person is subject to commitment as a sexually violent person.
- b) Residents shall be provided reasonable opportunities to pursue their religious beliefs and practices, subject to the Program's legitimate concerns regarding security, safety, rehabilitation, ~~facility~~institutional order, space, and resources. A resident who is an adherent or a member of any well-recognized religious denomination, the principles and tenets of which teach reliance upon services by spiritual means through prayer alone for healing by a duly accredited practitioner thereof, shall have the right to choose ~~those~~such services. ~~As appropriate, the~~The parent or guardian of a resident ~~who is a minor, or a guardian of a resident who is not a minor,~~ shall have the right to choose services by spiritual means through prayer for the resident.
- c) A resident may volunteer to perform tasks that benefit the resident community as a whole~~labor to which he consents~~, if the professional responsible for overseeing the implementation of the ~~ITP~~services plan for the resident determines that the ~~task~~labor would be consistent with ~~the ITP~~such plan. A resident who volunteers to perform a communal task~~may perform labor which is of any consequential economic benefit to the Department~~ shall be adequately compensated through the provision of reward points redeemable at the facility~~commensurate with the value of the work performed, in accordance with applicable federal and State statutes and regulations~~. A resident may be required to perform tasks of a personal housekeeping nature without compensation.
- d) Residents may only acquire personal property in accordance with this Part or posted rules established by the Program Director at the facility where the resident is assigned. Every resident who resides in a secure residential facility shall be permitted to receive, possess and use personal property and shall be provided with a reasonable amount of storage space for that property, except for those limitations provided in Department rules or in the Resident Handbook, or as posted by the Program Director.

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- 1) Possession and use of certain classes of property may be restricted by the Program Director when necessary to assure the safety and security of the facility.
- 2) The professional responsible for overseeing the implementation of a resident's ITP may, with the approval of the Program Director, restrict the right to property when necessary to assure implementation of the ITP, protect the resident or others from harm, or as part of the Resident Behavior Management System.
- 3) When a resident is discharged from the facility, all of his/her lawful personal property that is in the custody of the facility shall be returned.
- 4) A resident may use his/her funds as he/she chooses, unless he/she is a minor or prohibited from doing so under a court guardianship order. A resident may deposit, with the Department, or cause to be deposited in his/her name, money. When a resident is discharged from the Department, all of his/her unspent money, including interest on trust fund monies (if any), shall be returned subject to a set-off for any outstanding restitution or repayment as may have been ordered by the Program Director or Behavior Committee.
- e) A resident shall be permitted reasonable communication with persons of choice by mail, telephone and visitation. Communications may be reasonably restricted, censored, screened or monitored to protect the resident or others from harm, harassment or intimidation or to ensure implementation of the resident's ITP. The Program Director shall set the times and places for the use of telephones and visits. Communications with attorneys shall not be monitored.
- f) Upon admission, or as soon thereafter as the condition of the resident permits, every resident or the parent or guardian of a resident, as appropriate, shall be informed orally and in writing of the rights guaranteed by this Part that are relevant to the nature of the ITP. Every facility shall also post, in a handbook or conspicuously in common areas, a summary of the rights that are relevant to the services delivered by that facility.
- g) The Program Director of each secure residential facility shall adopt in writing policies and procedures deemed necessary for the safe and secure operation of the facility. The policies and procedures may amplify or expand, but shall not restrict

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or limit, the rights of residents as set forth in this Section.

h) An adult resident, or, ~~if the resident is under guardianship,~~ the resident's guardian, may refuse generally accepted treatment services, ~~except~~ Housing assignments, the Resident Behavior Management System and certain other services established in this Part may not be refused.

~~1) Administration of Psychotropic Medication~~

~~A) Psychotropic medication shall not be administered to any resident against his or her will or without the consent of the parent or guardian of a minor who is under the age of 18, unless:~~

~~i) A psychiatrist, or in the absence of a psychiatrist a physician, has determined that: the resident suffers from a mental illness or mental disorder; and the medication is in the medical interest of the resident; and the resident is either gravely disabled or poses a likelihood of serious harm to self or others; and~~

~~ii) The administration of such medication has been approved by the Treatment Review Committee after a hearing (see subsection (d)(2) of this Section). However, no such approval or hearing shall be required when the medication is administered in an emergency situation. An emergency situation exists whenever the required determinations listed in subsection (d)(1)(A)(i) of this Section have been made and a psychiatrist, or in the absence of a psychiatrist a physician, has determined that the resident poses an imminent threat of serious physical harm to self or others. In all emergency situations, the procedures set forth in subsection (d)(5) of this Section shall be followed.~~

~~B) Whenever a physician orders the administration of psychotropic medication to a resident against the person's will, the physician shall document in the resident's clinical file the facts and underlying reasons supporting the determination that the standards in subsection (d)(1)(A) of this Section have been met and:~~

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- ~~i) the Program Administrator shall be notified as soon as practicable; and~~
 - ~~ii) unless the medication was administered in an emergency situation, the Chairperson of the Treatment Review Committee shall be notified in writing within three days.~~
- 2) ~~Treatment Review Committee Hearing Procedures~~

~~The Treatment Review Committee shall be comprised of three members appointed by the Program Administrator, two of whom shall be mental health professionals and one of whom shall be a physician. One member shall serve as Chairperson of the Committee. None of the Committee members may be involved in the current decision to order the medication. The members of the Committee shall have completed a training program in the procedural and mental health issues involved that has been approved by the Clinical Director.~~

 - ~~A) The Program Administrator shall designate a member of the program staff not involved in the current decision to order medication to assist the resident. The staff assistant shall have completed a training program in the procedural and mental health issues involved that has been approved by the Clinical Director.~~
 - ~~B) The resident and staff assistant shall receive written notification of the time and place of the hearing at least 24 hours prior to the hearing. The notification shall include the tentative diagnosis and the reasons why the medical staff believes the medication is necessary. The staff assistant shall meet with the resident prior to the hearing to discuss the procedural and mental health issues involved.~~
 - ~~C) The resident shall have the right to attend the hearing unless the Committee determines that it is likely that the person's attendance would subject the person to substantial risk of serious physical or emotional harm or pose a threat to the safety of others. If such a determination is made, the facts and underlying reasons supporting the determination shall be documented in the resident's clinical file. The staff assistant shall appear at the hearing whether or not the resident appears.~~

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- D) ~~The documentation in the clinical file referred to in subsection (d)(1)(B) of this Section shall be reviewed by the Committee and the Committee may request the physician's personal appearance at the hearing.~~
- E) ~~Prior to the hearing, witnesses identified by the resident and the staff assistant may be interviewed by the staff assistant after consultation with the resident as to appropriate questions to ask. Any such questions shall be asked by the staff assistant unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.~~
- F) ~~Prior to the hearing, the resident and the staff assistant may request in writing that witnesses be interviewed by the Committee and may submit written questions for witnesses to the Chairperson of the Committee. These questions shall be asked by the Committee unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility. If any witness is not interviewed, a written reason shall be provided.~~
- G) ~~Prior to the hearing, the resident and the staff assistant may request in writing that witnesses appear at the hearing. Any such request shall include an explanation of what the witnesses are expected to state. Reasonable efforts shall be made to have such witnesses present at the hearing, unless their testimony or presence would be cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility, or for other reasons including, but not limited to, unavailability of the witness or matters relating to institutional order. In the event requested witnesses are unavailable to appear at the hearing but are otherwise available, they shall be interviewed by the Committee as provided for in subsections (d)(2)(F) and (d)(2)(I) of this Section.~~
- H) ~~At the hearing, the resident and the staff assistant may make statements and present documents that are relevant to the proceedings. The staff assistant may direct relevant questions to any witnesses appearing at the hearing. The resident may request that the staff assistant direct relevant questions to any witnesses~~

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~~appearing at the hearing and the staff assistant shall ask such questions unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.~~

- ~~I) The Committee shall make such investigation as it deems necessary. The staff assistant shall be informed of any investigation conducted by the Committee and shall be permitted to direct relevant questions to any witnesses interviewed by the Committee. The staff assistant shall consult with the resident regarding any statements made by witnesses interviewed by the Committee and shall comply with requests by the resident to direct relevant questions to such witnesses unless cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.~~
 - ~~J) The Committee shall consider all relevant information and material that has been presented in deciding whether to approve administration of the medication.~~
 - ~~K) A written decision shall be prepared and signed by all members of the Committee that contains a summary of the hearing and the reasons for approving or disapproving the administration of the medication. Copies of the decision shall be given to the resident, the staff assistant, and the Program Administrator. Any decision by the Committee to approve involuntary administration of psychotropic medication must be unanimous. The Program Administrator shall direct staff to comply with the decision of the Committee.~~
 - ~~L) If the Committee approves administration of the medication, the resident shall be advised of the opportunity to appeal the decision to the Clinical Director by filing a written appeal with the Chairperson within five days after the resident's receipt of the written decision.~~
- 3) Review by Clinical Director
- A) If the resident appeals the Treatment Review Committee's decision, staff shall continue to administer the medication as ordered by the physician and approved by the Committee while

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~~awaiting the Clinical Director's decision on the appeal.~~

- B) ~~The Chairperson of the Committee shall promptly forward the written notice of appeal to the Clinical Director or a physician designated by the Clinical Director.~~
 - C) ~~Within five working days after receipt of the written notice of appeal, the Clinical Director shall:~~
 - i) ~~Review the Committee's decision, make such further investigation as deemed necessary, and submit a written decision to the Program Administrator; and~~
 - ii) ~~Provide a copy of the written decision to the resident, the staff assistant, and the Chairperson of the Committee.~~
 - D) ~~The Program Administrator shall direct staff to comply with the decision of the Clinical Director.~~
- 4) ~~Periodic Review of Medication~~
- A) ~~Whenever any resident has been involuntarily receiving psychotropic medication continuously or on a regular basis for a period of six months, the administration of such medication shall, upon the resident's written request, be reviewed by the Treatment Review Committee in accordance with the procedures enumerated in subsections (d)(2) and (d)(3) of this Section. Every six months thereafter, for so long as the involuntary medication continues on a regular basis, the resident shall have the right to a review hearing upon written request.~~
 - B) ~~Every resident who is involuntarily receiving psychotropic medication shall be evaluated by a psychiatrist at least every 30 days, and the psychiatrist shall document in the resident's clinical file the basis for the decision to continue the medication.~~
- 5) ~~Emergency Procedures~~
~~Subsequent to the involuntary administration of psychotropic medication in an emergency situation:~~

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- A) ~~The basis for the decision to administer the medication shall be documented in the resident's clinical file and a copy of the documentation shall be given to the resident and to the Clinical Director for review.~~
- B) ~~A mental health professional shall meet with the resident to discuss the reasons why the medication was administered and to give the resident an opportunity to express any concerns he or she may have regarding the medication.~~
- 6) ~~Documentation
Copies of all notifications and written decisions concerning involuntary administration of psychotropic medication shall be placed in the resident's clinical file.~~
- 7) ~~Minors
In the case of a resident who is a minor under the age of 18, the parent or guardian shall be sent the documentation and written decisions that are provided to the resident pursuant to this Section and shall be permitted to attend and participate in any proceedings required by this Section. Notice of any Treatment Review Committee hearing shall be promptly sent to the parent or guardian and reasonable attempts shall be made to provide such notice at least 72 hours prior to the hearing.~~
- e) ~~Residents may only acquire personal property in accordance with provisions of this Part or posted rules established by the Program Director where the resident is assigned. Every resident who resides in a secure residential facility shall be permitted to receive, possess and use personal property and shall be provided with a reasonable amount of storage space therefor, except as provided in posted rules established by the Program Director.~~
- 1) ~~Possession and use of certain classes of property may be restricted by the Program Director when necessary to protect the resident or others from harm.~~
- 2) ~~The professional responsible for overseeing the implementation of a resident's services plan may, with the approval of the Program Director, restrict the right to property when necessary to insure implementation of~~

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~~the services plan, protect such resident or others from harm, or as part of the Resident Behavior Management System.~~

- 3) ~~When a resident is discharged from the facility, all of his or her lawful personal property that is in the custody of the facility shall be returned.~~
- 4) ~~A resident may use his or her funds as he chooses, unless he or she is a minor or prohibited from doing so under a court guardianship order. A resident may deposit or cause to be deposited money in his or her name with the Department or a financial institution with the approval of the Department and the financial institution. When a resident is discharged from the Department, all of his unspent money, including earnings, shall be returned.~~
- f) ~~A resident shall be permitted reasonable communication with persons of choice by mail, telephone and visitation. Communications may be reasonably restricted, censored, screened or monitored to protect the resident or others from harm, harassment or intimidation or to insure implementation of the resident's services plan. The Program Director, in conjunction with the Chief Administrative Officer, shall set the times and places for the use of telephones and visits.~~
- g) ~~Upon commencement of services, or as soon thereafter as the condition of the resident permits, every resident who is 12 years of age or older and the parent or guardian of a minor or person under guardianship shall be informed orally and in writing of the rights guaranteed by this Part which are relevant to the nature of the services plan. Every facility shall also post conspicuously in public areas a summary of the rights that are relevant to the services delivered by that facility.~~
- h) ~~Whenever the rights of a resident that are specified in this Section are restricted, the professional responsible for overseeing the implementation of the resident's services plan shall be responsible for promptly giving notice of the restriction.~~
- i) ~~The Program Administrator and the Program Director of each secure residential facility shall adopt in writing such policies and procedures as are necessary. Such policies and procedures may amplify or expand, but shall not restrict or limit, the rights of residents.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

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Section 299.340 Medical Care

- a) Emergency ~~medical care~~~~treatment~~ shall be available to residents 24 hours ~~per~~ day, ~~seven days per week~~.
- b) Residents shall be informed of the ~~facility~~~~institutional~~ procedures for obtaining medical or dental services.
- c) Persons ~~housed at a~~~~committed to the~~ secure residential ~~facility~~~~facilities~~ shall be provided ~~all necessary~~ medical and dental treatment, with the consent of the parent or guardian where applicable, as prescribed by a ~~facility~~ physician or dentist.
- d) A resident who has, or is suspected of having, a communicable disease may be isolated from other residents. This determination shall be made by a physician ~~or~~ ~~medical professional on the basis of medical necessity~~~~as deemed medically necessary~~.
- e) In case of critical illness or major surgery, the Program Director shall attempt to notify the person designated by the resident to be contacted in case of an emergency and, ~~when~~~~where~~ applicable, the parent or guardian.
- f) A record of all medical and dental examinations, findings, and treatment shall be maintained ~~in the resident's medical file~~.
- g) Administration of Psychotropic Medication
 - 1) Psychotropic medication shall not be administered to any resident without the informed consent of the resident or guardian unless:
 - A) A psychiatrist or, in the absence of a psychiatrist, a physician has determined that:
 - i) the resident suffers from a serious mental illness or mental disorder;
 - ii) the administration of psychotropic medication is in the immediate medical interest of the resident; and

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medication is in the best interests of the resident, absent the resident's informed consent to administration of the medication. The assigned medical professional shall meet with the resident prior to the hearing to discuss the procedural and mental health issues involved.

- 4) The resident shall have the right to attend the hearing unless the Committee determines that it is likely that the person's attendance would subject him/her to substantial risk of serious physical or emotional harm, pose a threat to the health or safety of others, or threaten the overall security of the facility. If such a determination is made, the facts and underlying reasons supporting the determination shall be documented in the resident's medical file. The assigned medical professional shall appear at the hearing regardless of whether the resident appears.
- 5) The documentation in the medical file referred to in subsection (g)(2) shall be reviewed by the Committee and the Committee may request the psychiatrist's/physician's personal appearance at the hearing.
- 6) Prior to the hearing, witnesses identified by the resident and the assigned medical professional may be interviewed by the assigned medical professional after consultation with the resident as to appropriate questions to ask. Any such questions shall be asked by the assigned medical professional unless the question is cumulative or irrelevant, or would pose a threat to the safety of others or the security of the facility.
- 7) Prior to the hearing, the resident and the assigned medical professional may request in writing that witnesses be interviewed by the Committee and may submit to the Chairperson of the Committee written questions for witnesses. These questions shall be asked by the Committee unless the question is cumulative or irrelevant, or would pose a threat to the health or safety of others or the overall security of the facility. If any witness is not interviewed, a written reason shall be provided.
- 8) Prior to the hearing, the resident and the assigned medical professional may request in writing that witnesses appear at the hearing. Any such request shall include an explanation of what the witnesses are expected to state. Reasonable efforts shall be made to have the witnesses present at the hearing, unless their testimony or presence would be cumulative or irrelevant, or would pose a threat to the health or safety of others or the

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overall security of the facility, or for other reasons including, but not limited to, unavailability of the witness or matters relating to facility order. In the event requested witnesses are unavailable to appear at the hearing but are otherwise available, they shall be interviewed by the Committee as provided for in subsections (h)(7) and (9) through (10).

- 9) At the hearing, the resident and the assigned medical professional may make statements and present documents that are relevant to the proceedings. The assigned medical professional or resident may direct relevant questions to any witnesses appearing at the hearing. The resident may request that the assigned medical professional direct relevant questions to any witnesses appearing at the hearing. The assigned medical professional shall ask those questions unless the question is cumulative or irrelevant, or would pose a threat to the health or safety of others or the overall security of the facility.
- 10) The Committee shall make such inquiry as it deems necessary. The assigned medical professional and resident shall be informed of any inquiry conducted by the Committee and shall be permitted to direct relevant questions to any witnesses interviewed by the Committee. The assigned medical professional shall consult with the resident regarding any statements made by witnesses interviewed by the Committee and shall comply with requests by the resident to direct relevant questions to those witnesses unless the question is cumulative or irrelevant, or would pose a threat to the health or safety of others or to the overall security of the facility.
- 11) The Committee shall consider all relevant information and material that has been presented in deciding whether to approve administration of the medication in the absence of the informed consent of the resident.
- 12) A written decision shall be prepared and signed by all members of the Committee that contains a summary of the hearing and the reasons for approving or disapproving the administration of the medication. Copies of the decision shall be given to the resident, assigned medical professional and Program Director and shall be placed in the resident's medical file. Any decision by the Committee to approve administration of psychotropic medication without the informed consent of the resident shall be based upon a preponderance of the evidence and must be unanimous. The

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Program Director shall direct the appropriate medical staff to comply with the decision of the Committee.

- 13) If the Committee approves administration of the medication, the resident shall be placed on an appropriate mental health status (if not already so assigned) and shall also be advised of the opportunity to appeal the decision to the Medical Director by filing a written appeal with the Chairperson within five days after the resident's receipt of the Committee's written decision.

i) Review by Medical Director

- 1) If the resident appeals the Treatment Review Committee's decision, medical staff shall continue to administer the medication as ordered by the physician and approved by the Committee while awaiting the Medical Director's decision on the appeal.
- 2) The Chairperson of the Committee shall promptly forward the written notice of appeal to the Medical Director or his/her designee.
- 3) Within 10 working days after receipt of the written notice of appeal, the Medical Director shall:
- A) Review the Committee's decision, make further investigation deemed necessary, and submit a written decision to the Program Director; and
- B) Provide a copy of the written decision to the resident, the assigned medical professional and the Chairperson of the Committee and shall place a copy in the resident's medical file.
- 4) The Program Director shall direct medical staff to comply with the decision of the Medical Director.

j) Periodic Review of Medication

- 1) Whenever any resident has been receiving psychotropic medication continuously or on a regular basis for a period of six months in the absence of informed consent, the administration of the medication shall be

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reviewed by the Treatment Review Committee in accordance with subsections (h) and (i). Every six months thereafter, for as long as the medication continues on a regular or continuous basis, the Treatment Review Committee shall review the continued need for the administration of psychotropic medication in the absence of informed consent.

2) Every resident who is receiving psychotropic medication in the absence of informed consent shall be evaluated by a psychiatrist or physician at least every 30 days, and the psychiatrist/physician shall document in the resident's medical file the basis for the decision to continue the medication.

k) Emergency Procedures

Subsequent to the administration of psychotropic medication in an emergency situation pursuant to subsection (g)(1)(A):

1) The basis for the decision to administer the medication on an emergency basis shall be provided to the resident and to the Medical Director for review.

2) A medical professional shall meet with the resident to discuss the reasons why the medication was administered on an emergency basis and to give the resident an opportunity to express any concerns he/she may have regarding the medication.

l) Documentation

Copies of all notifications and written decisions concerning involuntary administration of psychotropic medication shall be placed in the resident's medical file.

m) Parents and Guardians

In the case of a resident who is a minor or has a guardian, the parent or guardian shall be sent the documentation and written decisions that are provided to the resident pursuant to this Section and shall be permitted to attend and participate in any proceedings required by this Section. Notice of any Treatment Review Committee hearing shall be promptly sent to the parent or guardian and reasonable attempts shall be made to provide that notice at least 72 hours prior to the hearing.

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(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.345 Emergency Mental Health Care

- a) Residents in Need of Emergency Mental Health Care
- 1) When medical, treatment or security staff believe a resident is in need of emergency mental health care to prevent self injury, the AOD shall be notified.
 - 2) The AOD should immediately initiate placement of that resident into Mental Health Status 1 and provide continuous observation of the resident.
- b) Resident Placement, Property Restriction and Observation Requirements
- 1) Placement. After placement in Mental Health Status 1 is initiated, and prior to the completion of the one-hour assessment by a licensed mental health professional, the resident shall be placed in an empty, designated observation room. Following the one-hour mental health assessment, continued room placement of the resident shall be determined by consultation between security staff and the mental health professional assigning the resident to Mental Health Status. The decision regarding where to place the resident, and his/her movement while on Mental Health Status, shall be based on the level of risk the resident presents, as well as the institutional management challenges presented by the resident once placement is initiated.
 - 2) Property. During initiation, the AOD may limit or restrict the personal or facility-provided property items, including clothing, the resident is permitted to possess. Once the mental health assessment is complete, the mental health professional assigning Mental Health Status shall indicate the appropriate, allowable personal or facility-provided property. This decision shall be approved by the Program Director.
 - 3) Observation. The resident shall be under continuous visual observation once these procedures regarding Emergency Mental Health Status (EMHS) are initiated, and will remain under continuous visual observation until, in the opinion of a licensed mental health professional, observation is not necessary.

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c) Notification of Clinical Director or Designee

- 1) As soon as practicable, the AOD will notify the Clinical Director or designee that EMHS was initiated and shall request that an assessment of the resident's behavior be performed by a licensed mental health professional.
- 2) If the need to initiate EMHS occurs when there is no licensed mental health professional on-site, the AOD shall request that the duty nurse perform the assessment.
- 3) An on-site assessment of the resident's mental health needs shall be performed within one hour after placement in EMHS.
- 4) If EMHS is initiated after normal business hours, upon completion of the one-hour assessment, the duty nurse shall notify the Clinical Director or designee.
- 5) In all situations, a licensed mental health professional will become the lead person in management of the resident through resolution of the crisis. The licensed mental health professional will determine necessary interventions, including the need for continued observation, the type of observation, the need for a psychiatric consult, and/or any other appropriate mental health interventions. All measures taken shall be documented in the resident's clinical file.

d) Contacting Psychiatrist on Call

- 1) The Clinical Director or designee may, at his/her discretion, contact the psychiatrist on call and consult with him/her regarding the resident's apparent emergency mental health care needs.
- 2) The Clinical Director, AOC and psychiatrist on call, within their respective scopes of practice, shall determine the utility of emergency medication; the interval, frequency and type of observation (e.g., medical, general, security); room placement; and permitted property. They shall also direct the security staff and health care staff accordingly.

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- e) Minimal Standards for Care and Observation
While the resident remains in EMHS, the following are minimal standards for care and observation, unless otherwise directed:
- 1) The resident will be reassessed by a licensed mental health professional or the duty nurse every shift while on EMHS.
 - 2) Security and nursing staff shall follow all instructions from the Clinical Director or designee.
 - 3) To assure continuity of care, the licensed mental health professional or duty nurse shall, every shift, write a summary progress note that includes assessment, care and status of the resident. This note shall be placed in the resident's clinical file.
 - 4) In all cases, the resident shall be evaluated face-to-face by a licensed mental health professional, within 24 hours after being placed on EMHS, to determine the resident's continuing needs.
 - 5) A resident may not be placed on EMHS for more than 24 hours unless continued by a licensed mental health professional after conducting a face-to-face assessment of the resident.
 - 6) Residents placed on EMHS shall be restricted to the living unit or healthcare unit and may only leave the unit for medical reasons, court writs, or as otherwise approved by the Program Director. All residents on EMHS shall be provided a 1:1 escort while off the living unit.
 - 7) When a resident has been on Mental Health Status for a continuous period of 72 hours, the Clinical Director or designee shall review the resident's ITP with the facility psychiatrist. If the resident is continued on Mental Health Status, the psychiatrist will conduct a face-to-face evaluation of the resident and, with the treatment team, shall review the ITP weekly for the time the resident remains on Mental Health Status. A resident's ITP shall:
 - A) address individual behaviors and special needs;
 - B) address the need for special observation; and

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- C) provide guidance to staff who provide for the daily care and treatment of the resident.
- 8) All direct care staff shall follow the specific guidelines set forth in the ITP, including, but not limited to, behavior observation, data collection, documenting intervals, and interaction with the resident and the resident's response. This shall occur while the direct care staff continues to provide all other day-to-day care and treatment of the resident.
- f) Incident Reporting Requirements
The AOD will ensure that the staff involved in the incidents leading up to the initiation of EMHS complete incident reports or chart notes as needed before they leave their shift. The shift supervisor shall ensure that all incident reports are delivered to the Program Director before the end of his/her shift.
- g) Notification of Resident's Reassignment
- 1) On the first subsequent business day after a resident reassignment, the Clinical Director or designee shall notify the resident's primary therapist and facility psychiatrist of the reassignment and the behavior necessitating placement on EMHS.
- 2) On the first business day after placement on EMHS, the Clinical Director, primary therapist, or facility psychiatrist shall review the resident's continuing need for emergency mental health care.
- A) If there is evidence of continued risk, the resident shall remain on EMHS. Continued assignment to EMHS shall then be reviewed every business day thereafter until the resident is reassigned to a different management status.
- B) If, upon review, there is no evidence of continuing risk, the resident shall be returned to his/her previous management status with recommendations for follow-up treatment.
- C) If the Clinical Director, primary therapist or facility psychiatrist determines the resident presents a risk of harm to self or others that is not related to his/her mental health, the resident will temporarily be reassigned to Special Management Status.

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- D) In the event of a re-assignment of the resident to Special Management Status, the Clinical Director, primary therapist, or facility psychiatrist shall notify the AOC and refer the matter to the Behavior Committee for review.
 - E) When a resident is temporarily reassigned to Special Management Status, the requirements specified in the Special Management Directive will be followed.
- h) Daily Contact with Resident by Primary Therapist
- 1) While a resident is on EMHS, his/her primary therapist shall have daily, individual contact with that resident. The contact shall, at a minimum, involve:
 - A) Assessment of the resident's current dangerousness;
 - B) Mental status and mental health needs; and
 - C) The coordination of physical or medical needs, as required.
 - 2) The primary therapist shall discuss the events and decisions resulting in the resident's reassignment to EMHS. Those events and decisions should be viewed in light of the resident's overall ITP and, as appropriate, the ITP should be modified and additional treatment recommended to reduce the frequency of the resident's reassignment to EMHS. The resident's primary therapist is responsible for ensuring that the resident is offered the following:
 - A) Daily recreation time as appropriate, based on the resident's mental status and assessed dangerousness;
 - B) Adequate access to personal hygiene and grooming supplies; and
 - C) All permitted personal and facility-provided property.

(Source: Added at 44 Ill. Reg. _____, effective _____)

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Section 299.350 Security

- a) Use of Force
 - 1) Force shall be employed only as a last resort or when other means are unavailable or inadequate, and only to the degree reasonably necessary to achieve a permitted purpose. Department staff shall not employ deadly force.
 - 2) Use of force shall be terminated as soon as force is no longer necessary.
 - 3) Medical screening and/or care shall be conducted following any use of force that results in bodily injury.
 - 4) Corporal punishment is prohibited.
- b) Force may be used under the following circumstances:
 - 1) To compel compliance with a lawful order given by an employee to ensure the safety and security of the facility.
 - 2) To protect oneself or any other person from physical assaults, injury or death.
 - 3) To prevent escapes from the facility or from the custody of employees in the community.
 - 4) To protect State property or the property of others from unauthorized use, possession, damage or destruction.
 - 5) To prevent or suppress a riot, revolt, mutiny or insurrection, or other serious disturbance.
 - 6) To compel compliance with all orders issued pursuant to the Act.
- c) Training

Training in procedures for use of force shall be conducted for all ~~institutional~~ security employees, along with continuous annual~~yearly~~ reviews.

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- d) Movement of Residents
- 1) Handcuffs, security belts and/or leg irons may be used to restrain any resident when:
 - A) A person confined pending a review of an incident ~~under Section 299.660~~ or in ~~Special Management Status~~~~secure management status~~ (see Sections 299.650 and 299.690) is moved within the facility;⁵
 - B) A resident is transported outside the facility;⁵ or
 - C) Determined by the Program Director to be necessary for safety and/or security.
 - 2) The Program Director has ultimate authority regarding the advisability of all writ transportation. Any writ that poses a safety and/or security concern may be cancelled upon direction of the Program Director.
- e) Response to Serious ~~Institutional~~ Disturbances
- 1) The Program Director may confine residents temporarily in all or part of the facility when determined necessary in order to maintain security of the facility or for the safety of residents, employees or other persons. ~~This decision is to be made independently of the decision by the Chief Administrative Officer to place the correctional facility on lock-down status.~~
 - 2) The decision to impose a temporary facility confinement shall be reviewed and approved by the Program Administrator, whenever possible, prior to the imposition of the temporary facility confinement, but in any event, promptly thereafter.
 - 3) Continuation of the temporary facility confinement shall be reviewed every 740 days by the Program Director and the Program Administrator.
- f) Searches for Contraband
- 1) Searches of Visitors

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- A) All persons and items brought onto State property are subject to search. Prominent notices to this effect shall be posted at each facility. ~~Visitors are also subject to the rules of the Department of Corrections (20 Ill. Adm. Code 501 and 525) and rules and policies governing the correctional facility where the secure residential facility is located.~~
- B) A visitor may refuse to submit to a search. However, failure to submit to a search may result in denial, suspension or restriction of visiting privileges.
- 2) Searches of Residents
- A) All residents and their clothing, property, housing and ~~taskwork~~ assignments are subject to search at any time.
- B) All residents are subject to testing for alcohol or substance use, including but not limited to urinalysis.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART D: CONDITIONAL RELEASE

Section 299.400 Conditional Release Plans

- a) Following notification by the court that a committed person is appropriate for conditional release, the Department shall prepare a plan that identifies the treatment and services that the person will receive in the community. The plan shall address the person's need, if any, for ~~sex offender treatment, ancillary services, monitoring, supervision, surveillance, counseling, medication, community support services, residential services, vocational services, polygraph services, and alcohol or other drug screening~~ ~~abuse treatment~~. The Department may contract with a county health department, with another public agency ~~and/or~~ with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan.
- b) All sex offender specific treatment provided to a sexually violent person while on

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conditional release shall be conducted in conformance with standards developed under the Sex Offender Management Board Act [20 ILCS 4026] by a provider licensed under the Provider Act.

- ~~c~~b) For a committed person who is to be conditionally released under an initial commitment order or following an order for commitment to a secure facility, ~~the plan shall be presented to the court for its approval within 21 days after the court finding that the person is appropriate for conditional release, unless the Department and the person to be released request additional time to develop the plan.~~ c) ~~For a committed person who is to be conditionally released from a secure residential facility,~~ the plan shall be presented to the court for its approval within 60 days after the court finding that the person is appropriate for conditional release, unless the Department and the person to be released request additional time to develop the plan.
- d) All plans for conditional release shall, at a minimum, contain those conditions set forth in Section 40(b)(5) of the Act. In addition, no person being supervised on conditional release shall reside at the same street address as another sex offender being supervised under the Act or on mandatory supervised release, parole, aftercare release, probation or any other manner of court supervision, except supervision for an offense listed in the Illinois Vehicle Code.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.410 Conditional Release ~~Orders~~

An order for conditional release places the committed person in the custody and control of the Department, and the person is subject to the conditions set by the court and the rules of the Department. Upon the recommendation of the resident's evaluator or the facility's Clinical Director, the Program Director may file a petition for conditional release on behalf of the resident. The recommendation may be based upon changes in the mental and/or physical condition of the resident, including, but not limited to, changes in the health needs of the resident. Regardless of such recommendation and/or filing, the Department shall, at all times, follow the court's orders regarding the need for secure care.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.420 Community Monitoring

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The Department may contract with ~~or utilize the services of a county, municipality and/or health department, or with~~ other public or private ~~entities/agencies,~~ to provide ~~surveillance, monitoring, polygraph, drug and alcohol screening, and other related treatment and~~ services to a person ~~ordered to a plan of conditional release.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.430 Revocation

- a) ~~In addition to the methods of revocation outlined in Section 40 of the Act, if the Program Director determines~~~~If the Department alleges~~ that a released person has violated any condition or rule, ~~and/or~~ that the safety of others requires that conditional release be ~~immediately suspended~~~~revoked~~, he/~~or~~she may be taken into custody ~~and transported to a secure facility pending judicial review pursuant to Section 40 of the Act.~~
- b) ~~Within 48 hours after returning a person ordered to conditional release to a secure facility, the Program Director shall prepare~~~~The Department shall submit~~ a statement showing probable cause for the detention ~~to the Attorney General or State's Attorney with a request that he/she immediately file~~ and a petition to revoke the order for conditional release ~~with~~ to the committing court ~~within 48 hours after the detention.~~
- c) Pending the revocation hearing ~~under Section 40(b)(4) of the Act, a person ordered to a plan of conditional release, the person~~ may be detained in a jail, a hospital or ~~treatment~~ facility.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART E: NOTIFICATION OF VICTIMS

Section 299.500 Notification of Victims

- a) If the court places a committed person on conditional release under Section 40 ~~or 60~~ of the Act, or discharges a person under Section ~~60 or 65,~~ of the Act, ~~upon any other court-ordered change in custody status, upon the escape of a resident, upon an inability to locate a person on a plan of conditional release, or upon the death of any detained or committed person,~~ the Department shall notify all of the following who have requested notification under the Act or under the Rights of

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Crime Victims and Witnesses Act:

- 1) The victim of the act of sexual violence.
 - 2) An adult member of the victim's family, if the victim died as a result of the act of sexual violence.
 - 3) The victim's parent or legal guardian, if the victim is younger than 18 years.
 - 4) The Department of Corrections (DOC) or the Department of Juvenile Justice (DJJ) as appropriate.
- b) The notice to the DOC/DJJ~~Department of Corrections~~ and the persons to be notified shall state the name of the detained or committed ~~person committed under this Act~~ and the date the person was~~is~~ placed on conditional release or discharged, was the subject of a court-ordered change in custody status, died, escaped, or could not be located while on a court-ordered plan of conditional release. The Department shall send the notice, postmarked within one business day after the conditional release, discharge, court-ordered change in custody status, escape, death or inability to locate a person on conditional release ~~at least 7 days before the date the person committed under the Act is placed on conditional release or discharged,~~ to DOC/DJJ~~the Department of Corrections~~ and the last-known address of the persons to be notified under subsection (a) ~~of this Part.~~
- c) When possible, the Department shall dispatch the notice within one business day after issuance of the court order requiring the preparation of the conditional release plan and a second notice within one business day after the date the court approves the plan of conditional release. When circumstances do not permit advance notice, notice shall be provided as soon as practicable after any conditional release, discharge, court-ordered change in custody status, death, escape, or inability to locate a person on a court-ordered plan of conditional release.
- de) The Department shall design and prepare cards for persons specified in subsection (a) ~~of this Part~~ to send to the Department. The cards shall have space for ~~these~~ persons requesting notification to provide their names and addresses, the name of the person committed under ~~the~~this Act, and any other information the Department determines is necessary. The Department shall provide the cards,

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without charge, to the Attorney General and State's Attorneys. The Attorney General and State's Attorneys shall provide the cards, without charge, to persons specified in subsection (a) ~~of this Section~~. These persons may send completed cards to the Department. All records or portions of records of the Department that relate to mailing addresses of these persons are not part of the resident's file nor subject to inspection or copying under Section 3 of the Freedom of Information Act.

- ~~e~~) The Department may request victim impact statements for use in conducting evaluations and providing sex offender specific treatment and/or ancillary services, as well as in preparing the ITP.
- f) The Department may utilize the Statewide Victim and Witness Notification System described in the Rights of Crime Victims and Witnesses Act. That utilization shall, in all respects, constitute compliance with this Part.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART F: RESIDENT BEHAVIOR MANAGEMENT SYSTEM

Section 299.600 Resident Behavior Management System

The Resident Behavior Management System is a milieu treatment program designed to promote a safe and secure environment for treatment, as well as to preserve facility safety and security. Abiding by this Part and the requirements of the living unit and participating in treatment may be encouraged through the use of positive incentives (e.g., increased level of privileges, special activities, etc.). Behavior that violates this Part or the rules of the Program or the living unit shall be discouraged through the withdrawal of positive incentives (e.g., restrictions of privileges and liberties) and redirection to appropriate activities. As determined by the Program Director, the Program may establish differing management levels (e.g., Admission Status, Close Status, Special Management Status, Intermediate C, B and A Status~~admission status, secure management status, general status, high privilege status~~) to provide a greater degree of individualization in the Resident Behavior Management System.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.610 Violations of Criminal Law

When~~Where~~ reasonable grounds exist to suspect that a resident has committed a violation of

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criminal law, ~~that violation~~ shall be reported to the State's Attorney of the county in which the incident occurred or to the appropriate law enforcement agency official. ~~The~~ referral is independent of any action under the Resident Behavior Management System.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.620 Applicability

- a) Program and living unit rules are to promote a safe and secure environment for treatment, as well as to preserve facility safety and security. All residents are expected to comply with the Program and living unit rules, as well as all staff orders. ~~Disagreement with a staff order will be discussed only after the resident has complied with the order. If off unit, disagreements will be discussed only upon return to the unit.~~ In a situation ~~in which~~ where one or more residents are not following staff orders, staff will implement security measures to ensure ~~facility~~ everyone's safety and security (e.g., staff may direct all residents to their rooms).
- b) All residents will be given adequate notice of the Program rules and living unit rules either directly by staff or presumptively by publication of this Part, provision of a handbook, or posted notice on the living units ~~posting of the rules~~. Residents shall be informed of the rules upon admission. ~~The and the~~ location specific Program and living unit rules shall be either printed in the handbook or posted on the living units. Changes in rules that do not appear in the handbook shall ~~also~~ be posted on the living units. Only those rules of which the residents that have received notice ~~been posted~~ may be enforced.
- c) Rules apply equally to all residents in similar circumstances. Differences in circumstances ~~situations that are relevant to differences in limitations~~ are within staff discretion; however, ~~the~~ such differences must be documented and applied when ~~for~~ determining aggravating and mitigating circumstances surrounding a rule violation.
- d) Progressive actions taken to address residents who violate facility rules involve warnings and, if ineffective, formal restrictions. When the severity of the rule violation warrants action be taken for the safety of the resident or others, staff may offer the resident a "cool down" period, which consists of voluntary confinement to the resident's room, or placement of the resident on Temporary Special Management Status pending review by the Behavior Committee.

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Whenever staff have reason to believe that a resident has violated facility rules, staff shall inform the resident of the specific rules and of the determination that the resident violated the rules, and shall offer one of the following:

1) Warnings

A) For a minor rule violation only, a warning may be issued if:

i) staff determines that:

- the resident is unfamiliar with the rules; or
- the resident's behavior was a technical violation of the rules; and

ii) staff determines that the objective of the rules would not be met by formal behavioral interventions.

B) A warning is to help the resident identify the rule violations, the consequences of the rule violations, and appropriate alternative behaviors. Warnings are to help the resident identify and modify the conduct that led to the rule violations in order to avoid imposition of formal behavioral interventions.

2) An intervention in the form of a "cool down" may be offered by the staff and may be accepted or rejected by the resident. If the intervention is rejected, staff will notify their supervisor immediately for further direction and or assistance. Staff involved in the cool down process shall complete incident reports and forward them to the shift supervisor for review before the end of the shift. Staff shall conduct a wellness check on the resident approximately 15 minutes after placement on a cool down. Within two hours after commencement of the cool down, a supervisor shall conduct an assessment of the resident's behavior to see if the cool down should be terminated or extended. All information gathered during this process shall be documented and may lead to imposition of formal behavioral interventions such as placement on Special Management Status or referral to the Behavior Committee.

3) Temporary assignment to Special Management Status may occur when the

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AOD has determined that a cool down was not appropriate or effective. Within two working days after being notified of a temporary assignment to Special Management Status, the Behavior Committee shall meet to review the incident and the need to maintain and continue the resident on Temporary Special Management Status. Staff shall conduct a wellness check of the resident approximately 15 minutes after assignment to Temporary Special Management Status. In addition, a mental health assessment shall be completed by a mental health professional within one hour after assignment to Temporary Special Management Status, and again at 12 hours.

- e) Residents that may be faced with a change in management status upon the finding of a rule violation (i.e., "major" rule violation or third "minor" rule violation that leads to a reduction in management status/privileges) must be provided an opportunity to appear before the Behavior Committee and are entitled to 24 hours advance notice prior to that appearance. The notice shall be in writing and shall identify:
- 1) the rules alleged to be violated;
 - 2) the date, approximate time, and location of the alleged violations;
 - 3) a description of the incident/conduct; and
 - 4) any witnesses identified in the incident report.
- f) A resident facing a change in management status upon the finding of a rule violation may request that the Behavior Committee interview additional witnesses and, subject to health, safety and security concerns, appear before the Behavior Committee to testify and present documentation. Pending an appearance before the Behavior Committee, a resident may be temporarily assigned to Special Management Status.
- g) The decision that a resident has violated a rule shall be based upon the best available evidence and that evidence must show it is more likely than not that the resident violated the rule. Staff may weigh the credibility of witnesses in making the decision. The Behavior Committee will determine the appropriate management status, make treatment recommendations, adjust privileges, or will take any combination of these actions. The decision of the Behavior Committee

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may be grieved, but may not be addressed as an Attempt to Resolve.

he) The following shall be prohibited from consideration under the Resident Behavior Management System:

- 1) punishment~~Corporal punishment;~~
- 2) restrictions on diet; and,
- 3) access to medical or sanitary facilities, showers, shaving, hygiene products, clothing, bedding, or legal mail, approved religious activities, or access to legal work, or counsel, and reductions in the frequency of use of toilets, washbowls and showers shall be prohibited from consideration under the Resident Behavior Management System.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.630 Rule Violation~~violation~~

- a) Behavior that jeopardizes the safety of the residents, staff or others, or the security of the Program or unit, or presents significant management difficulties is considered a major rule violation. Behavior that violates this Part or the Program or living unit rules, but does not place anyone in jeopardy, compromise the security of the Program or present significant management difficulties, is a minor rule violation. When the classification is unclear, staff has the discretion to determine whether the rule violation is major or minor.
- b) A description of behaviors is included as Appendix A.
- c) Every resident is presumed to be responsible for any contraband or other property that is prohibited by this Part or by Program and living unit rules when ~~that such~~ contraband or property is located on the resident's~~his~~ person, within his/~~or~~her room, or within areas of housing or taskwork~~work~~ assignment that are under his/~~or~~her control. ~~Areas under a resident's control include, but are not limited to: the door track, window ledge, ventilation unit, plumbing, and the resident's desk, cabinet, shelving, storage area, bed and bedding materials in the housing assignment, and desk, cubicle, work station and locker in the work assignment.~~ If the resident produces evidence that convinces the treatment team that he/~~or~~she did not commit the rule violation~~offense~~, the resident shall not be given a behavioral

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interventionrestriction.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.640 Preparation and Review of Incident Reports

- a) Every employee has the duty to observe the conduct of residents. When staff ~~persons~~ detect or observe ~~a rule~~ violationsviolation, they ~~shall~~will order the resident to stop or redirect the resident to appropriate behavior. Residents are required to comply with staff orders.
- b) If an employee observes ~~potentiala resident engaging in a~~ violationsviolation, major or minor, discovers evidence of violationits commission, or receives information from a reliable witness of ~~a rule~~ violationsviolation, he/~~or~~ she shall prepare an incident report.
- c) The incident report must be fully completed. The reporting employee shall provide the following information to the extent known or available:
 - 1) The name and identification number of the resident;
 - 2) The place, approximate time, and date of the rule violation;
 - 3) The rule violationsviolation that the resident is alleged to have committed;
 - 4) A written statement of the conduct observed;
 - 5) The names of residents, employees and visitors who were witnesses;
 - 6) Any statements by~~Whether~~ the resident ~~admits to the rule violation~~; and
 - 7) The signature of the reporting employee.
- d) The Program Director shall promptly review all incident reports involving residents and, when appropriate, refer resident incidents to either the Behavior Committee (for major rule violations) or the Program Unit Hearing Officer (for minor rule violations) for review of possible rule violations. For the purposes of incident report review, the writer or writers of pertinent incident reports will be excluded from the Committee or serving as a Program Unit Hearing Officer.

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(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.650 Assignment to Temporary Special~~Assignment to Secure~~ Management Status

- a) The Program Director shall determine whether it is necessary to temporarily assign the resident to Special Management Status~~secure management status~~ in accord with this Section, pending a review of the incident report ~~in accordance with Section~~. The decision to place a resident in Temporary Special Management Status (TSMS)~~temporary secure management status~~ may be based, among other matters, on:
- 1) The aggressiveness of the Resident~~resident~~;
 - 2) The threat posed to the safety and security of the facility;
 - 3) The need to restrict the Resident's~~resident's~~ access to the general population to protect him or her or others from injury or to conduct the review; and/or
 - 4) The seriousness of the rule violation.
- b) Residents placed on TSMS may be housed~~confined~~ in their rooms, cells or living areas, ~~in the secure management status confinement area~~ or in any other area of the facility designated by the Program Director.
- e) ~~A resident who is charged with a criminal offense arising from rule violation in the Program may remain in secure management status until it is determined by the treatment team that the resident no longer presents an immediate risk of harm to self or others and can be effectively managed in the Program.~~
- c) Behavior Committee Determination
- 1) The Behavior Committee shall review the decision to temporarily reassign a resident to Special Management Status within two working days, whenever possible, and may:
 - A) Continue the reassignment pending further investigation.

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Continued reassignment shall be reviewed within two working days, whenever possible. The Program Director will be notified whenever the resident's temporary reassignment has been continued;

- B) Determine that the documented allegations do not meet the threshold for continuation on Special Management Status and return the resident to his/her prior management status;
 - C) Determine that the resident did engage in the reported rule violations and reassign the resident to Special Management Status;
or
 - D) Determine that the resident did engage in the reported misconduct and reassign the resident to a management status that provides appropriate management, treatment and privileges relative to the resident's needs.
- 2) Among other matters, the factors listed in subsection (a) may be considered by the Committee in arriving at its decision.
- d) A resident who has pending charges from a criminal offense arising from Program rule violations may remain in Special Management Status and be housed in any area designated by the Program Director as a special management area of the facility.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.655 Program Unit Hearing Officer Procedures

- a) The Program Unit Hearing Officer shall be either security or clinical staff designated by the Program Director to hear allegations of minor rule violations that do not result in reassignment of management status. Any person who initiated the allegations that serve as the basis for the incident report, or who conducted a formal investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial shall not conduct a hearing on that report.

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- b) The hearing shall be convened, but need not be concluded, within 14 days after the commission of the rule violation or its discovery, whenever possible, unless the resident is unable to participate in the hearing.
- c) The resident shall receive a 24-hour written notice of the allegations and violations being presented against him/her prior to the hearing.
- d) The hearing may be continued to obtain additional information or upon the resident's written request based on good cause shown.
- e) The resident shall have the right to appear before and address the Program Unit Hearing Officer.
- f) The Program Unit Hearing Officer may interview witnesses and review any information relevant to the violation.
- g) The Program Unit Hearing Officer may return the report to the Program Director with a recommendation for a hearing before the Behavior Committee.
- h) The Program Unit Hearing Officer may decide upon any of the actions authorized in Section 299.665(c)(3), except that he/she may not change the resident's management status.
- i) A decision shall be signed by the Program Unit Hearing Officer that contains a summary of oral and written statements and other evidence presented, the decision, and the behavior action implemented.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 299.660 Review of Incident Reports (Repealed)

- a) ~~The Behavior Committee shall review all incident reports involving residents. For the purposes of incident report review, the writer or writers of pertinent incident reports will be excluded from the Committee.~~
- b) ~~The Behavior Committee shall review the decision to temporarily reassign a resident to secure management status within two business days, whenever possible, and may:~~

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- 1) ~~Continue the reassignment pending further investigation. Such continued reassignment shall be reviewed within two business days, whenever possible. The Program Director will be notified whenever the resident's temporary reassignment has been continued.~~
- 2) ~~Determine that the documented allegations of misconduct do not meet the threshold established in Section (d) and return the resident to his or her prior management status.~~
- 3) ~~Determine that the resident did engage in the reported misconduct and reassign the resident to secure management status.~~
- 4) ~~Determine that the resident did engage in the reported misconduct and reassign the resident to a management status that provides appropriate management, treatment, and disciplinary capabilities relative to the resident's misconduct.~~

~~Among other matters, the factors listed in Section (a) may be considered by the Committee in arriving at its decision.~~

- e) ~~Whenever possible a resident who is the subject of an incident report shall be allowed to address the Behavior Committee in order to present his or her views regarding the reported incident. This may be denied if it is determined to be clinically contraindicated, would place a resident or others at risk of harm, or would jeopardize the security of the Program.~~
- d) ~~The Behavior Committee shall document its decision and the reason for that decision in the resident's clinical record. The incident report(s) will be attached to the Committee's documented decision and identifiably referenced within the Committee's documented decision.~~

(Source: Repealed at 44 Ill. Reg. _____, effective _____)

Section 299.665 Behavior Committee Procedures

- a) Whenever practicable, a resident who is the subject of an incident report shall be allowed to address the Behavior Committee in order to present his/her views regarding the reported incident. This may be denied if it is determined to be clinically contraindicated, would place a resident or others at risk of harm, or

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would jeopardize the safety or security of the Program.

- b) The Behavior Committee shall document its decision and the reason for that decision in the Resident's behavioral record.
- c) Violations of facility or living unit rules shall be addressed through specific treatment recommendations and/or referral to ancillary services (e.g., anger management); reassignment of management status; adjustment of privileges; or any combination of these three actions. The Behavior Committee shall determine which interventions are most appropriate.
- 1) Treatment recommendations and/or ancillary services to address rule violation must be logically related to the rule violation (e.g., anger management for reactive, anger-based aggression), must be available, and must have a reasonable expectation of success.
- 2) The Behavior Committee may reassign residents to a different management status whenever rule violations indicate that they cannot be effectively managed at their current management status.
- 3) Although progressive in nature, privileges may be adjusted upon the increased risk of harm or disruption to Program security. Behavioral interventions may include the removal of a privilege that the resident has earned through good behavior. The behavioral interventions should be reasonably related to the rule violation.
- d) Upon determination that a resident has violated a facility rule, the Behavior Committee shall determine appropriate management status, determine appropriate treatment recommendations and/or ancillary services, adjust privileges, or take any combination of these actions. The Committee may also establish time limits on the management status, or behavioral intervention, or conditions imposed.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 299.670 Consequences for Rule Violation (Repealed)

- a) ~~Violations of this Part or of Program or unit rules shall be addressed through: specific, time limited treatment (e.g., anger management); reassignment of management status; a progressive process of behavioral restrictions; or all three.~~

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~~The Behavior Committee shall determine which consequences are most appropriate.~~

- ~~1) Treatment recommendations for rule violation must be logically related to the rule violation (e.g., anger management for reactive, anger-based aggression), must be available, and must have a reasonable expectation of success.~~
 - ~~2) The Behavior Committee may reassign residents to a more secure management status whenever rule violations indicate that they cannot be effectively managed at their current management status.~~
 - ~~3) Although progressive in nature, more severe behavioral restrictions may be imposed upon the increased risk of harm or disruption of Program security. Behavioral restrictions may be the restriction of a right for a set period of time, removal of a privilege that the resident has earned through good behavior, or a combination of the two. When possible, the behavioral restrictions should be intrinsically related to the violation of the rules (e.g., a violation of smoking rules could result in a restriction of smoking privileges).~~
- b) ~~Upon determination that a resident has violated this Part or a Program or unit rule, the Behavior Committee shall determine appropriate management status, determine appropriate treatment recommendations, impose behavioral restrictions, or any combination thereof. The Committee shall also establish time limits on the management status or behavioral restriction or conditions that must be met before removal from a behavior management status or behavioral restriction.~~
- e) ~~Progressive discipline for residents involves counseling, warnings, and then either summary or formal restrictions. When the severity of the misconduct warrants immediate restrictions, staff may initiate behavioral restrictions subject to approval by the Behavior Committee. Whenever staff has reason to believe that a resident has misbehaved, staff shall inform the resident of the rule violation, the rule(s) that were violated and the fact that it was determined that the resident violated the rule(s), and offer one of the following:~~
- ~~1) For minor rule violation only, counseling and warning may occur if staff determines that the resident is unfamiliar with the rule(s) or that the resident's behavior was a technical violation of the rule(s), and if staff~~

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~~determines that the objective of the rule(s) would not be met by behavior restrictions. Counseling and warning may occur only once per rule. Counseling is to help the resident identify the rule violations, the consequences of the rule violation and appropriate alternative behaviors. Warnings are to help the resident identify and modify the rule violation to avoid behavioral restrictions. Counseling and warning shall be documented in the resident's clinical record, as shall be the resident's response to the counseling and warning.~~

- ~~2) A summary restriction may be offered by the staff and may be accepted or rejected by the resident. Staff must discuss the rule violation and proposed summary with the shift supervisor before offering the summary restriction to the resident. If the summary restriction is rejected, a formal behavioral restriction shall be implemented. Because a summary restriction can be rejected by the resident, it is not reviewable. Summary restrictions cannot last more than 30 days. A summary restriction may be determined inappropriate when it has been previously applied and was ineffective in reducing rule violation or when the Behavior Committee has determined that summary restriction is clinically contraindicated.~~
- ~~3) A formal behavioral restriction is imposed when a summary restriction is rejected or when the shift supervisor has determined that summary restrictions are not appropriate. Upon being notified of the application of a formal behavioral restriction, the resident may request a review of the formal behavioral restriction by the treatment team and/or to present information to the treatment team regarding the violation of rule(s), including aggravating or mitigating circumstances. Such request must be in writing and submitted within 24 hours after the notification of formal behavioral restriction. The restriction remains in effect during the review period. The treatment team shall schedule a review within three working days. The resident may present written documentation and discuss circumstances. The resident does not have a right to an advocate, to confront witnesses or to present witnesses. If the treatment team determines the formal behavioral restrictions to be reasonable, it will remain in effect. If the treatment team determines the formal behavioral restriction to be unreasonable it may be increased, reduced or lifted.~~

(Source: Repealed at 44 Ill. Reg. _____, effective _____)

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Section 299.680 Restitution Procedures

- a) The Behavior Committee may recommend that the resident make restitution in any amount not to exceed actual out-of-pocket expenses or loss caused by the conduct of the resident. Restitution may include restoration for damage to property or person caused by the resident performing repairs and cleaning instead of monetary reimbursement. ~~Restitution that consists of labor shall not be compensated.~~ The Behavior Committee shall determine the amount and the conditions of payment.
- b) If the ~~Program Director concurs with the recommendation of the~~ Behavior Committee ~~and~~ determines that restitution for damage to property or person is appropriate, it shall ask the resident to agree to perform the necessary labor or authorize disbursement from his/~~or~~ her trust fund or from any other account of the resident or, when appropriate, agree to restore the damaged items to the condition the items were in before the damage occurred.
- 1) If the resident agrees to make restitution, he/she shall sign an agreement to restore the damaged items perform labor or ~~authorize an authorization for~~ disbursement of funds to either ~~to~~ the State or the appropriate individual.
- 2) If the resident refuses to agree to either restore the damaged items perform labor or authorize disbursement of his/~~or~~ her current funds or future earnings in accordance with the ~~Behavior Committee's Program Director's~~ determination, the ~~Committee Program Director~~ may recommend to the Business Administrator that a hold be placed on the resident's account for the owed such amount, ~~and~~ The Committee may further recommend to the Business Administrator that commissary privileges and/or award of reward points ~~State pay~~ be suspended, in whole or in part, for a ~~definite~~ period of time. The Business Administrator is authorized to take ~~However, the resident shall be permitted to retain a sufficient amount of funds to purchase basic personal hygiene items if such action as he/she deems necessary to recoup payment items are not provided by the facility.~~
- c) The Behavior Committee may consider the resident's willingness to make restitution when considering in imposing any other behavioral intervention restrictions.
- d) A resident shall not be subjected to greater behavioral intervention restrictions

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because he/she is without funds and therefore unable to make restitution.

- e) In the event a resident is released prior to full ~~payment of~~ restitution, arrangements shall be made to address~~for~~ payment of the balance of the authorized restitution by the resident.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.690 Placement in Special~~Secure~~ Management Status

Residents whose behaviors threaten the safety~~place themselves~~ or security of the facility~~others in immediate risk of harm~~ or who cannot otherwise be effectively managed in their current management status may be confined in their rooms, in their assigned residential units, or relocated to another cells or living areas, in the secure management status area of the facility or in any other area designated by the Program Director. Placement in Special Management Status does not supersede or secure management status confinement does not eliminate any other informal~~summary restriction~~ or formal behavioral intervention~~restriction~~ that has been previously offered by staff, the Program Unit Hearing Officer or the Behavior Committee~~placed on a resident~~.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.700 Special~~Secure~~ Management Status ~~Confinement~~ Standards

Standards for living conditions in Special Management Status~~secure management status confinement~~ shall include the following provisions:

- a) Residents in SMS~~secure management status confinement~~ shall be permitted personal property as allowed and ordered by the Program Director for safety and security reasons.
- b) Notwithstanding the foregoing, residents in SMS shall be permitted access to writing instruments, incoming and outgoing mail, legal mail, their legal materials, courts and legal counsel. Commissary privileges comparable to those applicable to the general population shall be allowed, except for restrictions on certain items that may be ordered by the Program Director for safety and security reasons.
- c) Residents in SMS~~secure management status confinement~~ shall receive food comparable to that provided to the general population. Approved religious or

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medical diets shall not be interrupted.

- d) Movement outside the special management area~~Visits~~ shall be permitted as approved by the Program Director after considering safety and security concerns.
- e) ~~Healthcare~~Medical personnel shall visit residents on SMS as often as necessary~~the secure management status confinement area~~ to address any health related concerns~~screen requests for medical attention, and a physician or psychiatrist shall visit the area on a weekly basis.~~
- f) Requests by a resident to perform religious rituals or other matters of religious observance shall be accommodated when they do not interfere with the health and safety of residents or staff or otherwise pose a risk to overall safety or security of the facility. When a religious observance request is in conflict with reasonable facility rules, an alternate accommodation may be sought.~~A chaplain designated by the Program Director shall visit the secure management status confinement area when a chaplain is present on institutional grounds, when possible, but not less than once a week.~~
- g) Each resident in SMS~~secure management status confinement~~ shall be contacted by a member of the clinical staff~~primary therapist~~ at least once every seven days~~week~~ or more often if clinically warranted.
- h) Continued involvement in sex offender specific treatment and ancillary services~~programs~~ may be permitted on an individual basis, as approved by the Program Director after considering the attendant safety and security concerns.
- i) Residents shall be afforded the opportunity for a minimum of one hour exercise outside their room~~cells~~ per week. However, ~~out of cell~~ exercise may be temporarily restricted or suspended, unless medically contraindicated, if the Program Director determines the activity to be a threat to the health or safety of any person or to the overall~~and~~ security of the facility ~~or any person.~~
- j) Residents in SMS~~secure management status confinement~~ shall be permitted a shower and shave not less often than once every three days and shall have the same mail privileges as those provided with clean bedding and clothing at least once per week~~for other residents.~~
- k) Residents in SMS~~secure management status confinement~~ shall be permitted

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reading materials approved by clinical staff and security staff and consistent with those available to other residents of the facility.

- 1) Residents in SMS shall not be subjected to excessive heat or cold and shall be provided with adequate ventilation, plumbing facilities and light.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART G: RESIDENT GRIEVANCES

Section 299.800 Filing of Grievances

- a) A resident shall first attempt to resolve incidents, problems or complaints, other than complaints concerning behavior review proceedings, through filing an Attempt to Resolve (ATR)~~his or her primary therapist~~. If a resident is unable to resolve a complaint through the ATR process~~informally~~, or if the complaint concerns a ~~disciplinary~~ proceeding before the Program Unit Hearing Officer or the Behavior Committee, ~~the resident~~~~he or she~~ may file a written grievance on a grievance form that shall be made available in all living units. A grievance shall be filed within one month after the discovery of the incident, occurrence, or problem that gives rise to the grievance or within one month after the receipt of a decision ~~concerning an informal resolution thereof~~. However, if a resident can demonstrate that a grievance was, for good cause, not timely filed ~~for good cause~~, the grievance shall be considered.
- b) The grievance form shall be addressed to the Grievance Examiner~~Program Director~~ and shall be deposited in the living unit mailbox or other designated repository.
- c) Staff assistance shall be available for those residents who cannot prepare their grievances unaided, as determined by facility~~institutional~~ staff.
- 1) All residents shall be entitled to invoke the grievance procedure regardless of their management status~~status~~ or classification.
- 2) Each facility shall take reasonable steps to ensure that the grievance procedure is accessible to residents who are impaired or disabled.
- d) Residents must be informed of the grievance procedure and may request further

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information regarding the procedure from their primary therapists.

- 1) The written procedure shall be available to all residents.
 - 2) A resident unable to speak or read the English language may request that the procedure be explained in his/~~or~~ her own language.
- e) Actions or reprisals may not be taken against a resident for using the grievance procedure. A resident may submit a grievance alleging that a reprisal has been made against him/~~or~~ her.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.810 Grievance Examiner

- a) The Program Director shall appoint two or more employees ~~to who may~~ serve as a Grievance Examiner ~~who shall~~ attempt to resolve problems, complaints and grievances that residents have been unable to resolve through the ATR process~~routine channels~~.
- b) No person who is directly involved in the subject matter of the grievance, ~~who was the Program Unit Hearing Officer,~~ or who was a member of the Behavior Committee that heard ~~an~~ incident report concerning the grievance, or who is otherwise not impartial, may serve as the Grievance Examiner reviewing that particular case.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.820 Grievance Procedures

- a) A Grievance Examiner~~Program Director~~ shall review grievances at least weekly, provided that one or more grievances have been filed. The Grievance Examiner~~Program Director~~ shall determine whether to process~~refer~~ a grievance or return the grievance as not grievable~~to a Grievance Examiner or to the treatment team for resolution~~.
- b) If the Grievance Examiner determines further clarification is necessary, he/she may meet with the resident.~~The Program Director shall submit a copy of any grievance alleging discrimination based on disability to the facility Americans~~

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~~With Disabilities Act (ADA) Coordinator. The facility ADA Coordinator shall conduct such investigation as deemed appropriate and make recommendations to the Program Director for resolution of the grievance.~~

- e) ~~A resident may be afforded an opportunity to appear before the Grievance Examiner or treatment team. The Examiner may call witnesses as deemed appropriate.~~
- cd) The Grievance Examiner ~~or treatment team~~ shall consider the grievance and ~~review all report~~ findings and recommendations ~~in writing to the Program Director~~ within 15 working days after receipt of the grievance, whenever practicable. ~~Theis received by the~~ Grievance Examiner shall submit, in writing, to the Program Director, within five working days, the findings and recommendations~~or treatment team, whenever possible.~~ The Program Director shall make advise the resident of the decision as to whether the grievance is resolved, denied, upheld or not indicated and shall provide that determination, in writing, to the Grievance Examiner within 10 working days. ~~The Grievance Examiner shall advise the resident of the Program Director's decision, in writing, within 10 working days after receiving the Grievance Examiner's or treatment team's report, whenever possible.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.830 Emergency Grievance Procedures

- a) All grievances marked as emergency shall be reviewed by a Grievance Examiner every working day after receipt.
- b) The Grievance Examiner shall review and immediately forward all grievances determined to be an emergency to the Program Director.
- ca) If the Program Director determines that there is a substantial risk of imminent personal injury or other serious or irreparable harm to the resident, or othersresident, the Program Director shall notify the Grievance Examiner that the grievance shall be handled on an emergency basis.
- db) The Program Director shall respond to the resident within three working days after receipt of the grievance, indicating what action shall be or has been taken.

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(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.840 Grievance Appeals

- a) If, after receiving the decision~~response~~ of the Program Director, the resident is of the opinion~~resident still feels~~ that the problem, complaint or grievance has not been resolved to his/~~or~~ her satisfaction, he/~~or~~ she may appeal in writing to the Program Administrator within 30 days after receipt of the decision~~response~~. Copies of the Grievance Examiner's ~~or treatment team's~~ report and the Program Director's decision should be attached.
- b) The Program Administrator shall review the grievance and the decision of the Program Director~~responses of the Grievance Examiner and Program Director~~. ~~If it is determined that the grievance is without merit, the resident shall be advised of this disposition, in writing, within 30 working days after receipt of the grievance.~~ e) The Program Administrator may call witnesses or examine records at his/~~or~~ her discretion. The Program Administrator shall make a final determination of the appeal~~grievance~~ within 45 working days, whenever practicable~~possible~~. The resident shall be sent a written copy of the Program Administrator's decision.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.850 Grievance Records

- a) ~~Records regarding the filing and disposition of grievances shall be collected and maintained by the facility as required by State record retention and confidentiality laws institution for at least three years following final disposition of the grievance.~~
- b) ~~Records regarding the participation of a resident during the grievance process shall be handled in a manner designed to protect confidentiality as determined by the Program Director.~~

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART H: EVALUATION AND RESEARCH

Section 299.900 Program Evaluation

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The Department may evaluate the whole, or any part of, the ~~Sexually Violent Persons Treatment~~ Program for the purpose of quality assurance and improvement.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 299.920 Requirements for Submitting Research Proposals

- a) Any request to conduct research or an evaluation study involving former or present residents and/or employees, programs or facilities, whether originating inside or outside the Department, shall be in writing and shall be submitted to the Secretary for review and authorization.
- b) The person or entity requesting the research or study shall provide the following written documentation prior to approval of the request:
 - 1) A formal research proposal including ~~names~~~~name(s)~~ and vitae of the ~~researchers~~~~researcher(s)~~; abstract of the project, including purpose, methodology, duration, the number of subjects, amount of time required for each subject, and dissemination plan; and Department resources to be utilized;
 - 2) Approval obtained from a Human Subjects Research Committee and Institutional Review Board, ~~when~~~~where~~ applicable;
 - 3) A signed Research Agreement that shall contain a statement that any rights of privacy, informed consent, confidentiality and protection from harm are met in accordance with accepted professional and scientific ethics and that the requirements of any applicable Illinois and federal statute or regulation have and will continue to be met; and
 - 4) Any other information deemed necessary to the authorization process.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

SUBPART I: REIMBURSEMENTSSection 299.1000 Charges for Services in a Secure Residential Facility

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- a) The maximum charge for services to be assessed against a recipient, or the estate of a recipient, in a Department-operated secure residential facility, shall be 100% of the average per capita cost of the secure residential facility commencing with Fiscal Year 2019 and recalculated each July 1 thereafter.
- b) The maximum charge for services to be assessed against a recipient or the estate of a recipient maintained in the community on a plan of conditional release, shall be 100% of the actual cost of maintaining the recipient in the community under the plan of conditional release ordered by the committing court.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 299.1010 Payments

- a) The maximum rate to be used when filing claims for benefits under Title XVIII of the Social Security Act (Medicare) (42 USC 1395b-1), Title XIX of the Social Security Act (Medicaid) (42 USC 1396a), Veteran's Administration benefits (38 USC 521, 541, 542), Champus/Champva (38 USC 601), and active military is not to exceed the rate set by the Illinois Department of Healthcare and Family Services (HFS), or as approved each year for the respective program. Payments received from a benefit or federal insurance program shall be credited on a dollar for dollar basis for each covered day up to the maximum per capita cost for which the recipient has a liability or the contracted rate established by the provider, whichever is less.
- b) All payments received from private hospitalization insurance shall be credited against the person's liability, on a dollar for dollar basis, up to the prevailing maximum charge established in this Section.
- c) All payments on behalf of persons from any source shall be credited against Medicaid billings if for the same period of service.
- d) If a spouse who is a legal dependent of a recipient is designated as payee of the recipient's benefits and is using those benefits as his/her income, charges shall be established on the total combined income in accordance with the schedule in Table A of this Part.
- e) Voluntary payments in excess of required amounts will be accepted from the recipient and from persons not legally responsible.

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(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 299.1020 Liability for Services Charges

- a) Recipients have the primary liability for payment of sums representing charges for services at the prevailing maximum rate determined by the Department, subject to the allowable reserve. Upon the death of the recipient, the estate of the recipient has the primary liability for payment of unpaid sums representing charges for services at the prevailing maximum rate determined by the Department.
- b) The recipient or, if deceased, the estate of the recipient retains liability as long as unpaid services charges remain.
- c) Income accruing from a trust estate of a person shall be charged the same as other assets. If the income from the trust is not sufficient to meet the maximum cost of services to the person, the Department shall, in those cases in which the trust agreement specifically states that the principal, if needed, may be used, establish charges against both the income and the corpus of the trust.
- d) When a person under the age of 22 receives benefits from a federal government agency that are to provide for the recipient's care and maintenance needs, those funds, when the law allows, shall be applied toward the State's cost of providing care, less any applicable personal allowance.
- e) If the recipient is also a Medicaid recipient and receives benefits from a federal government agency, the federal funds, less the applicable personal allowance specified in 89 Ill. Adm. Code 113.247, must be applied toward the Medicaid charges in accordance with 42 CFR 435.732. Claims submitted by the Department to HFS shall be reduced by the amount of these net benefits.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 299.1030 Determination of Ability to Pay Services Charges

- a) The Department, in determining the ability of the person to pay services charges, will assemble any necessary information pertaining to his/her financial status and will then set the amount for which the person will be held liable. The person must

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furnish financial information on admission or as soon thereafter as possible to enable the Department to make a proper determination of the sources available for reimbursement of the cost of services charges. The Department will require the person to update his/her financial information on not less than an annual basis. The liability for payment of services charges shall be based on information available at the time of determination. (The data may include savings, trusts, wills, evidence of indebtedness, evidence of court-ordered payments, and the like.) Each person for whom a determination has been made shall be issued a Notice of Determination, notifying the person of his/her liability. The notice shall be issued even when current determined liability is \$0.00.

- b) When there is a demonstrated ability to pay, payment for services is an obligation, established by Section 90 of the Act, against the person, guardians, trustees and/or payees.
- c) Subsequent review may be initiated by the recipient prior to the annual redetermination due to changes in ability to pay or as a result of an administrative hearing. Service recipients have a duty to inform the Department of any changes in their financial status.
- d) The determination of the ability to pay and amount of liability of the person for services charges, up to the prevailing maximum rate, shall be based on all assets and income of the person. After considering the person's legal dependent's financial needs (see subsection (h)), all resources and assets are reduced to the allowable reserve exemption in accordance with subsection (e).
- e) The allowable reserve exemption is determined by the amount of assets owned at the time of initiation of services, except that the allowable reserve exemption from all sources cannot exceed that established by HFS (see 89 Ill. Adm. Code 120.382). The service recipient's allowable reserve exemption can only be increased by the unused portions of the monthly personal and clothing allowance or unspent workshop or other monetary incentive funds, such as living skills program funds. Amounts to be paid by the service recipient for services charges may not be deferred to build a reserve to the maximum amount allowed.
- f) If the person becomes eligible and is approved for Medicaid, 42 CFR 430 (2016) and HFS rules at 89 Ill. Adm. Code 120.40 and 120.382 govern the allowable reserve and personal and clothing allowance.

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- g) The Department shall allow deductions from income for a community spouse maintenance needs allowance and a family maintenance needs allowance for each dependent family member who does not have enough income to meet his/her needs. Family members include dependent children under age 21, dependent adult children, dependent parents, or dependent siblings of either spouse, who are living with the community spouse. To determine the amount of the deduction:
- 1) The deduction for the community spouse maintenance needs allowance, as set forth in 89 Ill. Adm. Code 120.61(d), is equal to the community spouse maintenance needs standard less any non-exempt monthly income of the community spouse. The deduction is allowed only to the extent that income of the spouse who is receiving services at a Department-operated facility is contributed to the community spouse. However, the deduction for the community spouse maintenance needs allowance shall not be less than the amount ordered by the court for support of the community spouse or the amount determined as the result of the fair hearing.
 - 2) The deduction for the family maintenance needs allowance for each dependent family member is equal to one-third of the difference between the family maintenance needs standard and any non-exempt income of the family member as set forth in 89 Ill. Adm. Code 120.61(d).
- h) Prior to the assessment of services charges against a recipient, the Department shall review the financial needs of the recipient's legal dependents. The financial needs of these legal dependents shall be based on amounts expended up to an amount equal to the minimum yearly income for which a person would be subject to a charge as shown in Table A of this Part. Any amounts allowed that are not expended for support of legal dependents claimed on the recipient's U.S. Individual Income Tax Return shall be subject to services charges.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 299.1040 Computing Monthly Costs of Services Charges

The liability of recipients and the estates of recipients for services shall be computed in the following manner:

- a) Monthly liability established against a service recipient in order to secure care is determined by multiplying the per diem rate for the secure residential care service

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provided by the number of actual days of service received by the person during the month. The per diem rate will be recalculated annually.

- b) Monthly liability established against a service recipient ordered to conditional release is determined by calculating the actual cost of services provided during that month. The phrase "actual cost" includes both the administrative costs associated with maintaining the service recipient on the conditional release program and the total cost of supporting the person in the community, which includes, but is not limited to:
- 1) sex offender specific treatment and ancillary services;
 - 2) transportation costs;
 - 3) food and groceries;
 - 4) medical/dental care;
 - 5) housing and utilities;
 - 6) polygraph and/or drug testing;
 - 7) electronic monitoring/surveillance costs;
 - 8) spending cash;
 - 9) cell phone and other methods of maintaining contact; and
 - 10) any other costs incurred specific to the service recipient.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 299.1050 Allowances for Unusual Expenses and/or Exceptional Circumstances in Determining Ability to Pay Services Charges

- a) If an examination or re-examination reveals unusual and/or exceptional circumstances indicating that the recipient's income and assets, as reported on schedules B and C of the Financial Questionnaire, are not an adequate measure to determine ability to pay services charges, allowances for the following unusual

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and/or exceptional circumstances shall be made in the application of the schedule of charges:

- 1) Transfer to prison for revocation of probation or subsequent conviction;
 - 2) Provable reduction in income;
 - 3) Additional dependents; and
 - 4) Unforeseen catastrophic expenses.
- b) All service recipients requesting allowance under subsection (a) must furnish proof of the unusual and/or exceptional circumstances.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 299.1060 Petition for Release from or Modification of Services Charges

Any service recipient who has been issued a Notice of Determination of sums due as service charges may petition the Department for a review of that determination. The appeal process is detailed in 89 Ill. Adm. Code 508, with the exception that a petitioner has 90 days to file an appeal request. The petitioner cannot be represented by another service recipient.

(Source: Added at 44 Ill. Reg. _____, effective _____)

Section 299.1070 Actions for Collection of Services Charges

- a) When it is necessary for the Department to disclose information in order to collect services charges, that disclosure shall be limited to information needed to pursue collection, and the information disclosed shall not be used for any other purpose, nor shall it be redisclosed except in connection with collection activities.
- b) Upon request of the Department, the Office of Attorney General, or the State's Attorney of the county in which a service recipient who is liable under the Act for payment of services charges resides, shall institute appropriate legal action against any such recipient, or, within the time provided by law, shall file a claim against the estate of a deceased recipient for unpaid services charges.
- c) The court shall order the payment of sums due for services charges for such

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period or periods as the circumstances require. The order may be:

- 1) entered against any person; and
 - 2) based upon the proportionate ability of each person to contribute to the payment of sums representing services charges, including the actual charges for services in facilities outside the Department when the Department has paid those charges.
- d) Orders for the payment of money may be enforced by garnishment, attachment, contempt and/or any other mechanism authorized by law. In addition, other judgments for the payment of money, pre- and post-judgment interest, and costs may be adjudged against the person.

(Source: Added at 44 Ill. Reg. _____, effective _____)

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Section 299.APPENDIX A Rule Violations

Willfully disobeying any rule of the facility is prohibited. Rule violations that do not affect the safety or security of the facility may be deemed minor rule violations and may be addressed by the Program Unit Hearing Officer. Conversely, rule violations that impact the safety and security of the facility are deemed major rule violations and require an appearance before the Behavior Committee to determine the appropriate behavioral intervention.

~~AIDING AND ABETTING, ATTEMPT, SOLICITATION OR CONSPIRACY~~

~~Definition:~~ Aiding and abetting any person in the commission of any of these rule violations; attempting to commit any of these rule violations; soliciting another to commit any of these rule violations; or conspiring to commit any of these rule violations, shall be considered the same as the commission of the rule violation itself.

MAJOR RULE ~~VIOLATIONS~~VIOLATION:

ARSON

~~Definition:~~ Setting fire anywhere outside in any location, whether public or inside the facility, private, including but not limited to any part of the institution, its grounds or State vehicles is not allowed.

BATTERY TO ANY PERSON

~~Definition:~~ Causing a person or an object to come into contact with another person in an offensive, provocative or injurious manner, or fighting with a weapon is not allowed.

BRIBERY & EXTORTION

~~Definition:~~ Asking for~~Demanding~~ or receiving anything of value in exchange for protection, to avoid harm or bodily injury, or through coercion is not allowed~~duress or pressure~~. Giving or receiving money or anything of value may additionally be deemed trading and trafficking, to violate State or federal law or to commit any act prohibited under this Part.

CELL PHONE OR COMPUTER/INTERNET USAGE

Receiving, possessing or using a cell phone or internet capable device (this also includes wireless connections such as data, Bluetooth or WIFI) or a similar technology medium is not allowed. In

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addition, e-mail and social networking is not allowed. Homemade computers are not allowed. Residents are not allowed to create, make, assemble or build a computer or similar device or maintain any device capable of storing electronic data or images.

COMMUNICATION, MISUSE OR POSSESSION OF STAFF PERSONAL INFORMATION OR ITEMS

Seeking or giving out any personal information to another resident, staff member or visitor about a staff member (former or current) of the TDF is not allowed. This includes talking or writing anything of a personal nature about a staff member.

CONCEALMENT OR MISREPRESENTATION OF IDENTITY

Definition: Wearing a disguise or a mask, impersonating another, or otherwise concealing one's identity is not allowed. This includes residents refusing to identify themselves with their ID, when requested by an employee, or wearing a hat or wig, make-up or sunglasses inside the facility without authorization.

DAMAGE OR MISUSE OF PROPERTY

Definition: Destroying, damaging, defacing, removing, altering, tampering with, or otherwise misusing State property, ~~or~~ the property of another person, or the resident's own property, including the obstruction of locks or security devices, is not allowed.

DANGEROUS CONTRABAND

Definition: Possessing, manufacturing, introducing, selling, supplying to others, or using without authorization any explosive, acid, caustic material for incendiary devices, ammunition, dangerous chemical, escape material, knife, sharpened instrument, gun, firearm, razor, glass, bludgeon, brass knuckles, ~~or~~ any other dangerous or deadly weapon or substance of like character, or any object that is made to appear to be a deadly or dangerous weapon or substance is not allowed.

DANGEROUS DISTURBANCES

Definition: Causing, directing or participating in any action, either within the facility or in the community, that may seriously disrupt facility operations or ~~threaten~~ endanger the health or safety of any institution, persons or the condition of property is not allowed. This includes including the taking or holding of hostages by force or threat of force.

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DISOBEYING A DIRECT ORDER (MAY ALSO BE A MINOR VIOLATION)

Willfully refusing to comply with an order, including the refusal to participate in testing for drug abuse required under Section 45 of the Act, is not allowed.

DRUGS AND DRUG PARAPHERNALIA

~~Definition:~~ Possessing, manufacturing, introducing, selling, ~~giving~~supplying to others, or receiving alcohol, any intoxicant, inhalant, narcotic, syringe, needle, controlled substance or marijuana, or being under the influence of any of ~~these~~the above substances is not allowed. This violation includes medication misuse, e.g., the possession or use of unauthorized amounts of prescribed medication and, or selling, ~~or~~supplying, or receiving prescribed medication to/from others.

ESCAPE

~~Definition:~~ Leaving or failing to return to lawful custody of the facility without authorization is not allowed.

~~FAILURE TO REPORT~~

~~Definition: Failure to report for a scheduled work or program assignment without good cause.~~

FIGHTING

~~Definition:~~ Unauthorized fighting with another consenting person, which is not likely to cause serious bodily injury to one or the other, and ~~that~~which does not involve the use of a weapon, is not allowed.

FORGERY

~~Definition:~~ Forging, counterfeiting or reproducing any signature, without authorization any document, article of identification, money, security or official paper without authorization is not allowed.

~~GANG OR UNAUTHORIZED ORGANIZATIONAL ACTIVITY~~

~~Definition: Engaging or pressuring others to engage in gang or unauthorized organizational~~

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~~activities or meetings; displaying, wearing, possessing or using gang or unauthorized organizational insignia or materials; or giving gang or unauthorized organizational signs.~~

GIVING FALSE INFORMATION TO AN EMPLOYEE

~~Definition: Lying or knowingly providing false information to an employee that impedes an investigation or otherwise interferes with the management of the Program.~~

HEALTH, SMOKING OR SAFETY VIOLATIONS

Smoking and chewing tobacco of any kind are not allowed in the facility. All eating, living and work areas are to be kept clean and free of items or trash. Tattooing or body piercing is not allowed.

INTERFERING WITH FACILITY OPERATIONS

Behavior that interferes with the smooth and orderly operation of the facility is not allowed. This includes movement to or from the living unit, movement during med line and count, escorted movement, or when a resident is asked to be secured in his/her room, etc. This also includes refusing to accept a room assignment and refusing to follow any drills and/or emergency procedures.

INTIMIDATION OR THREATS

~~Definition: Expressing, by words, actions or other behavior, an intent to injure any person that creates the reasonable belief that physical, monetary or economic harm to that person or to another will result is not allowed.~~

PETITIONS AND BUSINESS VENTURES

Writing, signing or circulating a petition without authorization is not allowed. Engaging in a business venture without express authorization from the Program Director is not allowed.

POSSESSION OF MONEY OR CASH EQUIVALENTS

Possessing or causing to be brought into the facility, United States currency/coins or other negotiable instruments is not allowed. This includes credit cards, debit cards, gift cards, money orders, cash, etc.

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PROVIDING FALSE INFORMATION TO STAFF

Giving false information, directly or indirectly, in the course of an investigation that would mislead an employee is not allowed.

SEXUAL MISCONDUCT AND SEXUAL CONTACT

~~Definition: Residents are not allowed to have sexual activity or sexual contact or ask for sexual activity with other persons in the facility. Self-gratifying sexual behavior, such as masturbation, can only occur in the privacy and confines of a resident's own room and cannot be done within view of employees or other residents, including the resident's roommate. Touching anyone's genital area over or under the clothing, kissing, hugging, patting, fondling of any sort, including sexual activity, is not allowed. Being in the shower with another resident is not allowed. Sexual talk, sexual horseplay, sexual language and comments that are offensive are not allowed. Engaging in sexual intercourse, sexual conduct or fondling, or touching done to sexually arouse either or both persons; or engaging in any of these activities with an animal.~~

STAFF MANIPULATION OR SPLITTING

Attempting to bribe, convince, trick, sway or talk an employee into going against the facility or living unit rules, or the policies and procedures set forth in the Resident Handbook, is not allowed. Going from one employee to another in order to split staff or in order to "shop around" for an answer the resident likes, is not allowed.

STALKING

Willful and repeated following, watching, calling and/or harassing of another resident or employee is not allowed.

STEALING – MAJOR

Taking any items from the facility, another resident or employee without authorization is not allowed. Stealing that threatens the safety or security of the facility is a major rule violation.

THEFT

~~Definition: Taking property belonging to another person, entity, or the institution without the owner's authorization.~~

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TRADING AND TRAFFICKING – MAJOR

The exchange (giving, accepting, loaning or borrowing) of any item, personal items or services is not allowed. Residents may not trade or traffic with any employee, visitor or other resident. Trading or trafficking that threatens the safety or security of the facility is a major rule violation.

TRANSFER OF FUNDS

Causing money to be moved from one resident's trust fund account to another resident's account, or having someone outside of the facility place money in the account of another resident, is not allowed.

UNAUTHORIZED COMMUNICATION

Definition: Communicating, without prior authorization, or engaging in unwelcome communication (e.g., by any means (mail, telephone, or through other persons/intermediaries) with any victim or the family of any victim of sexual violence is not allowed. Unapproved or unwanted communication with any employee, staff (except facility related at the Program) or the family of an employee/staff, or any person who party that has requested no further communication must be respected at all times. Sending unauthorized requests or correspondence is not allowed; this includes repeated and/or excessive written requests or correspondence. In addition, written material containing sexual language is not allowed.

UNAUTHORIZED MOVEMENT – MAJOR

Definition: Unauthorized movement is being/Being anywhere that is not allowed without authorization, or being absent from where the resident is supposed to be/required to be. Unauthorized movement that threatens the safety or security of the facility is a major rule violation.

UNAUTHORIZED ORGANIZATIONAL ACTIVITY

Engaging or coercing others to engage in unauthorized organizational activities or meetings; displaying, wearing, possessing or using unauthorized organizational insignia or materials; or giving unauthorized organizational signs is not allowed.

UNAUTHORIZED PROPERTY

Definition: Possessing, giving, loaning, receiving or using property that a resident/an inmate has

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no authorization to have or to receive and that was not issued to him/~~or~~ her through regular procedures, including the unauthorized possession of food or clothing, or the possession of property in excess of that authorized by the facility, is not allowed~~institution.~~

VIOLATING STATE OR FEDERAL LAWS

~~Definition:~~ Committing any act that would constitute a violation of State or federal law is not allowed. ~~If the specific violation is stated elsewhere in this Part, a committed person may not be accused of this violation. The State or federal offense must be specified in the disciplinary report.~~

VIOLATION OF RULE – MAJOR

Any other behavior or activity that, in the opinion of the Program Director, Security Director, or Treatment Team, poses a therapeutic, fire, health and/or safety risk is a major rule violation.

MINOR RULE VIOLATIONS~~VIOLATION:~~

ABUSE OF PRIVILEGES

~~Definition:~~ Violating any rule that governs the use of privileges at the facility is not allowed. This includes, but is not limited to, regarding visits, mail, yard, commissary, telephone, or recreational activities, and use of State computers. ~~However, if the conduct also constitutes a criminal offense under federal or State law, a committed person may also be charged under Violation of State or Federal Laws.~~

CONFERENCE CALLS/3-WAY CALLS

Unauthorized participation in a conference call or 3-way call is not allowed.

CURSING AND YELLING

Swearing, shouting, yelling, cursing, threatening, or saying anything aggressive or offensive to residents or employees is not allowed.

DISOBEYING A DIRECT ORDER

~~Definition:~~ Willfully refusing to comply with an order, including the refusal to participate in testing for drug abuse or to accept a housing assignment.

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DISPLAYING OR PRACTICING MARTIAL ARTS

Displaying, instructing, or practicing martial arts, such as karate, tae kwon do, kickboxing, jiu jitsu, judo, etc., is not allowed.

FAILURE TO MAINTAIN APPROPRIATE PERSONAL HYGIENE

Residents must always keep themselves clean and groomed. Residents must make sure their clothing and bedding is washed on a regular basis.

FAILURE TO NOTIFY STAFF

Concealing or failing to let an employee know of any rule violation by another resident is a violation of facility rules.

FAILURE TO REPORT

Failure to report for a scheduled group or Program assignment without good cause is not allowed.

GAMBLING

~~Definition: Gambling of any kind is not allowed. Operating or playing a game of chance or skill for anything of value, making a bet upon the outcome of any event, or possessing any gambling device.~~

~~HEALTH, SMOKING OR SAFETY VIOLATIONS~~

~~Definition: Smoking in an unauthorized area; tattooing or ear or body piercing; or disregarding basic hygiene of person, cell, living or work area, or other place in the facility or on its grounds.~~

HORSEPLAY

Rowdy, loud or rough play, wrestling, or physical contact is not allowed.

INSOLENCE

~~Definition: Communicating~~Talking, touching, gesturing or other behavior that harasses, annoys

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or shows disrespect to any person is not allowed. This includes referring to employees by their first names.

~~PETITIONS AND BUSINESS VENTURES~~

~~Definition: Writing, signing or circulating a petition without authorization or engaging in an unauthorized business venture.~~

LOITERING

Loitering (to stand idle or linger) is not allowed. Hiding or standing out of staff's view in order to read or hear what an employee is writing or saying is considered loitering.

POSSESSION OF CONTRABAND – MINOR

Possession of contraband is not allowed. Possession of contraband is considered a minor violation if it involves personal property that does not threaten the safety or security of the facility.

~~POSSESSION OF MONEY~~

~~Definition: Possessing or causing to be brought into the institution, United States coin or currency or a negotiable instrument.~~

ROOM VISITING

Standing, sitting, lying down, etc., outside another resident's door in order to talk or visit is not allowed.

STEALING – MINOR

Taking any items from the facility, another resident or an employee without authorization is not allowed. To be considered a minor violation, the property must not pose a risk to the safety or security of the facility.

~~TRADING AND/OR~~ TRAFFICKING – MINOR

The exchange (giving, accepting, loaning or borrowing) of any item, personal items, or services is not allowed. A resident may not trade or traffic with any employee, visitor or other resident.

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To be considered a minor violation, the property must not pose a risk to the safety or security of the facility~~Definition: Trading or trafficking with any employee, visitor or resident.~~

~~TRANSFER OF FUNDS~~

~~Definition: Causing money to be transferred from one trust fund to another or through an outside source to the account of another resident or an inmate.~~

UNAUTHORIZED MOVEMENT – MINOR

Unauthorized movement is being anywhere that is not allowed or being absent from where a resident is supposed to be. Unauthorized movement that does not threaten the safety or security of the facility is a minor rule violation.

VIOLATION OF RULES – MINOR

~~Definition:~~ Willfully disobeying any rule of the facility is prohibited. Any other behavior or activity that, in the opinion of the Program Director, Security Director, or Treatment Team, does not pose a therapeutic, fire, health and/or safety risk is a minor rule violation.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

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Section 299.TABLE A Responsible Relative Liability

TABLE A

Responsible Relative Liability

Number in Family (including recipient)

<u>Annual Income Range</u>	<u>Family Size</u>					
	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
<u>\$ 7,000 - \$ 7,500</u>	<u>\$ 5</u>	-	-	-	-	-
<u>7,501 - 8,000</u>	<u>10</u>	-	-	-	-	-
<u>8,001 - 8,500</u>	<u>15</u>	-	-	-	-	-
<u>8,501 - 9,000</u>	<u>20</u>	<u>\$ 5</u>	-	-	-	-
<u>9,001 - 9,500</u>	<u>25</u>	<u>10</u>	-	-	-	-
<u>9,501 - 10,000</u>	<u>30</u>	<u>15</u>	-	-	-	-
<u>10,001 - 10,500</u>	<u>35</u>	<u>20</u>	<u>\$ 5</u>	-	-	-
<u>10,501 - 11,000</u>	<u>40</u>	<u>25</u>	<u>10</u>	-	-	-
<u>11,001 - 11,500</u>	<u>45</u>	<u>30</u>	<u>15</u>	-	-	-
<u>11,501 - 12,000</u>	<u>50</u>	<u>35</u>	<u>20</u>	<u>\$ 5</u>	-	-
<u>12,001 - 12,500</u>	<u>55</u>	<u>40</u>	<u>25</u>	<u>10</u>	-	-
<u>12,501 - 13,000</u>	<u>60</u>	<u>45</u>	<u>30</u>	<u>15</u>	-	-
<u>13,001 - 13,500</u>	<u>65</u>	<u>50</u>	<u>35</u>	<u>20</u>	<u>\$ 5</u>	-
<u>13,501 - 14,000</u>	<u>70</u>	<u>55</u>	<u>40</u>	<u>25</u>	<u>10</u>	-
<u>14,001 - 14,500</u>	<u>75</u>	<u>60</u>	<u>45</u>	<u>30</u>	<u>15</u>	-
<u>14,501 - 15,000</u>	<u>80</u>	<u>65</u>	<u>50</u>	<u>35</u>	<u>20</u>	<u>\$ 5</u>
<u>15,001 - 15,500</u>	<u>85</u>	<u>70</u>	<u>55</u>	<u>40</u>	<u>25</u>	<u>10</u>
<u>15,501 - 16,000</u>	<u>90</u>	<u>75</u>	<u>60</u>	<u>45</u>	<u>30</u>	<u>15</u>
<u>16,001 - 16,500</u>	<u>95</u>	<u>80</u>	<u>65</u>	<u>50</u>	<u>35</u>	<u>20</u>
<u>16,501 - 17,000</u>	<u>100</u>	<u>85</u>	<u>70</u>	<u>55</u>	<u>40</u>	<u>25</u>
<u>17,001 - 17,500</u>	<u>105</u>	<u>90</u>	<u>75</u>	<u>60</u>	<u>45</u>	<u>30</u>
<u>17,501 - 18,000</u>	<u>110</u>	<u>95</u>	<u>80</u>	<u>65</u>	<u>50</u>	<u>35</u>
<u>18,001 - 18,500</u>	<u>115</u>	<u>100</u>	<u>85</u>	<u>70</u>	<u>55</u>	<u>40</u>
<u>18,501 - 19,000</u>	<u>120</u>	<u>105</u>	<u>90</u>	<u>75</u>	<u>60</u>	<u>45</u>
<u>19,001 - 19,500</u>	<u>125</u>	<u>110</u>	<u>95</u>	<u>80</u>	<u>65</u>	<u>50</u>
<u>19,501 - 20,000</u>	<u>130</u>	<u>115</u>	<u>100</u>	<u>85</u>	<u>70</u>	<u>55</u>
<u>20,001 - 20,500</u>	<u>135</u>	<u>120</u>	<u>105</u>	<u>90</u>	<u>75</u>	<u>60</u>
<u>20,501 - 21,000</u>	<u>140</u>	<u>125</u>	<u>110</u>	<u>95</u>	<u>80</u>	<u>65</u>
<u>21,001 - 21,500</u>	<u>145</u>	<u>130</u>	<u>115</u>	<u>100</u>	<u>85</u>	<u>70</u>

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<u>21,501</u>	-	<u>22,000</u>	<u>150</u>	<u>135</u>	<u>120</u>	<u>105</u>	<u>90</u>	<u>75</u>
<u>22,001</u>	-	<u>22,500</u>	<u>155</u>	<u>140</u>	<u>125</u>	<u>110</u>	<u>95</u>	<u>80</u>
<u>22,501</u>	-	<u>23,000</u>	<u>160</u>	<u>145</u>	<u>130</u>	<u>115</u>	<u>100</u>	<u>85</u>
<u>23,001</u>	-	<u>23,500</u>	<u>165</u>	<u>150</u>	<u>135</u>	<u>120</u>	<u>105</u>	<u>90</u>
<u>23,501</u>	-	<u>24,000</u>	<u>170</u>	<u>155</u>	<u>140</u>	<u>125</u>	<u>110</u>	<u>95</u>
<u>24,001</u>	-	<u>24,500</u>	<u>175</u>	<u>160</u>	<u>145</u>	<u>130</u>	<u>115</u>	<u>100</u>
<u>24,501</u>	-	<u>25,000</u>	<u>180</u>	<u>165</u>	<u>150</u>	<u>135</u>	<u>120</u>	<u>105</u>
<u>25,001</u>	-	<u>25,500</u>	<u>185</u>	<u>170</u>	<u>155</u>	<u>140</u>	<u>125</u>	<u>110</u>
<u>25,501</u>	-	<u>26,000</u>	<u>190</u>	<u>175</u>	<u>160</u>	<u>145</u>	<u>130</u>	<u>115</u>
<u>26,001</u>	-	<u>26,500</u>	<u>195</u>	<u>180</u>	<u>165</u>	<u>150</u>	<u>135</u>	<u>120</u>
<u>26,501</u>	-	<u>27,000</u>	<u>200</u>	<u>185</u>	<u>170</u>	<u>155</u>	<u>140</u>	<u>125</u>
<u>27,001</u>	-	<u>27,500</u>	<u>205</u>	<u>190</u>	<u>175</u>	<u>160</u>	<u>145</u>	<u>130</u>
<u>27,501</u>	-	<u>28,000</u>	<u>210</u>	<u>195</u>	<u>180</u>	<u>165</u>	<u>150</u>	<u>135</u>
<u>28,001</u>	-	<u>28,500</u>	<u>215</u>	<u>200</u>	<u>185</u>	<u>170</u>	<u>155</u>	<u>140</u>
<u>28,501</u>	-	<u>29,000</u>	<u>220</u>	<u>205</u>	<u>190</u>	<u>175</u>	<u>160</u>	<u>145</u>
<u>29,001</u>	-	<u>29,500</u>	<u>225</u>	<u>210</u>	<u>195</u>	<u>180</u>	<u>165</u>	<u>150</u>
<u>29,501</u>	-	<u>30,000</u>	<u>230</u>	<u>215</u>	<u>200</u>	<u>185</u>	<u>170</u>	<u>155</u>
<u>30,001</u>	-	<u>30,500</u>	<u>235</u>	<u>220</u>	<u>205</u>	<u>190</u>	<u>175</u>	<u>160</u>
<u>30,501</u>	-	<u>31,000</u>	<u>240</u>	<u>225</u>	<u>210</u>	<u>195</u>	<u>180</u>	<u>165</u>
<u>31,001</u>	-	<u>31,500</u>	<u>245</u>	<u>230</u>	<u>215</u>	<u>200</u>	<u>185</u>	<u>170</u>
<u>31,501</u>	-	<u>32,000</u>	<u>250</u>	<u>235</u>	<u>220</u>	<u>205</u>	<u>190</u>	<u>175</u>
<u>32,001</u>	-	<u>32,500</u>	<u>255</u>	<u>240</u>	<u>225</u>	<u>210</u>	<u>195</u>	<u>180</u>
<u>32,501</u>	-	<u>33,000</u>	<u>260</u>	<u>245</u>	<u>230</u>	<u>215</u>	<u>200</u>	<u>185</u>
<u>33,001</u>	-	<u>33,500</u>	<u>265</u>	<u>250</u>	<u>235</u>	<u>220</u>	<u>205</u>	<u>190</u>
<u>33,501</u>	-	<u>34,000</u>	<u>270</u>	<u>255</u>	<u>240</u>	<u>225</u>	<u>210</u>	<u>195</u>
<u>34,001</u>	-	<u>34,500</u>	<u>275</u>	<u>260</u>	<u>245</u>	<u>230</u>	<u>215</u>	<u>200</u>
<u>34,501</u>	-	<u>35,000</u>	<u>280</u>	<u>265</u>	<u>250</u>	<u>235</u>	<u>220</u>	<u>205</u>
<u>35,001</u>	-	<u>35,500</u>	<u>285</u>	<u>270</u>	<u>255</u>	<u>240</u>	<u>225</u>	<u>210</u>
<u>35,501</u>	-	<u>36,000</u>	<u>290</u>	<u>275</u>	<u>260</u>	<u>245</u>	<u>230</u>	<u>215</u>
<u>36,001</u>	-	<u>36,500</u>	<u>295</u>	<u>280</u>	<u>265</u>	<u>250</u>	<u>235</u>	<u>220</u>
<u>36,501</u>	-	<u>37,000</u>	<u>300</u>	<u>285</u>	<u>270</u>	<u>255</u>	<u>240</u>	<u>225</u>
<u>37,001</u>	-	<u>37,500</u>	<u>305</u>	<u>290</u>	<u>275</u>	<u>260</u>	<u>245</u>	<u>230</u>
<u>37,501</u>	-	<u>38,000</u>	<u>310</u>	<u>295</u>	<u>280</u>	<u>265</u>	<u>250</u>	<u>235</u>
<u>38,001</u>	-	<u>38,500</u>	<u>315</u>	<u>300</u>	<u>285</u>	<u>270</u>	<u>255</u>	<u>240</u>
<u>38,501</u>	-	<u>39,000</u>	<u>320</u>	<u>305</u>	<u>290</u>	<u>275</u>	<u>260</u>	<u>245</u>
<u>39,001</u>	-	<u>39,500</u>	<u>325</u>	<u>310</u>	<u>295</u>	<u>280</u>	<u>265</u>	<u>250</u>
<u>39,501</u>	-	<u>40,000</u>	<u>330</u>	<u>315</u>	<u>300</u>	<u>285</u>	<u>270</u>	<u>255</u>
<u>40,001</u>	-	<u>40,500</u>	<u>335</u>	<u>320</u>	<u>305</u>	<u>290</u>	<u>275</u>	<u>260</u>
<u>40,501</u>	-	<u>41,000</u>	<u>340</u>	<u>325</u>	<u>310</u>	<u>295</u>	<u>280</u>	<u>265</u>

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<u>41,001</u>	-	<u>41,500</u>	<u>345</u>	<u>330</u>	<u>315</u>	<u>300</u>	<u>285</u>	<u>270</u>
<u>41,501</u>	-	<u>42,000</u>	<u>350</u>	<u>335</u>	<u>320</u>	<u>305</u>	<u>290</u>	<u>275</u>
<u>42,001</u>	-	<u>42,500</u>	<u>355</u>	<u>340</u>	<u>325</u>	<u>310</u>	<u>295</u>	<u>280</u>
<u>42,501</u>	-	<u>43,000</u>	<u>360</u>	<u>345</u>	<u>330</u>	<u>315</u>	<u>300</u>	<u>285</u>
<u>43,001</u>	-	<u>43,500</u>	<u>365</u>	<u>350</u>	<u>335</u>	<u>320</u>	<u>305</u>	<u>290</u>
<u>43,501</u>	-	<u>44,000</u>	<u>370</u>	<u>355</u>	<u>340</u>	<u>325</u>	<u>310</u>	<u>295</u>
<u>44,001</u>	-	<u>44,500</u>	<u>375</u>	<u>360</u>	<u>345</u>	<u>330</u>	<u>315</u>	<u>300</u>
<u>44,501</u>	-	<u>45,000</u>	<u>380</u>	<u>365</u>	<u>350</u>	<u>335</u>	<u>320</u>	<u>305</u>
<u>45,001</u>	-	<u>45,500</u>	<u>385</u>	<u>370</u>	<u>355</u>	<u>340</u>	<u>325</u>	<u>310</u>
<u>45,501</u>	-	<u>46,000</u>	<u>390</u>	<u>375</u>	<u>360</u>	<u>345</u>	<u>330</u>	<u>315</u>
<u>46,001</u>	-	<u>46,500</u>	<u>395</u>	<u>380</u>	<u>365</u>	<u>350</u>	<u>335</u>	<u>320</u>
<u>46,501</u>	-	<u>47,000</u>	<u>400</u>	<u>385</u>	<u>370</u>	<u>355</u>	<u>340</u>	<u>325</u>
<u>47,001</u>	-	<u>47,500</u>	<u>405</u>	<u>390</u>	<u>375</u>	<u>360</u>	<u>345</u>	<u>330</u>
<u>47,501</u>	-	<u>48,000</u>	<u>410</u>	<u>395</u>	<u>380</u>	<u>365</u>	<u>350</u>	<u>335</u>
<u>48,001</u>	-	<u>48,500</u>	<u>415</u>	<u>400</u>	<u>385</u>	<u>370</u>	<u>355</u>	<u>340</u>
<u>48,501</u>	-	<u>49,000</u>	<u>420</u>	<u>405</u>	<u>390</u>	<u>375</u>	<u>360</u>	<u>345</u>
<u>49,001</u>	-	<u>49,500</u>	<u>425</u>	<u>410</u>	<u>395</u>	<u>380</u>	<u>365</u>	<u>350</u>
<u>49,501</u>	-	<u>50,000</u>	<u>430</u>	<u>415</u>	<u>400</u>	<u>385</u>	<u>370</u>	<u>355</u>
<u>50,001 & over (continues at \$5.00 increments)</u>								

More than 7 in a family continues at \$5.00 increments

Annual income shall be adjusted gross income as defined in Section 2-203 of the Illinois Income Tax Act [35 ILCS 5]

(Source: Added at 44 Ill. Reg. _____, effective _____)

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
121.23	Amendment
121.24	Amendment
121.25	Amendment
121.26	Amendment
121.160	Amendment
121.162	Amendment
121.163	Amendment
121.165	Amendment
121.167	Repealed
121.170	Amendment
121.172	Amendment
121.174	Amendment
121.176	Amendment
121.182	Amendment
121.184	Repealed
121.186	Repealed
121.188	Amendment
121.190	Repealed
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Department of Human Services (IDHS) currently operates a SNAP Employment and Training Program (SNAP E&T) that requires mandatory participation of all non-exempt Supplemental Nutrition Assistance Program (SNAP) recipients who are subject to the SNAP work requirement and are residing in Illinois counties where SNAP E&T providers are available. PA 101-566 gives the option for the Department to change from a mandatory program to an all voluntary program.

This rulemaking changes the mandatory SNAP E&T to a voluntary SNAP E&T Program. The program will be offered to all SNAP recipients who volunteer and reside in a county where there are outside entities that can provide services to assist participants in gaining

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work and training skills leading to employment. Participation in SNAP E&T is no longer a mandatory requirement for individuals who are subject to the SNAP work requirement and restricted to three months of eligibility for SNAP. The individual may choose to volunteer for the SNAP E&T Program to meet the work requirement and maintain SNAP eligibility. All individuals receiving SNAP benefits may volunteer to participate in SNAP E&T to the extent resources are available. Participants must receive SNAP for every month that they receive SNAP E&T services. Individuals participating in the voluntary SNAP E&T Program are not subject to a work sanction, unless there is a noncompliance with a work provision. SNAP customers must still meet work provision (registration) requirements.

- 6) Any published studies or reports, along with the sources of underlying data that were used when composing this rulemaking? None
- 7) Will this rulemaking replace an emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.63	Amendment	43 Ill. Reg. 11065; October 11, 2019

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

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

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217/785-9772

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking will not have an adverse impact on small businesses.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on either of the two most recent regulatory agendas because the need for it was not anticipated.

The full text of the Proposed Amendments is identical to that of the Emergency Amendments for this rulemaking, and begins in this issue of the *Illinois Register* on page 11953.

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- 1) Heading of the Part: Hospice Programs
- 2) Code Citation: 77 Ill. Adm. Code 280
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
280.1010	Amendment
280.1020	Amendment
280.1030	Amendment
280.2010	Amendment
280.2040	Amendment
280.4010	Amendment
280.4040	Amendment
- 4) Statutory Authority: Hospice Program Licensing Act [210 ILCS 60]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements PA 100-744, which changed the number of persons who may be served in a residence from 16 to 20 per location and implements an updated federal Centers for Medicare and Medicaid Services (CMS) requirement regarding compliance with the 2012 edition of the National Fire Protection Association (NFPA) 101 Life Safety Code. This rulemaking also adds language requiring compliance with the Alzheimer's Disease and Related Dementias Act and the Alzheimer's Disease and Related Dementias Services Code.
- 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? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This proposed rulemaking does not create a State mandate.

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- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:
- Erin Conley
Rules Coordinator
Department of Public Health
Division of Legal Services
535 W. Jefferson St., 5th Floor
Springfield IL 62761
- 217/785-9212
e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Hospice facilities licensed under the Hospice Program Licensing Act
- B) Reporting, bookkeeping or other procedures required for compliance: May require updating procedures to comply with fire safety requirements.
- C) Types of professional skills necessary for compliance: Architecture
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
- 62 Health Care and Social Assistance
- B) Categories that the Agency reasonably believes the rulemaking will impact, including:
- i. hiring and additional staffing;
ii. regulatory requirements;
vii. training requirements;
viii. record keeping;
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 280
HOSPICE PROGRAMS

SUBPART A: LICENSURE

Section	
280.1000	Definitions
280.1010	Incorporated and Referenced Materials
280.1015	Licensure Applicability
280.1020	Licensure Procedures
280.1030	Statement of Ownership
280.1040	Inspections and Investigations
280.1050	Notice of Violation and Plan of Correction
280.1060	Adverse Licensure Actions

SUBPART B: HOSPICE SERVICES

Section	
280.2000	Hospice Service Plan
280.2010	Hospice Services
280.2020	Administration
280.2030	Policies and Procedures
280.2035	Health Care Worker Background Check
280.2040	Personnel Policies
280.2045	Initial Health Evaluation for Employees
280.2050	Patient Rights
280.2060	Clinical Records
280.2070	Medical Director and Physician Services
280.2080	Hospice Program Care
280.2090	Quality Assurance Program
280.3000	Research or Experimental Programs

SUBPART C: INPATIENT CARE

Section

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280.4000	Inpatient Care Facilities
280.4010	Licensure of Hospice Residences
280.4015	Hospice Residence Application and Approval Review Criteria
280.4020	Hospice Residence Admission and Discharge
280.4030	Hospice Residence Nursing Care and Assistance in Activities of Daily Living
280.4040	Hospice Residence Operational Requirements

AUTHORITY: Implementing and authorized by the Hospice Program Licensing Act [210 ILCS 60].

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 467, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10003, effective July 15, 1996; Part repealed and new Part adopted at 22 Ill. Reg. 10625, effective June 1, 1998; emergency amendment at 23 Ill. Reg. 6913, effective June 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13232, effective October 20, 1999; amended at 28 Ill. Reg. 14121, effective October 15, 2004; amended at 32 Ill. Reg. 2330, effective January 23, 2008; amended at 34 Ill. Reg. 7936, effective May 25, 2010; amended at 44 Ill. Reg. _____, effective _____.

SUBPART A: LICENSURE

Section 280.1010 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated by reference in this Part:
 - 1) Private and Professional Association Standards~~professional association standards:~~
The following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:

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- A) [For new facilities, NFPA 101, Life Safety Code \(2012\), Chapter 18, New Health Care Occupancies and all appropriate references under Chapter 2, Referenced Publications.](#)
 - B) [For existing facilities, NFPA 101, Life Safety Code \(2012\), Chapter 19, Existing Health Care Occupancies, and all appropriate references under Chapter 2, Referenced Publications.](#)
 - C) [NFPA 101-A \(2013\), Guide on Alternative Approaches to Life Safety National Fire Protection Association \(NFPA\), Standard No. 101 \(2000\): Life Safety Code, Chapter 32, New Residential Board and Care Occupancies, and Chapter 33, Existing Residential Board and Care Occupancies, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169.](#)
- 2) Federal [Regulations](#) regulations:
- A) Department of Health and Human Services
Centers for Medicare and Medicaid Services
42 CFR 2.52 (Research ~~Activities~~) ([October 1, 2017](#)~~2007~~).
 - B) Department of Health and Human Services
Food and Drug Administration
21 CFR 178.1010 (Sanitizing Solutions) ([April 1, 2018](#)~~2008~~).
 - C) Department of Health and Human Services
Centers for Medicare and Medicaid Services
42 CFR 418 ([Hospice Care](#)~~Conditions of Participation~~) ([October 1, 2017](#)~~2007~~).
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.
- c) The following State and federal statutes are referenced in this Part:
- 1) Hospital Licensing Act [210 ILCS 85];

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- 2) Nursing Home Care Act [210 ILCS 45];
 - 3) Illinois Administrative Procedure Act [5 ILCS 100];
 - 4) Health Care Worker Background Check Act [225 ILCS 46];
 - 5) Nurse Practice Act [225 ILCS 65];
 - 6) Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55];
 - 7) General Not For Profit Corporation Act of 1986 [805 ILCS 105];
 - 8) Counties Code [55 ILCS 5];
 - 9) Medical Practice Act of 1987 [225 ILCS 60];
 - 10) Clinical Social Work and Social Work Practice Act [225 ILCS 20]; and
 - 11) [Alzheimer's Disease and Related Dementias Services Act \[410 ILCS 406\];](#)
[and](#)
 - 1211) [Medicare Prescription Drug Improvement and Modernization Act of 2003 \(42 USC 1395w-101Public Law 108-173\).](#)
- d) The following [Department of Public Health](#)State rules are referenced in this Part:
- 1) [Department of Public Health, Rules of Practice and Procedure in Administrative Hearings \(77 Ill. Adm. Code 100\);](#)
 - 2) [Home Health, Home Services, and Home Nursing](#)~~Department of Public Health, Illinois Home Health~~ Agency Code (77 Ill. Adm. Code 245);
 - 3) [Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code \(77 Ill. Adm. Code 300\);](#)
 - 4) [Department of Public Health, Control of Communicable Diseases Code \(77 Ill. Adm. Code 690\);](#)

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- 5) ~~Department of Public Health~~, Food Service Sanitation Code (77 Ill. Adm. Code 750);
- 6) ~~Department of Public Health~~, Illinois Plumbing Code (77 Ill. Adm. Code 890);
- 7) ~~Department of Public Health~~, Health Care Worker Background Check Code (77 Ill. Adm. Code 955); and-
- 8) Alzheimer's Disease and Related Dementias Services Code (77 Ill. Adm. Code 973).

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 280.1020 Licensure Procedures

- a) *An application for an initial license or a renewal license to operate as a comprehensive or volunteer hospice program shall be in writing on forms provided by the Department. (Section 5 of the Act) The application shall be made under oath and shall contain the following information:*
 - 1) The name, address, and telephone number of the hospice program location.
 - 2) The type of hospice licensure sought by the program, either volunteer or comprehensive. If the program is a volunteer hospice, a complete listing of the hospice services to be provided during the term of the license shall be included.
 - 3) If multiple hospice locations are used, the address and phone number of the central office and the address and phone number of each multiple hospice location.
 - 4) A statement of ownership in accordance with Section 280.1030 ~~of this Part.~~
 - 5) The name and address of the registered agent or other individual authorized to receive Service of Process for the hospice program.

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- 6) The name of the person under whose management or supervision the program will be operated.
 - 7) A listing of professional staff, including their names, titles, license or registration numbers~~name, title, license or registration number~~, whether they are full or part time, and whether they are paid or volunteer employees.
 - 8) Number of volunteers and (approximate) total combined volunteer hours of care and service per week.
 - 9) Source of income.
 - 10) A designation of the proposed geographic area to be served by the hospice.
 - 11) Hospice census report for the fiscal year (for renewals only).
 - 12) A listing of outside contractors.
 - 13) A copy of the annual hospice service plan.
 - 14) A copy of the current annual budget and financial audit for the current fiscal year.
 - 15) If the central office is used by patients and the public, a certification from the local fire authority or State Fire Marshal that the location meets fire and safety ordinances and laws.
- b) An application for licensure as a comprehensive hospice shall be accompanied by a fee of \$500. An application for a volunteer hospice shall be accompanied by a fee of \$250.
 - c) Upon receipt and review of a complete application for initial licensure, the Department ~~will~~shall conduct an inspection to determine compliance with the Act and this Part.
 - d) If the hospice program is found to be in substantial compliance with the Act and

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this Part, the Department ~~will~~shall issue a license for a period of one year.

- e) An application for license renewal shall be filed annually with the Department, 60 days prior to the expiration of the license, on forms provided by the Department.
- 1) The renewal application shall comply with the requirements of subsections (a)(1) ~~through~~ (6), (a)(10) and (a)(11) and subsection (b) ~~of this Section~~. The fee shall be \$500.
 - 2) Pursuant to Section 10-65 of the Illinois Administrative Procedure Act ~~[5 ILCS 100/10-65]~~, licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.
 - 3) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department's decision to conduct a survey will be based on, but not be limited to, compliance history, changes in key personnel, complaints, and the length of time since the last survey. The Department ~~will~~shall renew the license in accordance with subsection (d) ~~of this Section~~.
- f) The licensee shall report changes in the information on the application to the Department within ~~10~~ten days after the change. The following changes need not be reported: number of volunteers and total hours; sources of income for the fiscal year; hospice census report numbers; staff changes for other than program supervisors.
- g) *The hospice program license shall be displayed in a conspicuous place inside the hospice program office. (Section 4(e) of the Act)*
- h) *The license shall be valid only in the possession of the hospice and licensure applicant to which it was originally issued and shall not be transferred or assigned to any other person, agency, or corporation. (Section 4(c) of the Act)* This subsection does not prohibit the use of workstations throughout the geographic service areas.
- i) Change of Ownership or Sale
- 1) Each license is valid only for the specific licensee and hospice named in

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the application and shall not be transferred or assigned to any other person, hospice or corporation.

- 2) Sale, assignment, lease or other transfer of a hospice, whether voluntary or involuntary, requires the new owner/licensee to obtain a new license from the Department prior to maintaining, operating or conducting a hospice.
- 3) In the case of hospices operating under a franchise arrangement, each unique business entity shall obtain and maintain a distinct license and shall not share licensure based on franchised name status.
- 4) A licensee shall notify the Department in writing, at least 30 days in advance, of any intention to:
 - A) Change ownership; or
 - B) Sell its hospice.
- 5) A change of ownership happens when one of the following transactions occurs:
 - A) In an unincorporated sole proprietorship, when the property is transferred to another party;
 - B) A material change in a partnership that is caused by the removal, addition or substitution of a partner;
 - C) In a corporation, when the provider corporation merges into another corporation, or the consolidation of two or more corporations, one of which is the licensee, resulting in the creation of a new corporation;
 - D) The transfer of any corporation stock that results in a change of the person or persons who control the agency; or
 - E) The transfer of any stock in excess of 75% of the outstanding stock.
- 6) Pursuant to subsection (i)(5)(C), the transfer of corporate stock or the

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merger of another corporation into the licensee corporation does not constitute a change of ownership if the licensee corporation remains in existence. In these transactions, the name of the corporation, its officers, its independent subsidiaries, and any other relevant information that the Department may require shall be made available to the Department upon request.

- 7) Whenever ownership of a hospice is proposed to be transferred from the person or organization named on the license to another person or organization, or the hospice will be undergoing any other change of ownership described in subsection (i)(5), the new owner shall apply for a new license. The new owner shall submit a hospice license application to the Department at least 30 days prior to the sale or change of ownership.
- 8) The Department will issue a new license to a new owner who meets the requirements for licensure under this Part. The transactions described in this Section shall not be complete until the Department issues a new license to the new person, legal entity or partnership.
- 9) Upon the completion of the sale or change of ownership, the former licensee shall return its license to the Department by certified mail.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 280.1030 Statement of Ownership

- a) As a condition of issuance or renewal of a license to operate a hospice program, the applicant shall file a statement of ownership.
- b) The licensee shall notify the Department of any change in the information required in the statement of ownership within ~~30~~^{ten} days ~~before~~^{after} the change.
- c) The statement of ownership shall include the following: name, address, telephone number, occupation or business activity, and ~~the~~ percent of direct or indirect financial interest of any person having a direct or indirect interest of five percent or more in the legal entity designated as the operator/licensee of the hospice program.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

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SUBPART B: HOSPICE SERVICES

Section 280.2010 Hospice Services

- a) The hospice care team ~~shall~~will be responsible for ensuring that all services are provided in accordance with the patient care plan. Services ~~shall~~will be provided directly by the hospice or through written contracts with other providers. A comprehensive or volunteer hospice shall comply with the following:
- 1) *The hospice program shall foster independence of the patient and his/her family by providing training, encouragement and support so that the patient and family can care for themselves as much as possible. (Section 8(f) of the Act).*
 - 2) *The hospice program must have functioning hospice care teams that develop the hospice patient plans of care in accordance with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR 418. (Section 8(c) of the Act)*
 - 3) *A hospice patient's plan of care must be established and maintained for each individual admitted to a hospice program, and the services provided to an individual must be in accordance with the individual's plan of care. The plans of care must be established and maintained in accordance with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR 418. (Section 8(c-5) of the Act)*
 - A) Each hospice shall ensure that there is a written plan of care for each patient. The hospice care team ~~shall~~will complete an assessment of the care needs and evaluate the ability of the patient to be cared for in his/her place of residence.
 - B) The plan shall be updated based on ongoing assessments by the hospice care team.
 - C) The patient care plan shall provide for involvement of the family and others in treatment.

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- D) Each hospice providing services to a patient in both the home setting and the inpatient setting shall have written policies and procedures to share the written plan of care between both settings to facilitate continuity of care.
- 4) *The hospice program's services shall include nursing services, medical social work services, bereavement services, and volunteer services. These services shall be coordinated with those of the hospice patient's attending physician and shall be substantially provided by hospice program employees. The hospice program must provide these services in a manner consistent with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR 418. (Section 8(a) of the Act)*
- 5) *The hospice program must make nursing services, medical social work services, volunteer services and bereavement services available on a 24-hour basis to the extent necessary to meet the needs of individuals for care that is reasonable and necessary for the palliation and management of terminal illness and related conditions. The hospice program must provide these services in a manner consistent with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR 418. (Section 8(a) of the Act)*
- 6) *Hospice services, as defined in Section 3 of the Act, may be furnished in a home or inpatient setting, with the intent of minimizing the length of inpatient care. The home care component shall be the primary form of care and shall be available on a part-time, intermittent, regularly scheduled basis. (Section 8(a) of the Act)*
- 7) The required hospice services are defined as follows:
- A) Nursing Services – Nursing services are responsible for developing and implementing the diagnostic, therapeutic, and rehabilitative plan as prescribed by the patient's attending physician. The nursing staff shall provide care in the patient's place of residence; observe symptoms and reactions; and meet the nursing care needs of the terminally ill. A registered professional nurse ~~shall~~must perform the initial home care assessment. Nursing services ~~shall~~must be provided under the supervision of a registered

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professional nurse.

- B) Medical Social Work Services – Medical social work services shall be made available to the patient/family. An evaluation of the social needs, such as environment, religious background, financial needs, psychosocial needs, family, special activities, and psychological needs shall be conducted. Social services shall be delivered by a social worker.
- C) Spiritual Counseling Services – The hospice program shall provide, at a minimum, one counselor as defined in Section 280.1000 to provide spiritual counseling services. Spiritual counseling services shall be made available to the patient and family. The patient's religious beliefs and practices shall be accommodated either by the hospice or with an outside source. *The hospice program shall not impose the dictates of any value or belief system on its patients.* (Section 8(g) of the Act)
- D) Bereavement Services – Each hospice shall provide bereavement services to the families of hospice patients to the extent desired by the family. Bereavement services may be coordinated with the family's clergy, if any, as well as with other community resources judged by the hospice care team to be useful to the family unless the family declines. *The bereavement services must be provided in accordance with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR 418.* (Section 8(e) of the Act)
- E) Volunteer Services – The hospice program ~~shall~~must use volunteers in day-to-day administration and/or direct patient care roles. *The hospice program shall utilize the services of trained volunteers in accordance with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR 418.* (Section 8(j) of the Act)
- F) Alzheimer's Services – The hospice program shall provide Alzheimer's disease and related dementias services in accordance with the Alzheimer's Disease and Related Dementias Act and the Alzheimer's Disease and Related Dementias Services Code.

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- 8) Nutritional Evaluation – The hospice program shall perform a nutritional evaluation of the patient by a qualified individual, including, but not limited to, a dietitian or nurse. This evaluation ~~shall~~must be reviewed by the hospice care team. Consultation by a dietitian shall be available to the patient as determined necessary by the hospice care team.
- b) *Additional requirements; comprehensive hospice program. In addition to complying with the standards prescribed by the Department under Section 9 of the Act and complying with all other applicable requirements under the Act and this Part, a comprehensive hospice program must meet the minimum standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR 418. (Section 8.5 of the Act)*
- c) *Additional requirements; volunteer hospice program. In addition to complying with the standards prescribed by the Department under Section 9 of the Act and complying with all other applicable requirements under the Act and this Part, a volunteer hospice program must do the following:*
- 1) *Provide hospice care to patients regardless of their ability to pay, with emphasis on the utilization of volunteers to provide services. Nothing in this subsection (c)(1) prohibits a volunteer hospice program from employing paid staff, however.*
 - 2) *Provide services not required under ~~subsection (a)~~ of Section 8(a) of the Act in accordance with generally accepted standards of practice and in accordance with applicable local, State, and federal laws.*
 - 3) *Include the word "Volunteer" in its corporate name and in all verbal and written communications to patients, patients' families and representatives, and the community and public at large.*
 - 4) *Provide information regarding other hospice care providers available in the hospice program's service area. (Section 8.10 of the Act)*

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 280.2040 Personnel Policies

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- a) The hospice shall develop and maintain written personnel policies that are followed in the operation of the program. These policies shall include policies and procedures regarding the use of volunteers.
- b) Employment application forms shall be completed on each employee and kept on file in the program's central office. The file shall contain, at a minimum, home address; telephone number; Social Security number; educational background; documentation of current professional certification, licensure or registration, as applicable; past employment history, including dates, positions held, reasons for leaving. The date of employment and position held shall be documented in each file.
- c) Each employee shall have an accurate written job description. Employees shall ~~only~~ be assigned only duties directly related to their job functions, as identified in the job descriptions. Exceptions may be made when unplanned events, such as severe weather, limit staffing temporarily.
- d) *Where applicable, every hospice program employee must be licensed, certified, or registered in accordance with federal, State and local laws. (Section 8(n) of the Act)*
- e) All personnel shall have either training or experience, or both, in the job assigned them. The hospice program shall provide an ongoing program for the training and education of its employees, appropriate to their responsibilities, including training in Alzheimer's care in accordance with 77 Ill. Adm. Code 973.
- f) All new employees shall complete an orientation program covering, at a minimum:
 - 1) the program's philosophy and goals; and
 - 2) job orientation, emphasizing allowable duties of the new employee, safety, and appropriate interactions with patients and families.
- g) All employees shall attend in-service training programs pertaining to their assigned duties at least annually. Written records of program content and personnel attending each session shall be maintained.
- h) The hospice shall document all arrangements for each consultant's services in a

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written agreement setting forth services to be provided.

- i) The hospice shall retain professional and supervisory responsibility for all services provided under arrangements and shall ensure that all services are:
 - 1) Authorized by the hospice;
 - 2) Furnished in a safe and effective manner by qualified personnel; and
 - 3) Delivered in accordance with the patient's plan of care.
- j) *The hospice program shall utilize the services of trained volunteers in accordance with the standards for certification under the Medicare program set forth in the Conditions of Participation in 42 CFR 418. (Section 8(j) of the Act)*
 - 1) Volunteer application forms shall be completed on each volunteer and kept on file in the program's central office. The file shall contain, at a minimum, home address; telephone number; educational and employment background relating to the volunteer position; and documentation of current professional certification, licensure or registration relating to the volunteer position. The date of acceptance as a volunteer and position held shall be documented in each file.
 - 2) Each volunteer shall have an accurate written job description. Volunteers shall only be assigned duties directly related to their job functions, as identified in the job description.
 - 3) All volunteers shall have ~~either~~ training or experience, ~~or both~~, in the job assigned them.
 - 4) All volunteers shall complete an orientation program covering, at a minimum:
 - A) the program's philosophy and goals; and
 - B) job orientation, emphasizing allowable duties of the volunteer, safety, and appropriate interactions with patients and families.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

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SUBPART C: INPATIENT CARE

Section 280.4010 Licensure of Hospice Residences

- a) *The number of licensed hospice residences shall not exceed ~~15~~2.* (Section 9(c)(9) of the Act)
- b) An applicant shall submit a hospice residence license certificate application on forms provided by the Department. The application shall be made under oath and shall contain the following information:
 - 1) All information required by Section 280.1020(a)(1) ~~through~~— (15) ~~of this Part~~;
 - 2) Proposed staffing;
 - 3) Documentation of a needs assessment and cost analysis of the establishment, licensing and maintenance of the proposed facility; and
 - 4) Documentation of approval by the ~~governing body~~ **Governing Body** of the applying licensed hospice program to proceed with application; commitment to expend necessary funds for application and completion of the project; and assignment of responsibility for moving forward with the application/implementation.
- c) An application for licensure as a hospice residence shall be accompanied by a fee of \$500.
- d) Upon receipt and review of a complete application for licensure, the Department ~~will~~ **shall** award license certificates to applicants who meet the requirements in Section 280.4015 ~~of this Part~~, in the following geographic areas, in the order in which completed applications are received by the Department:
 - 1) *Five hospice residences located in counties with a population of 700,000 or more* ~~Four hospice residences located in counties with a population of 700,000 or more~~;
 - 2) *Five hospice residences located in counties with a population of 200,000*

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~~or more but less than 700,000~~Four hospice residences located in counties with a population of 200,000 or less than 700,000; and

- 3) ~~Five hospice residences located in counties with a population of less than 200,000~~Four hospice residences located in counties with a population of less than 200,000. (Section 9(c)(9) of the Act)

- e) A license certificate shall be valid for two years from the date of issuance and may be renewed by the Department for an additional year, for a total of three years. Renewal of the license certificate for a third year will be based on, but not limited to, submittal of the following information:
- 1) Documentation of the obligation of funds for the applicant residence project by the hospice residence organization;
 - 2) Letting of contracts for construction, purchase or renovation of physical space to be licensed as a hospice residence;
 - 3) Architectural or construction certifications as to the percentage of completion of the hospice residence project; and
 - 4) For buildings owned by the full hospice, the name, address, telephone number, occupation, and percentage of direct or indirect financial interest of five percent or more in the legal entity that owns the building or proposed building.; ~~For~~ leased buildings, the name, address and telephone numbers.
- f) By the end of the third year, any license certificate not converted to a full license ~~will~~ be null and void.
- g) The Department ~~will~~ issue available license certificates to the next complete, geographically appropriate applicant, in the order received by the Department.
- h) Upon receipt of the completed application and notification by the hospice residence applicant that the facility is complete and ready for licensure, the Department ~~will~~ conduct an inspection to determine compliance with the Act and this Part.
- i) If the hospice residence is found to be in substantial compliance with the Act and

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this Part, the Department ~~will~~shall issue a license that expires on the same date as the comprehensive or volunteer hospice program license.

- 1) The license ~~is~~shall not ~~be~~ transferable; it is issued to the licensee and for the specific location; and
 - 2) The license ~~will~~shall become automatically void and shall be returned to the Department if a hospice residence's comprehensive or volunteer license is revoked, ~~not renewed~~nonrenewed, relinquished, denied, forfeited, or suspended.
- j) An application for license renewal shall be filed with the Department 60 days prior to the expiration of the license, on forms provided by the Department.
- 1) The renewal application shall comply with the requirements of subsections (b) and (c) ~~of this Section~~.
 - 2) A letter from the Office of the State Fire Marshal shall accompany the application certifying that the hospice residence physical plant meets the provisions of Section 280.4040 ~~of this Part~~.
 - 3) Pursuant to Section 10-65 of the Illinois Administrative Procedure Act ~~45 ILCS 100/10-65~~, licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.
 - 4) Upon receipt and review of a complete application for license renewal, the Department ~~will~~shall conduct a survey. The Department ~~will~~shall renew the license in accordance with subsection (i) ~~of this Section~~.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 280.4040 Hospice Residence Operational Requirements

- a) A supply of clean linen, washcloths and towels, available at all times and adequate for the number of residents, shall be provided. Storage, handling, processing and transportation of clean and soiled linen shall prevent cross-contamination and odors.

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- b) Nutritional Issues
If the integrated care plan identifies that patient intake of adequate nutrition or hydration is a problem, a nutritional plan shall be developed that is consistent with the patient's advance directives or the patient's stated choices as noted in the clinical record.
- c) Meal Service
Meals shall be scheduled in accordance with times customary in the community. The hospice residence shall provide a variety of menus that recognize patient preferences.
- d) Food Service Sanitation
- 1) Food shall be free from spoilage, filth, and other contamination, and shall be safe for human consumption. Scheduled meals shall be prepared in ~~an~~ inspected food service establishment that has been inspected by a local health department.
 - 2) Food shall be protected from potential contamination while being stored, prepared, served, or transported. Potentially hazardous food shall be maintained at temperatures in accordance with Section 750.10 of the Food Service Sanitation Code.
 - 3) Adequate refrigeration facilities and hot food storage facilities shall be provided to ~~ensure~~ assure the maintenance of food at the required temperature during storage.
 - 4) No person shall work in food service while infected with a disease in a communicable form that can be transmitted by foods, or who is a carrier of organisms that cause ~~such~~ a communicable disease, or while afflicted with a boil or infected wound or an acute respiratory infection.
 - 5) Staff shall wash their hands thoroughly with soap and warm water before starting work, during work as often as necessary to keep the hands clean, and after smoking, eating, drinking, or using the toilet. Staff shall not use tobacco in any form while engaged in food preparation or service, or while in any equipment or utensil washing or food preparation area.
 - 6) Food contact surfaces shall be easily cleanable, smooth, free of breaks,

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open seams, cracks, chips, pits, and similar imperfections, and be free of difficult-to-clean internal corners and crevices. Non-food-contact surfaces of equipment shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and shall be ~~of such material and in such repair as to be easily~~ maintained in a clean, sanitary condition. Food-contact and non-food-contact surfaces shall be maintained in a clean condition.

- 7) Equipment and utensils shall be washed, rinsed, and sanitized after each use. For manual cleaning and sanitizing, items shall be washed in a hot detergent solution, rinsed with clear water, and sanitized by one of the following methods:
 - A) Immersion for at least one-half minute in clean, hot water of at least 170°F; ~~or~~
 - B) Immersion for at least one minute in a clean solution of at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75°F; ~~or~~
 - C) Immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and a temperature of at least 75°F; or
 - D) Immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 CFR 178.1010 that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75°F for one minute.
- 8) Mechanical cleaning and sanitizing may be done by spray-type or immersion dishwashing machines, or by any other type of machine or device demonstrated to thoroughly clean and sanitize equipment and utensils. Machines shall be installed and maintained in good repair, and shall be operated in accordance with the manufacturer's instructions. The final sanitizing rinse shall be at least 180°F or equivalent. ~~Mechanical sanitizing shall be in accordance with the Food Service Sanitation Code, Section 750.830(h).~~

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- 9) Utensils shall be air dried before being stored or shall be stored in a self-draining position.
 - 10) Garbage and refuse shall be kept in durable, easily cleanable insect- and rodent-proof containers that do not leak or absorb liquid.
 - 11) The facility shall be kept in such a condition as to prevent insects and rodents from harboring or feeding. Screen doors shall be self-closing, and screening material shall not be less than 16 mesh to the inch.
 - 12) Floors, floor coverings, walls, and ceilings shall be easily cleanable and maintained in good repair.
 - 13) Poisonous or toxic materials shall be properly labeled. Insecticides and rodenticides and detergents, sanitizers, and other cleaning agents shall be stored physically separate from each other and not stored above or intermingled with food, food equipment, and utensils.
- e) Physical Plant Requirements
- 1) New hospice residences shall submit drawings for the proposed hospice residence for review by the Department. The drawing shall ~~which shall~~ be in compliance with the requirements of NFPA 101, Chapter 18, New Health Care Occupancies~~Chapter 32, New Board and Care Occupancies~~.
 - 2) Existing hospice residences shall comply with the requirements of NFPA 101, Chapter 19, Existing Health Care Occupancies~~Chapter 33, Existing Board and Care Occupancies~~.
 - 3) Each hospice residence shall be in full compliance with local building codes and fire safety/protection requirements.
 - 4) Exits shall not be blocked.
 - 5) The following patient areas shall be designed and equipped for the comfort and privacy of each patient and his or her family members:
 - A) Physical space for private patient/family visiting;

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- B) Accommodations for family members to remain with the patient throughout the night;
 - C) Accommodations for family privacy after a patient's death;
 - D) A living room with a minimum area of 10 square feet per patient bed; and
 - E) A dining room with a minimum area of 10 square feet per patient bed.
- 6) Decor shall be homelike in design and function.
- 7) Not more than two people shall share a bedroom. No room commonly used for other purposes, including, but not limited to, a hall, stairway, attic, garage, storage area, shed or similar detached building, shall be used as a sleeping room for any patient.
- 8) The patient rooms shall be designed and equipped for adequate nursing care and the comfort and privacy of patients and shall comply with the following:
- A) Be equipped with or conveniently located near toilet and bathing facilities;
 - B) Be at or above grade level;
 - C) Contain a suitable bed for each patient and other appropriate furniture;
 - D) Have closet space that provides security and privacy for clothing and personal belongings;
 - E) Contain no more than two beds;
 - F) Measure at least 100 square feet for a single patient room or 80 square feet for each patient in a multi-patient room; and
 - G) Be equipped with a device for calling the staff member on duty.

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- 9) Toilets and bathroom facilities shall be conveniently located. At least one toilet, washbasin, and bathtub or shower shall be provided per six patients. If the bathing area or toilet room contains more than one of each fixture, a means of allowing individual privacy shall be provided. Toilets and bathroom facilities shall be designed to provide the following:
 - A) An adequate supply of hot water at all times for patient use; and
 - B) Plumbing fixtures with control valves that automatically regulate the temperature of the hot water used by patients.
- 10) Isolation areas. The hospice shall isolate patients with infectious diseases.
- 11) Garbage shall be disposed of in accordance with State and local requirements. Potentially infectious medical wastes shall be disposed of in accordance with State and local requirements. All solid waste shall be handled in the hospice residence to prevent transmission of disease. Sharps shall be stored and disposed of in rigid, puncture-resistant containers.
- 12) Water supply, sewage disposal, and plumbing systems shall comply with all applicable State and local codes and ordinances.
- 13) Hospice residences shall be limited to 2016 patient beds.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Dealers, Wreckers, Transporters and Rebuilders
- 2) Code Citation: 92 Ill. Adm. Code 1020
- 3) Section Number: 1020.15 Proposed Action:
New Section
- 4) Statutory Authority: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 5 and 2-104(b)].
- 5) A Complete Description of the Subjects and Issues Involved: The Secretary wishes to update the Administrative Code related to Buy Here, Pay Here dealers, pursuant to Public Act 101-505.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Text of the prepared amendments is posted on the Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Pamela Wright
Office of the Secretary of State
298 Howlett Building
Springfield IL 62756

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

pwright@ilsos.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: Data historically recorded on paper will now be recorded electronically.
 - C) Types of Professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No impact on small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two recent agendas as the Department did not anticipate this rulemaking at the time the agendas were filed.

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

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1020

DEALERS, WRECKERS, TRANSPORTERS AND REBUILDERS

Section

1020.10	Dealers Established Place of Business
1020.15	Buy Here, Pay Here Dealers
1020.20	Required Records For Automotive Parts Recyclers Rebuilders, New Vehicle Dealers, Used Vehicle Dealers, Repairers and Out-of-State Salvage Vehicle Buyers
1020.30	Records Required Upon Removal of Dash Assemblies with Vehicle Identification Number Plate Attached
1020.40	Inspection of Licensees' Records and Premises
1020.50	Consignment Sales by Dealers
1020.70	Rebuilders Not to Engage in Retail Selling of Salvage or Rebuilt Vehicles
1020.80	Inspection of Rebuilt Vehicles

AUTHORITY: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Filed March 5, 1975; amended at 2 Ill. Reg. 33, p. 144, effective August 8, 1978; amended at 5 Ill. Reg. 3835, effective March 27, 1981; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 5260, effective April 4, 1983; amended at 8 Ill. Reg. 14657, effective August 1, 1984; amended at 8 Ill. Reg. 22884, effective November 16, 1984; amended at 12 Ill. Reg. 13612, effective August 15, 1988; amended at 12 Ill. Reg. 17962, effective November 1, 1988; amended at 14 Ill. Reg. 8704, effective June 1, 1990; amended at 19 Ill. Reg. 11640, effective August 1, 1995; amended at 20 Ill. Reg. 11356, effective August 1, 1996; amended at 22 Ill. Reg. 11527, effective July 1, 1998; amended at 38 Ill. Reg. 2291, effective December 26, 2013; amended at 44 Ill. Reg. _____, effective _____.

Section 1020.15 Buy Here, Pay Here Dealers

- a) For the purposes of this Section, a Buy Here, Pay Here used vehicle dealer (BHPH) means a dealership under the IVC that utilizes a financial institution in which the BHPH has an ownership stake. By contrast, the third-party lenders used by non-BHPH dealers licensed under the IVC are not legally or financially associated with the BHPH.

OFFICE OF THE SECRETARY OF STATE

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- b) A BHPH shall only be required to acquire one license under IVC Section 5-102.8, which would permit the BHPH to sell 5 or more used vehicles per year.
- c) A BHPH may have a separate legal entity, in which the owner of the dealership has an interest, that provides financing solely for customers of the BHPH. A BHPH may sell a vehicle for cash or by other traditional financing methods. However, the promotion, advertisement, solicitation, and general engagement in the sales transactions performed by the BHPH and its associated financing entity must reflect that the customer may purchase the vehicle on a payment plan basis, within a specified period of time, from the associated financing entity in which the BHPH has a financial stake.
- d) Each BHPH is required to submit the appropriate certificate of title and registration fees and taxes to the Secretary of State (SOS) and the Department of Revenue, respectively, for each sales transaction, with the application for certificate of title and registration reflecting the date of purchase the customer agreed to the terms of the sale and took possession of the vehicle, regardless of how the sale was financed or the vehicle was transferred to the customer.
- e) Beginning January 1, 2020, all BHPH must electronically submit titling and registration applications to SOS, either through an ERT program or online through the SOS website: cyberdriveillinois.com/departments/vehicles/title_and_registration/pert.html.

(Source: Added at 44 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES (LEGAL)

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Travel
- 2) Code Citation: 80 Ill. Adm. Code 2800
- 3) Section Number: 2800.240 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the State Finance Act [30 ILCS 105].
- 5) Effective Date of Rule: October 1, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 4848; May 3, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: No changes were made
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR.
- 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 amendment updates the travel policies to align with the Electronic Commerce Security Act [5 ILCS 175].
- 16) Information and questions regarding this adopted rule shall be directed to:

Sean Coombe
Department of Central Management Services

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES (LEGAL)

NOTICE OF ADOPTED AMENDMENT

720 Stratton Office Building
Springfield IL 62706

217/782-2141

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES (LEGAL)

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES/
GOVERNOR'S TRAVEL CONTROL BOARD

PART 2800
TRAVEL

SUBPART A: GENERAL

- Section
2800.100 Definitions
2800.110 Application and Interpretation

SUBPART B: TRAVEL CONTROL SYSTEM

- Section
2800.200 Travel Control System
2800.210 Travel Coordinator
2800.220 Travel Authority
2800.230 Government Charge Cards (Repealed)
2800.235 Expenses at Headquarters or Residence
2800.240 Preparation and Submission of Travel Vouchers
2800.250 Approval and Submission of Travel Vouchers
2800.260 Items Directly Billed
2800.270 Conference Registration Fees

SUBPART C: TRANSPORTATION EXPENSES

- Section
2800.300 Incidental Expenses for Private and State Owned Automobiles

SUBPART D: LODGING

- Section
2800.400 Conference Lodging
2800.410 Employee Owned or Controlled Housing

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES (LEGAL)

NOTICE OF ADOPTED AMENDMENT

SUBPART E: PER DIEM MEALS

Section
2800.500 Conference Meals

SUBPART F: MISCELLANEOUS RULES

Section
2800.600 Lack of Receipts
2800.650 Headquarter Designation for Agency Heads

SUBPART G: EXCEPTIONS TO THE RULES

Section
2800.700 Special Exceptions-Requested in Advance
2800.710 Ex Post Facto Exceptions

2800.APPENDIX A Reimbursement Schedule

AUTHORITY: Authorized by Sections 12-1 and 12-2 of the State Finance Act [30 ILCS 105/12-1 and 12-2] and by Section 710 of the Travel Regulation Council Rules (80 Ill. Adm. Code 3000.710).

SOURCE: Amended March 11, 1976; amended at 2 Ill. Reg. 30, p. 215, effective August 1, 1978; new rules adopted at 4 Ill. Reg. 28, p. 155, effective July 1, 1980; old rules repealed at 4 Ill. Reg. 30, p. 1224, July 1, 1980; amended at 5 Ill. Reg. 150, effective January 1, 1981; amended at 6 Ill. Reg. 6682, effective July 1, 1982; amended at 7 Ill. Reg. 9205, effective August 1, 1983; amended at 8 Ill. Reg. 127, 130, effective January 1, 1984; amended at 8 Ill. Reg. 14243, effective August 1, 1984; codified at 8 Ill. Reg. 19350; amended at 10 Ill. Reg. 18014, effective October 6, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 738, effective January 15, 1988; emergency amendment at 15 Ill. Reg. 13196, effective September 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17981, effective November 27, 1991; amended at 16 Ill. Reg. 4831, effective March 12, 1992; amended at 16 Ill. Reg. 13823, effective September 1, 1992; amended at 19 Ill. Reg. 36, effective January 1, 1995; amended at 19 Ill. Reg. 7858, effective July 1, 1995; amended at 20 Ill. Reg. 7379, effective May 13, 1996; emergency amendment at 22 Ill. Reg. 12082, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20036, effective November 6, 1998; emergency amendment at 24 Ill. Reg. 867, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 7655, effective May 9, 2000; amended at 26 Ill. Reg. 14979, effective October 8, 2002; emergency amendment

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES (LEGAL)

NOTICE OF ADOPTED AMENDMENT

at 27 Ill. Reg. 10476, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 17061, effective October 23, 2003; amended at 38 Ill. Reg. 11767, effective May 23, 2014; amended at 43 Ill. Reg. 11938, effective October 1, 2019.

SUBPART B: TRAVEL CONTROL SYSTEM

Section 2800.240 Preparation and Submission of Travel Vouchers

All claims for the reimbursement of travel expenses shall be submitted on authorized reimbursement forms (Form C-10) and shall be itemized in accordance with this Part.

- a) The purpose of the travel shall be indicated on the travel vouchers.
- b) When applicable, the travel voucher shall show, in the space provided, the dates and times of travel, the points of departure and destination, the mode of transportation, the cost of the transportation secured, lodging, meals, per diem and other expenses.
- c) If meals or per diem are not claimed, times of arrival and departure are not required.
- d) When a privately owned vehicle is used, the travel voucher shall show, at minimum, commuting mileage (if applicable), the dates, points of travel and mileage. If the distance traveled between any given points is greater than the usual route between these points shown on a road map, the reason for the greater distance shall be explained and detailed separately.
- e) Travel vouchers shall be supported by receipts in all instances for railroad and airplane transportation, lodging, taxis, and all other items in excess, individually, of \$10.00 except for meals.
- f) The travel expense voucher shall be prepared in ink, ~~or~~ typewritten or in electronic form. The All copies of the voucher shall be signed ~~in ink~~ by the individual who has incurred the expense and his/her supervisor. Signatures include those made in ink as well as any symbol executed or adopted. In addition, signatures are any security procedure employed or adopted, using electronic means or otherwise, by or on behalf of a person with intent to authenticate a record.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES (LEGAL)

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 43 Ill. Reg. 11938, effective October 1, 2019)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Waiver of Filing and the Approval of Certain Contracts and Arrangements with Affiliated Interests (General Order 174).
- 2) Code Citation: 83 Ill. Adm. Code 310
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
310.10	Amendment
310.40	Amendment
310.50	Amendment
310.60	Amendment
310.70	Amendment
- 4) Statutory Authority: Implementing Section 7-101 and authorized by Sections 4-101 and 7-205 of the Public Utilities Act [220 ILCS 5/7-101, 4-101 and 7-205].
- 5) Effective Date of Rules: October 1, 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 Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 3079; March 8, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes have been made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? One non-substantive change in verb tense was requested and has been made.
- 13) Does this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

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15) Summary and Purpose of Rulemaking: Part 310 governs the circumstances in which the Commission waives the required filing and approval of affiliate contracts and arrangements, as contemplated by Section 7-101 of the Public Utilities Act [220 ILCS 5/7-101]. The amendments change Section 310.10, Routine Banking Transactions, Section 310.40, Transactions Under Contracts in Existence on July 10, 1933, Section 310.50, Service Agreements with Affiliated Natural Gas Companies for Natural Gas Service at Filed Rates, Section 310.60, Contracts with Affiliated Interests Which Need Not be Filed or Approved, and Section 310.70, Rules Governing Competitive Bidding. The amendments update a number of statutory references and citations in all five of these Sections. Substantively, the amendments raise the threshold in Section 310.60(c) for certain contracts with affiliates requiring Commission approval, and in Section 310.40 accommodate the use of electronic alternatives to publication by newspaper for the competitive bidding process.

16) Questions or requests for information about these adopted rules shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/558-2387

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 310
THE WAIVER OF FILING AND THE APPROVAL OF CERTAIN CONTRACTS
AND ARRANGEMENTS WITH AFFILIATED INTERESTS
(GENERAL ORDER 174)

Section

310.10	Routine Banking Transactions
310.20	Revolving Loan Fund for Employees
310.30	Compromises or Settlements with Customers in Financial Difficulties
310.40	Transactions Under Contracts in Existence on July 10, 1933
310.50	Service Agreements with Affiliated Natural Gas Companies for Natural Gas Service at Filed Rates
310.60	Contracts with Affiliated Interests Which Need Not be Filed or Approved
310.70	Rules Governing Competitive Bidding
310.80	Applicability

AUTHORITY: Implementing Section 7-101 and authorized by Sections 4-101 and 7-205 of the Public Utilities Act [220 ILCS 5].

SOURCE: Effective December 20, 1955; codified at 8 Ill. Reg. 13658; amended at 43 Ill. Reg. 11944, effective October 1, 2019.

Section 310.10 Routine Banking Transactions

The opening of bank accounts, deposit of monies in ~~those~~ accounts, the withdrawal of monies from ~~those~~ accounts by checks, drafts, bills of exchange or otherwise, the making of time deposits with banks, the purchase from banks, at not to exceed prevailing market prices, of obligations of the United States maturing not more than five years ~~after the purchase~~ thereafter, the sale to banks of ~~such~~ obligations of the United States at not less than prevailing market prices, and the making use of routine custodial and handling services of banks with respect to securities at not to exceed standard charges, all in the ordinary course of business, are not considered to be contracts or arrangements within the purview of ~~the provisions of~~ Section ~~7-101 of the Public Utilities Act~~ ~~8a~~.

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(Source: Amended at 43 Ill. Reg. 11944, effective October 1, 2019)

Section 310.40 Transactions Under Contracts in Existence on July 10, 1933

Approval by the Commission of particular transactions under any contract or arrangement of the character described in ~~subparagraph (3) of~~ Section ~~7-101(3)8a~~ of ~~thesaid~~ Act shall not be required ~~when thewhere such~~ contract or arrangement was in existence on July 10, 1933; or ~~when thewhere such~~ contract or arrangement ~~is shall have been~~ filed with and approved by the Commission subsequent to ~~thatsueh~~ date. ~~Each; but each~~ utility shall keep accurate records relating to ~~thesesueh~~ transactions, which ~~records~~ shall be open to inspection by the Commission. ~~Nothing in this Section, provided that nothing herein contained~~ shall be construed as an approval, for any purpose ~~whatever~~, of any contracts existing on July 10, 1933.

(Source: Amended at 43 Ill. Reg. 11944, effective October 1, 2019)

Section 310.50 Service Agreements with Affiliated Natural Gas Companies for Natural Gas Service at Filed Rates

Approval by the Commission shall not be required for the execution and performance by an Illinois utility of a service agreement (~~as defined in Par. 154.13 of the Rules and Regulations of the Federal Power Commission~~) with an affiliated natural gas company (as defined in ~~section~~Section 2(6) of the ~~federal~~ Natural Gas Act (15 USC 717a(6)), when ~~thesueh~~ service agreement is substantially in the form filed by ~~thesaid~~ natural gas company (~~as directed by 18 CFR 154.110 (August 3, 2016)~~) as a part of its ~~Federal Energy Regulatory Commission (FERC)FPC~~ Gas Tariff, and executed or to be executed by non-affiliated customers of ~~thesaid~~ natural gas company and providing for the rendition of service at rates and charges filed with ~~FERCthe Federal Power Commission~~.

(Source: Amended at 43 Ill. Reg. 11944, effective October 1, 2019)

Section 310.60 Contracts with Affiliated Interests Which Need Not be Filed or Approved

Pursuant to Section ~~7-101 of the Act8a of "An Act concerning public utilities," as amended,~~ and subject to the other provisions of this Part, the Commission hereby waives, as to all public utilities, the filing and necessity for approval of contracts and arrangements described in ~~sub-~~paragraph (3) of ~~said~~ Section ~~7-101(3)8a~~ of ~~thesaid~~ Act in cases of:

- a) contracts or arrangements made in the ordinary course of business for the employment of officers or employees;

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- b) contracts or arrangements made in the ordinary course of business for the purchase of services, supplies, or other personal property at prices not exceeding the standard or prevailing market prices, or at prices or rates fixed pursuant to law;
- c) contracts or arrangements ~~in which~~where the total obligation to be incurred ~~under the contract~~thereunder ~~does not exceed the lesser of \$5,000,000 or 2% of the public utility's receipts from all tariffed services as defined in Article XVI or Article XIX of the Act in the preceding calendar year~~shall not be in excess of five hundred dollars (\$500);
- d) the temporary leasing, lending or interchanging of equipment in the ordinary course of business or in case of an emergency; and
- e) contracts made by a public utility with a person or corporation whose bid is the most favorable to the public utility, as ascertained by competitive bidding under the rules for competitive bidding prescribed ~~hereinafter~~ in this Part.

(Source: Amended at 43 Ill. Reg. 11944, effective October 1, 2019)

Section 310.70 Rules Governing Competitive Bidding

- a) Whenever any public utility desires to enter into contracts or arrangements pursuant to competitive bidding, ~~the~~such public utility shall prepare specifications, forms of proposals or contracts setting forth clearly, and so far as applicable in each case in detail, a description or descriptions of the matters and things for which bids are requested, including the terms, times and conditions of delivery and payment, the place or places where delivery or performance is to be made, the character, amount and terms of securities offered or sought, and a full description of the supplies or other articles or things required or offered for sale, hypothecation, or purchase, and shall make and attach to ~~the~~such specifications such maps, drawings and illustrations, and state such other substantial facts or conditions, as are or may be necessary to a full understanding of the premises and procedure by bidders. ~~The~~Such specifications, drawings and illustrations in each case shall be kept open at the principal office or offices of the public utility in Illinois, or made available on the public utility's website, for full examination, free of charge, by persons desiring to examine ~~those specifications~~the same with a view to bidding. ~~Upon, and upon~~ request, ~~the~~such public utility shall furnish to

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any person or persons desiring ~~them~~^{the same}, true and correct copies of ~~thesuch~~ specifications, maps, drawings and illustrations. ~~The, provided, however, that the~~ public utility may make a charge for ~~such~~ copies ~~so~~ furnished ~~that~~^{which} charge shall not exceed the reasonable cost of making and forwarding the copies requested. In addition, the public utility shall electronically distribute a notice requesting bids in a manner reasonably designed to achieve broad circulation among prospective bidders, post a notice requesting bids to its website, or publish once a week for two consecutive weeks a notice requesting bids in at least two newspapers of general circulation, the first publication to be at least two weeks immediately preceding the day that bids are to be submitted. ~~One; one such~~ newspaper shall be the official State newspaper ~~selected by the Department of Finance of the State of Illinois pursuant to Section 28 of the "Civil Administrative Code of Illinois," approved March 7, 1917, as amended,~~ and the other newspaper shall be one published or of general circulation in either:

~~(Editor's Note: Section 28 of the Civil Administrative Code of Illinois was repealed effective July 11, 1957. The Commission will amend this Section to refer to the correct statute.)~~

- 1) the city or town where the principal operating office of the public utility is located; or
 - 2) the city or town where the contract is to be performed.
- b) ~~TheSuch~~ electronic or published notices shall describe in general the proposed contract or arrangement and the special things or matters for which bids are requested, the date and time at or before which the bids must be submitted, and the person to whom, and the office at which, the bids submitted will be received and opened. The public utility may, in ~~thesaid~~ notice, reserve the right to reject any and all bids and may, at its option, require each bidder to tender a bond in a reasonable sum stated in the notice,~~to be therein named~~ with sufficient surety ~~or sureties~~ conditioned upon the faithful and prompt performance of the terms of the contract or arrangement.
- c) Every bid to receive consideration shall be submitted at the place and by the time at or before the hour specified in the notice for the receipt of bids. The time specified may be any hour from 10:00 a.m. until 3:00 p.m. of any business day and the bids shall be opened after the specified hour and before 6:00 p.m. six o'clock on the day, ~~and~~ at the place, and by the person or persons designated in

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the notice. Each bidder may attend in person, or by duly authorized representative, at the opening of the bids, and shall be afforded an opportunity to ~~do so and to~~ examine each bid. The bids ~~then~~ shall be ~~forthwith~~ tabulated and a copy of ~~thesuch~~ tabulation shall be promptly furnished to any bidder or authorized representative ~~upon~~ application ~~therefor~~. When required by the notice, each bid shall be accompanied by ~~tender of~~ a bond in the amount and upon the conditions specified in the notice. A bond shall be required only in cases ~~in which~~ ~~where~~ the notice expressly specifies a bond requirement. Each bid shall be enclosed with accompanying papers in a plain envelope, securely sealed, bearing no indication of the bidder or the amount of the bid; ~~and~~ shall be marked "Bid under proposed contract pursuant to notice dated _____," and shall be addressed to the officer of the public utility designated in the notice to receive the ~~bid~~ ~~same~~. Each bid shall state the name and address of the bidder and, if the bidder ~~is~~ ~~be~~ a corporation, the names and addresses of ~~its~~ ~~the~~ officers and directors ~~thereof~~, and of the purchasing or selling officer or agent in that transaction. ~~If, and if~~ the bidder is a firm, partnership or association, the bid shall give the names and addresses of each member ~~thereof~~, and of the general manager and purchasing or selling agent in that transaction.

- d) After receiving and opening bids as prescribed in subsection (c) aforesaid, the public utility receiving the ~~bid~~ ~~same~~ shall, within 48 hours ~~when in cases where~~ the sale of securities is the undertaking, and within 20 days ~~when where~~ the bids are for the purchase or sale of supplies, equipment, construction or maintenance work, or other articles or things, accept the most favorable bid considering:
- 1) the lowest price or prices for the purchase of supplies, equipment, construction or maintenance work, articles or things described in the advertisement, and the highest price or prices offered for any securities or property so described for sale by the public utility; ~~and~~
 - 2) the ability and reliability of the bidder, financial and otherwise, to deliver the property or to perform the work or transaction or to pay for the securities or property described in the advertisement, giving due consideration to any bond or security accompanying the bid.
- e) If so specified ~~the right be reserved~~ in the notice, all bids may be rejected and the public utility may readvertise for bids. The public utility shall notify the successful bidder of the acceptance of ~~his or~~ its bid and the bidder shall, within 10 days, execute the required contract, and if required by the notice, execution of a

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good and sufficient bond for the faithful and prompt performance of the contract ~~shall be executed.~~ ~~If in case~~ the successful bidder ~~neglects shall neglect or fails to~~ timely fail within said time to execute the contract or bond ~~as aforesaid,~~ the public utility may, within 5 days ~~after the expiration of the 10 day period,~~ thereafter award the contract or arrangement to the next most favorable bidder ~~ascertained as herein provided for determining the most favorable bidder.~~ If neither the most favorable bidder ~~nor~~ the next most favorable bidder ~~executes shall execute~~ a contract and ~~qualifies qualify as aforesaid,~~ the public utility shall readvertise for new bids.

- f) Each public utility, after having made and executed a contract, ~~as and in the manner above specified~~ shall, within 15 days ~~after the execution of such contract,~~ file with the ~~Illinois Commerce~~ Commission a statement of the transaction giving:
- 1) a copy of the electronic or published notice;
 - 2) the total amount of each bid and the names of all bidders, and:
 - A) if the bidder is a corporation, the names and addresses of the officers and directors ~~thereof,~~ and of the purchasing or selling officer or agent in that transaction; or
 - B) if the bidder is a partnership, firm or association, the names and addresses of the members ~~thereof,~~ the general manager, and the purchasing or selling agent in that transaction; ~~and the total amount of each bid,~~
 - 3) the name of the bidder to whom the contract was awarded, together with a copy of the contract; and
 - 4) if any other than the lowest or the highest bid, as the case may be, is accepted as being the most favorable to the utility, the reasons for the acceptance.
- g) In the case of each bid ~~so taken as aforesaid,~~ the public utility shall preserve and keep open for examination by the ~~Illinois Commerce~~ Commission, or any duly authorized representative; ~~thereof,~~
- 1) a copy of the resolution or order of the board of directors, executive

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committee or officers of the public utility, specifying the purposes and terms of the contract for which the bids were invited;

- 2) a copy of the specifications, maps, drawings and illustrations upon which bids were made;
 - 3) copies of the electronic or published notices ~~published sworn to by and on behalf of each newspaper respectively~~, giving the dates and times of each distribution, posting or publication;
 - 4) the original bids received, designating the bid accepted and giving a statement of the reasons for accepting the bids same;
 - 5) a copy of the contract entered into between the public utility and the accepted bidder, together with a copy of the bond, if any.
- h) The files in each transaction shall be securely fastened together and marked "Transaction for competitive bidding, pursuant to notice dated _____" with a sworn statement by the president, a vice president or secretary of the public utility stating that:
- 1) the said files contain true and complete records of all of the negotiations had in connection with the contract; ~~therein set forth~~, and
 - 2) the such files shall not be broken or any part destroyed by the public utility or any officer or agent thereof, without written authorization of the ~~Illinois Commerce~~ Commission.
- i) Nothing in this Section ~~herein contained~~ shall excuse or waive the requirement of prior approval and authorization for the issuance of securities under Article VI of the Act as provided in "An Act concerning public utilities," as amended.

(Source: Amended at 43 Ill. Reg. 11944, effective October 1, 2019)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
121.23	Amendment
121.24	Amendment
121.25	Amendment
121.26	Amendment
121.160	Amendment
121.162	Amendment
121.163	Amendment
121.165	Amendment
121.167	Repealed
121.170	Amendment
121.172	Amendment
121.174	Amendment
121.176	Amendment
121.182	Amendment
121.184	Repealed
121.186	Repealed
121.188	Amendment
121.190	Repealed
- 4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].
- 5) Effective Date of Rules: October 1, 2019
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules 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: October 1, 2019
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

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- 9) Reason for Emergency: The rule is proposed as emergency because it impacts the public interest, including the safety and welfare of SNAP households.
- 10) A Complete Description of the Subject and Issues: The Illinois Department of Human Services (IDHS) currently operates a SNAP Employment and Training Program (SNAP E&T) that requires mandatory participation of all non-exempt Supplemental Nutrition Assistance Program (SNAP) recipients who are subject to the SNAP work requirement and are residing in Illinois counties where SNAP E&T providers are available. PA 101-566 gives the option for the Department to change from a mandatory program to an all voluntary program.

This rulemaking changes the mandatory SNAP E&T to a voluntary SNAP E&T Program. The program will be offered to all SNAP recipients who volunteer and reside in a county where there are outside entities that can provide services to assist participants in gaining work and training skills leading to employment. Participation in SNAP E&T is no longer a mandatory requirement for individuals who are subject to the SNAP work requirement and restricted to three months of eligibility for SNAP. The individual may choose to volunteer for the SNAP E&T Program to meet the work requirement and maintain SNAP eligibility. All individuals receiving SNAP benefits may volunteer to participate in SNAP E&T to the extent resources are available. Participants must receive SNAP for every month that they receive SNAP E&T services. Individuals participating in the voluntary SNAP E&T Program are not subject to a work sanction, unless there is a noncompliance with a work provision. SNAP customers must still meet work provision (registration) requirements.

- 11) Are there any other rulemakings pending on this Part? Yes

<u>Section:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
121.63	Amendment	43 Ill. Reg.11065; October 11, 2019

- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 13) Information and questions regarding these emergency rules shall be directed to:

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Harris Bldg., 3rd Floor
Springfield IL 62762

217/785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 121
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

SUBPART A: APPLICATION PROCEDURES

Section

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

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

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

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SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

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

SUBPART D: ELIGIBILITY STANDARDS

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

SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers

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- 121.75 Students
121.76 Categorically Eligible Households

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

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

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

- Section
121.150 Definition of Intentional Violations of the Program

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

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section

- 121.160 [Participation in Voluntary SNAP Employment and Training \(SNAP E&T\) Persons
Required to Participate](#)

[EMERGENCY](#)

- 121.162 Program Requirements

[EMERGENCY](#)

- 121.163 Vocational Training

[EMERGENCY](#)

- 121.164 Orientation (Repealed)

- 121.165 Community Work

[EMERGENCY](#)

- 121.166 Assessment and Employability Plan (Repealed)

- 121.167 Counseling/Prevention Services [\(Repealed\)](#)

[EMERGENCY](#)

- 121.170 [Supervised](#) Job Search Activity

[EMERGENCY](#)

- 121.172 Basic Education Activity

[EMERGENCY](#)

- 121.174 Job Readiness Activity

[EMERGENCY](#)

- 121.176 Work Experience Activity

[EMERGENCY](#)

- 121.177 Illinois Works Component (Repealed)

- 121.178 Job Training Component (Repealed)

- 121.179 JTPA Employability Services Component (Repealed)

- 121.180 Grant Diversion Component (Repealed)

- 121.182 Earnfare Activity

[EMERGENCY](#)

- 121.184 Sanctions for Non-cooperation with Food Stamp Employment and Training
[\(Repealed\)](#)

[EMERGENCY](#)

- 121.186 Good Cause for Failure to Cooperate [\(Repealed\)](#)

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EMERGENCY

121.188 Supportive Services

EMERGENCY121.190 Conciliation (Repealed)EMERGENCY

121.200 Types of Claims (Recodified)

121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)

121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)

121.203 Collecting Claim Against Households (Recodified)

121.204 Failure to Respond to Initial Demand Letter (Recodified)

121.205 Methods of Repayment of Food Stamp Claims (Recodified)

121.206 Determination of Monthly Allotment Reductions (Recodified)

121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)

121.208 Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section

121.220 Work Requirement Components (Repealed)

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

121.222 Volunteer Community Work Component (Repealed)

121.223 Work Experience Component (Repealed)

121.224 Supportive Service Payments to Meet the Work Requirement (Repealed)

121.225 Meeting the Work Requirement with the Illinois Works Component (Repealed)

121.226 Meeting the Work Requirement with the JTPA Employability Services Component (Repealed)

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

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4

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Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; preemptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; preemptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; preemptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; preemptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; preemptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; preemptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; preemptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; preemptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; preemptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; preemptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; preemptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; preemptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; preemptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at

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11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; preemptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; preemptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; preemptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; preemptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; preemptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; preemptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; preemptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; preemptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill.

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Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; peremptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; peremptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April

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8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; preemptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; preemptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; preemptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; preemptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; preemptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; preemptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; preemptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; preemptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; preemptory amendment at 33 Ill. Reg. 5537, effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; preemptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; preemptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; preemptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; preemptory amendment at 36 Ill.

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Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; preemptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; preemptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015; amended at 39 Ill. Reg. 15577, effective December 1, 2015; amended at 40 Ill. Reg. 360, effective January 1, 2016; preemptory amendment at 40 Ill. Reg. 14114, effective October 1, 2016; preemptory amendment at 41 Ill. Reg. 12905, effective October 1, 2017; amended at 42 Ill. Reg. 8310, effective May 4, 2018; amended at 42 Ill. Reg. 8505, effective May 8, 2018; preemptory amendment at 42 Ill. Reg. 18531, effective October 1, 2018; amended at 43 Ill. Reg. 360, effective December 20, 2018; preemptory amendment at 43 Ill. Reg. 11035, effective October 1, 2019; emergency amendment at 43 Ill. Reg. 11718, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 121.23 Work Registration/Participation Requirements**EMERGENCY**

- a) All nonexempt adults who are eligible members of a [Supplemental Nutrition Assistance Program \(SNAP\)](#)~~food stamp~~ household shall register for employment; ~~participate in an employment and training program~~ and accept suitable employment. Compliance with this requirement is a prerequisite to certification and program benefits shall not be granted conditionally prior to registration by nonexempt household members. However, under expedited services, the applicant must register but registration of other members may be postponed.
- b) All nonexempt individuals must register in the following circumstances:
 - 1) prior to initial certification;
 - 2) for a new household member, prior to addition to the case;
 - 3) once every 12 months; and

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- 4) when as a result of a change which the household is required to report, a member loses exempt status. (See 89 Ill. Adm. Code 102.50(c).)
- e) ~~Registration with the Food Stamp Employment and Training Program (FSE&T) for General Assistance (GA) purposes shall meet the food stamp work registration requirement for nonexempt City of Chicago GA/Food Stamp applicants and recipients.~~
- cd) Participation in TANF work and training activities shall meet the SNAPfood stamp work registration requirement.
- de) Registration with a Refugee Placement Agency or Illinois Job Service for Refugee Assistance/SNAPFood Stamp recipients shall meet the SNAPfood stamp work registration requirements.
- ef) Each household member who is required to register for employment is also required to:
 - 1) ~~participate in an employment and training program, if assigned by FSE&T, in accordance with Section 121.162 or~~ participate in a TANF work and training program, if receiving TANF benefits, in accordance with 89 Ill. Adm. Code 112.72;
 - 2) respond to requests for supplemental information regarding employment status or availability for work;
 - 3) report to employers to whom referred;
 - 4) accept a bona fide offer of suitable employment (see Section 121.28(b) for a definition of "suitable employment"); and
 - 5) not voluntarily quit a job or reduce work hours without good cause (see Section 121.28(a) for definition of "good cause").~~cooperate with the work requirements of FSE&T. (See 89 Ill. Adm. Code 121.160 through 121.190.)~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

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Section 121.24 Individuals Exempt From Work Registration Requirements
EMERGENCY

- a) Individuals receiving TANF who are required to participate in the TANF work and training program in accordance with 89 Ill. Adm. Code 112.71 and 112.72 are not exempt from Supplemental Nutrition Assistance Program (SNAP)~~food stamp~~ work registration requirements unless they have a child under age six.
- b) Individuals not receiving TANF who are listed below are exempt from SNAP~~food stamp~~ work registration requirements, but may, if they wish, voluntarily register:
- 1) ineligible household members;
 - 2) parent or other household member having responsibility for the care of a dependent child or children under age six or the care of an incapacitated person or persons;
 - 3) persons under age 16 or age 60 or over;
 - 4) a person age 16 or 17 who is not the primary wage earner or is attending school or enrolled in a training program on at least a half-time basis;
 - 5) a person who is temporarily ill or chronically ill;
 - A) A person is temporarily ill, when determined by the local office, on the basis of medical evidence (for example, statement from a medical provider) or on another sound basis that the illness or injury is serious enough to temporarily prevent the person from engaging in employment~~or participating in FSE&T~~. Minor ailments and injuries such as colds, broken fingers or rashes are not serious enough, normally, to exempt the individual under this criterion. A sound basis for exemption from engaging in employment~~FSE&T~~ on a temporary basis includes, but is not limited to:
 - i) the observation of a cast on a broken leg; or
 - ii) information, provided by the client, of a scheduled surgery

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or recuperation from surgery;

- B) A person is chronically ill, as determined by the local office, when a physician or licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the person from engaging in employment ~~or participating in FSE&T~~;
- C) When a person is determined either temporarily or chronically ill, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when the case will be reevaluated to determine whether the exempted person continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the person that a reevaluation is necessary.
- 6) any drug addict or alcoholic who regularly participates in a drug or alcoholic treatment and rehabilitation program;
- 7) persons who are engaged in gainful employment, employed or self-employed at least 30 hours per week or receiving weekly earnings equivalent to or greater than the Federal Minimum Wage ~~(\$6.55 per hour)~~ multiplied by 30 hours and migrant and seasonal farm-workers under a contract to begin employment within 30 days after application;
- 8) persons receiving Unemployment Insurance (UI) or who have applied for UI if required to register for Job Service as part of the UI application process;
- 9) students enrolled at least half-time in any recognized:
- A) school;
- B) training program; or
- C) institution of higher education and who have met one of the eligibility requirements set forth in Section 121.75(a);

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- 10) ~~is a person enrolled full time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act, if the individual was receiving financial assistance or food stamps at the time he or she joined VISTA. Persons enrolled full time under Title II of the 1973 Domestic Volunteer Services Act as senior health aide, foster grandparents, senior companions or persons serving in the Senior Corps of Retired Executives (SCORE) and Active Corps of Executive (ACE), etc., are exempt.~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.25 Failure to Comply with Work Provisions**EMERGENCY**

- a) An individual who, without good cause, fails to comply with the work registration requirements (see Section 121.23); or who voluntarily quits a job or reduces work hours (see Section 121.27), ~~or who fails to comply with the Food Stamp Employment and Training Program participation requirements (see Section 121.162);~~ will be sanctioned from receiving Supplemental Nutrition Assistance Program (SNAP) food stamp benefits.
- b) An individual who fails to comply with the work provisions is an ineligible household member (see Section 121.31(h)).
- c) Good cause includes circumstances beyond the member's control such as, but not limited to, illness, illness of another household member requiring the presence of the member, lack of transportation, a household emergency or the lack of adequate child care for children ages six through 11, as defined in Section 121.75(a)(4).

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.26 Periods of Sanction**EMERGENCY**

- a) If an individual fails to comply with work registration requirements (Section 121.23), ~~or fails to comply with the FSE&T program requirements (Section~~

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~~121.184~~, or fails to comply with TANF work and training requirements (89 Ill. Adm. Code 112.72), or voluntarily quits a job or reduces work hours (Section 121.27), a sanction shall be imposed on that individual for:

- 1) 3 months for the first violation;
 - 2) 3 months for the second violation; and
 - 3) 6 months for the third or subsequent violations.
- b) The period of sanction may end early if:
- 1) the individual becomes exempt from the requirements; or
 - 2) the individual is no longer a household member. However, if the individual becomes part of another household, the remainder of that sanction period will still be in effect, and that individual's income will be calculated for the new household in accordance with Section 121.73.
- c) Participation may be resumed following the end of the last fiscal month of the sanction period if:
- 1) an application is filed (if the case was canceled as a result of the sanction), or a request is made to add the individual to an active case (if the case remained eligible when the individual was sanctioned); and
 - 2) the individual complies with the program requirements for which the individual was sanctioned; and
 - 3) all other eligibility requirements are met.
- d) ~~For individuals in GA/FS households who are sanctioned for failure to cooperate with comparable requirements of FSE&T, the SNAP benefit sanction period does not have to coincide with the GA sanction period.~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

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Section 121.160 Participation in Voluntary SNAP Employment and Training (SNAP E&T) Persons Required to Participate EMERGENCY

- a) The Illinois Department of Human Services (IDHS) shall operate a voluntary Supplemental Nutrition Assistance Program (SNAP) Employment and Training Program (SNAP E&T) for all SNAP recipients residing in counties where there are outside entities that can provide services to assist participants in gaining work and training skills leading to employment.
- b) All individuals receiving SNAP benefits may volunteer to participate in SNAP E&T to the extent resources are available.
- c) Participants must be receiving SNAP benefits for every month that they receive SNAP E&T services.
- d) At the time of the initial application or redetermination for benefits, or at the first face-to-face contact, all SNAP applicants and recipients will be informed of the voluntary SNAP E&T program.
- e) The Department will provide information on the SNAP E&T program and will assist individuals in determining the most appropriate contracted provider, community-based organization, or community college/university of their choice for services.
- a) ~~All individuals receiving food stamps who are not exempt will be required to participate in the Food Stamp Employment and Training (FSE&T) program, to the extent resources are available. This includes, in priority order:~~
 - 1) ~~adults who receive food stamps and who volunteer or are court ordered. If resources are available, these individuals may be required to participate in other Food Stamp Employment and Training activities;~~
 - 2) ~~exempt and nonexempt individuals ordered by a court of competent jurisdiction to participate in Earnfare. Receipt of food stamps is not an eligibility requirement for individuals ordered by a court of competent jurisdiction who are non-custodial parents of TANF children;~~

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- 3) ~~all other nonexempt food stamp recipients not receiving TANF or Refugee Assistance;~~
 - 4) ~~recipients of Transitional Assistance;~~
 - 5) ~~nonexempt clients receiving Family and Children Assistance may be required to participate in the Food Stamp Employment and Training program. See 89 Ill. Adm. Code 112.70 through 112.76 for requirements for these clients; and~~
 - 6) ~~individuals who are homeless.~~
- b) ~~Those individuals exempt from the Food Stamp Employment and Training program are those individuals who are (however, individuals may volunteer to participate):~~
- 1) ~~under age 18 or over age 50;~~
 - 2) ~~medically certified as physically or mentally unfit for employment;~~
 - 3) ~~pregnant;~~
 - 4) ~~a student enrolled at least half time;~~
 - 5) ~~a member of a household responsible for a dependent child;~~
 - 6) ~~responsible for the care of an incapacitated person;~~
 - 7) ~~participating in a drug addiction or alcoholic treatment and rehabilitation program;~~
 - 8) ~~receiving weekly earnings of at least the federal minimum wage times 30 hours; or~~
 - 9) ~~receiving Unemployment Insurance.~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

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Section 121.162 Program-Requirements**EMERGENCY**

- a) Local office staff are to advise ~~all nonexempt~~ individuals of ~~the SNAP Food Stamp Employment and Training (SNAP E&T FSE&T) voluntary program requirements~~ at ~~initial application, redetermination, or with each contact with the~~ whenever an exempt individual becomes nonexempt. The local office shall explain the voluntary program and provide the individual with information about the SNAP E&T program. At the individual's request, a referral will be made to a contracted provider, community-based organization, or community college/university of their choice that offers services to assist them in getting work and training skills that will lead to employment. assessment process and Employability Plan; available programs and activity requirements; support services; what qualifies as an acceptable employer contact and a "good faith" effort for making a job contact; exemption criteria; Earnfare payments; maximum Earnfare payment amounts if program is available; FS sanction; Transitional Assistance sanction; good cause; and conciliation. All nonexempt individuals must comply with the following requirements:
- 1) ~~FSE&T activities such as Assessment, Employability Plan (EP) Development, and all component activities;~~
 - 2) ~~respond to job referrals;~~
 - 3) ~~accept a bona fide offer of suitable employment;~~
 - 4) ~~continue employment;~~
 - 5) ~~not voluntarily reduce earnings; and~~
 - 6) ~~register with and appear for interviews through DES.~~
- b) Any individual who volunteers will work with the FCRC or provider to complete an assessment and an Employability Plan to determine their needs and the appropriate referral(s) will be made. The Department shall make an assessment of all nonexempt individual's employability. In order to assign an individual to the appropriate activity, information shall be collected on background, educational level, literacy, job training, work history, factors affecting employment and supportive services. The Department shall complete an assessment of

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~~employability whenever a nonexempt individual's request for food stamps is approved; an exempt individual becomes nonexempt; or an exempt individual volunteers for FSE&T; any time it is necessary to determine the individual's suitability for a different activity, before assignment to a different activity; and upon the individual's request.~~

- ~~1) The individual will be assigned to the appropriate activity based on the assessment and the eligibility criteria for each FSE&T activity. The Department shall explain activity specific requirements.~~
- ~~2) Individuals will be referred to the Department of Employment Security (DES) if they are not already registered with DES. If an individual fails, without good cause, to register with DES as a condition of the assessment process, sanction procedures will be started.~~
- e) ~~The local office and the individual shall establish a written Employability Plan (EP) based on the information obtained during the assessment. The plan will contain the specific employment goals; the FSE&T activity assignment; the supportive services that must be provided or arranged in order to help the individual take part in the activity and obtain the employment goals; a statement that the supportive services have been provided by the Department or otherwise arranged, including an explanation of the specific arrangements and services provided.~~
- ~~c~~) If offered through the contracted provider, community-based organization, or community college/university, After assessment, individuals in the voluntary SNAP E&T program may~~FSE&T shall~~ take part in one or more of the following activities:
 - 1) Basic Education;
 - 2) Vocational Training;
 - 3) Job Readiness;
 - 4) Supervised Job Search;
 - 5) Work Experience;

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- 6) Earnfare; and/or
- 7) Community Work.

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.163 Vocational Training
EMERGENCY

~~a) Individuals who will benefit from short-term training to obtain unsubsidized employment may participate in shall be assigned to the Vocational Training activity. An individual may participate for a minimum of 20 hours a month, unless he or she is participating in Vocational Training as part of his or her Earnfare assignment. The individual must participate for 80 hours per month if it is part of his or her Earnfare assignment. This activity offers special time-limited services for an individual who:~~

- ~~a)1) can benefit from short-term vocational training (e.g., an individual with the interest and ability to complete the training program and be hired in a position for which the individual has trained); or~~
- ~~b)2) is readily employable with the addition of short-term training (i.e., a training program for specific job openings that are available).~~
- ~~b) In the Vocational Training activity the individual must have satisfactory attendance and progress as defined by the training provider.~~
 - ~~1) Failure of an individual to attend the Vocational Training activity three days in a 30-day period, without good cause, will result in a sanction.~~
 - ~~2) The individual must provide written proof each month of attendance and progress.~~
- ~~e) If no slots are available, the individual will be required to take part in another component while waiting for a Vocational Training slot to open.~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

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Section 121.165 Community Work**EMERGENCY**

a) Community Work includes unpaid work an individual performs at a public or not-for-profit organization, such as a school, church, or a government agency. Individuals may choose and arrange their~~The individual chooses and arranges his or her~~ own placement, with input from the worker or choose to participate at a previously established site. Community Work provides the individual with employment skills and references that can help him or her get a job.

- b) ~~An individual participating in Community Work works up to 20 hours per month, based on the amount of food stamps received. An individual who participates in Community Work for the number of hours required meets the work requirement for food stamps.~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.167 Counseling/Prevention Services (Repealed)**EMERGENCY**

- a) ~~An individual in need of Counseling/Prevention Services may be assigned 2 to 4 hours per week as part of an approved FSE&T activity to which the individual has been assigned.~~
- b) ~~The services may be provided by the contractor, if the contractor is licensed through the appropriate entity. The services must be paid from the contractor's earned administrative rate or provided free by another licensed provider. The service provided cannot include treatment. The hours for these counseling and prevention services are countable within the approved FSE&T activity to which the individual has been assigned.~~

(Source: Repealed by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.170 Supervised Job Search Activity**EMERGENCY**

a) ~~Individuals may participate in a Supervised~~assigned to the Job Search if offered as an activity~~(JS) Activity, based upon the employability plan, must attend all scheduled meetings,~~

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~~including Job Skills Workshops. The individual will make contact with employers in order to secure employment in a manner that is compatible with the rules for a Supervised Job Search as outlined by FNS. The individual will be notified, in writing, of all scheduled meetings. The failure of an individual to appear for scheduled meetings, without good cause, will constitute noncooperation.~~

- ~~b) Individuals who fail to cooperate in Job Search, without good cause, shall be subject to a sanction as explained in Section 121.184.~~
- ~~e) The individual is required to actively contact employers in his or her efforts to secure employment (nonexempt registrants are required to make 20 acceptable employer contacts every 30 days). No individual shall receive a financial sanction and/or a food stamp disqualification for failure to make the appropriate number of job contacts, if the individual has made a good faith effort to make the job contacts.~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.172 Basic Education Activity**EMERGENCY**

- a) ~~In the Basic Education activity, individuals may be referred to testing, counseling, and education resources, rehabilitation therapy, and agencies or programs that sponsor such activities. Supportive Food Stamp Employment and Training staff provide information, referral, counseling services and supportive services provided to individuals to increase their employment potential and to remove significant barriers to employment will be administered by SNAP Employment and Training staff or the contracted provider, community-based organization, or community college/university. Individuals may be referred to testing, counseling and education resources, rehabilitation therapy, and agencies or programs that sponsor such activities.~~
- b) Eligibility Criteria. Approval of an education and training ~~plan~~plans is based upon the Department's assessment of the following factors:
 - 1) The program selected will lead to unsubsidized employment, taking into consideration the time required to complete, and the over-all cost and quality of the program;

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- 2) An individual has the aptitude, ability and interest necessary for success in the particular education or training program (as determined by such factors as test results, educational background and previous training);
 - 3) The program must be administered by an educational institution meeting the standards issued~~accredited~~ by the Illinois State Board of Education or the Department of Professional Regulation or funded by the Workforce Innovation Opportunity~~Investment~~ Act (WIOA~~WIA~~) (29 USC 2801 et seq.);
 - 4) An individual must apply for the Pell grant and scholarships from the Illinois Student Assistance Commission, as well as any scholarships or grants identified by the education or training facility for which an individual may be eligible;
 - 5) ~~An individual does not possess a high school diploma or a GED certificate;~~
 - 6) ~~An individual must participate for a minimum of 20 hours per month unless participating as part of an Earnfare work program.~~
- e) **Participation Requirements**
- 1) ~~An individual must maintain a level of satisfactory progress as established and reported by the educational facility.~~
 - 2) ~~Failure of an individual to attend training or education classes three times in a 30 day period, without good cause(see Section 121.186), shall result in a sanction (see Section 121.184). Failure to participate, without good cause, in classes as defined by the education or training facility shall result in a sanction (see Section 121.184).~~
 - 3) ~~Curriculum changes can be made only with the prior written approval of local office staff. Prior approval will be granted when the curriculum change is consistent with the written goals of the training program.~~
 - 4) ~~An individual must provide monthly verification of attendance and progress (for example, statements signed by the instructor, educational~~

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~~records and reports prepared at the end of the term).~~

- d) ~~An individual is to contact the local office worker on a monthly basis if the supportive service payments identified in Section 121.188 are being issued.~~
- e) ~~If the Department determines the individual should be in the Basic Education activity, but there are no appropriate slots available, the individual may be assigned to another appropriate activity while waiting for an appropriate Basic Education slot to become available.~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.174 Job Readiness Activity**EMERGENCY**

a) An individual who has not found employment and who needs to learn the necessary essentials to obtain and maintain employment may be referred to the Job Readiness activity. The Job Readiness activity helps an individual gain the necessary job-finding skills to help find and retain employment. Job Readiness activities may be combined with other component activities, if determined appropriate.

- b) ~~Participation Requirements~~
 - 1) ~~Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based upon the individual's circumstances.~~
 - 2) ~~The individual must attend all scheduled classes or sessions. The individual must make satisfactory progress based upon the written policy of the Job Readiness Provider.~~
 - 3) ~~The individual must make a good faith effort to complete up to eight acceptable employer contacts in a 30-day period when required.~~
 - 4) ~~The individual must respond to job referrals, accept suitable employment, and respond to call-in notices for interviews.~~

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(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.176 Work Experience Activity
EMERGENCY

- a) An individual participates ~~in~~ ~~is assigned to~~ work experience to obtain work skills or to maintain or to enhance existing skills. This is to provide the individual with a meaningful experience in the world of work. The Work Experience Sponsor shall not use Work Experience ~~participants~~ ~~nonexempt registrants~~ to displace regular employees.
- b) Entry into the Work Experience Activity.
 - 1) An individual who is determined eligible for the Work Experience activity, based on an assessment of education, training and employment history, may participate in ~~be assigned to~~ the Work Experience activity.
 - 2) ~~Individuals shall be placed in a Work Experience assignment considering, to the extent possible, their prior training, proficiency, experience, skills, and vocational preference.~~ Individuals will be selected for the appropriate Work Experience assignment taking into consideration such factors as an individual's work history, training, proficiency, experience, skills, vocational preference, and the needs of the employer.
- e) ~~Participation Requirements~~
 - 1) ~~The individual works up to 20 hours per month based on the amount of food stamp benefits received.~~
 - 2) ~~An individual is required to accept bona fide offers of employment pursuant to Section 121.162(b)(4).~~
 - 3) ~~An individual is also required to report, as scheduled and on time, to the Work Experience Employer when notified of an assignment. When an individual cannot report to the work assignment or if the individual will be late, he or she is to immediately notify the Work Experience Employer.~~
 - 4) ~~Failure to report to the work assignment initially, without good cause, or~~

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~~failure to attend the work assignment one day in a 30-day period, without good cause, shall result in a sanction.~~

- ~~5) During participation in this activity, an individual may take part in education and training.~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.182 Earnfare Activity**EMERGENCY**

- a) Assignment to the Earnfare activity is limited to adults who receive Supplemental Nutrition Assistance Program (SNAP) benefits~~food stamps~~ and who volunteer or are court-ordered to participate.
- b) Eligibility Criteria
- 1) Eligibility for the Earnfare activity shall be limited to six months out of the fixed 12-month period July through June. Court-ordered participants shall participate for six months unless the court orders participation for less than six months out of the 12-month period.
 - 2) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.
 - 3) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their employability ~~in order~~ to succeed in obtaining unsubsidized employment.
- c) Administration and Contracts
- ~~1) The Illinois Department shall administer the Earnfare program in Chicago.~~
 - ~~2) The Illinois Department may enter into cooperative agreements with local governmental units in selected geographic areas which want to participate in the operation of the Earnfare program outside the City of Chicago. The Department shall establish the policies and procedures for the program and monitor Earnfare programs in local governmental units. Local~~

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~~governmental units will be eligible to participate in the operation of an Earnfare program in the following priority order as resources permit:~~

- ~~A) Local governmental units that receive State funds.~~
- ~~B) Local governmental units that neither receive State funds nor are under a current contract with the Department will be eligible to contract with the Department to administer Earnfare. The Department will reimburse client payments, transportation and up to 50% of allowable administrative staff costs. The Department will select non-receiving units to participate in the program from the applications received based on, but not limited to, the unemployment rate, percentage of the population receiving food stamps, outreach and recruitment plans, linkage with employers and connection to a court of competent jurisdiction to enable operation of the Non-custodial Parent/Earnfare Initiative.~~

~~3) The Illinois Department may enter into contracts with other public agencies, including State agencies, local governmental units, and not-for-profit, community-based organizations, to help develop Earnfare opportunities and otherwise administer the program.~~

- ~~4) The Illinois Department may enter into contracts with community based organizations as comprehensive providers to administer and operate Earnfare in the City of Chicago.~~
- ~~5) The Illinois Department shall provide workers' compensation coverage for each individual assigned to Earnfare.~~

d) Notification and Referrals

- ~~1) In areas where an Earnfare program is operating, when the Illinois Department or the local governmental unit learns that individuals are in the following categories, it shall inform them in writing and, whenever possible, orally of the existence of Earnfare and the method for requesting an Earnfare referral.~~
 - ~~A) Households approved or certified for non-assistance food stamps which do not have net food stamp income in excess of \$154 per~~

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~~month;~~

- ~~B) All persons denied or terminated from State Transitional Assistance because they are employable; and~~
 - ~~C) All Earnfare participants shall be given a written notice at the time they leave the Earnfare program specifying when they will re-qualify.~~
- 2) The Illinois Department, comprehensive providers and participating ~~downstate~~ units shall make referrals to the Earnfare program as follows:
- A) Any individual receiving SNAP benefits may be referred or may request a referral.
 - B) Individuals~~Exempt and nonexempt food stamp individuals and individuals~~ not receiving SNAP benefits~~food stamps~~ who are non-custodial parents of TANF children may be ordered by a court of competent jurisdiction to participate in the Earnfare Component.
 - C) Within 30 days of~~after~~ a request for an Earnfare referral:
 - i) individuals who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;
 - ii) individuals who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he/she is qualified.
- 23) When possible, within 30 days after notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are available.
- e) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following requirements:
- 1) there are no questions as to the individual's ability to engage in such

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- employment for medical reasons or because the individual has no way to get to or from the particular job;
- 2) there are no questions of working conditions, such as risks to health or safety, ~~or lack of workers' compensation protection~~;
 - 3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
 - 4) there is no unreasonable degree of risk to the individual's health and safety; and
 - 5) the individual is physically and mentally competent to perform the work.
- f) Individuals participating in Earnfare shall not displace or substitute for regular, full-time or part-time employees, regardless of whether the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.
- g) Earnfare Activity Requirements
- 1) To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department, not-for-profit, community-based organization, or the participating local governmental unit shall discuss with the individual available Earnfare assignments, together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.
 - 2) The Department, comprehensive providers and local governmental units

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shall maintain up-to-date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public, in writing or by phone, during regular business hours.

h) Payments

- 1) Individuals participating in Earnfare shall engage in hours of work equal to the amount of the ~~SNAP food stamp~~ benefits divided by the State or federal minimum wage, whichever is higher, ~~up to a maximum of 26 hours~~ and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity, up to a maximum ~~amount of \$294 per month established by the Department and if resources permit~~. An individual is considered to have participated in Earnfare in any month he or she earns a payment.
 - A) If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment-assigned activities multiplied by the State or federal minimum wage, whichever is higher, shall first be applied as a \$50 payment made to the custodial parent as a support obligation. If the individual receives ~~SNAP benefits food stamps~~, the individual shall engage in hours of employment-assigned activities equal to the amount of the ~~SNAP food stamp~~ benefits divided by the State or federal minimum wage, whichever is higher, ~~up to a maximum of 26 hours~~ and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity, ~~up to a maximum of \$294 per month, including the amount of the support obligation~~.
 - B) Individuals will be assigned hours of Earnfare based upon their ~~SNAP allotment initial food stamp authorization~~ amount. An individual living in a multi-person ~~SNAP food stamp~~ household shall be deemed to be receiving a per capita share of the household's ~~SNAP food stamp~~ allotment, for purposes of calculating the Earnfare hours.
 - C) During an individual's Earnfare participation, the Department or the local governmental unit shall alter the Earnfare hours each time

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the individual's monthly ~~SNAPfood stamp~~ benefit changes by at least \$20, effective the same month as the change in the ~~SNAPfood stamp~~ benefit. Individuals and contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.

- 2) Individuals remain financially eligible for Earnfare and Earnfare job search activity so long as they receive ~~SNAP benefits~~~~food stamps~~. Receipt of ~~SNAPfood stamps~~ is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual to participate who is a non-custodial parent of TANF-children.
- 3) The Department may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than monthly. Individuals shall be paid only for the hours they have actually worked in excess of the ~~SNAPfood stamp~~ hours of work obligation and, if ordered by a court of competent jurisdiction, in excess of ~~SNAPfood stamp~~ hours and the support obligation.
- 4) Individuals shall be credited with hours of work that the Earnfare employer certifies them to have completed, according to criteria set forth in the contract with the Illinois Department, comprehensive providers or the local governmental unit. The Department, comprehensive providers or the local governmental unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is disagreement over the number of hours worked. If the dispute cannot be resolved, the individual may utilize the Illinois Department's appeal process.
- 5) The Illinois Department or the provider shall, in advance, provide individuals participating in Earnfare who need transportation with the cost of transportation in getting to and from the Earnfare site and to Earnfare participants who are not in the job search component for specific job interviews arranged by their Earnfare employer. Individuals obtaining unsubsidized employment while participating in Earnfare may be eligible for initial employment expenses as stated in Section 121.188.
- 6) Participants in the Earnfare job search activity are eligible for employer contact related expenses ~~not to exceed \$20 every 30 days for a maximum of two months in a 12 consecutive month period.~~

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- 7) The Illinois Department will provide [support services for](#) necessary clothing to enable participants to report to their Earnfare job site.
- i) Participation Requirements
- ~~1) Earnfare participants may be assigned up to a maximum of 80 hours per month.~~
- 12) Individuals are required to report as scheduled and on time to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer.
- 23) If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, the Illinois Department, [contracted provider, community-based organization, or community college/university](#) shall reassess the individual ~~and, if appropriate, shall refer the person to apply for Transitional Assistance or federal SSI benefits.~~ If the person is ordered by a court of competent jurisdiction to participate in the Earnfare Component, that person shall also be referred back to the court when unable to perform the work that has been assigned.
- 34) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department, comprehensive providers or local governmental unit shall return an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments. ~~A dismissal from an Earnfare assignment shall not cause a food stamp sanction.~~
- 45) During Earnfare assignment, individuals are required to accept bona fide offers of suitable employment
- 56) During the Earnfare assignment, participants are required to apply for suitable jobs for which the provider makes a referral.
- 67) Earnfare clients may participate in a voluntary job search activity as resources permit. Earnfare clients may participate for two months in the

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12- month period, either concurrently or following the six-month eligibility period for Earnfare. ~~Clients are required to make a minimum of 20 employer contacts each month while in the Earnfare job search activity.~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.184 Sanctions for Non-cooperation with Food Stamp Employment and Training (Repealed)
EMERGENCY

- a) ~~An individual who fails to cooperate with the Food Stamp Employment and Training program, without good cause, and who fails to comply with the conciliation process shall be subject to Transitional Assistance sanction and/or food stamp sanction. An individual ordered by a court of competent jurisdiction to participate in the Earnfare Component who fails to cooperate shall be referred back to the court for failure to comply with the court order. Individuals who volunteer to participate in Earnfare or individuals ordered by a court of competent jurisdiction to participate are not subject to food stamp sanctions for non-participation in Earnfare. An individual who fails to cooperate with the requirements of the Food Stamp Employment and Training program shall be ineligible for Transitional Assistance for two months and/or sanctioned for food stamps. (See Section 121.26 for the length of the sanction period for food stamps.) (See Section 121.86 for good cause.)~~
- b) ~~Non-cooperation with the Food Stamp Employment and Training program includes the following:~~
- ~~1) refusal/failure to respond to a job referral (see Section 121.162(a)(2));~~
 - ~~2) refusal/failure to accept a bona fide offer of suitable employment (see Section 121.162(a)(3));~~
 - ~~3) discontinuance of suitable employment (including quitting a job after placement and before cancellation) without good cause (see Section 121.162(a)(4));~~
 - ~~4) reduction of suitable employment (for example, hours of employment) without good cause (see Section 121.162(a)(5));~~

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- 5) ~~use of a supportive service payment (see Section 121.188) for something other than the supportive service for which it was provided (see Section 121.162(a)(1));~~
- 6) ~~An individual fails, without good cause, or refuses to respond to a written notice for an appointment. If an individual arrives anytime within 30 minutes after the start of the scheduled meeting, the individual will be considered present. If an individual has good cause (see Section 121.186) for being more than 30 minutes late, the tardiness will be excused. The client will be included in a scheduled group or other meeting or be re-scheduled for another meeting(see Section 121.162(a)(1));~~
- 7) ~~Refusal to accept transportation, counseling or other services without good cause, thereby precluding or interrupting participation or progress in the employability plan (see Section 121.162(a)(1));~~
- 8) ~~Failure to cooperate in Job Search one time without good cause (see Section 121.182(g)). Each missed session is considered an instance of non-cooperation. Failure of an individual to make the required 20 employer contacts in a 30-day period without good cause (see Section 121.162(a)(1));~~
- 9) ~~For individuals assigned to participate in an Education or a Training activity, failure to maintain a satisfactory level of attendance as established by the education or training facility. However, failure to attend training or education classes three times in a 30-day period, without good cause, shall result in a sanction (see Section 121.162(a)(1));~~
- 10) ~~Failure to appear for an assessment interview or to comply with the assessment process without good cause (see Section 121.162(a)(1));~~
- 11) ~~Failure to comply in Job Search. This includes failure to attend a job search session or failure to make the required 20 acceptable employer contacts in a 30-day period without good cause. Each missed session is considered an instance of failing to comply (see Section 121.162(a)(1));~~
- 12) ~~For an individual in Work Experience, failure to report to the work assignment on days scheduled or to make eight acceptable employer~~

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~~contacts in a 30-day period. Each failure to attend one day of work assignment, without good cause (or to initially report) is considered one instance of failing to comply (see Section 121.162(a)(1));~~

- ~~13) For an individual in a training or educational activity, failure to maintain a satisfactory level of attendance as established by the educational facility. However, failure to attend training or education classes three times in a 30-day period, without good cause, will result in a sanction (see Section 121.162(a)(1)); or~~
- ~~14) Failure to attend a Job Readiness skill training session or failure to make eight acceptable employer contacts in a 30-day period, if required. Each missed session is considered one instance of failing to comply (see Section 121.162(a)(1)).~~
- e) ~~A Transitional Assistance sanction and/or food stamp sanction shall be imposed only on a nonexempt individual.~~
- d) ~~No Transitional Assistance sanction or food stamp sanction will be imposed until the individual is sent written notice scheduling a conciliation meeting and the individual has not shown good cause for non-cooperation and has either failed to attend the meeting, without good cause, or failed to complete the conciliation process (see Section 121.190). The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause and shall include a definition of good cause. Failure of the nonexempt registrant to appear for the scheduled meeting is not considered an instance of non-cooperation.~~
- e) ~~A Transitional Assistance sanction and/or food stamp sanction shall be rescinded at any level of the Transitional Assistance sanction and/or food stamp sanction process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the individual establishes good cause (see Section 121.186 for good cause criteria).~~
- f) ~~The notice of change form issued for a Transitional Assistance sanction and/or food stamp sanction shall include the following:~~
 - 1) ~~a description of the acts of non-cooperation with the Food Stamp Employment and Training program, including dates where applicable;~~

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- 2) ~~a statement that the individual's acts were without good cause (see Section 121.186 for good cause criteria) and, if the individual provided a good cause reason, it must state why the reason was rejected and that the individual failed to successfully complete the conciliation process; and~~
- 3) ~~a statement about the length of the sanction period and the action that must be taken to restore benefits.~~

(Source: Repealed by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.186 Good Cause for Failure to Cooperate (Repealed)
EMERGENCY

- a) ~~If an individual has good cause for not complying with Food Stamp Employment and Training participation requirements, Transitional Assistance shall not be discontinued and/or the food stamp assistance unit shall not be disqualified. Examples of good cause include but are not limited to:~~
 - 1) ~~illness or incapacity;~~
 - 2) ~~court required appearance or temporary incarceration;~~
 - 3) ~~family crisis;~~
 - 4) ~~death in the family;~~
 - 5) ~~sudden and unexpected emergency;~~
 - 6) ~~lack of reasonably available transportation;~~
 - 7) ~~severe weather;~~
 - 8) ~~the job referral does not meet appropriate work or training criteria;~~
 - 9) ~~lack of any supportive service or other resource as determined by the employability plan, even though the necessary service is not specifically provided under the Food Stamp Employment and Training program, to the~~

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~~extent the lack of the needed service presents a significant barrier to participation;~~

- ~~10) if an individual is engaged in employment and/or training that is consistent with the employment-related goals of the program, if such employment and training is later approved by Food Stamp Employment and Training program staff;~~
- ~~11) failure to cooperate due to symptoms or conditions for which an individual has been referred to a rehabilitation treatment program;~~
- ~~12) failure of Department staff to correctly forward the information to each other;~~
- ~~13) failure of the individual to cooperate because of attendance at a test or a mandatory class or function at an educational program whether or not such a program is officially approved by the Food Stamp Employment and Training program;~~
- ~~14) failure of the individual due to the individual's illiteracy;~~
- ~~15) failure of the individual because it is determined that the individual should be in a different Food Stamp Employment and Training program component;~~
- ~~16) non-receipt by an individual of a notice advising the individual of a participation requirement, if documented by the individual. Documentation can include, but is not limited to: a written statement from the post office or other informed individual; the notice not sent to an individual's last known address in Department records; return of the notice by the post office; other returned mail; and proof of previous mail theft problems. When determining whether the individual has demonstrated non-receipt, the Department shall take into consideration an individual's history of cooperation or non-cooperation. If the documented non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to individuals; or~~
- ~~17) lack of reasonably available child care.~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- b) ~~The Department will not require an individual to document good cause for non-cooperation unless:~~
- 1) ~~the individual has failed to comply with FSE&T requirements on at least one other occasion within a 60-day period; or~~
 - 2) ~~evidence, independent of the explanation of good cause, casts doubt on the individual's explanation.~~
- e) ~~An individual shall not be denied good cause solely on the basis that he or she failed to notify the Department of the good cause in advance of a participation requirement.~~

(Source: Repealed by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.188 Supportive Services**EMERGENCY**

- a) ~~Individuals Transitional Assistance recipients and individuals~~ receiving Supplemental Nutrition Assistance Program (SNAP) benefits ~~food stamps~~ are eligible to receive supportive service payments, in advance, to enable them to participate in the program. ~~Individuals Transitional Assistance recipients and individuals~~ receiving SNAP ~~food stamps~~ may also be eligible for initial employment expenses. Supportive service costs shall not include the cost of meals away from home.
- b) ~~Food Stamp Employment and Training program participation will not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Food Stamp Employment and Training program participation will not be required in a component if the individual's monthly allowable supportive service expenses exceed the maximum amount allowed by Department policy. Individuals may be required to participate in another component or a less costly activity of the same component to the extent it is consistent with the employability plan established during the individual's assessment.~~
- be) Eligible Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Transportation
 - A) ~~Expenses~~If required and necessary, expenses for transportation will be provided to enable individuals to attend assessment meetings and permit participation in activities.
 - B) Transportation payments are made to support Employment and Training activities at the most economical rate. If the individual's own automobile is used, the established rate per mile ~~(15 per mile)~~ will be approved by the Department, which includes all vehicle-related expenses.
- 2) ~~Job Search Expenses~~
 - A) ~~Individuals participating in Job Search and Earnfare will receive an amount, not to exceed \$20 every 30 days, to assist in the payment of Job Search-Related Expenses.~~
 - B) ~~An allowance of \$5 a month will be paid to individuals participating in the Work Experience and Job Readiness Components to assist in the payment of Job Search-Related Expenses.~~
- 23) Mandatory Fees. Payment may be provided for mandatory fees, such as application, registration, activities, laboratory, graduation and testing fees, including the fee for the GED test, are provided to individuals enrolled in approved education or training programs. ~~A maximum payment of \$300 per 12-month period can be provided. No payments are allowed for tuition.~~
- 34) Books and Supplies. Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which an individual is enrolled. ~~A maximum payment of \$300 per 12-month period can be provided.~~
- 45) Physical Examinations. Payment is permitted for individuals to obtain required physical examinations if the costs are not otherwise provided by sources such as the employer or the training program.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 56) Earnfare clothing allowance. Necessary clothing is provided to enable participants to report to their Earnfare job site. ~~A maximum clothing allowance of \$100 per 12-month period can be provided.~~
- 67) Initial Employment Expenses
- A) Payment may be provided for employment expenses incurred when requested within ~~90~~30 calendar days from the date employment begins for all components. These expenses are paid based on the individual's work days during a ~~90~~30 calendar day period from the date employment begins. ~~The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a 12 consecutive month period. Payment may be made to individuals employed at least 20 hours weekly on a job that is expected to last at least 30 calendar days, or employed less than 20 hours weekly on a job that is expected to last at least 30 calendar days and total hours of employment plus component activity equal at least 20 hours per week.~~
- B) These expenses include:
- i) Special clothing ~~(maximum \$200)~~;
 - ii) Required tools which are not provided by the employer ~~(maximum \$200)~~;
 - iii) ~~Non-maintenance related repairs~~Repairs of an automobile ~~(maximum \$300)~~;
 - iv) Auto license plate fees;
 - v) Auto liability insurance at the cheapest rate ~~but not to exceed \$150 or three months coverage, whichever is less costly~~;
 - vi) Transportation expenses ~~at the most reasonable and economical rate. If the mandatory registrant's own car is used, a gas allowance of \$3 daily or a rate of 15 per mile,~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

~~whichever is less, shall be authorized;~~

- vii) Child care ~~up to DHS maximums;~~
 - viii) Physical examination, prior to employment, if required and not provided by the employer;
 - ix) Other required items related to a specific job. ~~(maximum \$300); and~~
 - x) ~~Item or service purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300). Item and service may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.~~
- C) Initial employment expenses will not be authorized to purchase firearms, pay bail bonds or traffic tickets, outstanding debts, or pay relocation expenses so an individual can accept employment elsewhere.
- D) ~~Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.~~
- d) ~~These allowances are exempt from consideration in determining the Transitional Assistance grant amount.~~
 - e) ~~Earnfare clothing allowance. Payments may be provided for clothing for an Earnfare client of up to \$100 in a 12-month period.~~

(Source: Amended by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

Section 121.190 Conciliation (Repealed)
EMERGENCY

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- a) ~~The conciliation process and sanctions do not apply to Earnfare for those earning cash assistance. An assessment and reassignment of an Earnfare client into another countable activity is completed if the individual fails to cooperate or meet participation requirements. An individual may be sanctioned if he or she does not comply after conciliation.~~
- b) ~~In the conciliation process it is determined why a nonexempt food stamp client failed or refused to comply with FSE&T requirements. If good cause exists, the individual is provided with another chance to comply.~~
- e) ~~The conciliation is conducted before sanctions are imposed. The conciliation period begins the day after local office staff learns the individual did not comply with requirements. The period continues for up to 30 calendar days. During this period, a notice is sent scheduling the conciliation meeting. If it is determined that good cause does not exist, the individual is told what is needed to comply and the date by which it must be done to avoid sanction.~~
- d) ~~If the individual does not comply during the conciliation period, the sanction action is approved no later than the last day of the period. The sanction will be retracted if it is later verified that the individual complied with FSE&T requirements by the end of the period.~~

(Source: Repealed by emergency rulemaking at 43 Ill. Reg. 11953, effective October 1, 2019, for a maximum of 150 days)

ILLINOIS STATE POLICE

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Firearm Dealer License Certification Act
- 2) Code Citation: 20 Ill. Adm. Code 1232
- 3) Register Citation to Notice of Proposed Rules: 43 Ill Reg. 9084; August 23, 2019
- 4) Date, Time and Location of Public Hearing:

Thursday October 24, 2019
1:00 p.m.
Illinois Office of the Secretary of State, Howlett Building
501 South Second Street
Auditorium
Springfield IL 62703
- 5) Other Pertinent Information: We request all those interested in speaking to RSVP your name and organization to ISP.Rulemaking@illinois.gov. One (1) member from each group may speak for a maximum of three (3) minutes.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of October 1, 2019 through October 7, 2019. These rulemakings are scheduled for the November 12, 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>
11/16/19	<u>Higher Education</u> , Joint Rules of the Board of Higher Education and Illinois Community College Board: Rules on Reverse Transfer of Credit (23 Ill. Adm. Code 1065)	6/21/19 43 Ill. Reg. 7018	11/12/19
11/16/19	<u>Community College Board</u> , Joint Rules of the Board of Higher Education and Illinois Community College Board: Rules on Reverse Transfer of Credit (23 Ill. Adm. Code 1502)	6/21/19 43 Ill. Reg. 7021	11/12/19
11/17/19	<u>Education</u> , Educator Licensure (23 Ill. Adm. Code 25)	4/12/19 43 Ill. Reg. 4378	11/12/19
11/17/19	<u>Education</u> , Early Childhood Block Grant (23 Ill. Adm. Code 235)	2/22/19 43 Ill. Reg. 2343	11/12/19

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 43, Issue 42 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.

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