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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2019

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

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Early Childhood Block Grant
- 2) Code Citation: 23 Ill. Adm. Code 235
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
235.300	New Section
235.310	New Section
235.320	New Section
235.330	New Section
- 4) Statutory Authority: 105 ILCS 5/1C-2; 105 ICLS 5/2-3.71
- 5) A Complete Description of the Subjects and Issues Involved: PA 100-105 provides that early childhood programs receiving State funding pursuant to Section 2-3.71(a)(7) of the School Code [105 ILCS 5] shall prohibit the expulsion of children. When a child begins to exhibit persistent and serious challenging behaviors, the early childhood program shall document steps taken to ensure that the child can participate safely in the program. It should obtain the parental or legal guardian consent required and utilize a range of community resources.

This rulemaking sets forth the processes by which programs must document attempts to engage these resources. The child may be transitioned into another program when there is documented evidence that these preventive measures have not corrected the child's behavior. In these instances, the program must create a transition plan to ensure continued services for the child. Early childhood programs are also required to report a variety of data relative to these situations to ISBE beginning July 1, 2018.

PA 100-105 requires ISBE to consult with the Department of Children and Family Services and the Governor's Office of Early Childhood Development to create administrative rules. Representatives from all three agencies have been meeting regularly over the last several months to draft administrative rules. Their suggestions have been incorporated into the proposed rulemaking. These administrative rules define terms, such as "challenging behavior" and "transition plan". Additionally, steps needed to create transition plans are addressed. Finally, this rulemaking establishes how data will be reported to ISBE.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking:
Written comments may be submitted within 45 days of the publication of this Notice to:
- Cara Wiley
Director, Regulatory Support and Wellness
Illinois State Board of Education
100 North First Street, S-493
Springfield IL 62777-0001
- 217/782-5270
rules@isbe.net
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because it was not apparent that the rules needed to be amended until after publication of the January agenda.

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 235
EARLY CHILDHOOD BLOCK GRANT
SUBPART A: PRESCHOOL EDUCATION AND
PREVENTION INITIATIVE PROGRAMS

Section	
235.10	Purpose; Eligible Applicants
235.20	Application Procedure and Content for New or Expanding Programs
235.30	Additional Program Components for Preschool Education Proposals
235.40	Additional Program Components for Prevention Initiative Proposals
235.50	Proposal Review and Approval for New or Expanding Programs
235.55	Proposal Review Process and Additional Funding Priorities for Preschool Education Programs
235.60	Application Content and Approval for Continuation Programs
235.65	ExceleRate Illinois: Quality Rating and Improvement System
235.67	Program Monitoring
235.70	Terms of the Grant

SUBPART B: GRANTS FOR TRAINING, TECHNICAL ASSISTANCE AND HIGH-QUALITY SUPPORTS AND FOR WEB-BASED SERVICES

Section	
235.100	Purpose
235.105	Eligible Applicants
235.110	Application Procedure and Content for New Programs
235.120	Proposal Review and Approval for New Programs
235.130	Application Content and Approval for Continuation Programs
235.140	Terms of the Grant

SUBPART C: SOCIAL AND EMOTIONAL CONSULTATION SERVICES

Section	
235.200	Implementation and Purpose; Eligible Applicants
235.210	Application Procedure and Content

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

235.220 Proposal Review and Approval of Proposals

SUBPART D: EXCLUSIONARY DISCIPLINE IN PRESCHOOL PROGRAMS

Section

235.300

Purpose

235.310

Definitions

235.320

Transition Plans

235.330

Reporting

235.APPENDIX A Illinois Early Learning and Development Standards – Children Age 3 to Kindergarten Enrollment Age

235.APPENDIX B Illinois Birth to Five Program Standards

235.APPENDIX C Illinois Early Learning Guidelines – Children from Birth to Age 3

AUTHORITY: Authorized by Section 1C-2 of the School Code [105 ILCS 5/1C-2] and implementing Sections 2-3.71 and 2-3.89 of the School Code [105 ILCS 5/2-3.71 and 2-3.89].

SOURCE: Adopted at 16 Ill. Reg. 10181, effective June 10, 1992; expedited correction at 16 Ill. Reg. 15186, effective June 10, 1992; amended at 26 Ill. Reg. 903, effective January 15, 2002; old Part repealed at 30 Ill. Reg. 4618 and new Part adopted at 30 Ill. Reg. 4620, effective February 28, 2006; emergency amendment adopted at 30 Ill. Reg. 11793, effective June 26, 2006, for a maximum of 150 days; emergency expired November 22, 2006; amended at 30 Ill. Reg. 19383, effective November 28, 2006; amended at 32 Ill. Reg. 13357, effective July 25, 2008; amended at 33 Ill. Reg. 4027, effective February 23, 2009; amended at 34 Ill. Reg. 11615, effective July 26, 2010; amended at 35 Ill. Reg. 3742, effective February 17, 2011; amended at 36 Ill. Reg. 6827, effective April 18, 2012; amended at 39 Ill. Reg. 6674, effective April 27, 2015; amended at 40 Ill. Reg. 15168, effective October 24, 2016; amended at 43 Ill. Reg. _____, effective _____.

SUBPART D: EXCLUSIONARY DISCIPLINE IN PRESCHOOL PROGRAMS

Section 235.300 Purpose

This Subpart D shall apply to exclusionary discipline in preschool programs that receive funding pursuant to Section 2-3.71(a)(7) of the School Code [105 ILCS 5].

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 235.310 Definitions

"Challenging Behavior" means any repeated pattern of behavior that interferes with optimal learning or engagement with peers and adults.

"Intervention Plan" means a written, planned schedule of action agreed upon by the program staff, parents/primary caregivers, and qualified professional resources assigned to assist a child, family, and caregivers to address the identification of repeated patterns of challenging behavior.

"Preschool Program" means a program that receives funding pursuant to Section 2-3.71(a)(7) of the School Code.

"Qualified Professional" means an individual with a recognized professional title such as, but not limited to, a child's early childhood mental health consultant, licensed clinical social worker, speech pathologist, behavioral therapist.

"Repeated Pattern of Challenging Behavior" means behaviors that do not respond to repeated developmentally appropriate practice interventions and result in a disrupted learning environment for other children in the program. These include but are not limited to, extreme prolonged tantrums, physical and verbal aggression, property destruction, self-injury, or withdrawal.

"School Code" means 105 ILCS 5.

"State Board" means the State Board of Education.

"Transition Plan" means an individualized, written document developed by the departing and receiving early childhood programs, parents/primary caregivers, and qualified professional resources detailing tasks and individual responsibilities required to prepare for and then execute the move of the child from the current child care arrangement to a more appropriate arrangement with as little negative impact and disruption as possible.

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

Section 235.320 Transition Plans

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- a) All preschool programs shall have written intervention and transition policies of which parents shall be notified. The policies shall address at least the following:
- 1) Initial and ongoing observation of challenging behaviors;
 - 2) Communication with the parents; and
 - 3) Utilization of a range of community resources, if available, deemed necessary, including, but not limited to, developmental screenings, referrals to programs and services administered by a Local Education Agency or early intervention agency under parts B and C of the federal Individuals With Disabilities Education Act [42 USC 1210 et seq.] and consultation with an infant and early childhood mental health consultant and the child's health care provider. (Section 2-3.71(a)(7)(B) of the School Code)
- b) Preschool programs must document on forms prescribed by the State Board steps taken in accordance with the intervention and transition policy, including observations of initial and repeated challenging behaviors, communication with parents, and attempts to utilize resources (including when parental consent is attempted and whether it is obtained).
- c) Any child who, after documented attempts have been made to meet the child's individual needs, demonstrates inability to benefit from the type of care offered by the preschool program, or whose presence is detrimental to the group, shall be transitioned to a different preschool program.
- d) In all instances, when a preschool program decides that it is in the best interest of the child to transition to a different program, the child's and parents' needs shall be considered by planning with the parents to identify the new program and working with the parents and pending program on a transition plan designed to ensure continuity of services to meet the child's needs.
- e) Expulsion due to a child's behavior is prohibited. Planned transitions to settings better able to meet the child's needs are not considered expulsions. (Section 2-3.71(a)(7) of the School Code)

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

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Section 235.330 Reporting

Preschool programs shall collect and report annually to the State Board all of the following data for children from birth to age 5 who are served by the program:

- a) Total number served over the course of the program year and the total number of children who left the program during the program year.
- b) Number of planned transitions to another program due to children's behavior by children's race, gender, disability, language, class/group size, teacher-child ratio, and length of program day.
- c) Number of temporary removals of a child from attendance in group settings due to a serious safety threat by children's race, gender, disability, language, class/group size, teacher-child ratio, and length of program day.
- d) Hours of infant and early childhood mental health consultant contact with program leaders, staff, and families over the program year. (Section 2-3.71(a)(7)(G) of the School Code)
- e) Total number of children returned to the program after a planned transition.

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Capital Development Board Procurement Practices for the Quincy Veterans' Home
- 2) Code Citation: 44 Ill. Adm. Code 930
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
930.100	New Section
930.110	New Section
930.120	New Section
930.130	New Section
930.200	New Section
930.205	New Section
930.210	New Section
930.215	New Section
930.220	New Section
930.225	New Section
930.230	New Section
930.235	New Section
930.240	New Section
930.245	New Section
930.250	New Section
930.300	New Section
930.310	New Section
930.320	New Section
930.330	New Section
930.340	New Section
930.350	New Section
930.360	New Section
930.370	New Section
930.380	New Section
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Quincy Veterans' Home Rehabilitation and Rebuilding Act [30 ILCS 21/5] and authorized by Section 1-35 of the Illinois Procurement Code [30 ILCS 500/1-35].
- 5) Effective Date of Rules: February 11, 2019
- 6) Does this rulemaking contain an automatic repeal date? No

CAPITAL DEVELOPMENT BOARD

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- 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 Capital Development Board's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 17282; October 5, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Section 930.320 was amended at the request of the Procurement Policy Board to strengthen requirements for participation by minority, veteran, and women-owned businesses. Additionally, technical and grammatical revisions were made throughout the rule.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The new Part contains standards governing procurement methods and procedures for construction and construction-related services contracts used by the Capital Development Board for projects located at the Quincy Veterans' Home.
- 16) Information and questions regarding these adopted rules shall be directed to:

Amy Romano
Capital Development Board
401 South Spring Street
3rd Floor Stratton Building
Springfield IL 62706

217/782-0700
email: Amy.Romano@illinois.gov
fax: 217/524-0565

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF ADOPTED RULES

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING,
PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XII: CAPITAL DEVELOPMENT BOARDPART 930
CAPITAL DEVELOPMENT BOARD PROCUREMENT PRACTICES
FOR THE QUINCY VETERANS' HOME

SUBPART A: GENERAL

Section	
930.100	Purpose and Scope
930.110	Definitions
930.120	Procurement Authority
930.130	Procurement Code

SUBPART B: PROCUREMENT METHODS AND PROCEDURES
FOR CONSTRUCTION AND CONSTRUCTION-RELATED SERVICES CONTRACTS

Section	
930.200	Procurement Methods
930.205	Procurement Procedures for Design-Build Contracts
930.210	Procurement Procedures for Competitive Bid Contracts
930.215	Procurement Procedures for Design Services Contracts
930.220	Procurement Procedures for Construction Management Services Contracts
930.225	Procurement Procedures for Emergency Contracts
930.230	Procurement Procedures for Small Purchase Contracts
930.235	Procurement Procedures for Sole Source and Limited Source Contracts
930.240	Procurement Procedures for Professional Services Contracts
930.245	Procurement Procedures for Contracts with Illinois Correctional Industries
930.250	Procurement Procedures for Other Procurement Delivery Methods

SUBPART C: GENERAL PROVISIONS APPLICABLE TO CONSTRUCTION
AND CONSTRUCTION-RELATED SERVICES PROCUREMENTS

Section	
930.300	Procurement Bulletin
930.310	Agreement to Terms

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930.320	Minority, Women, and Veteran Participation
930.330	Prequalification
930.340	Protests
930.350	Contract Files
930.360	Change Orders or Modifications
930.370	Performance Evaluation
930.380	Substantial Compliance with the Illinois Procurement Code

AUTHORITY: Implementing and authorized by Section 5 of the Quincy Veterans' Home Rehabilitation and Rebuilding Act [330 ILCS 21/5] and authorized by Section 1-35 of the Illinois Procurement Code [30 ILCS 500/1-35].

SOURCE: Adopted by emergency rulemaking at 42 Ill. Reg. 17899, effective September 18, 2018, for a maximum of 150 days; adopted at 43 Ill. Reg. 2350, effective February 11, 2019.

SUBPART A: GENERAL

Section 930.100 Purpose and Scope

- a) This Part is established to implement procedures for the solicitation and award of contracts pursuant to the Quincy Veterans' Home Rehabilitation and Rebuilding Act [330 ILCS 21] and for the application of the Illinois Procurement Code [30 ILCS 500/1-35] to contracts subject to the Act.
- b) This Part applies to contracts for construction and construction-related services directly related to the renovation, restoration, rehabilitation, or rebuilding of the Quincy Veterans' Home solicited and awarded after the effective date of the Act.

Section 930.110 Definitions

The following definitions shall apply to this Part:

"Act" – The Quincy Veterans' Home Rehabilitation and Rebuilding Act [330 ILCS 21].

"Architect/Engineer" or "A/E" – An architectural or engineering firm that is in the business of offering the practice of furnishing architectural services, engineering services, or land surveying services, as those services are defined in the

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Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/15].

"Bid" – An offer made by a bidder in response to a contract item advertised in an invitation for bids.

"Board" – The seven-member Board of the Capital Development Board.

"CDB" – Capital Development Board, the agency.

"Change Order" – A formal, written directive or agreement that amends a contract in order to address contingencies affecting the performance and completion of the contract, including, but not limited to, such matters as extra work, increases or decreases in quantities or time; additions or alterations to plans, special provisions or specifications; and adjustments or alterations not specifically provided for in the contract. Change orders to A/E contracts may be referred to as "modifications".

"Chief Procurement Officer" or "CPO" – The Executive Director of the Capital Development Board, who shall review and approve procurements subject to the Act to confirm compliance with this Part and Section 1-35 of the Code [30 ILCS 500/1-35].

"Code" – The Illinois Procurement Code [30 ILCS 500].

"Construction" – Services directly related to renovation, restoration, rehabilitation, rebuilding, or demolition at the Quincy Veterans' Home. Construction does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

"Construction Manager" or "CM" – Any individual, sole proprietorship, firm, partnership, corporation, or other legal entity providing construction management services for CDB.

"Construction-Related Services" – Services concerning construction or potential construction at the Quincy Veterans' Home, including construction design, layout, inspection, support, feasibility or location study, research, development, planning, or other investigative study.

CAPITAL DEVELOPMENT BOARD

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"Contract" – A written agreement between CDB and a vendor comprised of such documents as set forth in each individual agreement, including change orders, and setting forth the obligations of the parties for the performance of the contract.

"Design-bid-build" – *The traditional delivery system used on public projects in this State that incorporates the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act and the principles of competitive selection in the Illinois Procurement Code, subject to the provisions of Section 1-35 of the Code.* [330 ILCS 21/10].

"Design-Build" – *A delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment, and other construction services for the project.* [330 ILCS 21/10].

"Executive Director" – The Director of the Capital Development Board.

"Germane" – In relationship to the modification, alteration or amendment of the terms of a contract by change order, the term "germane" means a change that is related to the original terms of the contract and that is not so substantial a departure from the original as to constitute a new contract.

"IDVA" – The Illinois Department of Veterans' Affairs.

"Prequalification" – The status granted by CDB to responsible vendors that permits them to make submittals, offers, or bids on CDB projects; or be awarded a CDB contract.

"Responsible" – The capability, integrity and reliability of a vendor, in all respects that will assure good faith performance, to undertake and complete fully the requirements of a contract.

"Single Prime" – The design-bid-build procurement delivery method for a construction project procuring two or more subdivisions of work under a single contract.

"Single Trade" – The design-bid-build procurement delivery method for a construction project procuring one subdivision of work under a single contract.

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"Specifications" – The contractual body of directions, provisions, and requirements for performance of prescribed work. Specifications may include the Standard Documents for Construction for general application and repetitive use, as well as specifications applicable to a specific project.

"Statement of Qualifications" – The information supplied by an A/E or construction manager that cites the specific experience and expertise that may qualify the A/E or construction manager to provide the services requested.

"Subcontract" – A contract between a subcontractor and a vendor who has a contract subject to the Act, pursuant to which the subcontractor assumes obligation for performing specific work under the contract. For purposes of this Part, a subcontract does not include purchases of goods, materials, or supplies that are necessary for the performance of a contract by a vendor who has a contract subject to the Act.

"Subcontractor" – A person or entity that enters into a contractual agreement with a total value of \$50,000 or more with a vendor who has a contract subject to the Act pursuant to which the person or entity agrees to perform specific work under the contract. For purposes of this Part, a person or entity is not a subcontractor if that person or entity only provides goods, materials, or supplies that are necessary for the performance of a contract by a vendor who has a contract subject to the Act.

Section 930.120 Procurement Authority

The Executive Director is established as the Chief Procurement Officer for procurements of construction and construction-related services listed in Subpart B, subject to the Act and Section 1-35 of the Code [30 ILCS 500/1-35], and committed by law to the jurisdiction or responsibility of CDB. The Executive Director may appoint a designee to carry out any or all of the procurement functions.

Section 930.130 Procurement Code

- a) The Procurement Code shall not apply to procurements subject to the Act, except substantial compliance with the following Sections of the Procurement Code is required:
 - 1) Section 20-160: Business Entities; Certification; Registration with the

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State Board of Elections.

- 2) Section 25-60: Prevailing Wage Requirements.
 - 3) Section 30-22: Construction Contracts; Responsible Bidder Requirements.
 - 4) Section 50-5: Bribery.
 - 5) Section 50-10: Felons.
 - 6) Section 50-10.5: Prohibited Bidders and Contractors.
 - 7) Section 50-12: Collection and Remittance of Illinois Use Tax.
 - 8) Section 50-13: Conflicts of Interest.
 - 9) Section 50-15: Negotiations.
 - 10) Section 50-20: Exemptions.
 - 11) Section 50-21: Bond Issuances.
 - 12) Section 50-35: Financial Disclosure and Potential Conflicts of Interest.
Substantial compliance with this Section shall only apply to contracts and subcontracts over \$100,000.
 - 13) Section 50-36: Disclosure of Business in Iran.
 - 14) Section 50-37: Prohibition of Political Contributions.
 - 15) Section 50-38: Lobbying Restrictions.
 - 16) Section 50-50: Insider Information.
- b) The CPO shall determine substantial compliance with the Code Sections listed in subsection (a).
- c) General conditions for procurements shall be set forth in in this Part and in CDB's contract documents, which include the Standard Documents for Construction if

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applicable as determined by CDB.

SUBPART B: PROCUREMENT METHODS AND PROCEDURES
FOR CONSTRUCTION AND CONSTRUCTION-RELATED SERVICES CONTRACTS

Section 930.200 Procurement Methods

CDB shall procure construction and construction-related services for contracts subject to the Act using the selection method determined by the CPO to be the most appropriate to the circumstances, as follows:

- a) Design-Build Contracts.
- b) Competitive Contracts.
- c) Design Services Contracts.
- d) Construction Management Services Contracts.
- e) Emergency Contracts.
- f) Small Purchase Contracts.
- g) Sole Source and Limited Source Contracts.
- h) Professional Services Contracts.
- i) Contracts with Illinois Correctional Industries.
- j) Other procurement delivery methods determined by the CPO to be in the best interest of the State.

Section 930.205 Procurement Procedures for Design-Build Contracts

Procurement of construction and construction-related services pursuant to the design-build delivery method shall be in accordance with the Act and CDB's rules titled Selection of Design-Build Entities (44 Ill. Adm. Code 1030), with the following amendments to that Part:

- a) For purposes of this Part, Section 1030.160(b)(2) regarding public members on

CAPITAL DEVELOPMENT BOARD

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the selection committee shall not be followed. Instead, public members on the selection committee shall be comprised of one public member that is a resident of the Quincy Veterans' Home and one public member that is a resident of the City of Quincy.

- b) For purposes of this Part, references to the "Act" in 44 Ill. Adm. Code 1030 shall refer to the Act.

Section 930.210 Procurement Procedures for Competitive Bid Contracts

- a) Procurement of construction and construction-related services pursuant to the design-bid-build procurement method shall be limited to single prime or single trade contracts. Competitive bid contracts may also include direct purchase contracts. Solicitations for bids shall be in conformance with the rules of CDB and with accepted business practices. Contracts shall be awarded in accordance with those authorities and with the guidelines set forth in Standard Documents for Construction unless otherwise specified in the advertisement for bids published in the Procurement Bulletin, the project specifications, or as authorized by law.
- b) For single prime contracts, the following procedures shall apply:
 - 1) the bid of the successful low bidder shall identify the name of the subcontractor, if any, and the bid proposal costs for each of the subdivisions of work set forth in the project specifications;
 - 2) the contract entered into with the successful bidder shall provide that no identified subcontractor may be terminated without the written consent of CDB; and
 - 3) the contract shall comply with the disadvantaged business practices of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act [30 ILCS 575] and the equal employment practices of Section 2-105 of the Illinois Human Rights Act [775 ILCS 5].
- c) For purposes of this Part, a direct purchase contract is a contract between CDB and a supplier or manufacturer for materials or equipment necessary for a CDB project at the Quincy Veterans' Home.

Section 930.215 Procurement Procedures for Design Services Contracts

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Solicitation for procurement of services of architects/engineers, or related professionals, shall be in accordance with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535] and CDB's rules titled Selection of Architects/Engineers (44 Ill. Adm. Code 1000), with the following modification to that Part:

For purposes of this Part, Section 1000.160 regarding interviews shall not apply. Instead, the following shall apply:

CDB requires the selection committee to conduct interviews when the estimated value of the basic services fee exceeds \$300,000. The Executive Director may choose to conduct interviews for smaller projects under special circumstances. A minimum of three firms will be interviewed, unless fewer than three qualified firms submit statements of qualifications for a specific project. The Executive Director may exempt any contract from requiring interviews.

Section 930.220 Procurement Procedures for Construction Management Services Contracts

- a) Construction management services may include, but are not limited to, the following:
 - 1) services provided in the planning and pre-construction phases of a construction project, including, but not limited to, consulting with, advising, assisting, and making recommendations to CDB and the architect, engineer, or licensed land surveyor on all aspects of planning for project construction; reviewing all plans and specifications as they are being developed and making recommendations with respect to construction feasibility, availability of material and labor, time requirements for procurement and construction, and projected costs; making, reviewing, and refining budget estimates based on CDB's program and other available information; soliciting the interest of capable contractors and analyzing the bids received; and preparing and maintaining a progress schedule during the design phase of the project and preparation of a proposed construction schedule; and
 - 2) services provided in the construction phase of the project, including, but not limited to, maintaining competent supervisory staff to coordinate and provide general direction of the work and progress of the contractors on

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the project; directing the work as it is being performed for general conformance with working drawings and specifications; establishing procedures for coordinating among CDB, the A/E, contractors, and the construction manager with respect to all aspects of the project and implementing those procedures; maintaining job site records and making appropriate progress reports; implementing labor policy in conformance with the requirements of the public owner; reviewing the safety and equal opportunity programs of each contractor for conformance with the public owner's policy and making recommendations; reviewing and processing all applications for payment by involved contractors and material suppliers in accordance with the terms of the contract; making recommendations and processing requests for changes in the work and maintaining records of change orders; scheduling and conducting job meetings to ensure orderly progress of the work; developing and monitoring a project progress schedule, coordinating and expediting the work of all contractors and providing periodic status reports to the owner and the A/E; and establishing and maintaining a cost control system and conducting meetings to review costs.

- b) **Public Notice.** Whenever a project requiring construction management services is proposed for IDVA, CDB shall provide no less than a 14 calendar day advance notice published in a request for qualifications setting forth the projects and a description of the services to be procured, unless a different timeframe for providing advance notice is otherwise specified by CDB. Notice shall be published in CDB's Procurement Bulletin. The request for qualifications shall include a description of each project and shall also include the statement of qualifications form to be completed for each project. The public notice shall state the time and place for interested firms to submit a statement of qualifications. When CDB establishes additional criteria for a special project under 44 Ill. Adm. Code 990.140 (Prequalification of Construction Managers), the notice shall be published at least 30 calendar days before the date the special prequalification application or the statement of qualifications is due.
- c) **Submittal Requirements.** The statement of qualifications submittal shall include the names of persons who will perform the services, including their project assignment or duties, as well as a resume of the experience and expertise that qualifies them to perform the assignment.

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- d) Selection Committee. The Executive Director shall appoint an agency employee to serve as chair of a selection committee. The selection committee chairman shall appoint a committee to recommend to the Executive Director and the Board a list of CMs qualified to perform the required services. This committee may be established for each selection and may be composed of standing members and rotating members from CDB staff. In addition to the CDB staff members, a representative from IDVA and one or more public members may be requested to be members of the committee.
- e) Preliminary Evaluations. CDB may appoint staff members to perform a preliminary evaluation (prescreening) to provide a preliminary ranking of the CMs for the committee's consideration. This prescreening shall consider, among others, the relevant project experience of the prospective CMs and the expertise and experience of the firm and its staff to be assigned to the project if the firm is selected.
- f) Evaluation Procedure
- 1) The selection committee shall evaluate the CMs submitting statements of qualifications, and the selection committee may consider, but shall not be limited to, the following: ability of personnel; past record and experience; performance data on file, determined by review of the CM Performance Evaluations on previous CM projects, Performance Evaluations of the CM firm on projects in which it participated as an A/E or contractor, and any other related material; willingness to meet time requirements; location of the project relative to the firm's place of business; the results of preliminary evaluations performed by CDB staff; current workload of the CM and their prior selections by CDB; references; interviews conducted with the CMs; minority, women, and veteran participation; and any other qualifications-based factors as CDB may determine in writing are applicable. The selection committee may conduct discussions with and require presentations by CMs deemed to be the most qualified regarding their qualifications, approach to the project, and ability to furnish the required services.
 - 2) Before beginning review of the CM's statements of qualifications, the committee shall prepare a table of the factors the CMs will be rated on and the weight to be assigned to each factor. The table of factors, and the

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scores of each reviewed submittal, will be kept on file for no less than two years from the date of the selection.

- 3) In no case shall the Board, CDB, or the selection committee, prior to selecting a CM for negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation.
- g) Interviews. CDB requires the selection committee to conduct interviews when the estimated value of the CM's basic services fee exceeds \$300,000. The Executive Director may choose to conduct interviews for smaller projects under special circumstances. A minimum of three firms will be interviewed, unless fewer than three qualified CMs submit statements of qualifications for a specific project. The Executive Director may exempt any contract from requiring interviews.
- h) Selection Procedure. On the basis of evaluations, discussions, and any presentations, the selection committee shall select no less than 3 firms it determines to be qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project. If fewer than 3 firms submit statements of qualifications and the selection committee determines that one or both of those firms are so qualified, the CDB may proceed with the selection process. Board approval of these CMs shall be final and binding.
- i) Contract Negotiation
 - 1) CDB shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest ranked construction management firm at compensation that CDB determines in writing to be fair and reasonable. In making this decision, CDB shall take into account the estimated value, scope, complexity, and nature of the services to be rendered. In no case may CDB establish a payment formula designed to eliminate firms from contention or restrict competition or negotiation of fees.
 - 2) If CDB is unable to negotiate a satisfactory contract with the firm that is highest ranked, negotiations with that firm shall be terminated. CDB shall then begin negotiations with the firm that is next highest ranked. If CDB is

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unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be terminated. CDB shall then begin negotiations with the firm that is next highest ranked.

- 3) If CDB is unable to negotiate a satisfactory contract with any of the selected firms, CDB shall re-evaluate the construction management services requested, including the estimated value, scope, complexity, and fee requirements. The selection committee shall then compile a list of no fewer than 3 prequalified firms, if available, and proceed in accordance with the provisions of this Part.

j) Prohibited Conduct

- 1) No construction management services contract may be awarded by the Board on a negotiated basis as provided in this Part if the CM or an entity that controls, is controlled by, or shares common ownership or control with the CM:
 - A) guarantees, warrants, or otherwise assumes financial responsibility for the work of others on the project;
 - B) provides CDB with a guaranteed maximum price for the work of others on the project; or
 - C) furnishes or guarantees a performance or payment bond for other contractors on the project.
- 2) In any such case, the contract for construction management services must be let by competitive bidding as in the case of contracts for construction work.

k) Procurement Limitations

- 1) A CM cannot participate in a selection process if:
 - A) it or a substantially affiliated firm is under contract, or in the process of contracting, with CDB for other goods or services required for the project; and

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- B) the CM's duties will involve or relate to those goods or services.
- 2) A CM selected to provide construction management services, or a substantially affiliated firm, may not bid on or otherwise be awarded a construction contract for the project.
- 3) Notwithstanding the provisions of subsection (k)(1) and (2), when it is determined in writing by the Executive Director to be in the State's best interest, the CM may provide or perform, directly or through unrelated contractors, basic services for which reimbursement is provided in the general conditions of the CM contract, or any other goods or services that do not conflict with or give the appearance of conflicting with the CM's duties.
- 4) A firm is substantially affiliated if any one or more of the individuals with more than 5% ownership interest and/or any officer or director of the CM firm and/or any individual authorized to sign bids, proposals or contracts for the CM firm owns or controls more than 5% of the affiliated firm and/or holds any of the above positions with the affiliated firm, or the affiliated firm shares more than 5% common ownership with the CM.
- 1) Publication of Award. The names of selected firms and the respective projects shall be published in CDB's Procurement Bulletin within 30 calendar days after the selection and award.

Section 930.225 Procurement Procedures for Emergency Contracts

- a) A contract may be procured without the use of any other method of procurement prescribed in this Part when there exists a threat to public health or safety; when an immediate contract is needed to repair State property in order to prevent or minimize loss or damage to State property; to prevent or minimize serious disruption in State services, including but not limited to, completion of a defaulted contract; or to ensure the integrity of State records.
- b) For purposes of determining whether an emergency exists to prevent or minimize serious disruption in State services, State services include, but are not limited to, all activities committed by law to the jurisdiction or responsibility of CDB and IDVA, whether provided directly or indirectly by means of contract or intergovernmental agreement.

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- c) CDB will employ such competition as is practical under the emergency circumstances to abate the emergency situation. The use of existing contracts is allowed.
- d) A written description of the basis for the emergency and reasons for the selection of the particular vendor shall be included in the contract file. CDB shall file a statement with the Auditor General within 10 calendar days after the procurement setting forth the amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. When only an estimate of the cost is available within 10 calendar days after the procurement, the actual cost shall be reported immediately after it is determined. CDB shall post the statement in the CDB Procurement Bulletin.

Section 930.230 Procurement Procedures for Small Purchase Contracts

- a) Individual contracts not exceeding the following thresholds may be made without notice, competition or use of other method of procurement prescribed in this Part:
 - 1) construction contracts not exceeding \$100,000;
 - 2) design services contracts with an estimated basic professional services fee of less than \$25,000;
 - 3) construction management services contracts with an estimated basic professional services fee of less than \$100,000; and
 - 4) any other contract determined by the CPO to be related to the renovation, restoration, rehabilitation, or rebuilding of the Quincy Veterans' Home, not exceeding \$100,000.
- b) Estimated needs shall not be artificially divided to constitute a small purchase.

Section 930.235 Procurement Procedures for Sole Source and Limited Source Contracts

- a) A contract may be procured from a single source contractor without competition or use of any other method of procurement prescribed in this Part when the single source contract is the only economically feasible source capable of providing the services, material or product to be supplied or if determined by the Chief

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Procurement Officer to be in the best interest of the State.

- b) Examples of circumstances that could necessitate sole source procurement include, but are not limited, to:
- 1) when the compatibility of equipment, accessories, replacement parts, or service is a primary consideration;
 - 2) when trial use, testing or the development of new technology is the object of the procurement;
 - 3) when a sole supplier's item is to be procured for resale;
 - 4) when utility services are to be procured;
 - 5) when the surety providing a performance bond tenders a completion contractor, acceptable to the CDB, to complete a defaulted contract;
 - 6) when the item is copyrighted or patented and the item is not available except from the holder of the copyright or patent or service area licensee;
 - 7) when a utility or other private property is to be relocated or otherwise adjusted by the owner to accommodate a CDB project; and
 - 8) when determined by the CPO to be in the best interest of the State to expedite procurement.
- c) Change Orders. Change orders to existing contracts germane to the original contract that are necessary or desirable to complete the project, and that can be best accomplished by the contract holder, may be procured under this Section.
- d) Bulletin. CDB shall publish notice of intent to contract on a sole source basis in the CDB Procurement Bulletin at least 5 business days prior to execution of the contract.

Section 930.240 Procurement Procedures for Professional Services Contracts

- a) Application. The provisions of this Section apply to the procurement of professional services not otherwise referenced in this Part necessary to support

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CDB projects at the Quincy Veterans' Home. When the procurement does not lend itself to the request for proposal selection process outlined in this Section, the CPO may grant a waiver to the selection process and direct CDB to use an alternative method of selection.

- b) **Public Notice.** Whenever a project requiring professional services is proposed, CDB shall provide no less than 14 calendar days' advance notice published in a request for proposals setting forth a description of the services to be procured, unless a different timeframe for providing advance notice is otherwise specified by CDB. The request for proposals shall include the type of services required, a description of the work involved, an estimate of when and for how long the services will be required, a date by which proposals for the performance of the services shall be submitted, a statement of the minimum information that the proposal shall contain, price (to be submitted in a separate envelope in the proposal package and not mentioned elsewhere in the proposal package), the factors to be used in the evaluation and selection process and their relative importance, and a plan for post-performance review to be conducted by CDB after completion of services and before final payment and made part of the procurement file.
- c) **Evaluation.** Proposals shall be evaluated only on the basis of evaluation factors stated in the request for proposals. Price will not be evaluated until ranking of all proposals and identification of the most qualified vendor. The relative importance of the evaluation factors will vary according to the type of services being procured. The minimum factors are:
 - 1) the plan for performing the required services;
 - 2) ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services;
 - 3) the personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and
 - 4) a record of past performance of similar work.

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d) Handling of Proposals

- 1) Proposals and modifications shall be submitted to CDB and shall be opened publicly at the time, date and place designated in the request for proposals.
- 2) Opening shall be witnessed by a State witness or by any other person present, but the person opening proposals shall not serve as witness. A record shall be prepared that shall include the name of each offeror and a description sufficient to identify the supply or service item offered. The record of proposals shall be open to public inspection after award of the contract.
- 3) Proposals and modifications shall be opened in a manner designed to avoid disclosing contents to competitors. Only State personnel and contractual agents authorized by CDB may review the proposals prior to award.

e) Discussions

- 1) Discussions Permissible. CDB may conduct discussions with any offeror to:
 - A) determine in greater detail the offeror's qualifications; and
 - B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach. The CPO may allow changes to the proposal based on those discussions.
- 2) No Disclosure of Information. Discussions shall not disclose any information derived from proposals submitted by other offerors. CDB staff conducting the procurement shall not disclose any information contained in any proposals outside of contractual agents, State agency personnel or others specifically authorized by the CPO until after the award of the proposed contract has been posted to CDB's Procurement Bulletin.

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- f) Selection of the Best Qualified Offerors. After conclusion of validation of qualifications, evaluation and discussion, CDB shall rank the acceptable offerors in the order of their respective qualifications.
- g) Evaluation of Pricing Data. Pricing submitted for all acceptable proposals timely submitted shall be opened and ranked.
 - 1) If the low price is submitted by the most qualified vendor, the CPO may award to that vendor.
 - 2) If the price of the most qualified vendor is not low and if it does not exceed \$25,000, the CPO may award to that vendor.
 - 3) If the price of the best qualified vendor exceeds \$25,000, the CPO must state why a vendor other than the low priced vendor was selected and that determination shall be published in CDB's Procurement Bulletin.
- h) Negotiation and Award of Contract
 - 1) General. CDB shall attempt to negotiate a contract with the best qualified offeror for the required services at fair and reasonable compensation. CDB, in consultation with the CPO, may, in the interest of efficiency, negotiate with the next highest ranked vendor, while negotiating with the best qualified vendor.
 - 2) Elements of Negotiation. At a minimum, contract negotiations shall be directed toward:
 - A) making certain that the offeror has a clear understanding of the scope of the work, specifically, the essential requirements involved in providing the required services;
 - B) determining that the offeror will make available the necessary personnel and facilities to perform the services within the required time; and
 - C) agreeing upon compensation that is fair and reasonable, taking into account the estimated value of the required services and the scope, complexity, and nature of those services.

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- 3) Successful Negotiation of Contract with Best Qualified Offeror
 - A) If compensation, contract requirements and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to that offeror, unless the procurement is canceled.
 - B) Compensation must be determined in writing to be fair and reasonable. Fair and reasonable compensation shall be determined by CDB, in consultation with the CPO, based on the circumstances of the particular procurement, including but not limited to the nature of the services needed, qualifications of the offerors, consideration of range of prices received in the course of the procurement, other available pricing information, and CDB's identified budget.
 - C) Contracts entered into under this Section shall provide:
 - i) the duration of the contract, with a schedule for delivery when applicable;
 - ii) the method for charging and measuring cost (hourly, per day, etc.);
 - iii) the rate of remuneration; and
 - iv) the maximum price.
- 4) Failure to Successfully Negotiate Contract with Best Qualified Offeror
 - A) If compensation, contract requirements or contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons shall be placed in the file. CDB, in consultation with the CPO, shall advise that offeror of the termination of negotiations.

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- B) Upon failure to successfully negotiate a contract with the best qualified offeror, CDB, in consultation with the CPO, may enter into negotiations with the next most qualified offeror.
- i) Multiple Awards. CDB, in consultation with the CPO, may enter into negotiations with the next most qualified vendor or vendors when CDB has a need that requires multiple vendors under contract.
- j) Publication of Award. The names of the selected vendors and the respective projects shall be published in CDB's Procurement Bulletin within 30 calendar days after the selection and award.

Section 930.245 Procurement Procedures for Contracts with Illinois Correctional Industries

Procurements from Illinois Correctional Industries may utilize an annual master contract with agreed-upon unit prices for construction services, against which sub-orders may be placed for specific CDB projects. Specifications that require a vendor to obtain materials or services from another source shall identify at least three sources for the material or services, unless the CPO approves a specification with only one or two sources.

Section 930.250 Procurement Procedures for Other Procurement Delivery Methods

In addition to the procurement delivery methods provided in this Part, CDB may explore and implement other procurement delivery methods recognized by the construction industry for CDB projects at the Quincy Veterans' Home, subject to CPO approval, and when determined by the CPO to be in the best interest of the State.

SUBPART C: GENERAL PROVISIONS APPLICABLE TO CONSTRUCTION AND CONSTRUCTION-RELATED SERVICES PROCUREMENTS**Section 930.300 Procurement Bulletin**

CDB is responsible for publishing a volume of the Illinois Procurement Bulletin. CDB's bulletin is available electronically via the Internet (www.illinois.gov/cdb) and may be available in print. CDB's Procurement Bulletin may include one part entitled "Bid Information Newsletter" for construction contracts and another part entitled "Professional Services Bulletin" for architect/engineer and construction management services.

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Section 930.310 Agreement to Terms

By submitting a bid, offer, statement of qualifications, or any other response for the purpose of entering into a contract with CDB, the vendor agrees to all terms and conditions of CDB's Standard Documents for Construction, if applicable as determined by CDB, and all other contract documents as identified by CDB. Accordingly, submittal of conditions or qualifying statements on contract documents is unacceptable and cause for rejection of the vendor.

Section 930.320 Minority, Women, and Veteran Participation

CDB shall establish goals for minority, women, and veteran work force participation and minority and women business enterprise participation as permitted by law and as provided in this Section. In addition, CDB shall establish goals for qualified veteran-owned small business participation as provided in this Section. Participation goals shall be established on all contracts, except CDB shall have discretion whether to establish goals for contracts under \$250,000, single trade contracts, or specialized skill contracts. If goals are not established, the CPO shall state the reason in writing in a document that shall be maintained in the contract file. Compliance with this Section shall be in accordance with CDB's Standard Documents for Construction.

Section 930.330 Prequalification

All vendors on projects pursuant to this Part, including identified subcontractors in projects utilizing the single prime design-bid-build procurement method, shall be prequalified in accordance with 44 Ill. Adm. Code 950, 980, 990 and 995 unless the CPO determines, in writing, that a vendor without prequalification should be awarded a contract if it is in the best interests of the State.

Section 930.340 Protests

The procedures of this Section govern the resolution of protests, received by CDB from an interested party, concerning a contract solicitation.

- a) **Interested Party**
In order to be considered an interested party, the protester must be or have been an actual bidder or offeror who demonstrates compliance in all respects with this Part and the terms of the subject invitation for bids, request for proposals, or request for qualifications.
- b) **Subject of the Protest**

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- 1) A protest may be filed regarding any phase of the solicitation process for a particular contract.
 - 2) The subject of the protest shall concern fraud, corruption or illegal acts undermining the objectives and integrity of the procurement process.
 - 3) Protest procedures of this Section do not apply to issues of prequalification, suspension or debarment.
- c) Filing of a Protest
- 1) All protests shall be in writing and filed with the Chief Procurement Officer within 7 calendar days after the protester knows or should have known of the facts giving rise to the protest. Protests filed after the 7 calendar day period will not be considered. In addition, protests that raise issues of fraud, corruption or illegal acts affecting specifications, special provisions, supplemental specifications and plans must be received by the CPO no later than 14 calendar days before the date set for opening of bids.
 - 2) The protest shall be contained in an envelope clearly labeled "Protest". The written protest shall include as a minimum the following requirements:
 - A) The name, address, and telephone number of the protester.
 - B) The identification of the procurement or solicitation that is the subject of the protest.
 - C) All information establishing that the protester is an interested party.
 - D) A detailed statement of the factual and legal grounds of the protest, including all relevant documents and exhibits that demonstrate fraud, corruption or illegal acts having the effect of undermining the integrity of the procurement process.
 - E) All information establishing the timeliness of the protest.

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- F) The signature of the protester.
- d) Stay of Action during Protest
When a protest has been timely filed and before an award has been made, CDB shall make no award of the contract until the protest has been resolved, unless the award of the contract without delay is necessary to protect the interests of the State. When a protest has been filed after an award has been made, the protest shall be denied.
- e) Decision
- 1) A decision on a protest will be made as expeditiously as possible after receiving all relevant information.
 - 2) The protest will be sustained only if it is determined by the CPO that the protest was filed by an interested party and conclusively demonstrates by the preponderance of relevant information submitted that fraud, corruption or illegal acts have occurred that undermine the integrity of the procurement process.
 - 3) If the protest is sustained, CDB reserves the right to cancel or revise the solicitation, readvertise the solicitation, or award to the next low bidder.
 - 4) The decision of the Chief Procurement Officer is final and conclusive.

Section 930.350 Contract Files

- a) All written determinations required under this Part shall be placed in the contract file maintained by the CPO.
- b) Whenever a contract liability exceeding \$20,000 is incurred by CDB for projects conducted under the Act, a copy of the contract or purchase order shall be filed with the Comptroller within 30 calendar days thereafter. When a contract or purchase order has not been filed within 30 calendar days after execution, CDB must file with the Comptroller the contract or purchase order and an affidavit, signed by the CPO, setting forth an explanation of why the contract liability was not filed within 30 calendar days after execution. A copy of this affidavit shall be filed with the Auditor General.

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- c) No voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State treasury or from other funds held by the State Treasurer on account of any contract unless the contract is reduced to writing before the services are performed and filed with the Comptroller. The CPO may request an exception to this subsection by submitting a written statement to the Comptroller and Treasurer setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services were performed. This Section shall not apply to emergency purchases if notice of the emergency purchase is published in CDB's Procurement Bulletin.

Section 930.360 Change Orders or Modifications

- a) The Board has set staff approval levels for construction change orders or modifications with Board approval required for amounts deemed significant enough to be appropriate for Board-level approval of change orders or modifications, when the CPO determines in writing that a change is germane to the original contract.
- b) Only work that is germane to the original contract shall be added by change order or modification. Proposed change orders or modifications that are determined by the CPO to not be germane to the original contract shall be procured in accordance with this Part.
- c) All change orders and modifications shall be in writing and shall otherwise conform to the requirements of the Standard Documents for Construction. Prior to the execution of the actual change order or modification, changed work may proceed if authorized in writing according to the approval levels authorized by the Board, when so provided contractually.
- d) For purposes of determining the scope of the change order and the value of the work under that change order that is subject to the requirements of this Section, the Board will consider the total net value of all added and deducted work functions related to the object of the change order and the work of the contract to be affected.
- e) Notice of approved change orders and modifications shall be reported in CDB's Procurement Bulletin.

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Section 930.370 Performance Evaluation

CDB shall evaluate the performance of each vendor upon completion of a contract, unless the CPO determines an evaluation is not required. CDB reserves the right to evaluate a vendor during a project, if determined to be warranted by CDB. Evaluations shall be made available to the vendor and the vendor may submit a written response, with the evaluation and response retained solely by CDB. The evaluation and response shall not be made available to any other person or firm unless authorized by law. The evaluation shall be based on the terms identified in the vendor's contract.

Section 930.380 Substantial Compliance with the Illinois Procurement Code

This Section provides additional requirements for the substantial compliance with the Sections of the Illinois Procurement Code listed in Section 930.130. This Section supplements the requirements found in the Code and does not excuse substantial compliance with any of the Code requirements.

- a) Substantial Compliance with Code Section 20-160 (Business Entities; Certification; Registration with the State Board of Elections) and Section 50-37 (Prohibition of Political Contributions)
 - 1) These requirements generally apply to a vendor whose existing State contracts have an aggregate value in excess of \$50,000, whose aggregate value of bids/proposals for State contracts exceeds \$50,000, or whose aggregate value of State contracts and bids/proposals exceeds \$50,000, calculated on a calendar-year basis.
 - 2) On a calendar-year basis, each vendor or potential vendor must keep track of the value of contracts and bids/proposals. Vendors must register with the State Board of Elections when the vendor determines that the value of the contracts and bids/proposals meets the threshold for registration.
 - 3) Documentation of vendor compliance must be in the procurement file in relation to any contract for which a vendor is required to register as set forth in subsection (a)(2), unless the vendor certifies it is not required to register.
 - A) For contract renewals and extensions, if the value of the renewal or extension by itself, or in combination with the contract being

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renewed/extended and other contracts and bids/proposals, exceeds \$50,000, the vendor must provide documentation of vendor compliance upon request and make the appropriate contract certification, if it has not already done so. The Registration Certificate issued by the State Board of Elections, or other evidence of vendor compliance, may be provided by reference to and incorporation of the vendor's prequalification by the CPO.

- B) CDB shall identify in the solicitation whether the contract is estimated to exceed \$50,000 annually. Vendors submitting bids or offers for master contracts estimated to exceed \$50,000 annually, regardless of actual vendor consumption, are required to register with State Board of Elections.
- C) For indefinite quantity/estimated value contracts that are not estimated to exceed \$50,000 annually, a vendor who is otherwise not required to register shall register with the State Board of Elections when the maximum value of orders that may be placed pursuant to an indefinite/estimated value contract, plus all other contracts and bids/proposals, exceeds \$50,000 annually. The vendor shall register with the State Board of Elections within 10 business days after orders exceed \$50,000.
- D) For contract amendments, if the value of the amendment, by itself or in combination with the contract being renewed plus other contracts and bids/proposals exceeds \$50,000 annually, the vendor must provide the Registration Certificate or other evidence of compliance upon request and make the appropriate contract certification, if it has not already done so.
- E) Any contracts mistakenly executed in violation of this Section must be amended to include the contract certifications, and the vendor must supply the Registration Certificate or other evidence of compliance upon request. If any violation by the vendor is not cured within 5 business days after receipt of notification of the violation, the contract is voidable by the State without penalty.
- F) Certification of the requirement to register with the State Board of Elections (see 30 ILCS 20-160(a)) shall be included in or added to

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each contract that must be filed with the State Comptroller pursuant to Section 20-80 of the Code and those written two-party contracts that need not be filed with the Comptroller. CDB may require written confirmation of the certification at any time.

- b) Substantial Compliance with Code Section 50-13 (Conflicts of Interest)
- 1) These conflicts apply to the direct interests of specified State employees or officeholders.
 - 2) Office or Employment. *It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person, to have or acquire any contract, or any direct pecuniary interest in the contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority. [30 ILCS 500/50-13(a)].*
 - 3) Financial Interests. *It is unlawful for any firm, partnership, association, or corporation, in which any person as described in subsection (b)(2) is entitled to receive more than 7½% of the total distributable income or an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein. [30 ILCS 500/50-13(b)].*
 - 4) Combined Financial Interests. *It is unlawful for any firm, partnership, association or corporation, in which any person listed in subsection (b)(2) together with his or her spouse or minor children is entitled to receive more than 15%, in the aggregate, of the total distributable income or an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein. [30 ILCS 500/50-13(c)].*

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- 5) For the purpose of this Part, an individual has a direct pecuniary interest in a contract when the individual is owed a payment or otherwise received a direct financial benefit in conjunction with performance of a contract, including finder's fees and commission payments.
 - 6) For the purpose of this Part, "distributable income" means the income of a company after payment of all expenses, including employee salary and bonuses, and retained earnings, which is distributed to those entitled to receive a share of the income. In the case of a for-profit corporation, distributable income means "dividends". When calculating entitlement to distributable income, the entitlement shall be determined at the end of the company's most recent fiscal year.
 - 7) This Section applies to those elected or appointed to an office of Illinois State government. This Section does not apply to those elected to local government offices, including school districts, nor does it apply to those elected to federal offices in this State.
- c) Substantial Compliance with Code Section 50-15 (Negotiations)
- 1) *It is unlawful for any person employed in or on a continual contractual relationship with any of the offices or agencies of State government to participate in contract negotiations on behalf of that office or agency with any vendor, partnership, association or corporation with whom that person has a contract for future employment or is negotiating concerning possible future employment. [30 ILCS 500/50-15(a)]*
 - 2) An individual who performs services pursuant to a contract and who meets the requirements of an "employee" as opposed to an "independent contractor" is in a "continual contractual relationship" from the effective date of the contract until such time as the contract is terminated.
 - 3) An individual who performs services pursuant to a contract and who meets the requirements of an "independent contractor", as opposed to an "employee", is in a "continual contractual relationship" if the contract term is indefinite, is automatically renewed, is renewable at the individual's option, is renewable unless the State must act to terminate, or has a definite term of at least three months.

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- d) Substantial Compliance with Code Section 50-20 (Exemptions). If an individual finds a conflict of interest under Section 50-13 of the Code with the vendor selected for award or contract negotiations, he or she shall forward to the CPO the name of the vendor and a description of the proposed contract and of the potential conflict, and shall state why an exemption should be granted. The CPO shall decide whether to disapprove the contract or request an exemption from the Executive Ethics Commission in accordance with Section 50-20 of the Code.
- e) Substantial Compliance with Code Section 50-35 (Financial Disclosure and Potential Conflicts of Interest)
- 1) In circumstances in which the vendor refuses or is unable to provide disclosures, the CPO may authorize CDB to move forward with the transaction. In granting that authorization, CDB must provide documentation of efforts to obtain compliance.
 - 2) New disclosures are required on contract renewals. New disclosures are not required for contract amendments.
 - 3) For purposes of:
 - A) Section 50-35(b) of the Code, "parent entity" means an entity that owns 100% of the bidding or offering entity.
 - B) Section 50-35(b) of the Code, "distributive income" means the income of a company after payment of all expenses, including employee salaries and bonuses, and retained earnings that are distributed to those entitled to receive a share of that income. In the case of a for-profit corporation, distributable income means dividends. When calculating entitlement to distributable income, the entitlement shall be calculated at the end of the company's most recent fiscal year or when distributed.
 - C) Section 50-35(b) of the Code, "subject to federal 10K reporting" means subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 (15 USC 78a et seq.). "10K disclosure" means a report required under those statutes.

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- D) Section 50-35(b)(1) of the Code, "contractual employment of services" means any contract to provide services to the State, whether as independent contractor or employee, that is by and between the State and the named individual.
- 4) 10K Disclosures
- A) Any vendor subject to federal 10K reporting requirements may submit its 10K to CDB in satisfaction of the disclosure requirement of Section 50-35(b) of the Code. The vendor may be required to identify the specific sections or parts in the 10K disclosure containing information, if any, pertaining to those who have an ownership interest or an interest in the distributive income of the vendor or its parent, or other information that the vendor knows or reasonably should know identifies a potential conflict of interest with the State. If the financial interest or conflict of interest information requested by the State is not in the 10K, or in a document that may be submitted to the SEC in conjunction with, or in lieu of, the 10K, then that additional documentation shall be provided.
- B) 10K disclosures are available for public review. Any potential conflict of interest identified by the public and brought to the attention of CDB, or the CPO, shall be investigated.
- C) In circumstances in which a vendor may submit a 10K disclosure in lieu of the specific disclosure requirements of the Code, the CPO may consider information identified by the vendor in the 10K disclosure and any information disclosed pursuant to public review of the 10K disclosure in determining whether a potential conflict of interest exists.
- 5) When an alleged conflict of interest or violation of the Code is identified, it shall be reviewed by the CPO, who must determine whether the contract, subcontract, bid, offer or proposal should be awarded. Prior to making a final determination, the potential conflict shall be submitted to PPB for review in accordance with Section 50-35(d) of the Code. If PPB recommends to allow the contract or subcontract, the CPO may award the contract. If the PPB recommends the contract, bid or offer be voided, then

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the CPO may determine to award the contract, considering whether the best interest of the State of Illinois will be served. Upon that determination, the EEC shall hold a public hearing. After the public hearing, the CPO may award the contract. The CPO may, at any juncture, determine to void the contract or award if to do so is determined to be in the best interest of the State. All written determinations and any documents relied upon or made part of any public hearing shall become a publicly available part of the procurement file.

- f) Substantial Compliance with Code Section 50-36 (Disclosure of Business in Iran). A period not to exceed 5 business days may be granted by the CPO to cure a failure to provide the disclosures required by this subsection.
- g) Voidable Contracts
 - 1) If any contract or amendment to the contract is entered into, or purchase or expenditure of funds is made, at any time in violation of this Part or any law, the contract or amendment may be declared void by the CPO or may be ratified and affirmed, provided the CPO determines that ratification is in the best interests of the State. If the contract is ratified and affirmed, it shall be without prejudice to the State's rights to any appropriate damages.
 - 2) If, during the term of a contract, the CPO determines that the contractor is in violation of Section 50-10.5 of the Code, the CPO shall declare the contract void.
 - 3) If, during the term of a contract, CDB determines that the contractor no longer qualifies to enter into State contracts by reason of Section 50-5, 50-10, 50-12, or 50-37 of the Code, the CPO may declare the contract void if it determines that voiding the contract is in the best interests of the State.
 - 4) If, during the term of a contract, the CPO determines that a subcontractor no longer qualifies to enter into State contract by reason of Section 50-5, 50-10, 50-10.5, or 50-12 of the Code, the CPO may declare the related contract void if it determines that voiding the contract is in the best interests of the State. However, the related contract shall not be declared void unless the contractor refuses to terminate the subcontract, upon CDB's request, after a finding that the subcontractor no longer qualifies to

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enter into State contracts by reason of Section 50-5, 50-10, 50-10.5 or 50-12 of the Code.

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- 1) Heading of the Part: Control of Communicable Diseases Code
- 2) Code Citation: 77 Ill. Adm. Code 690
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
690.10	Amendment
690.30	Amendment
690.100	Amendment
690.110	Amendment
690.200	Amendment
690.362	Repealed
690.400	Amendment
690.480	Repealed
690.658	Repealed
690.660	Repealed
690.752	Repealed
- 4) Statutory Authority: Communicable Disease Report Act [745 ILCS 45] and Department of Public Health Act [20 ILCS 2305]
- 5) Effective Date of Rules: February 8, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 5729; March 30, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In response to public comment, the Department retained the reporting requirement for invasive *S. pneumoniae* in children less than 5 years of age. Additionally, in agreement with JCAR and as a result of the comments that were received, the Department withdrew its proposed repeal of Section 690.678 "Streptococcus pneumoniae, Invasive Disease in Children Less than 5 Years (Including Antibiotic Susceptibility Test Results) (Reportable by mail, telephone,

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facsimile or electronically, within 7 days)". The Department made additional nonsubstantive and technical changes to the proposed text.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking repealed the reporting of five diseases and three subclassifications of diseases based upon an analysis of State and nationwide reportability to the Centers for Disease Control and Prevention (CDC) and other states.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/782-2043
e-mail: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 690
CONTROL OF COMMUNICABLE DISEASES CODE

SUBPART A: GENERAL PROVISIONS

- Section
- 690.10 Definitions
- 690.20 Incorporated and Referenced Materials
- 690.30 General Procedures for the Control of Communicable Diseases

SUBPART B: REPORTABLE DISEASES AND CONDITIONS

- Section
- 690.100 Diseases and Conditions
- 690.110 Diseases Repealed from This Part

SUBPART C: REPORTING

- Section
- 690.200 Reporting

SUBPART D: DETAILED PROCEDURES FOR THE CONTROL
OF COMMUNICABLE DISEASES

- Section
- 690.290 Acquired Immunodeficiency Syndrome (AIDS) (Repealed)
- 690.295 Any Unusual Case of a Disease or Condition Caused by an Infectious Agent Not Listed in this Part that is of Urgent Public Health Significance (Reportable by telephone immediately (within three hours))
- 690.300 Amebiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.310 Animal Bites (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.320 Anthrax (Reportable by telephone immediately, within three hours, upon initial clinical suspicion of the disease)

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- 690.322 Arboviral Infections (Including, but Not Limited to, Chikungunya Fever, California Encephalitis, St. Louis Encephalitis, Dengue Fever and West Nile Virus) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.325 Blastomycosis (Reportable by telephone as soon as possible, within 7 days) (Repealed)
- 690.327 Botulism, Foodborne, Intestinal Botulism (Formerly Infant), Wound, or Other (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease for foodborne botulism or within 24 hours by telephone or facsimile for other types)
- 690.330 Brucellosis (Reportable by telephone as soon as possible (within 24 hours), unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)
- 690.335 Campylobacteriosis (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.340 Chancroid (Repealed)
- 690.350 Chickenpox (Varicella) (Reportable by telephone, facsimile or electronically, within 24 hours)
- 690.360 Cholera (Toxigenic *Vibrio cholerae* O1 or O139) (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.362 Creutzfeldt-Jakob Disease (CJD) (All Laboratory Confirmed Cases) (Reportable by mail, telephone, facsimile or electronically within Seven days after confirmation of the disease) (Repealed)
- 690.365 Cryptosporidiosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.368 Cyclosporiasis (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.370 Diarrhea of the Newborn (Reportable by telephone as soon as possible, within 24 hours) (Repealed)
- 690.380 Diphtheria (Reportable by telephone immediately, within three hours, upon initial clinical suspicion or laboratory test order)
- 690.385 Ehrlichiosis, Human Granulocytotropic anaplasmosis (HGA) (See Tickborne Disease)
- 690.386 Ehrlichiosis, Human Monocytotropic (HME) (See Tickborne Disease)
- 690.390 Encephalitis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.400 *Escherichia coli* Infections (*E. coli* O157:H7 and Other Shiga Toxin Producing *E. coli*, Enterotoxigenic *E. coli*, Enteropathogenic *E. coli* and Enteroinvasive *E. coli*) (Reportable by telephone or facsimile as soon as possible, within 24 hours)

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- 690.410 Foodborne or Waterborne Illness (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)
- 690.420 Giardiasis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.430 Gonorrhea (Repealed)
- 690.440 Granuloma Inguinale (Repealed)
- 690.441 Haemophilus Influenzae, Meningitis and Other Invasive Disease (Reportable by telephone or facsimile, within 24 hours)
- 690.442 Hantavirus Pulmonary Syndrome (Reportable by telephone as soon as possible, within 24 hours)
- 690.444 Hemolytic Uremic Syndrome, Post-diarrheal (Reportable by telephone or facsimile, within 24 hours)
- 690.450 Hepatitis A (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.451 Hepatitis B and Hepatitis D (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.452 Hepatitis C, Acute Infection and Non-acute Confirmed Infection (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.453 Hepatitis, Viral, Other (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
- 690.460 Histoplasmosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.465 Influenza, Death (in persons less than 18 years of age) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.468 Influenza (Laboratory Confirmed (Including Rapid Diagnostic Testing)) Intensive Care Unit Admissions (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours)
- 690.469 Influenza A, Variant Virus (Reportable by telephone immediately, within three hours upon initial clinical suspicion or laboratory test order)
- 690.470 Intestinal Worms (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.475 Legionellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.480 Leprosy (Hansen's Disease) (Infectious and Non-infectious Cases are Reportable) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days) [\(Repealed\)](#)
- 690.490 Leptospirosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.495 Listeriosis (When Both Mother and Newborn are Positive, Report Mother Only)

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- (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.500 Lymphogranuloma Venereum (Lymphogranuloma Inguinale Lymphopathia Venereum) (Repealed)
- 690.505 Lyme Disease (See Tickborne Disease)
- 690.510 Malaria (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.520 Measles (Reportable by telephone as soon as possible, within 24 hours)
- 690.530 Meningitis, Aseptic (Including Arboviral Infections) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days) (Repealed)
- 690.540 Meningococemia (Reportable by telephone as soon as possible) (Repealed)
- 690.550 Mumps (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)
- 690.555 Neisseria meningitidis, Meningitis and Invasive Disease (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.560 Ophthalmia Neonatorum (Gonococcal) (Reportable by mail or telephone as soon as possible, within 7 days) (Repealed)
- 690.565 Outbreaks of Public Health Significance (Including, but Not Limited to, Foodborne or Waterborne Outbreaks) (Reportable by telephone or electronically as soon as possible, within 24 hours)
- 690.570 Plague (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)
- 690.580 Poliomyelitis (Reportable by telephone immediately, within three hours) upon initial clinical suspicion of the disease)
- 690.590 Psittacosis (Ornithosis) Due to Chlamydia psittaci (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.595 Q-fever Due to Coxiella burnetii (Reportable by telephone as soon as possible, within 24 Hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours) by telephone)
- 690.600 Rabies, Human (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.601 Rabies, Potential Human Exposure and Animal Rabies (Reportable by telephone or facsimile, within 24 hours)
- 690.610 Rocky Mountain Spotted Fever (See Tickborne Disease)
- 690.620 Rubella (German Measles) (Including Congenital Rubella Syndrome) (Reportable by telephone, facsimile or electronically as soon as possible, within 24 hours)
- 690.630 Salmonellosis (Other than Typhoid Fever) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

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- 690.635 Severe Acute Respiratory Syndrome (SARS) (Reportable by telephone immediately (within 3 hours) upon initial clinical suspicion of the disease)
- 690.640 Shigellosis (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.650 Smallpox (Reportable by telephone immediately, within three hours upon initial clinical suspicion of the disease)
- 690.655 Smallpox vaccination, complications of (Reportable by telephone or electronically as soon as possible, within 24 hours)
- 690.658 Staphylococcus aureus, Methicillin Resistant (MRSA) Infection, Clusters of Two or More Laboratory Confirmed Cases Occurring in Community Settings (Including, but Not Limited to, Schools, Correctional Facilities, Day Care and Sports Teams) (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)
- 690.660 Staphylococcus aureus, Methicillin Resistant (MRSA), Any Occurrence in an Infant Less Than 61 Days of Age (Reportable by telephone or facsimile or electronically as soon as possible, within 24 hours) (Repealed)
- 690.661 Staphylococcus aureus Infections with Intermediate (Minimum inhibitory concentration (MIC) between 4 and 8) (VISA) or High Level Resistance to Vancomycin (MIC greater than or equal to 16) (VRSA) (Reportable by telephone or facsimile, within 24 hours)
- 690.670 Streptococcal Infections, Group A, Invasive Disease (Including Streptococcal Toxic Shock Syndrome and Necrotizing fasciitis) (Reportable by telephone or facsimile, within 24 hours)
- 690.675 Streptococcal Infections, Group B, Invasive Disease, of the Newborn (birth to 3 months) (Reportable by mail, telephone, facsimile or electronically, within 7 days) (Repealed)
- 690.678 Streptococcus pneumoniae, Invasive Disease in Children Less than 5 Years (Including Antibiotic Susceptibility Test Results) (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.680 Syphilis (Repealed)
- 690.690 Tetanus (Reportable by mail, telephone, facsimile or electronically, within 7 days)
- 690.695 Toxic Shock Syndrome due to Staphylococcus aureus Infection (Reportable by mail, telephone, facsimile or electronically as soon as possible, within 7 days)
- 690.698 Tickborne Disease (Includes Babesiosis, Ehrlichiosis, Anaplasmosis, Lyme Disease and Spotted Fever Rickettsiosis) (Reportable by mail, telephone, facsimile or electronically, within seven days)
- 690.700 Trachoma (Repealed)
- 690.710 Trichinosis (Trichinellosis) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)

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- 690.720 Tuberculosis (Repealed)
- 690.725 Tularemia (Reportable by telephone as soon as possible, within 24 hours, unless suspect bioterrorist event or part of an outbreak, then reportable immediately (within three hours))
- 690.730 Typhoid Fever (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.740 Typhus (Reportable by telephone or facsimile as soon as possible, within 24 hours)
- 690.745 Vibriosis (Other than Toxigenic Vibrio cholera O1 or O139) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days)
- 690.750 Pertussis (Whooping Cough) (Reportable by telephone as soon as possible, within 24 hours)
- 690.752 Yersiniosis (Reportable by mail, telephone, facsimile or electronically, within seven days) ([Repealed](#))
- 690.800 Any Suspected Bioterrorist Threat or Event (Reportable by telephone immediately, within 3 hours upon initial clinical suspicion of the disease)

SUBPART E: DEFINITIONS

- Section
690.900 Definition of Terms (Renumbered)

SUBPART F: GENERAL PROCEDURES

- Section
690.1000 General Procedures for the Control of Communicable Diseases (Renumbered)
690.1010 Incorporated and Referenced Materials (Renumbered)

SUBPART G: SEXUALLY TRANSMITTED DISEASES

- Section
690.1100 The Control of Sexually Transmitted Diseases (Repealed)

SUBPART H: PROCEDURES FOR WHEN DEATH OCCURS FROM
COMMUNICABLE DISEASES

- Section
690.1200 Death of a Person Who Had a Known or Suspected Communicable Disease
690.1210 Funerals (Repealed)

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SUBPART I: ISOLATION, QUARANTINE, AND CLOSURE

Section

690.1300	General Purpose
690.1305	Department of Public Health Authority
690.1310	Local Health Authority
690.1315	Responsibilities and Duties of the Certified Local Health Department
690.1320	Responsibilities and Duties of Health Care Providers
690.1325	Conditions and Principles for Isolation and Quarantine
690.1330	Order and Procedure for Isolation, Quarantine and Closure
690.1335	Isolation or Quarantine Premises
690.1340	Enforcement
690.1345	Relief from Isolation, Quarantine, or Closure
690.1350	Consolidation
690.1355	Access to Medical or Health Information
690.1360	Right to Counsel
690.1365	Service of Isolation, Quarantine, or Closure Order
690.1370	Documentation
690.1375	Voluntary Isolation, Quarantine, or Closure
690.1380	Physical Examination, Testing and Collection of Laboratory Specimens
690.1385	Vaccinations, Medications, or Other Treatments
690.1390	Observation and Monitoring
690.1400	Transportation of Persons Subject to Public Health or Court Order
690.1405	Information Sharing
690.1410	Amendment and Termination of Orders
690.1415	Penalties

SUBPART J: REGISTRIES

Section

690.1500	Extensively Drug-Resistant Organism Registry
690.1510	Entities Required to Submit Information
690.1520	Information Required to be Reported
690.1530	Methods of Reporting XDRO Registry Information
690.1540	Availability of Information

690.EXHIBIT A Typhoid Fever Agreement (Repealed)

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AUTHORITY: Implementing the Communicable Disease Report Act [745 ILCS 45] and implementing and authorized by the Department of Public Health Act [20 ILCS 2305].

SOURCE: Amended July 1, 1977; emergency amendment at 3 Ill. Reg. 14, p. 7, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, p. 131, effective December 7, 1979; emergency amendment at 4 Ill. Reg. 21, p. 97, effective May 14, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 38, p. 183, effective September 9, 1980; amended at 7 Ill. Reg. 16183, effective November 23, 1983; codified at 8 Ill. Reg. 14273; amended at 8 Ill. Reg. 24135, effective November 29, 1984; emergency amendment at 9 Ill. Reg. 6331, effective April 18, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9124, effective June 3, 1985; amended at 9 Ill. Reg. 11643, effective July 19, 1985; amended at 10 Ill. Reg. 10730, effective June 3, 1986; amended at 11 Ill. Reg. 7677, effective July 1, 1987; amended at 12 Ill. Reg. 10045, effective May 27, 1988; amended at 15 Ill. Reg. 11679, effective August 15, 1991; amended at 18 Ill. Reg. 10158, effective July 15, 1994; amended at 23 Ill. Reg. 10849, effective August 20, 1999; amended at 25 Ill. Reg. 3937, effective April 1, 2001; amended at 26 Ill. Reg. 10701, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 592, effective January 2, 2003, for a maximum of 150 days; emergency expired May 31, 2003; amended at 27 Ill. Reg. 10294, effective June 30, 2003; amended at 30 Ill. Reg. 14565, effective August 23, 2006; amended at 32 Ill. Reg. 3777, effective March 3, 2008; amended at 37 Ill. Reg. 12063, effective July 15, 2013; recodified at 38 Ill. Reg. 5408; amended at 38 Ill. Reg. 5533, effective February 11, 2014; emergency amendment at 38 Ill. Reg. 21954, effective November 5, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 4116, effective March 9, 2015; amended at 39 Ill. Reg. 11063, effective July 24, 2015; amended at 39 Ill. Reg. 12586, effective August 26, 2015; amended at 40 Ill. Reg. 7146, effective April 21, 2016; amended at 43 Ill. Reg. 2386, effective February 8, 2019.

SUBPART A: GENERAL PROVISIONS

Section 690.10 Definitions

"Acceptable Laboratory" – A laboratory that is certified under the Centers for Medicare and Medicaid Services, Department of Health and Human Services, Laboratory Requirements (42 CFR 493), which implements the Clinical Laboratory Improvement Amendments of 1988 (42 USC 263).

"Act" – The Department of Public Health Act of the Civil Administrative Code of Illinois [20 ILCS 2305].

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"Airborne Precautions" or "Airborne Infection Isolation Precautions" – Infection control measures designed to reduce the risk of transmission of infectious agents that may be suspended in the air in either dust particles or small particle aerosols (airborne droplet nuclei (5 µm or smaller in size)) (see Section 690.20(a)(7)).

"Authenticated Fecal Specimen" – A specimen for which a public health authority or a person authorized by a public health authority has observed either or both the patient producing the specimen or conditions under which no one other than the case, carrier or contact could be the source of the specimen.

"Bioterrorist Threat or Event" – The intentional use of any microorganism, virus, infectious substance or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance, or biological product, to cause death, disease or other biological malfunction in a human, an animal, a plant or another living organism.

"Business" – A person, partnership or corporation engaged in commerce, manufacturing or a service.

"Carbapenem Antibiotics" – A class of broad-spectrum beta-lactam antibiotics.

"Carrier" – A living or deceased person who harbors a specific infectious agent in the absence of discernible clinical disease and serves as a potential source of infection for others.

"Case" – Any living or deceased person having a recent illness due to a communicable disease.

"Confirmed Case" – A case that is classified as confirmed in accordance with federal or State case definitions.

"Probable Case" – A case that is classified as probable in accordance with federal or State case definitions.

"Suspect Case" – A case whose medical history or symptoms suggest that the person may have or may be developing a communicable disease and who does not yet meet the definition of a probable or confirmed case.

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"Certified Local Health Department" – A local health authority that is certified pursuant to Section 600.210 of the Certified Local Health Department Code (77 Ill. Adm. Code 600).

"Chain of Custody" – The methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition of the specimens and providing for accountability at each stage of collecting, handling, testing, storing, and transporting the specimens and reporting test results.

"Child Care Facility" – A center, private home, or drop-in facility open on a regular basis where children are enrolled for care or education.

"Cleaning" – The removal of visible soil (organic and inorganic material) from objects and surfaces, normally accomplished by manual or mechanical means using water with detergents or enzymatic products.

"Clinical Materials" – A clinical isolate containing the infectious agent, or other material containing the infectious agent or evidence of the infectious agent.

"Cluster" – Two or more persons with a similar illness, usually associated by place or time, unless defined otherwise in Subpart D.

"Communicable Disease" – An illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal or inanimate source to a susceptible host, either directly or indirectly through an intermediate plant or animal host, a vector or the inanimate environment.

"Contact" – Any person known to have been sufficiently associated with a case or carrier of a communicable disease to have been the source of infection for that person or to have been sufficiently associated with the case or carrier of a communicable disease to have become infected by the case or carrier; and, in the opinion of the Department, there is a risk of the individual contracting the contagious disease. A contact can be a household or non-household contact.

"Contact Precautions" – Infection control measures designed to reduce the risk of transmission of infectious agents that can be spread through direct contact with

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the patient or indirect contact with potentially infectious items or surfaces (see Section 690.20(a)(7)).

"Contagious Disease" – An infectious disease that can be transmitted from person to person by direct or indirect contact.

"Dangerously Contagious or Infectious Disease" – An illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, a vector or the inanimate environment, and may pose an imminent and significant threat to the public health, resulting in severe morbidity or high mortality.

"Decontamination" – A procedure that removes pathogenic microorganisms from objects so they are safe to handle, use or discard.

"Department" – The Illinois Department of Public Health [or designated agent](#).

"Diarrhea" – The occurrence of three or more loose stools within a 24-hour period.

"Director" – The Director of the Department, or his or her duly designated officer or agent.

"Disinfection" – A process, generally less lethal than sterilization, that eliminates virtually all recognized pathogenic microorganisms, but not necessarily all microbial forms (e.g., bacterial spores).

"Droplet Precautions" – Infection control measures designed to reduce the risk of transmission of infectious agents via large particle droplets that do not remain suspended in the air and are usually generated by coughing, sneezing, or talking (see Section 690.20(a)(7)).

"Emergency" – An occurrence or imminent threat of an illness or health condition that:

is believed to be caused by any of the following:

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bioterrorism;

the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;

a natural disaster;

a chemical attack or accidental release; or

a nuclear attack or incident; and

poses a high probability of any of the following harms:

a large number of deaths in the affected population;

a large number of serious or long-term disabilities in the affected population; or

widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

"Emergency Care" – The performance of rapid acts or procedures under emergency conditions, especially for those who are stricken with sudden and acute illness or who are the victims of severe trauma, in the observation, care and counsel of persons who are ill or injured or who have disabilities.

"Emergency Care Provider" – A person who provides rapid acts or procedures under emergency conditions, especially for those who are stricken with sudden and acute illness or who are the victims of severe trauma, in the observation, care and counsel of persons who are ill or injured or who have disabilities.

"Epidemic" – The occurrence in a community or region of cases of a communicable disease (or an outbreak) clearly in excess of expectancy.

"Exclusion" – Removal of individuals from a setting in which the possibility of disease transmission exists. [For a food handler, this means to prevent a person from working as an employee in a food establishment or entering a food establishment as an employee.](#)

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"Extensively Drug-Resistant Organisms" or "XDRO" – A pathogen that is difficult to treat because it is non-susceptible to all or nearly all antibiotics.

"Fever" – The elevation of body temperature above the normal (typically considered greater than or equal to 100.4 degrees Fahrenheit).

"First Responder" – Individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers as defined in section 2 of the Homeland Security Act of 2002 (6 USC 101), as well as emergency management, public health, clinical care, public works, and other skilled support personnel (such as equipment operators) that provide immediate support services during prevention, response, and recovery operations.

"Food Handler" – Any person who has the potential to transmit foodborne pathogens to others from working with unpackaged food, food equipment or utensils or food-contact surfaces; any person who has the potential to transmit foodborne pathogens to others by directly preparing or handling food. Any person who dispenses medications by hand, assists in feeding, or provides mouth care shall be considered a food handler for the purpose of this Part. In health care facilities, this includes persons who set up meals for patients to eat, feed or assist patients in eating, give oral medications, or give mouth/denture care. In day care facilities, schools and community residential programs, this includes persons who prepare food, feed or assist attendees in eating, or give oral medications to attendees.

"Health Care" – Care, services and supplies related to the health of an individual. Health care includes preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, among other services. Health care also includes the sale and dispensing of prescription drugs or devices.

"Health Care Facility" – Any institution, building or agency, or portion of an institution, building or agency, whether public or private (for-profit or nonprofit), that is used, operated or designed to provide health services, medical treatment or nursing, rehabilitative or preventive care to any person or persons. This includes, but is not limited to, ambulatory surgical treatment centers, home health agencies, hospices, hospitals, end-stage renal disease facilities, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public

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health centers, rehabilitation facilities, residential treatment facilities, and adult day care centers.

"Health Care Provider" – Any person or entity who provides health care services, including, but not limited to, hospitals, medical clinics and offices, long-term care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency workers.

"Health Care Worker" – Any person who is employed by (or volunteers his or her services to) a health care facility to provide direct personal services to others. This definition includes, but is not limited to, physicians, dentists, nurses and nursing assistants.

"Health Information Exchange" – The mobilization of healthcare information electronically across organizations within a region, community or hospital system; or, for purposes of this Part, an electronic network whose purpose is to accomplish the exchange, or an organization that oversees and governs the network.

"Health Level Seven" – Health Level Seven International or "HL7" is a not-for-profit, American National Standards Institute (ANSI)-accredited standards developing organization dedicated to providing a comprehensive framework and related standards for the exchange, integration, sharing and retrieval of electronic health information that supports clinical practice and the management, delivery and evaluation of health services. HL7 produces standards for message formats, such as HL7 2.5.1, that are adopted for use in public health data exchange between health care providers and public health.

"Illinois' National Electronic Disease Surveillance System" or "I-NEDSS" – A secure, web-based electronic disease surveillance application utilized by health care providers, laboratories and State and local health department staff to report infectious diseases and conditions, and to collect and analyze additional demographic, epidemiological and medical information for surveillance purposes and outbreak detection.

"Immediate Care" – The delivery of ambulatory care in a facility dedicated to the delivery of medical care outside of a hospital emergency department, usually on an unscheduled, walk-in basis. Immediate care facilities are primarily used to treat

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patients who have an injury or illness that requires immediate care but is not serious enough to warrant a visit to an emergency department.

"Incubation Period" – The time interval between initial contact with an infectious agent and the first appearance of symptoms associated with the infection.

"Infectious Disease" – A disease caused by a living organism or other pathogen, including a fungus, bacteria, parasite, protozoan, prion, or virus. An infectious disease may, or may not, be transmissible from person to person, animal to person, or insect to person.

"Institution" – An established organization or foundation, especially one dedicated to education, public service, or culture, or a place for the care of persons who are destitute, disabled, or mentally ill.

"Isolation" – The physical separation and confinement of an individual or groups of individuals who are infected or reasonably believed to be infected with a contagious or possibly contagious disease from non-isolated individuals, to prevent or limit the transmission of the disease to non-isolated individuals.

"Isolation, Modified" – A selective, partial limitation of freedom of movement or actions of a person or group of persons infected with, or reasonably suspected to be infected with, a contagious or infectious disease. Modified isolation is designed to meet particular situations and includes, but is not limited to, the exclusion of children from school, the prohibition or restriction from engaging in a particular occupation or using public or mass transportation, or requirements for the use of devices or procedures intended to limit disease transmission.

"Isolation Precautions" – Infection control measures for preventing the transmission of infectious agents, i.e., standard precautions, airborne precautions (also known as airborne infection isolation precautions), contact precautions, and droplet precautions (see Section 690.20(a)(7)).

"Least Restrictive" – The minimal limitation of the freedom of movement and communication of a person or group of persons while under an order of isolation or an order of quarantine, which also effectively protects unexposed and susceptible persons from disease transmission.

"Local Health Authority" – The health authority (i.e., full-time official health

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department, as recognized by the Department) having jurisdiction over a particular area, including city, village, township and county boards of health and health departments and the responsible executive officers of those boards, or any person legally authorized to act for the local health authority. In areas without a health department recognized by the Department, the local health authority shall be the Department.

"Medical Record" – A written or electronic account of a patient's medical history, current illness, diagnosis, details of treatments, chronological progress notes, and discharge recommendations.

"Monitoring" – The practice of watching, checking or documenting medical findings of potential contacts for the development or non-development of an infection or illness. Monitoring may also include the institution of community-level social distancing measures designed to reduce potential exposure and unknowing transmission of infection to others. Community-level social distancing monitoring measures may include, but are not limited to, reporting of geographic location for a period of time, restricted use of public transportation, recommended or mandatory mask use, temperature screening prior to entering public buildings or attending public gatherings.

"Non-Duplicative Isolate" – The first isolate obtained from any source during each unique patient/resident encounter, including those obtained for active surveillance or clinical decision making.

"Observation" – The practice of close medical or other supervision of contacts to promote prompt recognition of infection or illness.

"Observation and Monitoring" – Close medical or other supervision, including, but not limited to, review of current health status, by health care personnel, of a person or group of persons on a voluntary or involuntary basis to permit prompt recognition of infection or illness.

"Outbreak" – The occurrence of illness in a person or a group of epidemiologically associated persons, with the rate of frequency clearly in excess of normal expectations. The number of cases indicating presence of an outbreak is disease specific.

"Premises" – The physical portion of a building or other structure and its

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surrounding area designated by the Director of the Department, his or her authorized representative, or the local health authority.

"Public Health Order" – A written or verbal command, directive, instruction or proclamation issued or delivered by the Department or certified local health department.

"Public Transportation" – Any form of transportation that sets fares and is available for public use, such as taxis; multiple-occupancy car, van or shuttle services; airplanes; buses; trains; subways; ferries; and boats.

"Quarantine" – The physical separation and confinement of an individual or groups of individuals who are or may have been exposed to a contagious disease or possibly contagious disease and who do not show signs or symptoms. "Quarantine" also includes the definition of "Quarantine, modified".

"Quarantine, Modified" – A selective, partial limitation of freedom of movement or actions of a person or group of persons who are or may have been exposed to a contagious disease or possibly contagious disease. Modified quarantine is designed to meet particular situations and includes, but is not limited to, the exclusion of children from school, the prohibition or restriction from engaging in a particular occupation or using public or mass transportation, or requirements for the use of devices or procedures intended to limit disease transmission. Any travel within Illinois outside of the jurisdiction of the local health authority must be either approved by the Director or be under mutual agreement of the health authority of the jurisdiction and the public health official who will assume responsibility. Travel outside Illinois shall require written notice from the Illinois jurisdiction to the out-of-state jurisdiction that will assume responsibility.

"Recombinant Organism" – A microbe with nucleic acid molecules that have been synthesized, amplified or modified.

["REDCap" – Research electronic data capture \(REDCap\) is a mature, secure web application for building and managing online surveys and databases. It is used by state and local health authorities to collect data from persons associated with an outbreak and can be administered directly to exposed persons via a weblink.](#)

"Registry" – A data collection and information system that is designed to support organized care.

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"Restrict from Work" – For food handlers, this means to limit the activity of a food handler so that there is no risk of transmitting a disease by making sure that the food handler does not work with food, cleaning equipment, utensils, dishes, linens or unwrapped single service or single use articles or in the preparation of food.

"Sensitive Occupation" – An occupation involving the direct care of others, especially young children and the elderly, or any other occupation designated by the Department or the local health authority, including, but not limited to, health care workers and child care facility personnel.

"Sentinel Surveillance" – A means of monitoring the prevalence or incidence of infectious disease or syndromes through reporting of cases, suspect cases, or carriers or submission of clinical materials by selected sites.

"Specimens" – Include, but are not limited to, blood, sputum, urine, stool, other bodily fluids, wastes, tissues, and cultures necessary to perform required tests.

"Standard Precautions" – Infection prevention and control measures that apply to all patients regardless of diagnosis or presumed infection status (see Section 690.20(a)(7)).

"Sterilization" – The use of a physical or chemical process to destroy all microbial life, including large numbers of highly resistant bacterial endospores.

"Susceptible (non-immune)" – A person who is not known to possess sufficient resistance against a particular pathogenic agent to prevent developing infection or disease if or when exposed to the agent.

"Suspect Case" – A case whose medical history or symptoms suggest that the person may have or may be developing a communicable disease and who does not yet meet the definition of a probable or confirmed case.

"Syndromic Surveillance" – Surveillance using health-related data that precede diagnosis and signal a sufficient probability of a case, event or ~~an~~ outbreak to warrant further public health response.

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"Tests" – Include, but are not limited to, any diagnostic or investigative analyses necessary to prevent the spread of disease or protect the public's health, safety and welfare.

"Transmission" – Any mechanism by which an infectious agent is spread from a source or reservoir to a person, including direct, indirect and airborne transmission.

"Treatment" – The provision of health care by one or more health care providers. Treatment includes any consultation, referral or other exchanges of information to manage a patient's care.

"Voluntary Compliance" – Deliberate consented compliance of a person or group of persons that occurs at the request of the Department or local health authority prior to instituting a mandatory order for isolation, quarantine, closure, physical examination, testing, collection of laboratory specimens, observation, monitoring or medical treatment pursuant to this Subpart.

"Zoonotic Disease" – Any disease that is transmitted from animals to people.

(Source: Amended at 43 Ill. Reg. 2386, effective February 8, 2019)

Section 690.30 General Procedures for the Control of Communicable Diseases

This Section establishes routine measures for the control of communicable diseases by the Department or local health authorities and health care providers, and establishes progressive initiatives to ensure that disease-appropriate measures are implemented to control the spread of communicable diseases. These procedures are intended for use in homes and similar situations. This Section does not apply to sexually transmissible infections, which are regulated under the Control of Sexually Transmissible Infections Code.

- a) Investigation
 - 1) *The Department of Public Health shall investigate the causes of contagious, or dangerously contagious, or infectious diseases, especially when existing in epidemic form, and take means to restrict and suppress the same, and whenever such disease becomes, or threatens to become, epidemic in any locality and the local board of health or local authorities neglect or refuse to enforce efficient measures for its restriction or*

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suppression or to act with sufficient promptness or efficiency, or whenever the local board of health or local authorities neglect or refuse to promptly enforce efficient measures for the restriction or suppression of dangerously contagious or infectious diseases, the Department of Public Health may enforce such measures as it deems necessary to protect the public health, and all necessary expenses so incurred shall be paid by the locality for which services are rendered. (Section 2(a) of the Act)

- 2) Each case or cluster of a reportable communicable disease shall be investigated to determine the source, where feasible. Findings of the investigation shall be reported as specified under the Section of this Part applicable to each specific disease.
- 3) The Department or local health authority may investigate the occurrence of cases, suspect cases, or carriers of reportable diseases or unusual disease occurrences in a public or private place for the purposes of verifying the existence of disease; ascertaining the source of the disease-causing agent; identifying unreported cases; locating and evaluating contacts of cases and suspect cases; identifying those at risk of disease; determining necessary control measures, including isolation and quarantine; and informing the public if necessary.
- 4) When the Director determines that a certain disease or condition that is known or suspected to be communicable or infectious warrants study, the Director may declare the disease or condition to be the subject of a medical investigation and require hospitals, physicians, health care facilities, etc., to submit information, data and reports, and allow review and examination of medical records as necessary for the purpose of the specific study. No practitioner or person shall be liable in any action at law for permitting examination and review. The data obtained shall be held confidential in accordance with the Communicable Disease Report Act.
- 5) When two or more cases of a suspected or reportable infectious disease occur in any business, organization, institution, health care facility or private home, the business owner, the person in charge of the establishment, or the homeowner shall cooperate with public health authorities in the investigation of cases, suspect cases, outbreaks and suspect outbreaks. This includes, but is not limited to, release of food

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preparation methods; menus; lists of customers, attendees, residents or patients; environmental specimens; food specimens; clinical specimens; and the name and other pertinent information about employees, guests, members or residents diagnosed with a communicable disease as the information relates to an infectious disease investigation. When outbreaks of infectious disease occur in any business, organization, institution, health care facility or private home, employees of the location under investigation may be considered to be contacts to cases and be required to submit release specimens by the local health authority.

- 6) When two or more cases of a reportable communicable disease occur in association with a common source, the investigation should include a search for additional cases.
- 7) The Department may conduct sentinel surveillance for an infectious disease or syndrome, other than those diseases or syndromes for which general reporting is required under this Part, if the Department determines that sentinel surveillance will provide adequate data for the purpose of preventing or controlling disease or achieving other significant public health purposes in a defined geographic area or the entire State. The Department shall select, after consultation with the sites, sentinel surveillance sites that have epidemiological significance for the disease or syndrome under investigation. A disease or syndrome may be removed from sentinel surveillance if the Department determines that the surveillance is no longer necessary. The Department shall provide a description, in writing, to sentinel surveillance sites of a specific, planned mechanism for surveillance of the disease or syndrome and, as necessary, submission of clinical materials from cases and suspect cases.
- 8) An individual or entity, including a health information exchange, may carry out activities such as sentinel surveillance under a grant, contract or cooperative agreement with the Department. The authorized individual or entity functions as a public health authority for the purposes of the activity.
- 9) Investigations of outbreaks shall be summarized in a final report and submitted to the Department. The most current summary form shall be used, and a narrative report may also be requested.

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- 10) Syndromic Data Collection
- A) *The Department, in order to prevent and control disease, injury or disability among citizens of the State, may develop and implement, in consultation with local public health authorities, a statewide system for syndromic data collection through access to interoperable networks, health information exchanges and databases. The Department may also develop a system for the reporting of comprehensive, integrated data to identify and address unusual occurrences of disease symptoms and other medical complexes affecting the public's health.*
- B) *The Department may enter into contracts or agreements with individuals, corporations, hospitals, universities, not-for-profit corporations, governmental entities, health information exchanges, or other organizations, under which those individuals or entities agree to provide assistance in the compilation of the syndromic data collection and reporting system.*
- C) *The Department shall not release any syndromic data or information obtained pursuant to this subsection (a)(10) to any individuals or entities for purposes other than the protection of the public health. All access to data by the Department, reports made to the Department, the identity of, or facts that would tend to lead to the identity of the individual who is the subject of the report, and the identity of, or facts that would tend to lead to the identity of, the author of the report shall be strictly confidential, are not subject to inspection or dissemination, and shall be used only for public health purposes by the Department, governmental entities, local public health authorities, or the Centers for Disease Control and Prevention. Entities or individuals submitting reports or providing access to the Department shall not be held liable for the release of information or confidential data to the Department in accordance with this subsection (a)(10). (Section 2(i)(A) through (C) of the Act)*
- 11) Investigations conducted by the Department or local health authority may include, but are not limited to:

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- A) Review of pertinent, relevant medical records by authorized personnel, if necessary to confirm the diagnosis; investigation of causes; identification of other cases related to the outbreak or the reported dangerously contagious or infectious disease in a region, community, or workplace; to conduct epidemiologic studies; to determine whether a patient with a reportable dangerously contagious or infectious disease has received adequate treatment to render the patient non-infectious or whether a person exposed to a case has received prophylaxis, if appropriate. Review of records may occur without patient consent and shall be conducted at times and with such notice as is possible under the circumstances;
- B) Performing interviews with the case, or persons knowledgeable about the case, and collecting pertinent and relevant information about the causes of or risk factors for the reportable condition;
- C) Medical examination and testing of persons, with their explicit consent;
- D) Obtaining, from public or private businesses or institutions, the identities of and locating information about persons, travelers, passengers or transportation crews with a similar or common potential exposure to the infectious agent as a reported case; exposure may be current or have occurred in the past;
- E) Interviewing or administering questionnaire surveys confidentially to any resident of any community, or any agent, owner, operator, employer, employee, or client of a public or private business or institution, who is epidemiologically associated either with the outbreak or with the reported dangerously contagious or infectious disease case or has had a similar exposure as a reported case;
- F) Collecting environmental samples of substances or measurements of physical agents that may be related to the cause of an outbreak or reportable dangerously contagious or infectious disease;
- G) Taking photographs related to the purpose of the investigation. If the photographs are taken in a business, the employer shall have the opportunity to review the photographs taken or obtained for the

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purpose of identifying those that contain or might reveal a trade secret; and

- H) Entering a place of employment for the purpose of conducting investigations of those processes, conditions, structures, machines, apparatus, devices, equipment, records, and materials within the place of employment that are relevant, pertinent, and necessary to the investigation of the outbreak or reportable dangerously contagious or infectious disease. Investigations shall be conducted during regular business hours, if possible, and with as much notice as possible under the circumstances.

b) Control of Food Products

Whenever a case, a carrier, or a suspect case or carrier of the following diseases exists in a home or establishment where food is produced that is likely to be consumed raw or handled after pasteurization and before final packaging, the sale, exchange, removal or distribution of the food items from the home or establishment may be prohibited by the Department or the local health authority as necessary to prevent the transmission of communicable diseases.

- 1) Campylobacteriosis
- 2) Cholera
- 3) Cryptosporidiosis
- 4) Diphtheria
- 5) E. coli infections (Shiga toxin-producing E. coli, ~~Enterotoxigenic E. coli, Enteropathogenic E. coli and Enteroinvasive E. coli~~)
- 6) Foodborne or waterborne illness
- 7) Hepatitis A
- 8) Norovirus
- 9) Salmonellosis

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- 10) Shigellosis
 - 11) Smallpox
 - 12) Staphylococcal skin infections
 - 13) Streptococcal infections
 - 14) Typhoid fever
 - ~~15)~~ ~~Yersiniosis~~
- c) Schools, Child Care Facilities, and Colleges/Universities
- 1) Except in an emergency, the occurrence of a case of a communicable disease in a school, child care facility or college/university should not be considered a reason for closing the school, facility or college/university.
 - 2) Persons suspected of being infected with a reportable infectious disease for which isolation is required, or persons with diarrhea or vomiting believed to be infectious in nature, shall be refused admittance to the school or child care facility while acute symptoms are present.
 - 3) School, child care facility, and college/university authorities shall handle contacts of infectious disease cases as prescribed in this Part, or as recommended by the local health authority.
 - 4) When outbreaks of disease occur in any child care facility, staff and attendees of the facility may be considered to be contacts to cases and may be required by the local health authority to submit specimens for testing.
- d) Release of Specimens
- 1) Whenever this Part requires the submission of laboratory specimens for release from imposed restrictions, the results of the examinations will not be accepted unless the specimens have been examined in the Department's laboratory or an acceptable laboratory. The number of specimens needed for release, as detailed under specific diseases, is the minimum and may be increased by the Department as necessary. Improper storage or

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transportation of a specimen or inadequate growth of the culture suggestive of recent antibiotic usage can result in disapproval of the submitted specimen by the Department's laboratory or an acceptable laboratory and result in the need for an additional specimen to be collected.

- 2) The local health authority may require testing of food handlers for specific pathogens, including, but not limited to, Norovirus, as necessary in response to an outbreak.
- e) Persons with diarrhea or vomiting of infectious or unknown cause shall not work in sensitive occupations or as food handlers until 48 hours after diarrhea and vomiting have resolved and shall adhere to restrictions specified in this Part specific to each etiologic agent.
- f) Persons with draining skin lesions shall not work as food handlers unless the drainage is contained by a dressing and lesions are not on the hands or forearms.

(Source: Amended at 43 Ill. Reg. 2386, effective February 8, 2019)

SUBPART B: REPORTABLE DISEASES AND CONDITIONS

Section 690.100 Diseases and Conditions

The following diseases and conditions are declared to be contagious, infectious or communicable and may be dangerous to the public health. Each suspected or diagnosed case shall be reported to the local health authority, which shall subsequently report each case to the Department. The method of reporting shall be as described in the individual Section for the reportable disease.

- a) Class I(a)
The following diseases shall be reported immediately (within three hours) by telephone, upon initial clinical suspicion of the disease, to the local health authority, which shall then report to the Department immediately (within three hours). This interval applies to primary reporters identified in Section 690.200(a)(1) who are required to report to local health authorities and to local health authorities that are required to report to the Department. The Section number associated with each of the listed diseases indicates the Section under which the diseases are reportable. Laboratory specimens of agents required to be

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submitted under Subpart D shall be submitted within 24 hours to the Department laboratory.

1)	Any unusual case of a disease or condition caused by an infectious agent not listed in this Part that is of urgent public health significance	690.295
2)	Anthrax*	690.320
3)	Botulism, foodborne	690.327
4)	Brucellosis* (if suspected to be a bioterrorist event or part of an outbreak)	690.330
5)	Diphtheria	690.380
6)	Influenza A, Novel Virus	690.469
7)	Plague*	690.570
8)	Poliomyelitis	890.580
9)	Q-fever* (if suspected to be a bioterrorist event or part of an outbreak)	690.595
10)	Severe Acute Respiratory Syndrome	690.635
11)	Smallpox	690.650
12)	Tularemia* (if suspected to be a bioterrorist event or part of an outbreak)	690.725
13)	Any suspected bioterrorist threat or event	690.800

b) Class I(b)

The following diseases shall be reported as soon as possible during normal business hours, but within 24 hours (i.e., within eight regularly scheduled business hours after identifying the case), to the local health authority, which shall then report to the Department as soon as possible, but within 24 hours. This

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interval applies to primary reporters identified in Section 690.200(a)(1) who are required to report to local health authorities and to local health authorities that are required to report to the Department. The Section number associated with each of the listed diseases indicates the Section under which the diseases are reportable. Laboratory specimens of agents required to be submitted under Subpart D shall be submitted within 7 days after identification of the organism to the Department laboratory.

1)	Botulism, intestinal, wound, and other	690.327
2)	Brucellosis* (if not suspected to be a bioterrorist event or part of an outbreak)	690.330
3)	Chickenpox (Varicella)	690.350
4)	Cholera*	690.360
5)	Escherichia coli infections* (E. coli O157:H7 and other Shiga toxin-producing E. coli, enterotoxigenic E. coli, enteropathogenic E. coli and enteroinvasive E. coli)	690.400
6)	Haemophilus influenzae, meningitis and other invasive disease*	690.441
7)	Hantavirus pulmonary syndrome*	690.442
8)	Hemolytic uremic syndrome, post-diarrheal	690.444
9)	Hepatitis A	690.450
10)	Influenza admissions into intensive care unit	690.468
11)	Measles	690.520
12)	Mumps	690.520
13)	Neisseria meningitidis, meningitis and invasive disease*	690.555
14)	Outbreaks of public health significance (including, but not	690.565

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limited to, foodborne and waterborne outbreaks)

15)	Pertussis* (whooping cough)	690.750
16)	Q-fever due to <i>Coxiella burnetii</i> * (if not suspected to be a bioterrorist event or part of an outbreak)	690.595
17)	Rabies, human	690.600
18)	Rabies, potential human exposure and animal rabies	690.601
19)	Rubella	690.620
20)	Smallpox vaccination, complications of	690.655
21)	Staphylococcus aureus, Methicillin resistant (MRSA) clusters of two or more cases in a community setting	690.658
22)	Staphylococcus aureus, Methicillin resistant (MRSA), any occurrence in an infant under 61 days of age	690.660
<u>21</u> 23)	Staphylococcus aureus infections with intermediate or high level resistance to Vancomycin*	690.661
<u>22</u> 24)	Streptococcal infections, Group A, invasive and sequelae to Group A streptococcal infections	690.670
<u>23</u> 25)	Tularemia* (if not suspected to be a bioterrorist event or part of an outbreak)	690.725
<u>24</u> 26)	Typhoid fever*	690.730
<u>25</u> 27)	Typhus	690.740

- c) Class II
The following diseases shall be reported as soon as possible during normal business hours, but within seven days, to the local health authority, which shall then report to the Department within seven days. The Section number associated with each of the listed diseases indicates the Section under which the diseases are

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reportable. Laboratory specimens of agents required to be submitted under Subpart D shall be submitted within seven days after identification of the organism to the Department laboratory.

1)	Arboviral Infection* (including, but not limited to, Chikungunya fever, California encephalitis, Dengue fever, St. Louis encephalitis and West Nile virus)	690.322
2)	Campylobacteriosis	690.335
3)	Creutzfeldt-Jakob Disease	690.362
<u>34)</u>	Cryptosporidiosis	690.365
45)	Cyclosporiasis	690.368
56)	Hepatitis B and Hepatitis D	690.451
67)	Hepatitis C	690.452
78)	Histoplasmosis	690.460
89)	Influenza, deaths in persons less than 18 years of age	690.465
940)	Legionellosis*	690.475
11)	Leprosy	690.480
1042)	Leptospirosis*	690.490
1143)	Listeriosis*	690.495
1244)	Malaria*	690.510
1345)	Psittacosis due to <i>Chalmydia psittaci</i>	690.590
1446)	Salmonellosis* (other than typhoid fever)	690.630

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1517)	Shigellosis*	690.640
1618)	Toxic shock syndrome due to Staphylococcus aureus infection	690.695
1719)	Streptococcus pneumoniae, invasive disease in children less than five years	690.678
1820)	Tetanus	690.690
1924)	Tickborne Disease, including Babesiosis, Ehrlichiosis, Anaplasmosis, Lyme disease, and Spotted Fever Rickettsiosis	690.698
2022)	Trichinosis	690.710
2123)	Vibriosis (Other than Toxigenic Vibrio cholera O1 or O139)	690.745
24)	Yersiniosis	690.752

* Diseases for which laboratories are required to forward clinical materials to the Department's laboratory.

- d) When an epidemic of a disease dangerous to the public health occurs, and present rules are not adequate for its control or prevention, the Department shall issue more stringent requirements.

(Source: Amended at 43 Ill. Reg. 2386, effective February 8, 2019)

Section 690.110 Diseases Repealed from This Part

- a) The following diseases have been repealed from this Part and are no longer reportable.
- 1) Amebiasis
 - 2) Blastomycosis

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- 3) Creutzfeldt Jakob Disease (CJD)
 - 43) Diarrhea of the newborn
 - 54) Giardiasis
 - 65) Hepatitis, viral, other
 - 7) Leprosy (Hansen's Disease)
 - 86) Meningitis, aseptic
 - 9) Staphylococcus aureus, Methicillin Resistant (MRSA) Infection, clusters of two or more laboratory confirmed cases occurring in community settings
 - 10) Staphylococcus aureus, Methicillin Resistant (MRSA), any occurrence in an infant less than 61 days of age
 - 117) Streptococcal infections, group B, invasive disease, of the newborn
 - 12) Yersiniosis
- b) The following diseases have been repealed from this Part, but are reportable under the Section specified:
- 1) Acquired immunodeficiency syndrome (AIDS) 77 Ill. Adm. Code 693.20
 - 2) Chancroid 77 Ill. Adm. Code 693.20
 - 3) Gonorrhea 77 Ill. Adm. Code 693.20
 - 4) Ophthalmia neonatorum 77 Ill. Adm. Code 693.20
 - 5) Syphilis 77 Ill. Adm. Code 693.20
 - 6) Tuberculosis 77 Ill. Adm. Code 696.170

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(Source: Amended at 43 Ill. Reg. 2386, effective February 8, 2019)

SUBPART C: REPORTING

Section 690.200 Reporting

- a) Reporting Entities and Manner of Reporting
 - 1) Each of the following persons or any other person having knowledge of a known or suspect case or carrier of a reportable communicable disease or communicable disease death shall report the case, suspect case, carrier or death in humans within the time frames set forth in Section 690.100:
 - A) Physicians
 - B) Physician assistants
 - C) Nurses
 - D) Nursing assistants
 - E) Dentists
 - F) Health care practitioners
 - G) Emergency medical services personnel
 - H) Laboratory personnel
 - I) Long-term care personnel
 - J) Any institution, school, college/university, child care facility or camp personnel
 - K) Pharmacists
 - L) Poison control center personnel
 - M) Blood bank and organ transplant personnel

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- N) Coroners, funeral directors, morticians and embalmers
 - O) Medical examiners
 - P) Veterinarians
 - Q) Correctional facility personnel
 - R) Food service management personnel
 - S) Any other person having knowledge of a known or suspected case or carrier of a reportable communicable disease or communicable disease death
 - T) The master, pilot or any other person in charge of any bus, train, ship or boat, and the commander, pilot or any other person in charge of any aircraft within the jurisdiction of the State
 - U) Researchers
- 2) An individual required to report reportable diseases who is unsure whether the case meets the definition of a suspect case shall make a report if the suspect disease, infection or condition is one that is required to be reported immediately, is highly transmissible, or results in health consequences.
 - 3) A health care provider who attends to a case, carrier or suspect case shall inform the case, carrier or suspect case and the case's, carrier's or suspect case's contacts of the applicable requirements of isolation, exclusion, quarantine, screening, treatment or prophylactic measures and other precautions necessary to prevent the spread of disease. Health care providers and facilities shall relay the diagnosis of diseases directly to the emergency care provider. The identity or addresses of the person having the disease shall not be disclosed.
 - 4) Laboratories shall report certain positive test results and provide clinical materials as specified in Subpart D or if requested. Upon request of the local health department, laboratories shall submit a copy of a laboratory report by facsimile or electronically. If a medical laboratory forwards

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clinical materials out of the State for testing, the originating medical laboratory shall comply with this requirement by either reporting the results and submitting clinical materials to the Department or ensuring that the results are reported and materials are submitted to the Department.

- 5) The reports shall be submitted electronically through the Illinois National Electronic Disease Surveillance System (I-NEDSS) web-based system or by mail, telephone, facsimile, other secure electronic system integrated with I-NEDSS, or other Department designated registry to the local health authority in whose jurisdiction the reporter is located.
 - A) The method of reporting shall be as described in the individual Section for the reportable disease.
 - B) Laboratories shall submit data electronically through I-NEDSS by January 1, 2016, via Health Level 7 (HL7) 2.3.1 format or higher and with Logical Observation Identifiers Names and Codes (LOINC) and Systematized Nomenclature of Medicine (SNOMED) codes to specify testing information and results, respectively. Laboratories can request an exemption based on small case volumes, and the Department will evaluate the request against past testing volumes. Prior to establishing electronic reporting, laboratories shall report via browser-based data entry into I-NEDSS.
 - C) The Department will electronically route these reports to the local health authority in whose jurisdiction the patient is located. If this information is not available, then the record will be routed to the jurisdiction of the ordering provider. The Department will prescribe the use of a health information exchange to achieve these purposes when a health information exchange is available.
 - D) The reporter shall provide, when available, the case name, contact information and physician of the case.
 - E) A laboratory that is required to report data electronically shall have a State-approved continuity of operations plan for reporting continuity in emergency situations that disrupt electronic communications. At least two alternative methodologies shall be

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incorporated, such as facsimile, mail or courier services.

- 6) During an outbreak investigation, the reporter and any involved business, organization or institution shall cooperate in any case investigation conducted by health officials, which includes, but is not limited to, supplying locating information for those individuals believed to be associated with the outbreak.
 - 7) Any party receiving the reports shall notify the local health authority where the patient resides immediately by phone (within three hours) for Class I(a) diseases, within 24 hours (during normal business hours) for Class I(b) diseases and within seven days for Class II diseases. When a case of infectious disease is reported from one local health authority's jurisdiction but resides in another's jurisdiction, the case shall be transferred electronically in I-NEDSS with additional relevant information supplied to the other jurisdiction. If a known or suspect case or carrier of a reportable communicable disease is hospitalized or examined in a hospital or long-term care facility, the administrator of the health care facility shall ensure that the case is promptly reported to the local health authority within the time frame specified in Section 690.100 for that disease.
- b) Upon receipt of this report, the local health authority shall report cases to the Department as specified in this Section. Local health authorities shall report cases to the Department using the I-NEDSS web-based system according to the time frames specified in Section 690.100. If I-NEDSS becomes temporarily non-functional, the local health authority may report to the Department by mail, telephone or facsimile. Prior to an I-NEDSS disease-specific module becoming operational statewide, the local health authority shall submit demographic and morbidity information electronically through I-NEDSS and additional case report information by mail or facsimile to the Department according to the time frames specified in Section 690.100.
 - c) The report to the Department shall provide the following information: name, age, date of birth, sex, race, ethnicity, address (including zip code), email address and telephone number (if available) of the case, and telephone number and name of the attending physician. When requested, on paper forms provided by the Department or electronically through the I-NEDSS web-based system, clinical and laboratory findings in support of the diagnosis, epidemiological facts relevant

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to the source of the infection, and possible hazard of transmission of the infection shall also be reported. In some instances where no specific report form is available, a narrative report detailing diagnostic and epidemiologic information shall be required.

d) Confidentiality

- 1) The Department will maintain the confidentiality of information that would identify individual patients.
- 2) Whenever any medical practitioner or other person is required by statute, regulation, ordinance or resolution to report cases of communicable disease to any government agency or officer, the communicable disease reports shall be confidential. Any medical practitioner or other person who provides a report of communicable disease in good faith shall have immunity from suit for slander or libel for statements made in the report. The identity of any individual contained in a report of communicable disease or foodborne illness or an investigation conducted pursuant to a report of a communicable disease or foodborne illness shall be confidential, and the individual's identity shall not be disclosed publicly in an action of any kind in any court or before any tribunal, board or agency. The individual, his/her legal guardian or his/her estate, with proper consent, may have his/her information released as requested.
- 3) As outlined in the Privacy Rule (Standards for Privacy of Individually Identifiable Health Information) of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), health information may be disclosed to public health authorities when required by federal, tribal, state, or local laws. This includes the requirements set forth in this Part that provide for reporting disease or conducting public health surveillance, investigation, or intervention. For disclosures not required by law, a public health authority may collect or receive information for the purpose of preventing or controlling disease.
- 4) To prevent the spread of a contagious or infectious disease, the Department, local boards of health, and local public health authorities may share confidential health information contained in surveillance reports and other individually identifiable health information with each other. In addition, the Department and local public health authorities may share

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confidential health information contained in surveillance reports and other individually identifiable health information with health care facilities and health care providers, to the extent necessary for treatment, prevention ~~or~~ and control of a contagious disease or a dangerously contagious or infectious disease. The Department will share the information in a manner that protects the confidentiality of the protected health information.

- 5) Subsections (d)(1) through (3) ~~of this Section~~ shall not prevent the Director or authorized personnel of the Department from furnishing what the Department determines to be appropriate information to a physician or institution providing examination or treatment to a person suspected of or affected with a disease or condition, including carrier status, of public health interest, or to any person or institution when necessary for the protection of public health. Only the minimum information necessary for the intended purpose shall be disclosed. A person or institution to whom information is furnished or to whom access to records has been given shall not divulge any part of the information so as to disclose the identity of the person to whom the information or record relates, except as necessary for the treatment of a case or carrier or for the protection of the health of others.
- 6) To prevent the spread of a contagious disease, or a dangerously contagious or infectious disease, the Department, local boards of health, and local public health authorities shall have emergency access to medical or health information or records or data upon the condition that the Department, local boards of health, and local public health authorities protect the privacy and confidentiality of any medical or health information or records or data obtained pursuant to Section 2 of the Department of Public Health Act, in accordance with federal and State law. Any medical or health information or records or data shall be exempt from inspection and copying under the Freedom of Information Act. Any person, facility, institution, or agency that provides emergency access to health information and data shall have immunity from any civil or criminal liability, or any other type of liability that might result, except in the event of willful and wanton misconduct. The privileged quality of communication between any professional person or any facility shall not constitute grounds for failure to provide emergency access.

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- 7) The Department will provide information pertaining to human or animal cases of zoonotic disease to another State or federal agency only if the disease is reportable to the agency or if another agency is assisting with control of an outbreak.
- 8) Information contained in I-NEDSS and other Department registries shall be confidential and not subject to inspection by persons other than authorized personnel or agents of the Department, certified local health authorities, and other authorized persons or agencies authorized in this Part.
 - A) In accordance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule permitting a health care provider to disclose protected health information about an individual, without the individual's authorization, to another health care provider for that provider's health care treatment of the individual (see HIPAA 45 CFR 164.506 and the definition of "treatment" at HIPAA 45 CFR 164.501), the Department may disclose information contained in I-NEDSS and other Department registries, and the Department may permit access to the information by a licensed health care worker or health care institution that is treating or testing the individual to whom the information relates for the protection of the individual's health or the public's health, including prevention purposes.
 - B) The Department may also disclose what it considers to be appropriate and necessary information from I-NEDSS and other Department registries to a licensed health care provider or health care institution when:
 - i) the licensed health care provider or health care institution has received security approval from the Department to access I-NEDSS or the other registries and provides identifying information satisfactory to the Department to determine that the person to whom the information relates is currently being treated by or under the care of the licensed health care provider or health care institution; and

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- ii) the disclosure of the I-NEDSS or other registries' information is in the best interests of the person to whom treatment or care is being provided or will contribute to the protection of the public health.
 - C) Disclosure may take place using electronic means compliant with HIPAA security and privacy standards. The Department will prescribe the use of a health information exchange to achieve these purposes when a health information exchange is available.
 - D) A person or institution to whom information is furnished or to whom access to records has been given shall not divulge any part of the records so as to disclose the identity of the person to whom the information or record relates, except as necessary for the treatment of a case or carrier or for the protection of the health of others.
- e) Section 8-2101 of the Code of Civil Procedure explains the confidential character of reports obtained for medical studies. The Department and other agencies specified in that Section may collect certain information and require reporting of certain diseases and conditions for medical studies. The law provides for confidentiality of these reports, prohibits disclosure of all data obtained except that which is necessary for the purpose of the specific study, provides that data shall not be admissible as evidence, and provides that the furnishing of information in the course of a medical study shall not subject any informant to any action for damages. *No patient, patient's relatives, or patient's friends named in any medical study shall be interviewed for the purpose of the study unless consent of the attending physician and surgeon is first obtained.* (Section 8-2104 of the Code of Civil Procedure)
- f) The local health authority shall notify the Department upon issuing any order for isolation, quarantine or closure. The notification shall be made by telephone within three hours after the order is issued unless the Department directs otherwise.
- g) Identifiable data may be released to the extent necessary for the treatment, control, investigation ~~and~~ prevention of diseases and conditions dangerous to the public health. Identifiable data can be shared for conditions of public health significance, e.g., as permitted by HIPAA regulations, the Medical Studies Act,

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and the Health Statistics Act. As described in the Health Statistics Act, a Department-approved Institutional Review Board, or its equivalent on the protection of human subjects in research, will review and approve requests from researchers for individually identifiable data.

- h) **Procedures Involving Emergency Care Provider**
Every person, employer or local government employing persons rendering emergency care shall designate a contact person or "designated officer" to receive reports from the local health authority. The employer shall assure that the designated officer has sufficient training to carry out the duties described in subsection (i), which shall include appropriate procedures for follow-up after occupational exposures to specific diseases specified in subsection (i).
- i) The following apply to: meningococcal disease, infectious pulmonary or laryngeal tuberculosis, diphtheria, plague (*Yersinia pestis*), rabies, hemorrhagic fevers (e.g., Lassa, Marburg and Ebola):
 - 1) Health care providers and health care facilities shall, when reporting these diseases, determine and include as part of their report whether an emergency care provider was involved in pre-hospital care for the patient.
 - 2) Health care providers and health care facilities shall report to the local health authority and may relay the diagnosis of these diseases directly to the emergency care providers or the designated officer specified in subsection (i)(3), but shall not disclose the identity or addresses of the person having the disease or otherwise refer specifically to the person.
 - 3) Upon receiving a report of a reportable disease as defined in this subsection (i), the designated officer shall notify all out-of-hospital care providers, including, but not limited to: emergency medical personnel, firefighters, law enforcement officers, corrections officers, probation officers, or other current or former personnel of the employer who may have been exposed to the reportable disease.
 - 4) The designated officer shall inform the personnel only of the reportable disease, the fact of possible exposure and the appropriate follow-up procedures. The designated officer shall not inform the personnel of the

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identity or addresses of the person having the reportable disease or otherwise refer specifically to the person.

(Source: Amended at 43 Ill. Reg. 2386, effective February 8, 2019)

SUBPART D: DETAILED PROCEDURES FOR THE
CONTROL OF COMMUNICABLE DISEASES**Section 690.362 Creutzfeldt-Jakob Disease (CJD) (All Laboratory Confirmed Cases)
(Reportable by mail, telephone, facsimile or electronically within seven days after
confirmation of the disease) (Repealed)**

- a) ~~Control of Case~~
 - 1) ~~Standard precautions shall be followed.~~
 - 2) ~~Material contaminated or infected with prions requires laboratory Biosafety Level 2 containment.~~
 - 3) ~~Prions are highly resistant to standard disinfection and sterilization procedures. See disinfection procedures in Section 690.20(b).~~
 - 4) ~~Direct contact with all potentially contaminated organ or tissue samples, especially cerebrospinal fluid, and waste should be avoided. It is recommended not to reuse potentially contaminated instruments, including, but not limited to, surgical equipment, specimen containers, knives, blades, cutting boards, and centrifuge tubes.~~
 - 5) ~~An autopsy or biopsy of the brain should be performed to confirm suspected cases.~~
- b) ~~Control of Contacts~~
~~No restrictions.~~
- e) ~~Laboratory Reporting~~
 - 1) ~~Laboratories shall report to the local health authority all patients who have a positive result on any laboratory test indicative of and specific for detecting CJD.~~

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- ~~2) Laboratories shall forward clinical materials from patients suspected of having CJD to the National Prion Disease Pathology Surveillance Center.~~

(Source: Repealed at 43 Ill. Reg. 2386, effective February 8, 2019)

Section 690.400 Escherichia coli Infections (E. coli O157:H7 and Other Shiga Toxin Producing E. coli, ~~Enterotoxigenic E. coli, Enteropathogenic E. coli and Enteroinvasive E. coli~~) (Reportable by telephone or facsimile as soon as possible, within 24 hours)

a) Control of Case

- ~~1) Standard precautions shall be followed. Contact precautions shall be followed for diapered or incontinent persons or during institutional outbreaks until diarrhea is absent for 24 hours.~~
- 12) Food Handlers or Persons in Sensitive Occupations, Not Including Health Care Workers
Cases with E. coli infections caused by O157:H7 or other Shiga toxin-producing E. coli shall not work as food handlers or in sensitive occupations until diarrhea has ceased for at least 24 hours and two consecutive negative stool specimens are obtained. Specimens shall be obtained following clinical recovery of the patient, no sooner than ~~48~~24 hours after diarrhea has ceased, and not sooner than 48 hours after the last dose of antimicrobials, if administered. Specimens shall be submitted beginning within one week after notification. If noncompliant with stool testing, the food handler is eligible to return to work 30 days after the date diarrhea has ceased.
- 23) Health Care Workers
Local health departments may require specimens from health care workers or those who work in occupations requiring standard precautions if there is reason to believe that specimen testing is necessary (e.g., the nature of the work, including feeding or oral care, hygienic practices of the worker, or as part of an investigation of a cluster). Specimens shall be obtained following clinical recovery, at least 24 hours apart and not sooner than 48 hours after the last dose of antimicrobials, if administered. Specimens shall begin to be submitted within one week after notification, or the individual shall be restricted from patient care. If noncompliant with stool

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testing, the health care worker is eligible to return to work 30 days after the date diarrhea has ceased.

- 4) ~~Cases of enterotoxigenic E. coli, enteropathogenic E. coli, or enteroinvasive E. coli shall not work as food handlers or in sensitive occupations, including health care, until diarrhea has ceased for at least 48 hours. Release specimens are not required for persons with these types of E. coli infections.~~
- 35) Day Care Attendees
Cases of E. coli O157:H7 or other Shiga toxin producing E. coli shall be excluded from attending a child care facility, an adult day care facility or a facility for the developmentally disabled if below the age of five years or incontinent of stool until two consecutive negative stool specimens are obtained. Specimens shall be obtained following clinical recovery of the patient, at least 24 hours apart, and not sooner than 48 hours after the last dose of antimicrobials, if administered. If noncompliant with stool testing, the day care attendee is eligible to return to day care 30 days after the date diarrhea has ceased.
- 46) Day Care Staff
Cases of E. coli O157:H7 or other Shiga toxin producing E. coli who work in a child care facility, an adult day care facility, or a facility for the developmentally disabled, and who directly care for attendees or handle food, shall not return to work until two consecutive negative stool specimens are obtained. Specimens shall be obtained following clinical recovery of the patient, at least 24 hours apart, and not sooner than 48 hours after the last dose of antimicrobials, if administered. Specimens shall be submitted beginning within one week after notification. If noncompliant with stool testing, the day care staff member is eligible to return to work 30 days after the date diarrhea has ceased.
- 5) Cases shall avoid swimming in public recreational water venues (e.g., swimming pools, whirlpool spas, wading pools, water parks, interactive fountains, lakes) while symptomatic and for two weeks after the date diarrhea has ceased.
- b) Control of Contacts

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- 1) Contacts Who Have Not Had Diarrhea During the Previous Four Weeks
 - A) Food Handlers or Persons in Sensitive Occupations, Not Including Health Care Workers
 - i) There are no work restrictions while submitting release specimens for contacts who are employed as food handlers or in sensitive occupations and who have had no symptoms of E. coli infections caused by O157:H7 or other Shiga toxin-producing strains during the previous four weeks.
 - ii) Contacts to cases with E. coli infections caused by O157:H7 or other Shiga toxin-producing strains who are employed as food handlers or in sensitive occupations shall submit two consecutive negative stool specimens obtained at least 24 hours apart and not sooner than 48 hours after the last dose of antimicrobials, if administered. These contacts shall be restricted from their occupations if they do not begin submitting release specimens within one week after notification. Release specimens shall be submitted at least once per week until two consecutive negative specimens are obtained, or the individual shall be restricted from working. If noncompliant with stool testing, the contact is eligible to return to day care 30 days after the date stool testing was first requested.
 - iii) If either of the two release specimens is positive for E. coli infection caused by O157:H7 or other Shiga toxin-producing strains, contacts shall be considered cases and shall comply with subsection (a)(2) ~~of this Section~~.
 - B) Health Care Workers
Local health departments may require specimens from health care workers or those who work in occupations requiring standard precautions if there is reason to believe that specimen testing is necessary (e.g., the nature of the work, including feeding or oral care, hygienic practices of the worker or as part of an investigation of a cluster). Specimens shall be obtained at least 24 hours apart. Specimens shall begin to be submitted within one week after

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notification, or the individual shall be restricted from patient care. If noncompliant with stool testing, the contact is eligible to return to work 30 days after the date stool testing was first requested.

~~€) Contacts to cases of enterotoxigenic E. coli, enteropathogenic E. coli or enteroinvasive E. coli who are employed as food handlers or in sensitive occupations, including health care workers, and have not had diarrhea within the previous four weeks are not required to submit release specimens.~~

2) Contacts Who Currently Have Diarrhea or Have Had Diarrhea During the Previous Four Weeks

A) Food Handlers or Persons in Sensitive Occupations, Not Including Health Care Workers

i) All contacts to cases of E. coli infections caused by O157:H7 or other Shiga toxin-producing strains employed as food handlers or in sensitive occupations, and who currently have diarrhea or have had diarrhea during the previous four weeks, shall not work in their occupations until diarrhea has ceased for at least ~~48~~24 hours and they have submitted two consecutive negative stool specimens. Specimens shall be obtained following clinical recovery of the patient, at least 24 hours apart, and not sooner than 48 hours after the last dose of antimicrobials, if administered. Specimens shall begin to be submitted within one week after notification. If noncompliant with stool testing, the contact is eligible to return to work 30 days after the date diarrhea has ceased.

ii) If either of the two release specimens is positive for E. coli infection caused by O157:H7 or other Shiga toxin-producing strains, contacts shall be considered cases and shall comply with subsection (a)(~~13~~).

B) Health Care Workers

Local health departments may require specimens from health care workers or those who work in occupations requiring standard

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precautions if there is reason to believe that specimen testing is necessary (e.g., the nature of the work, including feeding or oral care, hygienic practices of the worker, or as part of an investigation of a cluster). Specimens shall be obtained following clinical recovery of the patient, at least 24 hours apart and not sooner than 48 hours after the last dose of antimicrobials, if administered. Specimens shall begin to be submitted within one week after notification, or the individual shall be restricted from patient care. If noncompliant with stool testing, the health care worker is eligible to return to work 30 days after the date diarrhea has ceased.

- ~~C)~~ ~~Contacts to cases of enterotoxigenic E. coli, enteropathogenic E. coli or enteroinvasive E. coli who are employed as food handlers or in sensitive occupations, including health care workers, and have had diarrhea within the previous four weeks and the diarrhea has resolved are not required to submit release specimens.~~
- ~~D)~~ ~~Contacts to cases of enterotoxigenic E. coli, enteropathogenic E. coli or enteroinvasive E. coli who are employed as food handlers or in sensitive occupations, including health care workers, and currently have diarrhea shall not work until diarrhea has ceased for at least 48 hours. Release specimens are not required for persons with these types of E. coli infections.~~
- CE) Day Care Attendees
Contacts to cases of E. coli O157:H7 or other Shiga toxin producing E. coli who currently have or have had diarrhea during the previous four weeks who attend a child care facility, an adult day care facility or a facility for the developmentally disabled and are below the age of five years or incontinent of stool shall submit two consecutive negative stool specimens. Specimens shall be obtained following clinical recovery of the patient, at least 24 hours apart, and not sooner than 48 hours after the last dose of antimicrobials, if administered. Release specimens shall be submitted within one week after notification, or the individual shall be restricted from attendance. If either of the two specimens is positive for E. coli infection caused by O157:H7 or other Shiga toxin producing strains, contacts shall be considered cases and

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shall comply with subsection (a)(3). If noncompliant with stool testing, the day care attendee is eligible to return to day care 30 days after the date diarrhea has ceased.

DF) Day Care Staff

Contacts to cases of E. coli O157:H7 or other Shiga toxin producing E. Coli who currently have or have had diarrhea during the previous four weeks who work in a child care facility or an adult day care facility and directly care for attendees or handle food shall submit two consecutive negative stool specimens. Specimens shall be obtained following clinical recovery of the patient, at least 24 hours apart, and not sooner than 48 hours after the last dose of antimicrobials, if administered. Specimens shall be submitted beginning within one week after notification, or the individual shall be restricted from working. If either of the two specimens is positive for E. coli infection caused by O157:H7 or other Shiga toxin producing strains, contacts shall be considered cases and shall comply with subsection (a)(43). If noncompliant with stool testing, the day care staff is eligible to return to work 30 days after the date diarrhea has ceased.

c) Shiga Toxin Producing E. coli Outbreaks at a Facility Where Food Handling Occurs

- 1) When an outbreak occurs in a facility where food handling exists, food handlers at the facility shall be considered contacts to cases and shall submit two consecutive negative stool specimens obtained at least 24 hours apart and not sooner than 48 hours after the last dose of antimicrobials, if administered. If specimens are not submitted within one week after notification and at least once per week until two consecutive negative specimens are obtained, food handlers shall be restricted from food handling. A food handler who is symptomatic and noncompliant with providing stool specimens shall be restricted from food handling for 30 days after the date diarrhea has ceased. A food handler who is asymptomatic and noncompliant with providing stool specimens shall be restricted from food handling for 30 days after the last outbreak case's diarrhea onset date.

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- 2) If there is a reason to believe food handlers may be the source of an outbreak or could transmit the disease, local health departments, in consultation with the Department, may require two consecutive negative stool specimens from food handlers at the facility before food handlers return to food handling.
- de) Sale of Food, Milk, etc. (See Section 690.30(b).)
- ed) Laboratory Reporting
- 1) Laboratories shall report to the local health authority all patients who have a positive result from a stool specimen or any laboratory test indicative of and specific for detecting Escherichia coli O157, other Shiga toxin producing E. coli, ~~enterotoxigenic E. coli, enteropathogenic E. coli or enteroinvasive E. coli infection.~~
- 2) Laboratories shall submit E. coli O157 or other Shiga toxin producing isolates, broth or specimens to the Department's laboratory.

(Source: Amended at 43 Ill. Reg. 2386, effective February 8, 2019)

Section 690.480 Leprosy (Hansen's Disease) (Infectious and Non-infectious Cases are Reportable) (Reportable by mail, telephone, facsimile or electronically as soon as possible, within seven days) (Repealed)

- a) Control of Case
- 1) ~~Standard precautions shall be followed.~~
- 2) ~~There are no restrictions in employment or attendance at school or child care facilities.~~
- b) Control of Contacts
~~No restrictions. However, household contacts should be examined to identify secondary cases. Initial examination should be made at the time a case is discovered and examinations at yearly intervals for five years after the last contact with an infectious case.~~
- e) Laboratory Reporting

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~~Laboratories shall report to the local health authority patients who have a positive result on any laboratory test indicative of and specific for detecting Mycobacterium leprae.~~

(Source: Repealed at 43 Ill. Reg. 2386, effective February 8, 2019)

Section 690.658 Staphylococcus aureus, Methicillin Resistant (MRSA) Infection, Clusters of Two or More Laboratory Confirmed Cases Occurring in Community Settings (Including, but Not Limited to, Schools, Correctional Facilities, Day Care and Sports Teams) (Reportable by telephone or facsimile as soon as possible, within 24 hours)
(Repealed)

a) ~~Control of Clusters~~

- ~~1) For the purposes of this Section, a MRSA cluster is defined as two or more laboratory confirmed cases of MRSA infection occurring in a community setting during a 14-day period for whom an epidemiological link is readily apparent to the reporter. Reporting is required if information is provided to the reporter that the cases are epidemiologically linked to a community setting, including, but not limited to, school, correctional facility, day care or sports team. To determine whether a cluster is occurring, the local health authority may request information on individual cases. MRSA clusters in health care settings, including long-term care facilities, are reportable only as defined in Section 690.660.~~
- ~~2) The local health authority shall be consulted regarding any identified cluster of two or more cases for recommendations specific to the setting where the cluster is identified.~~

b) ~~Laboratory Reporting~~

- ~~1) Laboratories shall report to the local health authority all MRSA cultures that are known or suspected to be part of a cluster or as requested by the local health authority or the Department.~~
- ~~2) Upon request, laboratories shall forward MRSA isolates to the Department's laboratory.~~

(Source: Repealed at 43 Ill. Reg. 2386, effective February 8, 2019)

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Section 690.660 Staphylococcus aureus, Methicillin Resistant (MRSA), Any Occurrence in an Infant Less Than 61 Days of Age (Reportable by telephone or facsimile as soon as possible, within 24 hours) (Repealed)

- a) ~~Control of Case~~
 - 1) ~~Contact precautions shall be followed.~~
 - 2) ~~Investigation of Clusters~~
 - A) ~~For the purpose of this Section, an MRSA cluster is defined as two or more patients associated with a neonatal intensive care unit (NICU) or newborn nursery with a clinical culture positive for MRSA during a 14-day period for whom an epidemiologic link is feasible and a pulse field gel electrophoresis (PFGE) or other typing method result is identical or a PFGE or other typing method result is not yet performed.~~
 - B) ~~If a cluster of MRSA is identified in a NICU or newborn nursery, NICU or newborn nursery personnel who provided care for affected infants should be evaluated for the presence of any acute or chronic skin lesions. Other personnel who provided care for affected infants may be evaluated for skin lesions based on the determination of the chairperson of the infection control committee. Laboratory screening of personnel for MRSA in response to a cluster of neonatal MRSA should be performed to corroborate data indicating that one or more individuals are linked to transmission.~~
- b) ~~Control of Contacts~~

~~Hospital personnel with minor skin lesions, such as pustules, boils, abscesses, conjunctivitis, severe acne, otitis externa, or infected lacerations, shall not work in a newborn nursery while lesions are present.~~
- e) ~~Laboratory Reporting~~

~~Laboratories shall report to the local health authority any infant less than 61 days of age who has a positive result on any laboratory test indicative of and specific for detecting MRSA.~~

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(Source: Repealed at 43 Ill. Reg. 2386, effective February 8, 2019)

Section 690.752 Yersiniosis (Reportable by mail, telephone, facsimile or electronically, within seven days) (Repealed)

- a) ~~Control of Case~~
 - 1) ~~Standard precautions shall be followed. Contact precautions shall be followed for diapered or incontinent persons or during institutional outbreaks until diarrhea is absent for 24 hours.~~
 - 2) ~~Cases who are employed as food handlers or in sensitive occupations shall be excluded from work until diarrhea is absent for at least 48 hours.~~
- b) ~~Control of Contacts~~

~~No restrictions.~~
- c) ~~Sale of Food, Milk, etc. (See Section 690.30(b).)~~
- d) ~~Laboratory Reporting~~
 - 1) ~~Laboratories shall report to the local health authority patients from whom Yersinia enterocolitica or Yersinia pseudotuberculosis has been isolated or patients who have a positive result on any laboratory test indicative of and specific for detecting Yersinia infection.~~
 - 2) ~~Laboratories shall report and submit to the Department's laboratory any food, environmental, or animal Yersinia isolates resulting from an outbreak investigation.~~

(Source: Repealed at 43 Ill. Reg. 2386, effective February 8, 2019)

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1) Heading of the Part: Lead Poisoning Prevention Code

2) Code Citation: 77 Ill. Adm. Code 845

3) Section Numbers: Adopted Actions:

845.10	Repealed
845.15	Amendment
845.20	Amendment
845.25	Amendment
845.55	Amendment
845.60	Amendment
845.65	Amendment
845.70	Amendment
845.75	Amendment
845.80	Amendment
845.85	Amendment
845.100	Amendment
845.105	Amendment
845.110	Amendment
845.115	Amendment
845.120	Amendment
845.125	Amendment
845.130	Amendment
845.135	Amendment
845.140	Amendment
845.150	Amendment
845.155	Amendment
845.160	Amendment
845.165	Amendment
845.170	Amendment
845.175	Amendment
845.200	Amendment
845.205	Amendment
845.210	Amendment
845.215	Amendment
845.220	Repealed
845.225	Amendment
845.230	Amendment
845.250	Amendment

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845.255	Amendment
845.260	Amendment
845.265	Amendment
845.270	Amendment
845.275	Amendment
845.280	Amendment
845.285	Amendment
845.290	Amendment
845.295	Amendment
845.300	Amendment
845.350	Amendment
845.355	Amendment
845.360	Amendment
845.365	Amendment
845.APPENDIX A	
845.EXHIBIT A	Repealed
845.EXHIBIT B	Repealed
845.APPENDIX B	Repealed

- 4) Statutory Authority: Illinois Lead Poisoning Prevention Act [410 ILCS 45]
- 5) Effective Date of Rules: February 8, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 15784; August 17, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The Department made numerous changes to the proposed amendments in response to public comments. While many of the changes were done to clarify the rule, there were a number of substantive changes that include:

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- Struck the incorporated material "Lead and Copper Rule: 40 CFR 141"
 - Added a definition of "Pre-natal Evaluation for Lead Exposure"
 - In 845.80(a)(1) added "pregnant person"
 - In 845.85 require IDPH inspections of regulated facilities where a child, or pregnant person, has an elevated blood level of 5 µg/dL
 - In 845.85 require that the environmental follow-up includes an evaluation of the age and type of the plumbing and water service line in a facility and that information be provided on mitigating the potential risks of lead in water.
 - In 845.215 include a requirement that soil sampling is performed anywhere in a yard where bare soil is present.
 - In 845.225 state that the minimum amount of time for a post-abatement clearance sample to be collected is one hour.
 - Additionally, in response to a Recommendation by the Joint Committee on Administrative Rules the Department changed the proposed term "lead exposure" back to the existing term "lead poisoning".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The purpose of this rulemaking was to implement PA 98-690 while introducing language to provide clarity to existing processes utilized by the Department. The adopted amendments reduces the blood lead poisoning level from ten to five micrograms per deciliter.
- 16) Information and questions regarding these adopted rules shall be directed to:

Erin Conley
Rules Coordinator

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

217/782-2043
e-mail: dph.rules@illinois.gov

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCESPART 845
LEAD POISONING PREVENTION CODE

SUBPART A: GENERAL PROVISIONS

Section	
845.10	Applicability (Repealed)
845.15	Incorporated and Referenced Materials
845.20	Definitions
845.25	Disclosure Requirements

SUBPART B: DEPARTMENT AND DELEGATE AGENCY ACTIVITIES

Section	
845.50	Approval of Units of Local Government or Health Departments as Delegate Agencies to Administer and Enforce the Act
845.55	Lead Testing Screening
845.60	Reporting
845.65	Provision of Data
845.70	Laboratory Fees for Blood Lead Testing Screening
845.75	Requirements for Licensing of Department and Delegate Agency Personnel
845.80	Surveillance and Case Management
845.85	Environmental Follow-Up

SUBPART C: TRAINING COURSE APPROVAL AND
LICENSING OF INDIVIDUALS AND FIRMS

Section	
845.100	Approval of Lead Training Program Providers
845.105	Lead Training Course Approval Requirements
845.110	Lead Training Course Notification Requirements
845.115	Application Fees for Approval and Renewal of Lead Training Courses
845.120	Lead Training Program Provider Record Keeping Requirements
845.125	Individual Licensing Requirements for Lead Activities
845.130	Requirements for Lead Abatement Contractor Licensing

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- 845.135 Third Party Examination Requirements
845.140 Reciprocity Requirements

SUBPART D: RESPONSIBILITIES OF LICENSED INDIVIDUALS,
CONTRACTORS AND APPROVED TRAINING PROGRAM PROVIDERS

Section

- 845.150 Lead [Abatement](#) Worker Responsibilities
845.155 Lead [Abatement](#) Supervisor Responsibilities
845.160 Lead Inspector Responsibilities
845.165 Lead Risk Assessor Responsibilities
845.170 Lead Abatement Contractor Responsibilities
845.175 Lead Training Program Provider Responsibilities

SUBPART E: STANDARDS FOR CONDUCTING
ENVIRONMENTAL INVESTIGATIONS FOR LEAD

Section

- 845.200 Environmental Lead Sampling Protocol
845.205 Regulatory Limits of Lead
845.210 Procedures for Lead Inspections in Regulated Facilities
845.215 Procedures for Lead Risk Assessments in Regulated Facilities
845.220 Procedures for Lead Hazard Screens in Regulated Facilities ([Repealed](#))
845.225 [Final Clearance Evaluations](#) ~~[Compliance Investigation](#)~~ in Regulated Facilities
845.230 Record Keeping Requirements for Environmental Investigations for Lead

SUBPART F: STANDARDS FOR LEAD MITIGATION
AND LEAD ABATEMENT

Section

- 845.250 Submissions and Notices
845.255 Work Practice and Occupant Protection Program
845.260 Personnel Protection Program
845.265 [Lead](#) Work Area Isolation, Preparation and Containment
845.270 Prohibited Work Practices
845.275 Safe Work Practices
845.280 ~~[Guidelines for](#)~~ Abatement and Mitigation of Lead-Contaminated Soil
845.285 ~~[Cleanup](#)~~ ~~[Clean-Up](#)~~ Procedures
845.290 Disposal Procedures

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- 845.295 ~~Re-occupation~~ Reoccupatation of the Lead Work Area
845.300 Record Keeping Requirements for Lead Mitigation and Lead Abatement Activities

SUBPART G: FINES, PENALTIES AND ADMINISTRATIVE HEARINGS

Section

- 845.350 Denial, Suspension and Revocation of Lead Training Course Approval
845.355 Denial, Suspension and Revocation of Licenses
845.360 Fines and Penalties
845.365 ~~Emergency~~ Stop Work Orders for Regulated Facilities
845.370 Administrative Hearings
- 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System
(Repealed)
- 845.EXHIBIT A Instructions for Completing the Laboratory-Based Report of Childhood Lead Poisoning (Repealed)
- 845.EXHIBIT B Instructions for Submitting Follow-Up Data for Children With Blood Lead Levels ≥ 15 mcg/dL (Repealed)
- 845.APPENDIX B Information Agreement (Repealed)

AUTHORITY: Implementing and authorized by the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted July 15, 1976; amended at 2 Ill. Reg. 43, effective October 23, 1978; rules repealed; new rules adopted and codified at 6 Ill. Reg. 14849, effective November 24, 1982; amended at 7 Ill. Reg. 7652, effective June 14, 1983; amended at 8 Ill. Reg. 8242, effective May 25, 1984; amended at 10 Ill. Reg. 5138, effective April 1, 1986; amended at 17 Ill. Reg. 1884, effective February 1, 1993; amended at 19 Ill. Reg. 238, effective December 31, 1994; amended at 21 Ill. Reg. 7444, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 14680, effective October 31, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR objection at 22 Ill. Reg. 6252; amended at 22 Ill. Reg. 16000, effective August 20, 1998; amended at 24 Ill. Reg. 11974, effective July 26, 2000; old Part repealed at 32 Ill. Reg. 19019, and new Part adopted at 32 Ill. Reg. 19023, effective November 25, 2008; amended at 43 Ill. Reg. 2440, effective February 8, 2019.

SUBPART A: GENERAL PROVISIONS

Section 845.10 Applicability (Repealed)

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- a) ~~Subpart A of this Part contains incorporated and referenced materials and definitions. This Subpart applies to all activities conducted in accordance with the Lead Poisoning Prevention Act (Act) and Lead Poisoning Prevention Code (Code).~~
- b) ~~Subpart B of this Part contains information that pertains only to activities conducted by the Illinois Department of Public Health or its delegate agency for cases in which a child has been identified with an elevated blood lead level.~~
- c) ~~Subpart C of this Part contains requirements for licensure of individuals and firms, approval of training program providers and requirements for the Department's third party examination.~~
- d) ~~Subpart D of this Part contains the responsibilities for licensed individuals, firms and approved training program providers.~~
- e) ~~Subpart E of this Part contains standards and requirements to be used by licensed individuals for conducting lead investigation services in regulated facilities. This Subpart also outlines the specific record keeping requirements for these activities.~~
- f) ~~Subpart F of this Part contains the standards and requirements for conducting lead mitigation and lead abatement activities in regulated facilities. This Subpart also outlines the specific record keeping requirements for these activities.~~
- g) ~~Subpart G of this Part contains provisions for administrative enforcement, including the issuance of fines and penalties and procedures governing administrative hearings for violations of applicable laws or this Part for any lead services conducted in regulated facilities.~~

(Source: Repealed at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.15 Incorporated and Referenced Materials

- a) The following materials are incorporated in this Part.
 - 1) Federal Regulations:

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- A) Lead Standard: 29 CFR 1910.1025 and 29 CFR 1926.62, Occupational Safety and Health Administration (OSHA) (~~2011+993~~)
 - B) Respiratory Protection Standard: 29 CFR 1910.134, OSHA (~~2012+998~~)
 - C) Lead-Based Paint Poisoning Prevention in Certain Residential Structures: 40 CFR 745, subparts D, F and L, United States Environmental Protection Agency (USEPA) (2011)~~Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupational Facilities: 40 CFR 745, United States Environmental Protection Agency (USEPA) (1996)~~
 - ~~D) Requirements for Hazard Education Before Renovation of Target Housing: 40 CFR 745, USEPA (1998)~~
 - ~~E) Identification of Dangerous Levels of Lead: 40 CFR 745, USEPA (2001)~~
 - ~~DF) Protection of Identity – Research Subjects: 42 CFR 2a 4, Department of Health and Human Services (2004+2000)~~
 - ~~G) Lead and Copper Rule: 56 FR 26460 through 26564, USEPA (June 7, 1991)~~
 - ~~EH) Lead-Safe Housing Rule: 24 CFR 35, Department of Housing and Urban Development (HUD) (2004)~~
 - F) State or Indian Tribal Lead-based Paint Compliance and Enforcement Programs; Flexible Remedies: 40 CFR 745, subpart Q, part 327(b)(3), USEPA (2011)
 - ~~D) Lead; Requirements for Disclosure of Known Lead Based Paint and/or Lead Based Paint Hazards in Housing: 40 CFR 745, USEPA and HUD (1996)~~
- 2) Federal Guidelines:

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- A) Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Department of Housing and Urban Development (HUD) (~~2012 June 1995~~); ~~Chapter Seven of the HUD Guidelines, Lead-Based Paint Inspection, 1997~~
Available from: Office of Lead Hazard Control and Healthy Homes, Lead-Based Paint Abatement and Poisoning Prevention
HUD, Room ~~8236B-133~~, 451 Seventh Street, SW, Washington DC 20410
Also available online at: https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines~~http://www.hud.gov/officeslead/guidelines/index.cfm~~
- ~~B)~~ ~~A Field Test of Lead-Based Paint Testing Technologies~~ (USEPA report # EPA 747-R-96-001) (March 1997)
~~Available from: Technical Programs Branch Chemical Management Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460~~
~~Also available online at:~~
~~http://www.hud.gov/offices/lead/reports/DAT_files/LBPTTech/R96-001.pdf~~
- BC) Residential Sampling for Lead: Protocols for Dust and Soil Sampling (USEPA report # EPA 747-R-95-001) (1995)
Available from: Technical Programs Branch Chemical Management Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460
Also available online at: <http://www.epa.gov/sites/production/files/2014-03/documents/2002quz.pdf>
~~<http://www.hud.gov/offices/lead/reports/R95-001.pdf>~~
- CD) USEPA Methodology for XRF Performance Characteristic Sheets (USEPA report # EPA 747-R-95-008) (1997)
Available from: Technical Programs Branch Chemical Management Division, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460

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Also available online at: <http://www.epa.gov/sites/production/files/documents/r95-008.pdf>~~http://www.epa.gov/lead/pub/r95-008.pdf~~

- ~~D~~E) Laboratory Accreditation Guidelines; Measurement of Lead in Paint, Dust, and Soil (USEPA report # EPA 747-R-92-001) (March 1992)

Available from: Exposure Evaluation Division, TS-798, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460

Also available online at: <http://www.epa.gov/sites/production/files/documents/92-001.pdf>

<http://www.hud.gov/offices/lead/labs/nllap.cfm>

- E) American Water Works Association Illinois Section: A Guidance Document for Drinking Water Testing (2017)

Available from: American Water Works Association Illinois Section, 545 S. Randall Road, St. Charles IL 60174

Also available online at: http://c.ycmdn.com/sites/www.isawwa.org/resource/collection/EFBDCA3F-9F6-4EA1-8A75-C74E82CA020D/Sampling_Drinking_Water_Guidance-rev2.pdf

- b) All incorporation by reference of federal regulations or guidelines refer to the regulation or guideline on the date specified and do not include any subsequent editions or amendments.
- c) The following State statutes and rules are referenced in this Part:
- 1) Lead Poisoning Prevention Act [410 ILCS 45]
 - 2~~4~~) Code of Civil Procedure [735 ILCS 5]
 - 3~~2~~) Communicable Disease Report Act [745 ILCS 45]
 - 4~~3~~) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]
 - 5~~4~~) Freedom of Information Act [5 ILCS 140]
 - 6~~5~~) State Records Act [5 ILCS 160]

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- 76) Medical Studies Act [735 ILCS 5/Art. VIII, Part 21]
- 8) Administrative Review Law [735 ILCS 5/Art. III]
- 97) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- 108) Child and Student Health Examination and Immunization~~Environmental~~ Code (77 Ill. Adm. Code 665)
- 11) Laboratory Service Fees (77 Ill. Adm. Code 475)
- 12) Illinois Plumbing Code (77 Ill. Adm. Code 890)
- 13) Early Intervention Services System Act [325 ILCS 20]
- 14) Healthy Kids Program (89 Ill. Adm. Code 140.485)
- d) The following federal statute is referenced in this Part:
- Toxic Substance Control Act (TSCA) (15 USC 2685 405(b)), Standards for Environment Sampling Laboratories
- e) The following laboratory accreditation program ~~Department of Public Health form~~ is referenced in this Part: The National Lead Laboratory Accreditation Program (NLLP), also available on line at: <https://www.epa.gov/lead/national-lead-laboratory-accreditation-program-nllap>. Childhood Lead Risk Assessment Questionnaire www.idph.state.il.us/envhealth/pdf/Lead_LRAQ_6_07.pdf.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.20 Definitions

For purposes of this Part, the following terms have the meanings ascribed in this Section.

"Act" means the Lead Poisoning Prevention Act [410 ILCS 45].

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"Blood Lead Test" means a blood lead testing by venous or capillary methodology. ~~The terms "blood lead test" and "screen" are used interchangeably.~~

"Case Management" means any activity that involves coordinating, providing and overseeing the services required to reduce blood lead levels.

"CDC" means the Centers for Disease Control and Prevention.

"Child" means a person under the age of 16.

"Child Care Facility and School" means any structure used by a child care provider required to be licensed by the Department of Children and Family Services or charter, public or private school structure frequented by children under 6 years of age or younger. (Section 2 of the Act)

~~"Childhood Lead Risk Assessment" means administration of the risk assessment questionnaire to the parent.~~

"Childhood Lead Risk Questionnaire" means the questionnaire developed by the Department for use by physicians and other health care providers to determine risk factors for children 6 years of age or younger residing in areas designated as low risk for lead exposure. (Section 2 of the Act)

"Common Area" means a portion of a regulated facility that is generally accessible to all occupants, including, but not limited to, hallways, stairways, laundry rooms, playgrounds, garages, and boundary fences.

"Complete Address" means an address that states the full street name, street number, unit number, city, state and zip code. A post office box number with city, state and zip code does not constitute a "complete address".

~~"Compliance Investigation" means the activity of performing a visual assessment and collecting dust wipe samples for the purpose of determining compliance with the Department's standard for lead dust levels.~~

"Confirmed Blood Lead Level" means ~~that an elevated~~ blood lead level resulting from a single is confirmed by a venous blood lead test. Elevated capillary blood test results shall be confirmed by a venous test.

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~~"Defective Surface" means peeling, flaking, chalking, sealing or chipping paint; paint over crumbling, cracking or falling plaster or plaster with holes in it; paint over a defective or deteriorating substrate; or paint that is damaged or worn down in any manner such that a child can get paint from the damaged area.~~

"Delegate Agency" means a unit of local government or health department approved by the Department in accordance with Section 845.50 of this Part to carry out the provisions of the Act. (Section 2 of the Act)

"Department" means the Department of Public Health of the State of Illinois. (Section 2 of the Act)

"Director" means the Director of ~~the Department of Public Health of the State of Illinois.~~ (Section 2 of the Act)

~~"Dwelling" means any structure all or part of which is designed or used for human habitation. (Section 2 of the Act)~~

"Dwelling Unit" means an individual unit within a residential building used or intended to be used as living quarters for one household. (Section 2 of the Act)

"Elevated Blood Lead Level" or "EBL" means a blood lead level greater than or equal to 5 micrograms per deciliter ($\mu\text{g}/\text{dL}$) of whole blood.

"EBL Inspection" means a lead inspection, lead risk assessment, and any necessary follow-up in a regulated facility to determine the sources of lead exposure. EBL inspections shall only be performed by the Department or delegate agency personnel licensed as a lead risk assessor.

~~"Elevated Results" means a blood lead test result of 10 micrograms/deciliter or higher.~~

~~"Encapsulant" means a substance that forms a barrier between a lead-bearing substance and the environment using a liquid-applied coating or an adhesively bonded covering material.~~

"Final Clearance Evaluation" means the activity of performing a visual assessment and collecting dust wipe samples following a lead abatement or lead mitigation for the purpose of determining compliance with the Department's

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standard for lead dust levels to ensure that lead hazard control work was successfully completed.

"Health Care Provider" means any person providing health care services to children, including, but not limited to, anyone who is authorized pursuant to the Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25] to request the testing of specimens, ~~but does not include dentists.~~

"HEPA" means a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles greater than 0.3 micrometers in mass median aerodynamic equivalent diameter.

"HUD" means United States Department of Housing and Urban Development.

"Intact Surface" means a surface with no loose, peeling, chipping, ~~or flaking paint, or otherwise separating from substrate.~~ Intact surfaces that are painted must be free from crumbling, cracking or deterioration. Intact surfaces must not be damaged or worn down in any way that would make paint or debris ~~from the damaged area~~ accessible to children.

"Lead Abatement" means any approved work practices found in Subpart F activity that will permanently eliminate lead exposure or remove the lead-bearing ~~lead-bearing~~ substances in a regulated facility. (Section 2 of the Act)

"Lead Abatement Contractor" means any person or entity licensed by the Department to perform lead abatement and ~~or~~ mitigation. (Section 2 of the Act)

"Lead Abatement Supervisor" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and lead mitigation and to supervise lead workers who perform lead abatement and lead mitigation. (Section 2 of the Act)

"Lead Abatement Worker" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and lead mitigation. (Section 2 of the Act)

"Lead Activities" means the conduct of any lead services, including lead inspection, lead risk assessment, lead mitigation, or lead abatement work or supervision in a regulated facility. (Section 2 of the Act)

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"Lead Bearing Substance" means any item or part of an item, excluding existing paint already applied to a regulated facility, containing or coated with lead such that the lead content is greater than or equal to 90 ppm; or any dust on surfaces or in furniture or other non-permanent elements of the regulated facility with lead content in excess of the limits specified in Section 845.205(c); or any accessible or bare soil containing lead in excess of the limits specified in Section 845.205(b); or any existing house paint or other surface coating material containing greater than or equal to 0.5% lead or greater than or equal to 1.0 mg/cm² lead; or paint or consumer product that exceeds federal Consumer Products Safety Commission or USEPA or HUD standards; or item or dust on item containing lead in excess of the amount specified in this Part or a lower standard for lead content as may be established by federal law or rule. "Lead-bearing Substance" does not include firearm ammunition or components as defined by the Firearm Owners Identification Card Act. (Section 2 of the Act) ~~containing or coated with lead such that the lead content is more than 0.06% lead by total weight; or any dust on surfaces or in furniture or other nonpermanent elements of the dwelling; or any paint or other surface coating material containing more than 0.5% lead by total weight (calculated as lead metal) in the total non-volatile content of liquid paint; or lead-bearing substances containing greater than one milligram per square centimeter or any lower standard for lead content in residential paint as may be established by federal law or regulation; or more than 1 milligram per square centimeter in the dried film of paint or previously applied substance; or item or dust on item containing lead in excess of the amount specified in this Part or a lower standard for lead content as may be established by federal law or regulation.~~ "Lead bearing substance" does not include firearm ammunition or components as defined by the Firearm Owners Identification Card Act. (Section 2 of the Act)

"Lead Hazard" means a ~~lead-bearing~~ lead-bearing substance that poses an immediate health hazard to humans. (Section 2 of the Act) Lead hazard includes a condition in which exposure to lead from lead-contaminated dust, lead-contaminated soil, deteriorated lead-based paint, or lead in water from a plumbing system would have an adverse effect on human health.

"Lead Hazard Screen" means a ~~lead risk assessment that involves limited dust and paint sampling for lead bearing substances and lead hazards. This service is used as a screening tool designed to determine if further lead investigative services are required for the regulated facility.~~

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"Lead Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and lead-bearing substances. (Section 2 of the Act) ~~Lead inspection includes sampling or investigation for lead associated with a lead inspection as defined in this Section and outlined in Section 845.210, and all lead sampling associated with compliance investigations defined in this Section and outlined in Section 845.225.~~

"Lead Inspector" means an individual who has been trained by a Department-approved training program and is licensed by the Department to conduct lead inspections; to sample for the presence of lead in paint, dust, soil, and water; and to conduct final clearance evaluations and compliance investigations. (Section 2 of the Act)

"Lead Mitigation" means the remediation of a lead hazard so that a lead-bearing ~~lead-bearing~~ substance does not pose an immediate health hazard to humans. (Section 2 of the Act)

"Lead Poisoning" means the condition of having an EBL ~~blood lead levels in excess of those considered safe under this Part (see the definition of "permissible limits") and federal rules and regulations.~~ (Section 2 of the Act)

"Lead Risk Assessment" means an on-site investigation to determine the existence, nature, severity and location of lead hazards. Lead risk assessment includes any lead sampling and visual assessment associated with conducting a lead risk assessment and lead hazard screen and all lead sampling associated with final clearance evaluations ~~as defined in this Section and outlined in Sections 845.215 and 845.220, and all lead sampling associated with compliance investigations defined in this Section and outlined in Section 845.225.~~ (Section 2 of the Act)

"Lead Risk Assessor" means an individual who has been trained by a Department-approved training program and is licensed by the Department to conduct lead risk assessments, lead inspections ~~inspection~~, and lead hazard screens; to sample for the presence of lead in paint, dust, soil and water; and to conduct compliance investigations and final clearance evaluations. (Section 2 of the Act)

~~"Lead Supervisor" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and mitigation, and to~~

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~~supervise lead workers who perform lead abatement and mitigation. ("Lead Abatement Supervisor" was formerly called "Lead Abatement Contractor/Supervisor".)~~

"Lead Training Program Provider" means any person providing Department-approved lead training in Illinois to individuals seeking licensure in accordance with the Act and this Part. (Section 2 of the Act)

~~"Lead Worker" means any person employed by a licensed lead abatement contractor and licensed by the Department to perform lead abatement and mitigation. (Section 2 of the Act)~~

"Local Health Department" means the health department or board of health, as recognized by the Department, that has jurisdiction over the particular geographical area in which the person lives.

~~"Negative Blood Lead Test Result" means a blood lead test with a blood lead level of less than 10 micrograms/deciliter (mcg/dL) or less of whole blood in a child under age 16 years.~~

"Owner" means any person who alone, jointly, or severally with others:

~~Has legal title to any regulated facilitydwelling or residential building, with or without ~~accompanying~~ actual possession of the regulated facility;dwelling or residential building; or~~

~~Has charge, care, or control of the regulated facilitydwelling or residential building as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner. (Section 2 of the Act)~~

~~"Permissible Limits", for reporting purposes, means a confirmed blood lead level of less than 10 micrograms/deciliter (mcg/dL) of whole blood in a child under age 16 years, less than 10 mcg/dL for a pregnant or breast-feeding woman, and less than 25 mcg/dL for all other persons.~~

"Person" means any individual, partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative,

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~~agent or assignee or more natural persons, legal entities, governmental bodies, or any combination.~~ (Section 2 of the Act)

"Prenatal-risk Evaluation for Lead Exposure" means the questionnaire developed by the Department for use by physicians and other health care providers to determine if a pregnant person is at risk for lead exposure and should be administered a blood lead test.

~~"Positive Blood Lead Test Result" means a blood lead level test with a blood lead level of 10 micrograms/deciliter (mcg/dL) or higher of whole blood in a child under age 16 years.~~

~~"Regulated Facility" means a residential building or child care facility or school dwelling, residential building, child care facility, or any other structure as defined in the Act or this Part.~~ (Section 2 of the Act)

"Regulatory Investigation" means the activities of the Department or delegate agency to determine compliance with the Act and this Part, including, but not limited to, records review of licensed lead risk assessor or lead inspector reports, visual inspection and records review of a lead abatement contractor's work practices at a lead abatement or lead mitigation project, and assessment of penalties for non-compliance when warranted.

~~"Renovation" means the modification of any existing structure, or portion thereof, of a regulated facility that results in the disturbance of painted surfaces.~~

~~"Renovator" means any person who conducts renovation in a regulated facility for compensation, including barter.~~

~~"Residential Building" means any room, group of rooms, or other interior areas of a structure designed or used for human habitation; common areas accessible by inhabitants; and the surrounding property or structures.~~ (Section 2 of the Act)

"Room Equivalent" means an identifiable part of a regulated facility~~residence~~, such as a room, a house exterior, a foyer, a staircase, a hallway or an exterior area.

~~"STELLAR" means the Systematic Tracking of Elevated Lead Levels and Remediation software developed and provided by the Centers for Disease Control and Prevention for local agencies to use in tracking lead poisoning cases.~~

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"Testing Combination" means a unique combination of room equivalent, building component type, and substrate.

"Training Hour" means at least 50 minutes of actual teaching, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, ~~and~~/or hands-on experience.

"USEPA" means the United States Environmental Protection Agency.

"Window Stool" means the lower part of the window's shelf-like portion of the frame, inside the house, that is flat and extends inward from the bottom rail of a sash (sometimes called a "window sill").

"Work Area" means the interior and exterior areas where lead mitigation or lead abatement ~~activities~~ are conducted. ~~These areas may include any room or rooms undergoing lead mitigation or lead abatement activities in a regulated facility, including any common area of these facilities.~~

"XRF" means X-ray fluorescence analyzer. ~~XRF instruments are typically~~ used to measure lead in soil, dust and paint samples.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.25 Disclosure Requirements

- a) An owner of a regulated facility who has received a mitigation notice under Section 9 of the Act shall, before entering into a lease or purchase agreement for the regulated facility for which the mitigation notice was issued, provide prospective lessees or purchasers of that unit with written notice that a lead hazard has previously been identified in the regulated facility. An owner may satisfy this notice requirement by providing the prospective lessee or purchaser with a copy of the inspection report, mitigation notice and subsequent certificate of compliance prepared pursuant to Section 9 of the Act.
- b) Before entering into a residential lease or purchase agreement, all owners of regulated facilities built before 1978 shall inform prospective lessees or purchasers ~~of information on~~ the potential health hazards posed by lead ~~in residential dwellings~~ by providing the prospective lessee or purchaser with a copy

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of an informational brochure on lead poisoning. The disclosure and informational brochure shall be consistent with the requirements set forth in 40 CFR 745, subpart F (Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property) "Lead; Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing".

- c) No more than 60 days before beginning lead mitigation or lead abatement~~renovation activities~~ in any regulated facility, a lead abatement contractor~~renovator~~ shall, at a minimum:
- 1) Provide the owner ~~of the unit~~ with the pamphlet as required in subsection (b) of this Section, and comply with one of the following:
 - A) Obtain from the owner a written acknowledgment that the owner has received the pamphlet; or
 - B) Obtain a certificate of mailing from the United States Postal Service (USPS) at least 7seven days prior to beginning the lead mitigation or lead abatement~~renovation~~; and
 - 2) Provide the tenant with the pamphlet required in subsection (b) of this Section and comply with subsections (c)(1)(A) and (B) of this Section, or:
 - A) Obtain from the tenant a written acknowledgment that the tenant has received the pamphlet. If the lead abatement contractor~~renovator~~ cannot get written acknowledgment from the tenant, the lead abatement contractor~~renovator~~ shall document the attempts and the reason why the acknowledgment was not obtained (i.e., tenant refused, no tenant available); or
 - B) Obtain a certificate of mailing from the USPS at least 7seven days prior to beginning the lead mitigation or lead abatement~~renovation~~.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

SUBPART B: DEPARTMENT AND DELEGATE AGENCY ACTIVITIES

Section 845.55 Lead Testing~~Screening~~

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- a) ~~Any~~Every physician licensed to practice medicine in all its branches or health care provider who sees or treats~~shall screen~~ children ~~6 months through~~ 6 years of age or younger shall test those children for lead poisoning when those children who are determined to reside in or frequently visit an area defined as high risk by the Department. Children residing in areas defined as low risk by the Department shall be evaluated for risk by the Childhood Lead Risk Questionnaire developed by the Department, and, if determined to be a high risk, shall receive a blood lead test. (Section 6.2 of the Act) Medicaid enrolled children shall receive a blood test~~must be tested~~ as required in the Healthy ~~Kids~~Kids Early and Periodic Screening, Diagnosis and Treatment Program (~~89 Ill. Adm. Code 140~~). Children residing in areas defined as low risk by the Department shall be assessed for their risk for lead exposure by providing the information contained in the Childhood Lead Risk Assessment Questionnaire provided by the Department. Children who have elevated capillary results of 5 µg/dL or greater shall be confirmed by a venous sample. All children with an elevated blood lead level that has been confirmed shall receive follow-up blood lead testing according to the schedule set forth by the Department.
- 1) Children determined to be at high risk based upon ~~the~~a Childhood Lead Risk Questionnaire Assessment shall receive~~have~~ a blood lead test~~measurement~~.
 - 2) Children who have elevated capillary results of 5 µg/dL or greater shall be confirmed by a venous sample~~screening results shall have follow-up testing~~.
 - 3) ~~Elevated capillary results 10 mcg/dL and above shall be confirmed by a venous sample.~~
- b) ~~Each licensed, registered, or approved health care facility serving children from~~ ~~6 months through~~ 6 years of age or younger, including, but not limited to, health departments, hospitals, clinics, and health maintenance organizations approved, registered or licensed by the Department, shall take the appropriate steps (~~referral of children with identified risk factors as defined in the Department-provided Childhood Lead Risk Assessment Questionnaire to a physician or health care provider~~) to ensure that children 6 years of age or younger be evaluated for risk or tested for lead poisoning or both~~the patients receive lead poisoning screening, where medically indicated or appropriate, consistent with the risk~~

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~~factors in the Childhood Lead Risk Lead Assessment Questionnaire provided by the Department. (Section 6.2 of the Act) Patients are those children receiving complete health care provided by the approved health care facility.~~

- c) Physicians and health care providers ~~should~~may evaluate~~assess~~ children 7 years of age and older, and pregnant persons, in accordance with the Childhood Lead Risk ~~Assessment~~ Questionnaire and Prenatal-risk Evaluation of Lead Exposure provided by the Department.
- d) *Each day care center, day care home, preschool, nursery school, kindergarten, or other ~~child care~~child-care facility, licensed or approved by the State, including programs operated by a public school district, shall include a requirement that each parent or legal guardian of a child between ~~one and 7~~the ages of 6 months through 6 years of age provide a statement from a physician or health care provider that the child has been screened ~~or assessed~~ for risk of lead poisoning, or tested, or both. This statement shall be provided prior to admission and subsequently in conjunction with physical examinations required by both the Healthy Kids Program and 77 Ill. Adm. Code 665.140 of the Department's rules titled Child and Student Health Examination and Immunization Code. (Section 7.1 of the Act) Day care centers and day care homes licensed by the Department of Children and Family Services must also be in compliance with the drinking water standards found in 89 Ill. Adm. Code 406.8, 407.370 and 408.30.*
- e) Child care facilities that participate in the Illinois Child Care Assistance Program (CCAP) shall annually send or deliver to the parents or guardians of children enrolled in the facility's care an informational pamphlet regarding awareness of lead exposure. Pamphlets shall be produced and made available by the Department and shall be downloadable from the Department's internet website. (Section 7.1 of the Act)
- e) ~~Nothing in this Part shall be construed to require any child to undergo a lead blood level screening or test whose parent or guardian objects to such screening on the grounds that the screening or test conflicts with his or her religious beliefs. (Section 7.1 of the Act)~~

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.60 Reporting

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- a) *Every physician who diagnoses, or health care provider, nurse, hospital administrator, public health officer or director of a clinical laboratory who has verified information of the existence of a blood lead test result for any child or pregnant person, shall report the result to the Department. (Section 7 of the Act) If the analysis has been performed at the Department laboratory, or the provider has ascertained that the clinical laboratory where specimens are processed electronically reports all blood lead level results to the Department, then duplicate reporting is not required. Any blood lead test results of 5µg/dL or greater shall be reported to the Department within 48 hours after analysis. All other verified blood lead test results shall be reported to the Department no later than 30 days following the last day of the month in which the test results were analyzed. The information included in the laboratory report on all blood lead test results shall include the blood lead level, the child's or pregnant person's name, date of birth, sex and race, complete address (including street, apartment number, city, state and ZIP code), date of test, test type, date of report, primary care provider and clinic address where blood was drawn, Medicaid identification number (if applicable), and the reporting agency. All reports submitted shall identify blood lead test results quantitatively. These requirements shall be the same for all health care providers, hospital administrators and public health officers conducting a blood lead test by venous or capillary blood draw. The Department requires the following persons and facilities to report all blood levels to the Department:*
- 1) *Every physician who diagnoses, or health care provider, nurse, hospital administrator, or public health officer who has verified information of any person who has a level of lead in the blood in excess of the permissible limits, as defined in Section 845.20, is required to report pursuant to this Section, starting with a confirmed lead level of 10 meg/dL. (Section 7 of the Act) If the analysis has been performed at the State laboratory, or the provider has ascertained that the clinical laboratory where specimens are processed electronically reports all blood lead level results to the Department, then duplicate reporting of elevated levels is not required. Upon the request of a provider, the Department may generate a list of individual patients treated by that provider according to the claims records and the patients' lead test results. (Section 6.3(b) of the Act)*
- 2) *Directors of clinical laboratories who have verified information of any positive blood lead test results, as defined in Section 845.20, are required to report the results to the Department within 48 hours after receipt of verification. Negative blood lead test results shall be reported to the*

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~~Department no later than 30 days following the last day of the month in which the test results are obtained by the laboratory. The information included in the clinical laboratory report on positive and negative blood lead test results shall include the blood lead level; the child's name, address, date of birth, sex and race; date of test; test type; date of report; physician and/or clinic, with address; Medicaid identification number (if applicable); and the reporting agency. Verification and test information on positive blood lead test results shall be submitted as a distinct report separate from the cumulated negative blood lead test information. All reports submitted shall identify the report content as either negative or positive blood lead test results.~~

- b) ~~Reports required pursuant to this Section~~ shall be made to the Department, and all reported information, including the source of ~~the such~~ information, received by the Department shall be considered confidential in nature. Any information submitted to a laboratory at the request of the Department and in accordance with this Part shall be treated as confidential by the laboratory that receives the information on behalf of and as required by the Department. ~~All~~The reports ~~and information~~ provided under this Section shall be confidential and subject to the provisions of the Medical Studies Act and the Communicable Disease Report Act, ~~and shall not be disclosed~~. It is the right, however, of any patient to obtain his or her own data.
- c) ~~Reports required pursuant to this Section~~ shall be submitted ~~in a format approved by the Department~~ within 48 hours after receipt of verification. ~~Methods of submission can include written or electronic reporting as detailed in Appendix A.~~
- d) ~~Reports of blood lead levels shall be on the form specified in Appendix A.~~

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.65 Provision of Data

- a) ~~Only~~All reports issued by the Department, ~~which are~~ aggregated medical data from which to make it is impossible to identify any patient, reporting entity, or primary caregiver, shall be made available via an annual lead poisoning surveillance report drafted by the Department to the public pursuant to the Freedom of Information Act.

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- b) All requests by ~~medical or epidemiologic~~ researchers for confidential data shall be submitted in writing to the Department. The request shall include a study protocol that contains: objectives of the research; rationale for the research, including scientific literature justifying the current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects; methods for documenting compliance with Department of Health and Human Services – Protection of Identity – Research Subjects; 42 CFR 2a.4(a) through (j), 2a.6(a) and (b), 2a.7(a) and (b)(1); methods for processing data; storage and security measures taken to ensure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator; and a list of collaborators. In addition, the research request must specify what patient identifying information is needed and how the information will be used. ~~Identifying information concerning the reporting entity will not be made available by the Department.~~ Identifying information is defined as any information, collection, or groups of data from which the identity of the patient or reporting entity to which it relates may be discerned, e.g., name, address or ID number.
- e) ~~All requests to conduct research and modifications to approved research proposals involving the use of data that includes patient identifying information shall be subject to a review to determine compliance with the following conditions:~~
- ~~1) The request for patient identifying information contains stated goals or objectives;~~
 - ~~2) The request documents the feasibility of the study design in achieving the stated goals and objectives;~~
 - ~~3) The request documents the need for the requested data to achieve the stated goals and objectives;~~
 - ~~4) The requested data can be provided within the time frame set forth in the request;~~
 - ~~5) The request documents that the researcher has qualifications relevant to the type of research being conducted;~~

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- ~~6) The research will not duplicate other research already underway using the same data when both require the contact of a patient involved in the previously approved concurrent research; and~~
- ~~7) Other conditions relevant to the need for the patient identifying information and the patient's confidentiality rights. (The Department will release only the patient identifying information that is necessary for research.)~~
- d) The Director or designee will review the request and approve or deny the request. The Information Agreement (Appendix B) shall contain the signatures of the Director and the applicant before data can be provided. Reasons for denial may include the following:
 - ~~1) Confidentiality, privacy and/or security measures are unsatisfactory in the opinion of the Department;~~
 - ~~2) Data requested are unavailable or unreliable in the opinion of the Department;~~
 - ~~3) The stated purpose does not meet the Department's mission statement;~~
 - ~~4) The Department is unable to provide the data in the requested format;~~
 - ~~5) The applicant is not an accredited or licensed research institution, a government agency, legislative commission, or other organization with the ability to conduct research, such as a university research center or private research firm; or~~
 - ~~6) The information cannot be provided by the requested date.~~
- e) ~~Denied requests may be revised and resubmitted.~~
- f) Information Agreements
 - ~~1) The Department will enter into information agreements for all approved research requests. These agreements shall specify the information that is being released and how it can be used in accordance with subsection (c) of this Section. In addition, the researcher shall include an assurance that:~~

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- A) ~~Use of data is restricted to the specifications of the protocol;~~
- B) ~~All data that may lead to the identity of any patient, research subject, physician, other person, or hospital are strictly privileged and confidential, and the researcher agrees to keep all such data strictly confidential at all times;~~
- C) ~~All officers, agents and employees will keep all such data strictly confidential. The researcher will communicate the requirements of this Section to all officers, agents and employees, will discipline all persons who may violate the requirements of this Section, and will notify the Department in writing within 48 hours after any violation of this Section, including full details of the violation and corrective actions to be taken;~~
- D) ~~All data provided by the Department pursuant to the agreement may be used only for the purposes named in the agreement and any other or additional use of the data may result in immediate termination of the agreement by the Department; and~~
- E) ~~All data provided by the Department pursuant to the agreement are the sole property of the Department and may not be copied or reproduced in any form or manner, except for research use by the researcher, and that all data, copies and reproductions of the data made for the researcher's internal use shall be returned to the Department upon termination of the agreement.~~
- 2) ~~Any departures from the approved protocol shall be submitted in writing and approved by the Director or designee in accordance with subsections (c) and (d) of this Section prior to initiation. A researcher shall not release identifying information to a third party.~~
- cg) Upon request, the Department shall disclose individual patient or reporting entity information to the reporting entity that originally supplied that information to the Department.
- dh) By written reciprocating agreement, the Department may disclose individual patient information concerning residents of another state to the Childhood Lead

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Poisoning Prevention Program in the individual's state of residence only if the recipient of the information is legally required to hold the information in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Medical Studies Act.

- e) The identity of any person (or any group of facts that tends to lead to the identity of any person) whose blood test result is submitted to the Illinois Childhood Lead Poisoning Prevention Program is confidential and shall not be open to public inspection or dissemination. ~~This Such~~ information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. All information for specific research purposes may be released in accordance with procedures established by the Department in this Section.
- f) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part is to be used in the course of medical study under the Medical Studies Act and is privileged from disclosure by the Medical Studies Act.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.70 Laboratory Fees for Blood Lead ~~Testing~~Screening

- a) The fee schedule for a sample of blood submitted to the Department for blood lead analysis and necessary follow-up by the Department shall be in accordance with the Laboratory Service Fees~~\$25-75~~. The fee shall be assessed to the provider who submits the sample. Statements of fee assessment shall be mailed to the submitter of the specimens on a monthly basis. Payment and/or appropriate information as required in subsections (b) and (c) ~~of this Section~~ shall be submitted to the Department upon receipt of the monthly statement.
- b) The Medicaid Recipient Identification Number may be provided for Medicaid eligible recipients in lieu of payment.
- c) Medically indigent recipients shall be those recipients with family incomes under 185% of the federal poverty guidelines, not eligible for Medicaid, and screened by local health departments, WIC Clinics, Rural Health Clinics, Federally Qualified Health Centers and facilities designated by the Department of Health and Human

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Services as look-alike Federally Qualified Health Centers. No fee shall be charged for these recipients.

- d) Fees collected from the Department's testing service will be placed in ~~a special fund in the State Treasury known as~~ the Lead Poisoning Screening, Prevention and Abatement Fund.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.75 Requirements for Licensing of Department and Delegate Agency Personnel

- a) Any Department or delegate agency personnel who conduct lead inspections, lead risk assessments, ~~lead hazard screens, regulatory compliance~~ investigations, ~~final clearance evaluations,~~ or any combination of these services in a regulated facility ~~in which a child with an elevated blood lead level has been identified~~ shall comply with the following:
- 1) Complete the required training outlined in Subpart C of this Part ~~to conduct lead investigation services; and~~
 - 2) ~~Complete and pass the appropriate third party examination as required in Subpart C. Be licensed in accordance with Subpart C of this Part to~~ Complete and pass the appropriate third party examination as required in Subpart C. ~~conduct lead investigation services; and~~
 - 3) ~~Complete the appropriate third party examination as required in Subpart C of this Part.~~
- b) Employees of the Department, a delegate agency, or a local health department shall be exempt from licensure fees and third party examination fees required by Subpart C ~~of this Part~~ when those employees' licenses are used only for purposes related to employment at the above-mentioned agencies.
- 1) Licenses issued pursuant to this Section shall be specifically noted as Health Department Employee (HDE) licenses.
 - 2) The HDE license shall not allow the licensed individual to provide private lead inspection, lead risk assessment, or final clearance evaluation ~~investigation~~ services for personal profit.

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(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.80 ~~Surveillance and~~ Case Management

- a) Case management services shall be provided by the Department or a delegate agency when a confirmed EBL is indicated.~~Surveillance and Case Management~~
- 1) Interviews shall be conducted with the pregnant person, parent or guardian or with attending physicians as needed to assure the accuracy and completeness of reports and to perform the activities of case follow-up for confirmed ~~EBL~~selevated blood lead levels above 15 mcg/dL.
 - 2) The following activities shall be conducted and documented concerning patient or case follow-up:
 - A) ~~Track~~Trace the case using the Department's surveillance database;
 - B) Counsel the pregnant person, parent or guardian of the case;
 - C) Educate the pregnant person, parent or guardian of the case;
 - D) Conduct a home visit to interview~~Interview~~ the pregnant person, parent or guardian of the case for purposes of collecting, verifying ~~and~~ completing the Prenatal Risk Evaluation for Lead Exposure form provided by the Department~~information identified in Appendix A.Exhibit A and Appendix A.Exhibit B of this Part~~;
 - E) Refer the pregnant person, parent or guardian of the case for medical treatment, early intervention services, or early childhood special education, when appropriate; and
 - F) Submit completed reports to the Department as specified in the agreement between the delegate agency and the Department.
- b) *Any delegate agency may establish fees, according to a reasonable fee structure, to be determined by the delegate agency, to cover the costs of drawing blood for blood lead testing and evaluation~~screening~~ and any necessary follow-up.* (Section 7.2 of the Act) Necessary follow-up includes individual case

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management and environmental ~~inspection~~management. In accordance with federal regulations, fees may not be charged to Medicaid recipients.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.85 Environmental Follow-Up

- a) Environmental Investigation of Regulated Facilities — ~~Child Confirmed With Elevated Blood Lead Level~~
- 1) ~~An EBL inspection to determine the source of lead exposure shall be conducted under any of the following circumstances: Upon notification that a child who is an occupant or frequent inhabitant of a regulated facility is reported to have a confirmed blood lead level that would necessitate an environmental investigation, a representative of the Department or a delegate agency is authorized to inspect any regulated facility for the purpose of determining the source of lead poisoning. In the following cases, an environmental investigation and follow up shall be conducted by the Department or delegate agency:~~
- A) If a child or pregnant person who is an occupant or frequent visitor of a regulated facility has an EBL;
- BA) If a child or pregnant person has a confirmed EBL blood lead level at or above 20 mcg/dL;
- CB) If a regulated facility is occupied or frequently visited by a child or a pregnant person, the Department, in addition to all other requirements of the Act, must inspect the dwelling unit of the child and common area of the regulated facility. (Section 8 of the Act) If a child has three successive confirmed blood lead levels of 15–19 mcg/dL with no time requirement between tests;
- D) At the request of a pregnant person or parent or guardian of a child, if they reside in a residential building where mitigation notices have been issued for two or more dwelling units within a five year period previous to the request.

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- C) ~~If a child has a single confirmed blood lead level at or above 10 mcg/dL and the child's physician requests an investigation to determine whether the child should be removed from the regulated facility because of the lead hazard;~~
- D) ~~If a child less than three years of age has a single confirmed blood lead level at or above 10 mcg/dL; or~~
- E) ~~If mitigation notices are issued for two or more dwelling units in a building within a five year time period, the Department may inspect common areas in the building and shall inspect units where children under the age of 6 reside, at the request of a parent or guardian of the child, or a pregnant woman resides, at the pregnant woman's request.~~
- 2) An ~~EBL inspection~~investigation of a regulated facility to determine the source of lead poisoning as required by this Section shall be conducted ~~using procedures and guidance outlined in this Section and the documented methodologies specified in Section 845.15,~~ and shall consist of at least the following:
- A) An interview with the owner or occupant about ~~regulated dwelling~~or facility use patterns and potential lead hazards, including, but not limited to, inquiries ~~such as~~regarding:
- i) ~~Glazed~~Improperly glazed pottery;
 - ii) Ethnic or folk medicines;
 - iii) Hobbies and occupation;
 - iv) Other regulated facilities visited by the child or pregnant person~~wellings~~;
 - v) International travel; ~~and~~
 - vi) Recent renovations;

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- D) Soil ~~Samplingsampling~~. Soil samples shall be collected where bare, accessible soil is identified~~are discretionary based on the visual assessment~~. If collected, soil samples shall be collected in accordance with documented methodologies incorporatedspecified in Section 845.15. Soil samples with laboratory analysis reported as equal to or greater than the levels referencedspecified in Section 845.205 are considered lead hazardselevated.
- E) Water ~~Samplingsampling~~. Water samples ~~are discretionary. If collected, water samples~~ shall be collected in accordance with documented methodologies incorporatedspecified in Section 845.15. Water samples with laboratory analysis reported as equal to or greater than the levels referencedspecified in Section 845.205 are considered lead hazardselevated.
- 4) All environmental samples, excluding XRF sampling, shall be submitted to and analyzed by ~~an accredited~~ laboratory accredited by the National Lead Laboratory Accreditation Program (NLLAP); water samples shall be submitted to and analyzed by a laboratory accredited by the National Environmental Laboratory Accreditation Program (NELAP), as defined in Section 845.20.
- 5) *Following the EBL inspectionan investigation, the Department or its delegate agency shall:*
- A) *Prepare an inspectioninvestigation report that shall:*
- i) *State the address of the dwelling unit orState the address of ~~the~~ regulated facility;*
 - ii) *Describe the scope of the inspectioninvestigation, the inspectioninvestigation procedures used, and the method of ascertaining the existence of a lead-bearinglead-bearing substance in the dwelling unit or regulated facility;*
 - iii) *State whether any lead-bearinglead-bearing substances were found in the dwelling unit or regulated facility;*

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- iv) Describe the nature, extent, and location of any lead-bearing~~lead-bearing~~ substance that is found;
- v) State either that a lead hazard does exist or that a lead hazard does not exist. If a lead hazard does exist~~If a determination is made that a lead hazard does exist~~, the report shall describe the source, nature and location of the lead hazard. The existence of intact lead paint does not alone constitute a lead hazard for the purposes of this Section; and
- vi) Give the name of the person who conducted the inspection~~investigation~~ and the person to contact for further information regarding the inspection~~investigation~~ and the requirements of the Act and this Part~~and the Act~~. (Section 8(1) of the Act)
- B) Provide a copy of the inspection~~investigation~~ report to the property owner and to the occupants of the dwelling unit or~~of the~~ regulated facility. If a lead-bearing~~lead-bearing~~ substance is found, at the time of providing a copy of the inspection report, the Department or its delegate agency shall attach a brochure containing information on lead abatement and lead mitigation to the copy of the inspection~~investigation~~ report provided to the property owner and the occupants of the regulated facility. (Section 8(2) of the Act) The brochure should include the topic of lead in water and ways to mitigate this potential exposure path.
- C) If the inspection~~investigation~~ report identifies a lead hazard, the Department or delegate agency shall serve a mitigation notice on the property owner stating~~stating~~ that the owner is required to mitigate the lead hazard and. The mitigation notice shall indicate the time period specified in the Act in which the owner must complete the mitigation. The notice shall include information as required by this Section, and shall include information describing mitigation activities that meet the requirements of the Act and this Part~~and the Act~~. (Section 9(1) of the Act) The notice shall include information on mitigating the potential risks of lead in drinking water, such as replacing the lead water service line and older water

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~~fountains containing lead if found during facility lead abatement work. Partial replacement of the lead service line is prohibited. Whenever a mitigation notice is issued pursuant to Section 9 or Section 9.2 of the Act, the Department shall make the owner aware of any financial assistance programs that may be available for lead mitigation through the federal, State or local government or a not for profit organization. (Section 9.3 of the Act)~~

- D) If the source of the lead hazard identified in the ~~inspection~~~~investigation~~ report is ~~lead-based~~~~lead~~ paint or any other ~~lead-bearing substance~~~~leaded surface coating~~, the lead hazard shall be deemed to have been mitigated if:
- i) ~~The surface identified as the source of the lead hazard is no longer in a condition that produces a hazardous level of lead~~leaded~~ chips, flakes, dust, soil or any other form of lead-bearing~~leaded~~ substance that can be ingested or inhaled by humans; ~~or~~~~
 - ii) ~~The surface identified as the source of the lead hazard is no longer accessible to children and could not reasonably be chewed on by children; ~~or, the surface coating is either removed or covered, or the access to the leaded surface by children is otherwise prevented as prescribed by the Department in this Part.~~~~
 - iii) ~~The surface coating identified as the source of the lead hazard is either removed or covered (enclosed or encapsulated), or child access to the lead-bearing surface is otherwise prevented as prescribed by the Department. (Section 9(2) of the Act)~~
- E) ~~When a mitigation notice is issued for a dwelling unit or regulated facility~~regulated facility~~ inspected as a result of an elevated blood lead level in a pregnant ~~person~~~~woman~~ or a child, or if the dwelling unit ~~or regulated facility~~ is occupied by a child ~~under~~ 6 years of age ~~or younger~~ or a pregnant ~~person~~~~woman~~, the owner shall mitigate the hazard within 30 days after receiving the notice.~~

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When no such child or pregnant person occupies the dwelling unit or regulated facility~~otherwise~~, the owner shall complete the mitigation within 90 days. (Section 9(5) of the Act)

- F) *An owner may apply to the Department or its delegate agency for an extension of the deadline for mitigation. If the Department or its delegate agency determines that the owner is making substantial progress toward mitigation, or that the failure to meet the deadline is the result of a shortage of licensed lead abatement contractors, or that the failure to meet the deadline is because the owner is awaiting the review and approval of a mitigation plan, the Department or delegate agency may grant an extension of the deadline. (Section 9(6) of the Act)*
- G) *The Department or its delegate agency may, after the deadline set for completion of mitigation, conduct a follow-up inspection of any dwelling unit or regulated facility~~regulated facility~~ for which a mitigation notice was issued for the purpose of determining whether the mitigation actions required have been completed and whether the activities have sufficiently mitigated the lead hazard. The Department or its delegate agency may conduct a follow-up inspection upon the request of an owner or resident. If, upon completing the follow-up inspection, the Department or its delegate agency finds that the lead hazard for which the mitigation notice was issued is not mitigated, the Department or its delegate agency shall serve the owner with notice of the deficiency and a mitigation order. The order shall indicate the specific actions the owner must take to comply with the mitigation requirements of the Act, which may include lead abatement if lead abatement is the sole means by which the lead hazard can be mitigated. The order shall also include the date by which the mitigation shall be completed. If, upon completing the follow-up inspection, the Department or delegate agency finds that the mitigation requirements of the Act have been satisfied, the Department or delegate agency shall provide the owner with a certificate of compliance stating that the required mitigation has been accomplished. (Section 9(7) of the Act)*

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- b) ~~Mitigation or Abatement of Lead Hazards in Regulated Facilities.~~ Lead mitigation or lead abatement activities in regulated facilities shall not result in ~~lead~~ contamination of areas outside of the lead mitigation or lead abatement work area. The removal of ~~lead-bearing~~lead-bearing substances from regulated facilities shall be conducted in a manner that will not endanger the health or well-being of occupants and will result in the safe removal of ~~lead-bearing~~lead-bearing substances from the work area and the safe disposal of flakes, chips, debris, dust, and other ~~lead-bearing~~lead-bearing substances. Lead mitigation or lead abatement~~hazard repairs~~ shall be completed within the time specified after receipt of written notification. Lead mitigation or lead abatement activities required by this Section may be conducted using any or all of the procedures outlined in Subpart F, ~~or as prescribed by the Department or its delegate agency.~~
- 1) ~~All loose paint shall be moistened and carefully scraped from defective surfaces. These areas shall then be covered with contact paper, cloth, canvas, or other material that will create an intact surface for the purpose of preventing the paint chips from falling on the floor. All debris shall be collected and sealed in plastic bags for proper disposal.~~
- 2) ~~Any surfaces that have collected dust shall be cleaned by damp mopping with a detergent and water solution or a phosphate-free, lead-dissolving detergent.~~
- 13) A mitigation plan shall be submitted by the owner or its agent to the Department or delegate agency, specifying the method or methods by which surfaces that will be managed in place are to be maintained in an intact condition. The plan shall include an inspection schedule that includes inspection by the owner or its agent at least annually, and a maintenance schedule. Any surfaces that are not intact, as determined through an inspection, shall be repaired using the mitigation techniques specified in this Section until deemed to be intact surfaces by the lead risk assessor. Replacement of lead-containing plumbing and water fixtures containing lead components or linings shall be conducted by a licensed plumber and reviewed by a licensed plumbing inspector.
- 24) Alternative Procedures
- A) When an occupant also owns the regulated facility subject to a mitigation notice, ~~the~~ The Department or delegate agency may

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allow an alternative procedure for lead abatement, lead mitigation, containment or cleanup of a lead paint hazard, provided that the owner submits to the Department or delegate agency a written description of the alternative procedure that demonstrates to the satisfaction of the Department or delegate agency that the proposed alternative procedure provides a level of abatement and safety at least equivalent to the requirements of this Section.

- B) In all cases in which the Department or delegate agency allows the use of an alternative procedure, the owner and occupant shall, for a one-year period after completion of the lead abatement or lead mitigation project, permit the Department or delegate agency to enter and inspect the area of abatement for the purpose of determining the effectiveness and durability of the allowed alternative procedure.
- c) ~~Regulated Facilities Not Requiring Abatement or Mitigation.~~ Notwithstanding any other provision of this Part, lead abatement or lead mitigation is not required when the property owner enters into a stipulation with the Department that will protect children and pregnant persons from exposure to ~~lead-bearing~~ lead-bearing substances. The stipulation shall be by written agreement, and shall provide that any violation of the agreement shall cause the immediate issuance of a mitigation ~~or abatement~~ order. Examples of conditions that may be included in a stipulation entered into by the property owners and the Department are as follows:
- 1) The property shall be demolished; or
 - 2) The property shall be vacated.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

SUBPART C: TRAINING COURSE APPROVAL AND
LICENSING OF INDIVIDUALS AND FIRMS

Section 845.100 Approval of Lead Training Program Providers

- a) Any firm providing lead training in Illinois to individuals seeking certification and licensure in accordance with the Act and this Part, and requirements outlined

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in USEPA regulations (40 CFR 745), is required to be approved in accordance with the Act and this Part.

- 1) A person seeking approval as a [lead](#) training program provider shall submit a completed written application to the Department containing the following information:
 - A) The [lead](#) training program provider's name, address, [fax number](#), [e-mail address](#), [website](#), [social media site](#) and telephone number;
 - B) A list of courses for which approval is sought, including the requirements for each course as specified in Section 845.105;
 - C) A statement signed by the program training manager certifying that the [lead](#) training program meets all of the requirements established in this Section;
 - D) A copy of the student and instructor manuals to be used for each course;
 - E) A copy of the agenda for each course;
 - F) A description of the facilities and equipment to be used for lecture and hands-on training;
 - G) A description of the examination for each discipline indicating the percentage of examination questions relating to each course objective;
 - H) The final examination for each course, the answer key for the examination and the criteria for pass/fail (at least 70% correct to pass);
 - I) An example of the certificate of course completion, which shall include:
 - i) Student name;
 - ii) An identification number unique to each student;

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- iii) The course name;
 - iv) Dates of the course;
 - v) Exam date;
 - vi) Name, address and telephone number of the lead training program provider;
 - vii) A statement that the course is approved by the Department, including the lead training program provider number designated by the Department;
 - viii) A statement that the student has completed the course and passed the course examination; ~~and~~
 - ix) Signature of the training manager; and
 - x) Training certificate expiration date;
- J) A description of the activities and procedures that will be used for conducting and assessing hands-on skills requirements;
- K) A quality control plan, which shall include:
- i) Procedures for periodic revision of training materials and the course examination to reflect innovations in the lead industry;
 - ii) Procedures for the training manager's annual review of principal instructors' and guest instructors' competencies;
 - iii) Procedures and protocols for re-administration of course exam in case of student failure; and
 - iv) An instructor-to-student ratio no greater than 1:30 for lecture portions and 1:15 for hands-on portions;

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- L) The name of the training manager employed by the lead training program provider, with supporting qualifications as required by subsection (b) this Section, including the completed Training Manager Qualifications form provided by the Department; and
 - M) The name of the principal instructor employed by the lead training program provider for each discipline, with supporting qualifications as required by subsection (c) this Section, including the Principle Instructor Qualifications form provided by the Department.
- b) The lead training program provider shall employ a training manager with the following minimum requirements and responsibilities.
- 1) Requirements
 - A) A resume or letters of reference documenting at least ~~2~~two years of experience, education, or training in teaching adults; and
 - B) Education and/or work experience equivalent to the following:
 - i) A bachelor's degree or higher degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or
 - ii) A resume or letters of reference documenting at least ~~2~~two years of experience in managing a training program specializing in environmental hazards, and experience, education or training in lead or asbestos abatement, construction, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.
 - 2) Responsibilities
 - A) Ensuring that the lead training program provider complies at all times with the requirements of this Part;

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- B) All formal correspondence, such as training course certificates, approval requests and renewal applications;
 - C) Maintaining [lead](#) training program [provider](#) records and making those records available to the Department, as specified in this Section;
 - D) Designating a qualified principal instructor for each discipline, as required by subsection (c) ~~of this Section~~; and
 - E) Designating guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.
- c) The [lead](#) training program provider shall employ a principal instructor for each discipline, with the following minimum requirements and responsibilities:
- 1) A resume or letters of reference documenting at least ~~two~~ years of demonstrated experience, education or training in teaching workers or adults; and
 - 2) A current Department-approved training course certificate for the lead disciplines for which ~~he or she~~[he/she](#) is designated as principal instructor. [A current lead abatement supervisor certificate meets the requirement for instruction of all lead abatement supervisor and lead abatement worker courses. A current lead risk assessor certificate meets the requirement for instruction of all lead risk assessor and lead inspector courses.](#)
- d) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.105 Lead Training Course Approval Requirements

- a) ~~Requirements for Approval of Lead Inspector Training Courses.~~ To obtain approval for a lead inspector training course, a [lead](#) training program provider shall submit information to confirm that the program provides:

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- 1) A minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk (*) require lecture and hands-on activities):
 - A) Role and responsibilities of a lead inspector;
 - B) Information on lead and the adverse health effects of lead exposure;
 - C) Information on federal, State and local ~~rules~~regulations and guidance pertaining to lead-based paint and lead-based paint activities;
 - D) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing;*
 - E) Paint, dust, water and soil sampling methodologies;*
 - F) Final clearance evaluation~~Clearance~~ standards and testing, including random sampling;*
 - G) Preparation of the final lead inspection report;* and
 - H) Record keeping.
 - 2) The one-day (8-hour) lead inspector~~Lead Inspector~~ refresher course content shall be the same as the course content specified in subsection (a)(1) of this Section, and any current safety practices, new laws and ~~rules~~regulations, and current technologies relating to lead in drinking water and lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- b) ~~Requirements for Approval of Risk Assessor Training Courses.~~ To obtain approval for a lead risk assessor training course, a lead training program provider~~person~~ shall submit information to confirm that the course provides:
- 1) A minimum of 16 training hours, with a minimum of 4 hours devoted to hands-on activities. The course topic requirements shall include the

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following (requirements ending in an asterisk require lecture and hands-on activities):

- A) Assurance to the Department that a lead inspector training course certificate of completion is required of each applicant as a prerequisite for [lead](#) risk assessor training course attendance;
 - B) Role and responsibilities of the [lead](#) risk assessor;
 - C) Collection of necessary building information required to perform a lead risk assessment;
 - D) Sources of environmental lead contamination (paint, surface dust and soil, water, air, packaging and food);
 - E) Visual inspection procedures for the purpose of identifying potential sources of lead-based paint [and lead in drinking water](#) hazards;*
 - ~~F) [Lead hazard screening protocol](#);~~
 - ~~FG) Sampling for sources of lead exposure;*~~
 - ~~GH) Interpretation of lead-based paint and other lead sampling results, including all applicable State and federal guidance pertaining to lead-based paint hazards (i.e., federal statutes and [rulesregulations](#));*~~
 - ~~HI) Development of [lead](#) hazard-control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and~~
 - ~~IJ) Preparation of a final lead risk assessment report.~~
- 2) The one-day (8-hour) lead risk assessor refresher course content shall be the same as the course content specified in subsection (b)(1) ~~of this Section~~, and any current safety practices, new laws and [rulesregulations](#), and current technologies relating to [lead in drinking water and](#) lead-based

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paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.

- c) ~~Requirements for Approval of Lead Worker Training Courses.~~ To obtain approval for a lead abatement worker training course, a lead training program provider~~person~~ shall submit information to confirm that the course provides:
- 1) A minimum of 24 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk require lecture and hands-on activities):
 - A) Role and responsibilities of a lead abatement worker;
 - B) Information on lead and the adverse health effects of lead exposure;
 - C) Information on federal, State and local rules and guidance that pertain to lead-based paint abatement~~regulations~~;
 - D) Lead-based paint hazard recognition and control;*
 - E) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;*
 - F) Interior dust abatement or cleanup methods~~methods/cleanup~~;*
 - G) Soil and exterior dust abatement methods;* and
 - H) Respiratory protection, including review of the OSHA Lead Standard.
 - 2) The one-day (8-hour) lead abatement worker refresher course content shall be the same as the course content specified in subsection (c)(1)~~of this Section~~, and any current safety practices, new laws and rules~~regulations~~, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.

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- d) ~~Requirements for Approval of Supervisor Training Courses.~~ To obtain approval for a lead abatement supervisor training course, a lead training program provider~~person~~ shall submit information to confirm that the course provides:
- 1) A minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on activities. The course topic requirements shall include the following (requirements ending in an asterisk require lecture and hands-on activities):
 - A) Role and responsibilities of a lead abatement supervisor;
 - B) Information on lead and ~~theirs~~ adverse health effects of lead exposure;
 - C) Information on federal, State and local ~~rules~~regulations and guidance that pertain to lead-based paint abatement;
 - D) Liability and insurance issues relating to lead-based paint abatement;
 - E) Lead risk assessment and lead inspection report interpretation;*
 - F) Development and implementation of an occupant protection plan and lead abatement report;
 - G) Lead-based paint hazard recognition and control;*
 - H) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices;*
 - I) Interior dust ~~abatement or cleanup methods~~abatement/cleanup;*
 - J) Soil and exterior dust abatement methods;*
 - K) Final clearance evaluation~~Clearance~~ standards and testing;
 - L) Cleanup and waste disposal;
 - M) Record keeping;

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- N) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects; and
 - O) Respiratory protection, including review of the OSHA Lead Standard.
- 2) The one-day (8-hour) lead abatement supervisor refresher course content shall be the same as the course content specified in subsection (d)(1) ~~of this Section~~, and any current safety practices, new laws and rules~~regulations~~, and current technologies relating to lead-based paint activities. Requirements ending in an asterisk indicate areas that require refresher hands-on activities.
- e) The lead training program provider may seek approval~~Approval~~ of alternative training course schedules~~Lead Alternative Course Schedules~~.
- 1) An alternative training course schedule~~Alternative Course Schedule~~ is defined as:
- A) Any training agenda that includes a training day of more than 8 hours, but fewer than 12 hours. Courses that consist of more than 12 hours of training per day will not be approved by the Department (Note: a training hour consists of 50 minutes of training time);
 - B) Any training agenda that includes a training day of fewer than 8 hours;
 - C) Any training agenda that includes more training days than required by this Part;
 - D) Any training agenda that includes fewer training days than required by this Part;
 - E) Any altered training course that may be offered in addition to the standard lead training course (an example is a training course provider offering the standard 3-day (8 hours per day) lead

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abatement worker course and also a ~~4~~four-day lead abatement worker course); or

- F) Any combined lead training course that covers more than one lead training course discipline.
- 2) Application for alternative training course schedules~~Alternative Course Schedules~~ shall be made in accordance with the appropriate discipline requirements set forth in this Section.
- f) The lead training program provider may seek approval~~Approval~~ of foreign language courses~~Foreign Language Courses~~. The lead abatement worker training course discipline is the only discipline that will be approved to be offered in a foreign language. All other lead training course disciplines shall be offered in English. Foreign language lead abatement worker disciplines shall meet all of the requirements specified in subsection (c)~~of this Section~~. All foreign language course manuals, exams and other course material required by this Section shall be provided in both the language in which the course is to be offered and English.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.110 Lead Training Course Notification Requirements

- a) Notification of Course Schedules and Course Cancellations
- 1) Notification of upcoming lead training courses shall be made to the Department no ~~less~~later than 7 calendar days prior to the start of all Department-approved courses. The notification shall be made for all lead training courses offered in Illinois and all adjoining states. Prior notification is not required when courses are offered in states other than Illinois and adjoining states; however the following conditions shall apply separately and jointly:
- A) Upon request by the Department, the lead training program provider shall provide the Department with a copy of the notification of upcoming or past lead training courses as submitted to the USEPA authorized lead program in the state ~~or tribal area~~ where the approved lead training course is offered.

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- B) Upon request by the Department, the [lead](#) training program provider shall provide the Department with a copy of the class roster as required by this Section.
- C) The Department may verify that the notification was submitted to and received by a USEPA authorized lead program in accordance with the requirements established by ~~the such state or tribal~~ agency.
- 2) The Department provides a class notification form in the application package to all [lead](#) training program providers. This form shall be completed in its entirety and shall include the following minimum requirements:~~If the class notification form provided by the Department is not used, the following information shall be submitted to the Department to be used as the class notification:~~
- A) Name of training program provider;
- B) Location where the course is to be held, including street address, city and state;
- C) Which lead discipline is to be taught and in which language, including indication of initial or refresher course;
- D) Course start date and end date (days of course need not be consecutive, but no more than 10 calendar days shall lapse between the start date of the course and the completion of the course and/or course examination); and
- E) Course start time and end time.
- 3) Notice of cancellation of courses shall be made to the Department no later than the day the course is scheduled to be conducted.
- b) Class rosters shall be submitted to the Department within 7 calendar days after completion of the course. The Department provides a class roster report form in the application package to all [lead](#) training program providers. This form shall be completed in its entirety and shall include the following minimum requirements:~~If~~

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~~the class roster form provided is not used, the following information shall be submitted to the Department to be used as the class roster:~~

- 1) Name of approved training program provider;
- 2) Name of course (lead discipline);
- 3) Type of course (initial or refresher);
- 4) Language of course;
- 5) Course location;
- 6) Course hours;
- 7) Start date;
- 8) End date;
- 9) Exam date;
- 10) Instructors;
- 11) Student names;
- 12) Social Security number or unique identification number assigned by the training program provider to each student;
- 13) Certificate number unique to each certificate issued; and
- 14) Student percent score on course examination.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.115 Application Fees for Approval and Renewal of Lead Training Courses

- a) All lead training course approvals expire on October 15 of each year, except that a first-time approval issued after July 15 and before October 15 shall expire October 15 of the following year.

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- b) Non-refundable application ~~Application~~ fees for all lead training courses are as follows:
- 1) Fees will be waived for any Illinois State agency ~~state~~ or unit of local government seeking approval as a lead training program provider;
 - 2) Initial lead training course for each discipline: \$500 per course;
 - 3) Refresher lead training course for each discipline: \$250 per course; and
 - 4) Combination lead abatement worker and lead abatement supervisor initial lead training course: \$1,000 ~~Late fees for each discipline: \$50 per course.~~
- e) Alternative course schedules:
- 1) ~~If the only course being offered in a lead discipline is an alternative course schedule, then the fees outlined in subsections (b)(2) and (3) of this Section shall apply.~~
 - 2) ~~If the training program provider is approved to conduct the standard lead course for a specific discipline, the application fee for an alternative course schedule of that discipline shall be \$100.~~
- c~~d~~) Applications for renewal of all lead training course approvals must be received by September 15 of each year. If the renewal application is received after September 15, a \$50 late fee shall be charged per course.
- 1) To renew a lead training course that has been expired for fewer than 3 years, the lead training program provider shall pay the current application fee, plus a reinstatement fee of \$100 for each year the course approval is expired.
 - 2) To renew a lead training course that has been expired for a period of 3 years or more, the lead training program provider shall re-submit the complete training course with the appropriate application and fees for review and approval as required by Section 845.105.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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Section 845.120 Lead Training Program Provider Record Keeping Requirements

- a) Lead training~~Training~~ program provider records shall be made available to the Department for review as follows.
- 1) The lead training program provider shall retain records at the address specified on the lead training program provider approval application (or as modified) for a minimum of 4 years.
 - 2) The lead training program provider shall notify the Department in writing before changing the address specified on its lead training program provider approval application or transferring records from that address to a new address.
 - 3) The Department shall have the authority to enter, inspect and audit training activities and training records to determine compliance with the Act and this Part.
 - 4) Training records that shall be maintained by the lead training program provider include the following:
 - A) All materials specified in Section 845.100 that have been submitted to the Department as part of the lead training program provider's program's approval;
 - B) Current ~~curriculum~~/course materials and documents reflecting any changes made to these materials;
 - C) Results of the students' hands-on skills assessments and course examinations and a record of each student's course completion certificate;
 - D) Qualifications for each guest instructor designated by the training manager in accordance with Section 845.100, including: resume, letters of reference, documentation of work experience, certifications, professional licenses, etc.; and

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- E) Approval letters from the Department for the training manager, principal instructors, each lead training course and course modifications.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.125 Individual Licensing Requirements for Lead Activities

- a) To conduct any lead services, including lead inspection, lead risk assessment, lead hazard screen, lead mitigation and lead abatement work and supervision, in a regulated facility in Illinois, an individual shall be licensed in accordance with the Act and this Section. To qualify for a license as a lead inspector, lead risk assessor, lead abatement supervisor or lead abatement worker, an applicant shall meet the following requirements:
- 1) Be at least 18 years of age;
 - 2) Submit a current ~~the~~ Department-approved lead training course certificate.
 - A) A current lead abatement supervisor certificate meets the requirement for obtaining a lead abatement supervisor or lead abatement worker license. A current lead risk assessor certificate meets the requirement for obtaining a lead risk assessor or lead inspector license. The training course completed shall be for the discipline for which licensure is sought.
 - B) Lead training~~Training~~ course certificates are valid for 3 years from the date the applicant passed the approved lead training course examination.
 - C) Lead training~~Training~~ course certificates shall be renewed every 3 years by successfully completing a Department-approved refresher training course in the appropriate discipline for which the original training course was passed.
 - D) If 4 years have passed since the applicant passed the approved lead training course examination, the lead training course certificate cannot be refreshed. An applicant is required to complete the initial lead training course as required by this Section;

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- 3) Submit a recent 1" x 1" or high resolution digital photograph of the applicant for proper identification of the licensee. Non-digital pictures~~The picture~~ shall have the printed name and lead license number of applicant on the reverse side. The license will not be issued without an identification photograph;
 - 4) Submit the appropriate completed application form provided by the Department;
 - 5) Submit the required license application fee; and
 - 6) For applicants seeking licensure as a lead inspector, lead risk assessor and lead abatement supervisor, the applicant must meet the third party examination requirements of subsection (e) ~~of this Section~~ and Section 845.135 ~~of this Part~~.
- b) Fees for Lead Licensure, Renewal, Late Renewals, Duplicate Licenses and Reinstatement of Expired Licenses
- 1) Applicants for an initial lead license or renewal of an existing lead license shall pay an annual non-refundable fee as specified below:
 - A) Lead abatement worker license – \$50;
 - B) Lead abatement supervisor license – \$100;
 - C) Lead inspector license – \$100; and
 - D) Lead risk assessor license – \$100.
 - 2) In addition to the annual renewal license fee, an applicant shall pay a non-refundable late fee of \$25:
 - A) If a renewal application for a lead inspector or lead risk assessor license is received on or after January 1, but before February 1; or

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- B) If a renewal application for a lead abatement worker or a lead abatement supervisor license is received on or after March 1, but before April 1.
- 3) An applicant whose license has been expired for a period less than 3 years may apply to the Department for reinstatement of the license. The Department shall issue a reinstated license provided that:
- A) The applicant pays to the Department the current license fee applicable to the discipline to be reinstated, in accordance with subsection (b)(1).
- B) The applicant pays a non-refundable reinstatement fee based on the following:
- i) Lead abatement workers: \$25 for each year that begins the day after the license has expired; and
- ii) Lead abatement supervisors, lead inspectors and lead risk assessors: \$50 for each year that begins the day after the license has expired.
- 4) A license that has been expired for more than 3 years may be restored only by submitting a new application in accordance with subsection (a) ~~of this Section~~.
- 5) An applicant who wishes to receive a duplicate license shall pay a non-refundable fee of \$25 for each duplicate license requested.
- 6) The non-refundable fee for a dishonored, negotiable instrument, including, but not limited to, returned checks or insufficient payment, shall be \$100.
- c) All lead licenses expire annually in accordance with the following:
- 1) Lead inspector and lead risk assessor licenses expire January 31 of each year, except that a first-time license issued after October 31 and before January 31 shall expire the next following January 31; and

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- 2) Lead [abatement](#) worker and lead [abatement](#) supervisor licenses expire March 31 of each year, except that a first-time license issued after December 31 and before March 31 shall expire the next following March 31.
- d) Renewal of License. Any license issued pursuant to this Part may be renewed if the licensee submits:
 - 1) The completed renewal application;
 - 2) The non-refundable license renewal fee outlined in subsection (b)(1);
 - 3) A recent 1" x 1" [or high resolution digital](#) photograph of the applicant for proper identification of the licensee. The picture shall have the printed name [and lead license number](#) of the applicant on the reverse side. The license ~~will shall~~ not be issued without an identification photograph; and
 - 4) A current certificate of completion from a Department-approved training course in accordance with subsection (a)(2) ~~of this Section~~.
- e) In addition to meeting the general requirements outlined in subsections (a) and (b) ~~of this Section~~, lead inspector, lead risk assessor and lead [abatement](#) supervisor disciplines have specific training course requirements, examination and education and experience requirements as specified in this subsection (e):
 - 1) To qualify for a license as a lead risk assessor, a person shall:
 - A) Submit the training course completion certificates, including one of the 2 following combinations:
 - i) An initial lead inspector training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) ~~of this Section~~, and an initial lead risk assessor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) ~~of this Section~~; or

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- ii) An initial lead risk assessor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) ~~of this Section~~, and a current Illinois lead inspector license;
- B) Possess one of the following combinations of education and experience:
- i) A bachelor of science degree in engineering, or an environmental or health-related field; ~~or~~
 - ii) A bachelor's degree in any discipline and one year of experience in a related field (e.g., lead, asbestos or environmental remediation work, or construction); ~~or~~
 - iii) An associate's degree in any discipline and 2 years of experience in a related field (e.g., lead, asbestos or environmental remediation work, or construction); ~~or~~
 - iv) A high school diploma (or equivalent) and at least 3 years of experience in a related field (e.g., lead, asbestos or environmental remediation work, or construction); or
 - v) Licensure as an industrial hygienist, professional engineer, architect or environmental health practitioner; and
- C) Pass the Department's third party examination for lead risk assessor, as required by Section 845.135.
- 2) To qualify for a license as a lead inspector, a person shall:
- A) Submit the training course completion certificates, including an initial lead inspector training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) ~~of this Section~~; and
 - B) Pass the Department's third party examination for lead inspector, as required by Section 845.135.

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- 3) To qualify for a license as a lead abatement supervisor, a person shall:
- A) Submit the training course completion certificates, including an initial lead abatement supervisor training course certificate and any subsequent refresher certificates required to maintain accreditation as outlined in subsection (a) ~~of this Section~~; and
 - B) Meet the experience requirements as follows:
 - i) One year of experience as a licensed lead~~certified lead-based paint~~ abatement worker; or
 - ii) Two years of experience in a related field (e.g., lead, asbestos or environmental remediation work) or in the building trades.
 - C) Pass the Department's third party examination for lead abatement supervisor, as required by Section 845.135.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.130 Requirements for Lead Abatement Contractor Licensing

- a) To conduct any lead mitigation or lead abatement activities in a regulated facility in Illinois, a person shall be licensed in accordance with the Act and this Section. To qualify for licensure as a lead abatement contractor, an applicant shall:
- 1) Submit a completed application on a form provided by the Department;
 - 2) Submit a \$500 non-refundable licensure fee.
 - A) A \$250 non-refundable licensure fee, in lieu of the \$500 fee, may be submitted for initial license applications received and approved by the Department between December 1 and March 1 for licenses that will expire on May 31 of the current year;
 - B) A \$750 non-refundable licensure fee, in lieu of the \$500 fee, may be submitted for initial license applications received and approved

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by the Department between December 1 and March 1 for licenses that will expire May 31 of the following year;

C) The non-refundable fee for a dishonored, negotiable instrument, including, but not limited to, returned checks or insufficient payment, shall be \$200;

- 3) Submit the name of the person with a valid Illinois lead abatement supervisor license who will act as the designated lead abatement supervisor for the lead abatement contractor. The license must be held by the lead abatement contractor or an employee of the lead abatement contractor;
- 4) Submit a written statement signed by the contractor specifying that only lead abatement workers licensed by the Department will be employed for lead abatement;
- 5) Submit a copy of the contractor's written standard operating procedures and employee protection plan, which shall include the following:
 - A) A description of medical monitoring, respirator training and personal protective equipment programs required in Respiratory Protection Standard (OSHA); and
 - B) A description of safe work practices to be used when conducting lead mitigation or lead abatement that ensure compliance with this Part. The lead abatement supervisor training curricula used for training of the designated licensed lead abatement supervisor provides guidance and direction on standard operating procedures for lead safe work practices and should be referred to when preparing the work practices manual; and
- 6) Submit a description of all legal proceedings, lawsuits or claims that have been filed or levied against the contractor or any of his/her past or present employees or companies in regard to construction-related activities. If there are no claims against the contractor, ~~then~~ a signed statement to that effect shall be submitted to the Department.

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- b) Renewal of License. All lead abatement contractor licenses shall be renewed annually. All licenses shall expire on May 31 of each year.
- 1) If a renewal application is received on or after May 1, but before May 31~~April 30~~, the applicant shall pay a non-refundable late fee of \$100, in addition to the \$500 non-refundable renewal fee.
 - 2) An applicant whose license has expired for a period of less than 3 years ~~or less~~ may apply to the Department for reinstatement of the license. The license shall be reinstated if the applicant submits to the Department the current license fee and a non-refundable reinstatement fee of \$200~~\$100~~ for each year the license was expired.
 - 3) A license that has expired for more than 3 years is not eligible for renewal. In these such instances, the applicant shall submit an initial application and supporting documentation, as required by this Section.
 - 4) The non-refundable fee for a dishonored, negotiable instrument, including, but not limited to, returned checks or insufficient payment, shall be \$200.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.135 Third Party Examination Requirements

- a) Applicants for lead inspector, lead risk assessor and lead abatement supervisor licenses are required to pass the Department's third party examination.
- 1) To qualify to take the third party examination, an applicant shall:
 - A) Comply with the requirements of Section 845.125;
 - B) Submit a completed third party examination application form provided by the Department; and
 - C) Submit a \$50 non-refundable third party examination application fee for each separate discipline examination each time the examination is taken. The non-refundable fee for a dishonored, negotiable instrument, including, but not limited to, returned checks or insufficient payment, shall be \$100.

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- 2) The Department shall provide, by mail, the following to applicants who qualify to take the third party examination:
 - A) Date, time and location for the applicant to take the third party examination;
 - B) A detailed information packet and, instructions for registration at the examination site, ~~and directions to the facility where the examination is being administered~~; and
 - C) Date the Department accepted the application.
- b) When an applicant receives a passing score on the third party examination, the Department shall issue the license to the applicant in the discipline for which the applicant qualifies, in accordance with Section 845.125.
- c) If the applicant does not pass the third party examination:
 - 1) The Department will notify the applicant in writing;
 - 2) The applicant may reapply to the Department to take the third party examination again. An applicant may take the third party examination no more than 3 times within the 6 months. If an applicant does not pass the third party examination within the 6 months, the applicant must retake the initial training course for that discipline from a Department-approved lead training program provider before reapplying for approval to take the third party examination.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.140 Reciprocity Requirements

- a) Each applicant for licensure who is licensed or certified by another USEPA authorized state or tribal lead program in any of the disciplines specified in Section 845.125 may request reciprocal licensure.
 - 1) The Department shall evaluate the requirements for licensure established by the other authorized state or tribal program and shall issue the license if

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the Department determines that the requirements for licensure by that program are as protective of health and the environment as the requirements for licensure in Illinois.

- 2) To be considered for reciprocal license, each applicant for licensure pursuant to this Section shall submit:
 - A) The appropriate application and application fee ~~as~~ required in Section 845.125;
 - B) Supporting documentation from the USEPA authorized state or tribal program for which reciprocity is being requested, including:
 - i) Copies of the initial training certificate and subsequent refresher certificates required to maintain accreditation as required by that authorized program; and
 - ii) Copies of the applicant's license issued by the authorized program, ~~if applicable; and~~
 - iii) ~~Copies of the results of the third party examination administered by the authorized program, if applicable.~~
- b) Applicants requesting ~~third party examination~~ reciprocity for licensure as a lead inspector, lead risk assessor or lead abatement supervisor of an examination offered by another authorized state or tribal program shall pass the Illinois Reciprocal Supplemental Examination (IRSE), as required by this Section. The IRSE is used to evaluate the applicant's understanding of Illinois' requirements.
 - 1) The Department shall provide, ~~by mail,~~ the following to applicants who are required to pass the IRSE:
 - A) The IRSE application;
 - B) The IRSE and answer form;
 - C) Copies of the Act and this Part; and
 - D) Date the Department accepted the reciprocal application.

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- 2) The applicant shall:
 - A) Complete and submit the IRSE application;
 - B) Submit the \$50 non-refundable IRSE fee; and
 - C) Submit the completed IRSE and answer form.
- 3) The applicant may use any resource material for completion of the IRSE form.
- 4) When an applicant receives a score of at least 70% on the IRSE, the Department will shall-issue the reciprocal license to the applicant in the discipline for which the applicant qualifies, in accordance with this Section.
- 5) If the applicant does not pass the IRSE:
 - A) The Department will notify the applicant in writing;
 - B) The applicant may reapply to the Department to complete the IRSE again. An applicant may attempt to pass the IRSE twice within 30 daysone month after the Department accepts the initial application for reciprocal licensure.
- c) If an applicant does not pass the IRSE within 30 daysone month after the Department accepts the reciprocal application for licensure, the applicant must take a Department-approved refresher training course for the discipline for which the applicant is seeking Illinois licensure.
- d) Reciprocal licenses shall expire in accordance with Section 845.125.
- e) Applicants for renewal of an existing reciprocal lead license shall pay an annual non-refundable fee and complete a Department-approved refresher training course within one year,as specified in accordance with Section 845.125.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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SUBPART D: RESPONSIBILITIES OF LICENSED INDIVIDUALS,
CONTRACTORS AND APPROVED TRAINING PROGRAM PROVIDERS**Section 845.150 Lead Abatement Worker Responsibilities**

- a) Any individual conducting lead mitigation and lead abatement is required to be licensed as a lead abatement worker in accordance with the Act and Section 845.125. The licensed lead abatement worker is responsible for the following:
- 1) Compliance with the Act and this Part;
 - 2) Following the direction and guidance provided by a licensed lead abatement supervisor as outlined in the Work Practice and Occupant Protection Plan required by Section 845.255;
 - 3) Proper implementation of lead mitigation and lead abatement methods; and
 - 4) Using work practices that:
 - A) Ensure the safety of the workers involved in the lead mitigation and lead abatement activities;
 - B) Ensure the safety of the occupants of the regulated facility; and
 - C) Control dust produced during mitigation or abatement of lead-bearing~~lead-bearing~~ surfaces or coatings.
- b) The lead abatement worker shall possess ~~at~~ the valid and current Department-issued license ~~issued by the Department while~~ on-site at any lead mitigation or lead abatement project.
- c) Licensed lead abatement workers ~~shall~~ conduct lead mitigation and lead abatement activities only while employed by~~with~~ a licensed lead abatement contractor ~~and only while under the direct supervision of~~ a licensed lead abatement supervisor is on site.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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Section 845.155 Lead Abatement Supervisor Responsibilities

- a) Any individual supervising lead mitigation and lead abatement work practices is required to be licensed as a lead abatement supervisor in accordance with the Act and Section 845.125. The licensed lead abatement supervisor is responsible for the following:
- 1) Compliance with the Act and this Part;
 - 2) Development and implementation of the Work Practice and Occupant Protection Plan required by Section 845.255;
 - 3) Ensuring proper implementation of lead mitigation and lead abatement methods;
 - 4) Enforcing work practices that:
 - A) Ensure the safety of the workers involved in the lead mitigation and lead abatement activities;
 - B) Ensure the safety of the occupants of the regulated facility; and
 - C) Control dust produced during mitigation or abatement of lead-bearing~~lead-bearing~~ surfaces ~~or coatings~~;
 - 5) Assuring that all lead abatement workers and lead abatement supervisors conducting lead mitigation and lead abatement are licensed in accordance with Section 845.125.
 - A) The lead abatement supervisor shall maintain ~~on-site~~ copies of licenses on site for each of the lead abatement workers and lead abatement supervisors conducting lead mitigation and lead abatement; and
 - B) The lead abatement supervisor shall ensure that each lead abatement worker and lead abatement supervisor conducting lead mitigation and lead abatement possesses ~~at the~~ valid and current Department-issued license while on site~~issued by the Department on site~~;

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- 6) Being on site during~~on-site and overseeing~~ all lead mitigation and lead abatement activities~~that are occurring~~; and
 - 7) ~~Assuring that all lead mitigation and lead abatement work is conducted in accordance with the Act and Subpart F of this Part; and~~
 - 78) Providing a written document stating that all lead mitigation and lead abatement activities identified in the Work Practice and Occupant Protection Plan have been completed. The document shall be provided to the owner of the regulated facility and the licensed lead inspector or lead risk assessor conducting the final clearance evaluation~~compliance investigation~~.
- b) A licensed lead abatement supervisor ~~shall~~ conduct lead mitigation and lead abatement activities only while employed by~~with~~ a licensed lead abatement contractor. The licensed lead abatement supervisor ~~may~~ conduct lead mitigation and lead abatement without a lead abatement worker license.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.160 Lead Inspector Responsibilities

Any individual conducting lead inspections in regulated facilities in Illinois is required to be licensed as a lead inspector in accordance with the Act and Section 845.125. The licensed lead inspector is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Conducting lead inspections in accordance with Section 845.210;
- c) Conducting final clearance evaluation~~compliance investigations~~ in accordance with Section 845.225;
- d) Using procedures that:
 - 1) Ensure the safety of the occupants of the regulated facility; and
 - 2) Control dust and debris produced during lead inspections; and

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- e) Submitting quarterly reports to the Department identifying:
 - 1) The number of lead inspections conducted, including the addresses of the regulated facilities; and
 - 2) The number of ~~final clearance evaluation~~compliance investigations conducted for lead mitigation and lead abatement projects, including the addresses of the regulated facilities; and
- f) Maintaining records required by Section 845.230.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.165 Lead Risk Assessor Responsibilities

Any individual conducting lead risk assessment or lead inspection services in a regulated facility in Illinois is required to be licensed as a lead risk assessor in accordance with the Act and Section 845.125. The licensed lead risk assessor is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Conducting lead risk assessments in accordance with Section 845.215;
- c) Conducting lead inspections in accordance with Section 845.210;
- ~~d) Conducting lead hazard screens in accordance with Section 845.220;~~
- de) Conducting final clearance evaluation~~compliance investigations~~ in accordance with Section 845.225;
- ef) Using procedures that:
 - 1) Ensure the safety of the occupants of the regulated facility; and
 - 2) Control dust and debris produced during lead risk assessment services;
- fg) Submitting quarterly reports to the Department identifying:

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- 1) The number of lead inspections conducted, including the addresses of the regulated facilities;
 - 2) The number of lead risk assessments conducted, including the addresses of the regulated facilities; and
 - 3) ~~The number of lead hazard screens conducted, including the addresses of the regulated facilities; and~~
 - 34) The number of final clearance evaluation~~compliance investigations~~ conducted for lead mitigation and lead abatement projects, including the addresses of the regulated facilities; and
- gh) Maintaining records required by Section 845.230.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.170 Lead Abatement Contractor Responsibilities

Any person conducting lead mitigation and lead abatement work in a regulated facility ~~shall~~is required to be licensed as a lead abatement contractor in accordance with the Act and Section 845.130. The licensed lead abatement contractor is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Comprehensive knowledge about general ~~construction~~renovation techniques, including ~~lead~~lead-based paint (LBP) mitigation and lead abatement;
- c) Assuring that all lead abatement workers and lead abatement supervisors have received Department-approved lead training by possessing a copy of the Department-approved lead training course certificate~~on engineering controls and good work practices relating to lead mitigation and lead abatement and on the importance of adherence to these controls and practices;~~
- d) Assuring that all lead abatement workers and lead abatement supervisors employed by the lead abatement contractor possess a current and valid Department-issued ~~lead-worker~~ license on site issued by the Department;
- e) Employing a licensed lead abatement supervisor;

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- f) Assigning a licensed lead abatement supervisor to be on site during~~oversee~~ all project activities for each lead mitigation and lead abatement project;
- g) Assuring the safety of workers by developing~~and preparing~~ a personnel protection plan, as required by Section 845.260;
- ~~h) Assuring that all lead mitigation and lead abatement work is conducted in accordance with the Act and this Part;~~
- ~~hi) Assuring that the Work Practice and Occupant Protection Plan required by Section 845.255 is developed and implemented for each lead mitigation and lead abatement project that is conducted;~~
- ij) Submitting the required notification outlined in Section 845.250 for any lead mitigation or lead abatement project; and
- ~~jk) Maintaining records for licensure and records required for each lead mitigation or lead abatement project conducted in accordance with Section 845.300.~~

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.175 Lead Training Program Provider Responsibilities

Any person providing lead training in Illinois ~~shall to individuals seeking licensure in accordance with the Act and this Part is required to~~ be approved in accordance with the Act and Section 845.100. The approved lead training program provider is responsible for the following:

- a) Compliance with the Act and this Part;
- b) Assuring that all lead training courses provided are approved and conducted in accordance with Subpart C ~~of this Part~~; and
- ~~e) Assuring that all lead training is provided in accordance with requirements set forth in Subpart C of this Part; and~~
- ~~cd) Maintaining all records as required by Subpart C of this Part.~~

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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SUBPART E: STANDARDS FOR CONDUCTING
ENVIRONMENTAL INVESTIGATIONS FOR LEAD**Section 845.200 Environmental Lead Sampling Protocol**

- a) Only licensed lead inspectors and lead risk assessors~~individuals as specified in Section 845.125~~ shall perform the activities specified in this Section and shall do so in accordance with the appropriate methodologies referenced in this Section.
- b) Any sampling for lead in paint, dust or soil shall be collected using USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies. All samples shall be analyzed by an accredited laboratory that has been recognized by the USEPA as capable of performing analyses for lead compounds in paint chip, dust, soil or water, as appropriate.
- c) All samples shall be analyzed by a laboratory currently recognized by the National Lead Laboratory Accreditation Program (NLLAP). Paint chip samples shall be collected using methodologies outlined in the USEPA Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust and Lead-Contaminated Soil. Surfaces where paint chip samples are collected with analyses reported as equal to or greater than the levels outlined in Section 845.205 are considered to be lead bearing substances.
- d) XRF testing shall be performed using the USEPA Methodology for XRF Performance Characteristic Sheets and in accordance with the XRF manufacturer's instructions. Surfaces sampled with XRF readings equal to or greater than the levels outlined in Section 845.205 are considered to be lead bearing substances.
- e) Dust sampling shall be collected using methodologies outlined in the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling. Composite dust sampling is not permitted. Dust samples collected with laboratory analyses reported as equal to or greater than the levels set forth in Section 845.205 are considered elevated.
- f) Soil sampling shall be collected using methodologies outlined in the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling. Soil

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~~samples collected with laboratory analyses reported as equal to or greater than the levels outlined in Section 845.205 are considered to be elevated.~~

- ~~eg)~~ Water sampling shall be collected using procedures outlined in the American Water Association Illinois Section: A Guidance Document for Drinking Water Testing (2017)~~methodologies outlined in the Lead and Copper Rule of the USEPA Safe Drinking Water Act. Water samples collected with laboratory analyses reported as equal to or greater than the levels outlined in Section 845.205 are considered to be elevated.~~
- ~~fh)~~ Composite sampling, as outlined in the HUD Guidelines USEPA protocols, may be applied to soil sampling only. No other environmental samples shall be collected using a composite sample method.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.205 Regulatory Limits of Lead

- a) The regulatory limit of lead in any ~~lead-bearing~~lead bearing substance on an interior or exterior surface of a regulated facility shall be 0.5% lead by weight (calculated as lead metal) in the total non-volatile content of liquid paint, or ≥ 1.0 mg/cm² in the dried film of paint.
- b) The regulatory limit of lead in bare soil that is readily accessible to children shall be 400 ~~$\mu\text{g/g}$ (or parts per million or ppm)~~mcg/g. The regulatory limit of lead in other bare soil areas shall be 1000 ~~$\mu\text{g/g}$~~ mcg/g.
- c) The regulatory limit of lead in dust shall be:
- 1) ~~1040~~ 1040 ~~$\mu\text{gmcg}/\text{ft}^2$~~ on all interior ~~and exterior~~ floors and stair treads; ~~and~~
 - 2) ~~40200~~ 40200 ~~$\mu\text{gmcg}/\text{ft}^2$~~ on all ~~exterior porch floors~~other horizontal surfaces; ~~and~~
 - 3) 100 ~~$\mu\text{g}/\text{ft}^2$~~ on all other horizontal surfaces.
- ~~d)~~ The regulatory limit of lead in dust for lead hazard screens shall be:
- 1) ~~25~~ 25 ~~mcg/ft^2~~ on all interior and exterior floors; ~~and~~

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- 2) ~~100 mcg/ft² on all other horizontal surfaces.~~
- de) The regulatory limit of lead in drinking water shall be 5 µg/L (or parts per billion or ppb)~~is established by the USEPA as 0.015 mg/L (i.e., 15 ppb).~~
- ef) Storage of any lead-containing or lead-contaminated article in an area accessible to children shall be prohibited. This includes automotive or marine batteries, battery casings or battery casing liners; scrap lead or lead solder; internal combustion engine parts; print or print faces; pottery glaze or pottery glaze containers; bullets or spent cartridges; or any other article containing or contaminated by lead.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.210 Procedures for Lead Inspections in Regulated Facilities

- a) ~~Licensure.~~ A lead inspection shall be conducted only by a person licensed by the Department as set forth in Section 845.125 as a lead inspector or lead risk assessor. Licensed lead inspectors and risk assessors shall present, upon request, proof of licensure in the form of the Department-issued ~~photo identification~~ license.
- b) ~~Conflict of Interest.~~ Lead inspectors and lead risk assessors conducting lead inspections shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the lead abatement or lead mitigation project for which final clearance is being evaluated.
- c) Lead inspectors and lead risk assessors shall obtain or prepare a written statement of services in accordance with the client's specifications. The statement shall include the scope of the lead inspection, including a summary statement indicating what service was requested by the owner and the extent of service provided. The statement shall be descriptive and shall indicate if the service was a comprehensive lead inspection. If the service was not a comprehensive lead inspection, the extent and limitations of the service shall be clearly stated.
- d) ~~Visual Assessment and Property Diagram.~~ A visual assessment of the condition of the building, structures, surfaces and ~~or~~ components to be included in the lead inspection shall be performed prior to environmental sampling.

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- 1) A detailed property diagram shall be produced using a ~~consistent~~systematic labeling system.
 - 2) A written inventory shall be produced of each testing combination for all interior and exterior room equivalents.
- e) ~~Sampling Locations for Paint.~~ When conducting a lead inspection, a lead inspector or lead risk assessor shall select the following locations according to the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines and shall test the following locations for the presence of a ~~lead-bearing~~lead-bearing substance in accordance with Section 845.200:
- 1) Each interior and exterior component that has a distinct painting history, except for components that the lead inspector or lead risk assessor determines do not contain ~~lead-bearing~~lead-bearing substances.
 - 2) Additional samples for each component that has a distinct painting history in every common area, except for components that the lead inspector or lead risk assessor determines do not contain ~~lead-bearing~~lead-bearing substances.
- f) ~~Any sampling for lead in paint, dust, water or soil shall be collected using USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies.~~
- fg) ~~Preparation of Inspection Report.~~ The lead inspection shall be documented in a written report that shall include the following:
- 1) The name and complete address of the regulated facility;
 - 2) The name, complete address, and telephone number of the property owner or owners of the regulated facility;
 - 3) The name, ~~license number and~~ written signature and a copy of each individual's Department-issued the lead inspector or lead risk assessor license performing the work. A copy of the individual's license current at the time of the work shall be included in the report;

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- 4) The name, complete address, and telephone number of the licensed lead abatement contractor employing the services of each lead inspector or lead risk assessor, if applicable;
- 54) The date of the field work and the date of the report;
- 65) A summary statement indicating what service was performed as specified ~~in subsection (c) by the client in the contract for services. The statement shall be descriptive and shall indicate whether the service was a comprehensive lead inspection. If the service was not a comprehensive lead inspection, the extent and limitations of the service shall be clearly stated;~~
- 76) Results of the visual inspections, including a narrative description of the regulated facility, including general condition, surface substrate type, painted surfaces condition, and maintenance practices;
- 87) A list of the locations of the ~~lead-bearing~~lead-bearing substances identified. The list shall be cross-referenced with a basic floor plan drawing of the regulated facility inspected;
- 98) A copy of all XRF sampling reports and laboratory analyses;
- 109) Each testing method, device and XRF serial number (if applicable), and sampling procedures employed for paint analysis, including quality control data; and
- 1140) A statement that the presence of ~~lead-bearing~~lead-bearing substances shall be disclosed to potential buyers and renters prior to obligation under a sales contract or lease in accordance with Section 845.25 and federal Lead Safe Housing Rule (24 CFR 35) and Lead-Bearing Paint Poisoning Prevention in Certain Residential Structures (40 CFR 745). Sample disclosure language can be found in the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Chapter 7.
- gh) The written report required by this Section shall be provided to the owner, who shall make the report available to any occupant, tenant or parent (in the case of a

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child care facility). A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.215 Procedures for Lead Risk Assessments in Regulated Facilities

- a) ~~Licensure.~~ A lead risk assessment shall be conducted only by a person licensed by the Department, as set forth in Section 845.125, as a lead risk assessor. A licensed lead risk assessor shall present, upon request, proof of licensure in the form of the Department-issued ~~photo-identification~~ license.
- b) ~~Conflict of Interest.~~ Lead risk assessors conducting lead risk assessment activities shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the lead abatement or lead mitigation project for which final clearance is being evaluated.
- c) Lead risk assessors shall obtain or prepare a statement of services in accordance with the client's specifications. The statement shall include the scope of the lead risk assessment, including a summary statement indicating what service was requested by the owner and the extent of service provided. The statement shall be descriptive and shall indicate whether the service was a comprehensive lead risk assessment. If the service was not a comprehensive lead risk assessment, the extent and limitations of the service shall be clearly stated.
- d) ~~Visual Assessment.~~ A visual ~~inspection for risk~~ assessment to locate the existence of deteriorated paint, to assess the extent and causes of the deterioration, and to evaluate other potential lead hazards shall be conducted prior to environmental sampling.
 - 1) A detailed property diagram shall be produced using a consistent labeling system.
 - 2) A written inventory shall be produced of each testing combination for all interior and exterior room equivalents.
- e) ~~Collection of Background Information.~~ The lead risk assessor shall collect background information regarding the physical characteristics of the property,

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including any previous lead inspection or risk assessment reports, maintenance history and use patterns that may cause exposure to a lead hazard.

- f) ~~Sample Locations for Paint.~~ When conducting a lead risk assessment, a lead risk assessor shall select ~~the following~~ locations according to the USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. The ~~selected following~~ locations shall be tested for the presence of a ~~lead-bearing lead bearing~~ substance, in accordance with Section 845.200. The following surfaces that are determined to be a distinct testing combination shall be tested for the presence of lead:
- 1) Each friction surface;
 - 2) Each impact surface with visibly deteriorated paint; and
 - 3) All other surfaces with visibly deteriorated paint.
- g) ~~Sample Locations for Dust.~~ When conducting a lead risk assessment, a lead risk assessor shall select ~~the following~~ locations according to USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies, and test for the presence of lead hazards in dust in accordance with Section 845.200. The following representative locations shall be tested for lead dust based on visual assessment of painting history and component type:
- 1) Two ~~single-surfacesingle surface~~ dust samples shall be collected, one from the floor and one from the window in each area where occupants are likely to come into contact with dust;
 - 2) Additionally, interior window stool and floor dust samples (single-surface samples only) shall be collected and analyzed for lead concentration in common areas where the occupants are likely to come into contact with lead. ~~Composite samples are not permitted.~~
- h) ~~Soil Sampling.~~ Soil samples ~~shall be takenare discretionary~~ based on the visual assessment ~~and the existence of bare soil~~. If collected, soil samples shall be collected in accordance with USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines methodologies. ~~Soil samples~~

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~~collected with laboratory analyses reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.~~

- ~~i)~~ All environmental sampling or testing shall be conducted using methodologies that incorporate adequate quality control procedures as referenced in Section 845.200.
- ~~j)~~ Any collected paint chip, dust, soil or water samples shall be analyzed by an accredited laboratory.
- ~~ik)~~ The lead risk assessment shall be documented in a written report that shall include the following:
 - 1) The name and complete address of the regulated facility;
 - 2) The name, complete address, and telephone number of the property owner;
 - 3) The name, ~~license number and written signature,~~ and a copy of each individual's Department-issued of the lead risk assessor license performing the work. ~~A copy of the individual's license current at the time of the work shall be included in the report;~~
 - 4) The name, complete address, and telephone number of the licensed lead abatement contractor employing the services of each lead risk assessor;
- ~~54)~~ The date of the field work and the date of the report;
- ~~65)~~ A summary statement indicating what service was performed as specified in subsection (c) requested by the owner and the extent of service provided by the lead risk assessor. ~~The statement shall be descriptive and shall indicate whether the service was a comprehensive lead risk assessment. If the service was not a comprehensive lead risk assessment, the extent and limitations of the service shall be clearly stated. The statement shall also include a narrative description of the facility, including general condition, condition of the painted surfaces and maintenance practices;~~
- ~~76)~~ A list of the location and type of lead hazards and lead-bearing ~~lead bearing~~ substances identified. The lead hazards and lead-bearing ~~lead bearing~~ substances shall be cross-referenced with a basic floor plan

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drawing of the regulated facility assessed. Each lead hazard identified shall be accompanied by written hazard control options available to the owner to address each lead hazard. The lead hazard listing shall be arranged based on priority;

- ~~87)~~ If the service was conducted for a regulated facility with multiple dwelling units, recommendations for maintenance of ~~lead-bearing~~lead-bearing substances and lead hazards that may be employed universally for all units in the complex shall be provided to the property owner;
- ~~98)~~ A copy of all XRF sampling reports and laboratory analyses, ~~and a statement as to how the samples were collected; and~~
- ~~10)~~ Each testing method, device and XRF serial number (if applicable), and sampling procedures employed for paint analysis, including quality control data; and
- ~~119)~~ A statement that the presence of ~~lead-bearing~~lead-bearing substances shall be disclosed to potential buyers and renters prior to obligation under a sales contract or lease in accordance with Section 845.25 and federal Lead Safe Housing Rule (24 CFR 35) and Lead-Based Paint Poisoning Prevention in Certain Residential Structures (40 CFR 745). Sample disclosure language can be found in HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.
- ~~j)~~ The written report required by this Section shall be provided to the owner, who shall make the report available to any occupant, tenant or parent (in the case of a child care facility). A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.220 Procedures for Lead Hazard Screens in Regulated Facilities (Repealed)

- ~~a)~~ Licensure. A lead hazard screen shall be conducted only by a person licensed by the Department as set forth in Section 845.125 as a lead risk assessor. The licensed lead risk assessor shall present, upon request, proof of licensure in the form of the Department issued photo identification license.

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- b) ~~Conflict of Interest. Lead risk assessors conducting lead risk assessment activities shall avoid potential conflicts of interest by not being an employee of the client (other than as contracted for the services at hand) or of the lead abatement contractor for the abatement or mitigation project for which clearance is being evaluated.~~
- e) ~~Lead risk assessors shall obtain or prepare a written statement of services in accordance with the client's specifications. The statement shall include the scope of the lead hazard screen, including a summary statement indicating what service was requested by the owner and the extent of service provided.~~
- d) ~~Collection of Background Information. The lead risk assessor shall collect background information regarding the physical characteristics of the property, including use patterns that may cause exposure to lead hazards.~~
- e) ~~Visual Inspection. A visual inspection of the regulated facility shall be conducted to:~~
 - 1) ~~Determine whether any deteriorated paint is present. Identification of 5 or more surfaces in poor condition constitutes failure of a lead hazard screen and requires a lead risk assessment; and~~
 - 2) ~~Locate at least 2 dust sampling locations.~~
- f) ~~Sample Locations for Paint. When conducting a lead hazard screen, a lead risk assessor shall select locations that have deteriorated paint and are found to have a distinct painting history to sample for the presence of lead bearing substances.~~
- g) ~~Sample Locations for Dust. When conducting a lead hazard screen, a lead risk assessor shall select the following locations according to the methodologies referenced in this Section, and shall test for the presence of lead hazards in dust, in accordance with Section 845.200. The following representative locations shall be tested for lead dust based on visual assessment of painting history and component type:~~
 - 1) ~~Two single surface dust samples shall be collected, one from the floor and one from the window in each area where occupants are likely to come into contact with dust; and~~

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- 2) ~~Additionally, interior window stool and floor dust samples (single surface samples only) shall be collected and analyzed for lead concentration in common areas where the occupants are likely to come into contact with lead. Composite samples are not permitted.~~
- h) ~~Soil Sampling. Soil samples are discretionary based on the visual assessment. If collected, soil samples shall be collected in accordance with USEPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling and HUD Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing methodologies. Soil samples collected with laboratory analyses reported as equal to or greater than the levels specified in Section 845.205 are considered elevated.~~
- i) ~~All environmental sampling or testing shall be conducted using methodologies that incorporate adequate quality control procedures as referenced in Section 845.200.~~
- j) ~~All collected paint chip, dust, soil or water samples shall be analyzed by an accredited laboratory.~~
- k) ~~The lead hazard screen shall be documented in a written report that shall include the following:~~
- 1) ~~The name and address of the regulated facility;~~
 - 2) ~~The name, address and telephone number of the property owner;~~
 - 3) ~~The name, license number and written signature of the lead risk assessor performing the work. A copy of the individual's license current at the time of the work, shall be included in the report;~~
 - 4) ~~The date of the field work and the date of the report;~~
 - 5) ~~A summary statement indicating what service was requested by the owner as required by subsection (c) of this Section. The statement shall also include a narrative description of the facility, including general condition, condition of the painted surfaces condition and maintenance practices;~~
 - 6) ~~Results of the visual inspections, including a narrative description of the facility, including general condition and condition of the painted surfaces;~~

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- ~~7) A list of the locations of the lead bearing substances identified. The list shall be cross referenced with a basic floor plan drawing of the regulated facility inspected;~~
 - ~~8) Recommendations for a follow up lead risk assessment, as appropriate, and any further necessary actions;~~
 - ~~9) A copy of all XRF sampling reports and laboratory analyses;~~
 - ~~10) Each testing method, device and XRF serial number (if applicable) and sampling procedures employed for paint analysis, including quality control data; and~~
 - ~~11) A statement that the presence of lead bearing substances shall be disclosed to potential buyers and renters prior to obligation under a sales contract or lease in accordance with Section 845.25, 24 CFR 35 and 40 CFR 745. Sample disclosure language can be found in HUD Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing.~~
- ~~1) The written report required by this Section shall be provided to the owner. A copy of the report shall be maintained by the licensed professional who performed the service in accordance with Section 845.230.~~

(Source: Repealed at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.225 Final Clearance Evaluations ~~Compliance Investigation~~ in Regulated Facilities

- a) The owner, its agent and ~~or~~ the licensed lead abatement contractor shall allow access to the Department or a delegate agency ~~authorized by the Department~~ to inspect a work area at any time during a lead abatement or lead mitigation project to determine compliance with the Act and this Part.
- b) Upon completion of the lead abatement or lead mitigation activities and the ~~cleanup~~ clean-up procedures outlined in Section 845.285, each work area shall pass a visual inspection and final clearance ~~evaluation~~ dust sampling, which shall include the following minimum requirements:

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- 1) A licensed lead inspector or lead risk assessor shall review the Work Practice and Occupant Protection Plan, developed by the licensed lead abatement supervisor as outlined in Section 845.255, to determine the areas that require a final clearance evaluation.
- 2) A licensed lead inspector or lead risk assessor shall receive and review the written assurance statement provided by the licensed lead abatement supervisor as required in Section 845.155.
- 3) A licensed lead inspector or lead risk assessor shall conduct a visual inspection of the work areas identified in the above-referenced Work Practice and Occupant Protection Plan to ensure that the surfaces have been abated or mitigated. The licensed lead inspector or lead risk assessor shall notify the owner or its agent and the licensed lead abatement contractor of the results of the visual inspection, and shall include the locations and characteristics of surfaces requiring further lead abatement, lead mitigation or cleanup with inadequate treatment. The visual assessment shall be documented in writing by the licensed lead inspector or lead risk assessor.
- 4) For work areas that pass the final visual inspection, and after ensuring that at least one hour has passed since lead abatement or lead mitigation and cleanup activities last occurred, a licensed lead inspector or lead risk assessor shall collect ~~at least the following~~ dust wipe samples ~~from~~ for no fewer than ~~4~~ four rooms or common areas within the work area identified in the Work Practice and Occupant Protection Plan. ~~If~~ if there are fewer than 4 rooms, all rooms and common areas shall be sampled:
 - A) At least one sample shall be collected from the bare floor;
 - B) At least one sample shall be collected from a window stool and one sample from a window well if available. ~~If there is not a window located within the work area, these dust samples shall be collected from alternative horizontal surfaces~~;
 - C) One sample shall be located on a horizontal surface or bare floor at or near the entrance to the work area.

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- 5) For work areas that fail the final visual inspections, the licensed lead abatement contractor shall repeat the procedures outlined in Section 845.285.
 - 6) For work areas that pass the final visual inspection, but are found in non-compliance with the regulatory limits established in Section 845.205(c), the licensed lead abatement contractor shall repeat the procedures outlined in Section 845.285 for non-compliant surfaces and ~~those~~ horizontal surfaces located below the non-compliant surfaces. Upon completion of these procedures, the licensed lead inspector or lead risk assessor shall repeat the visual assessment and dust sampling specified in subsection (b) for those non-compliant surfaces and the horizontal surfaces located below the non-compliant surfaces. This process shall continue until compliance with the regulatory limits established in Section 845.205(c) is achieved.
- c) Before a work area may be released for re-occupancy, the work area must meet the following requirements.
- 1) The work area shall pass the visual inspection outlined in subsection (b)(a), ensuring that all abated or mitigated surfaces and all uncarpeted floors have been treated to provide smooth and easily cleanable surfaces; ~~and~~ and
 - 2) Lead dust levels on horizontal surfaces are below the levels established in Section 845.205(c). All environmental lead samples must be submitted and analyzed by ~~an accredited~~ laboratory currently recognized by NLLAP.
- d) Upon achieving acceptable final clearance evaluation results, the licensed lead inspector or lead risk assessor shall prepare a written final clearance evaluation~~compliance investigation~~ report. A copy of the final clearance evaluation~~compliance investigation~~ report shall be provided to the licensed lead abatement contractor and to the owner of the regulated facility, who shall make the report available to any occupant tenant or parent (in the case of a child care facility). The report shall include the following:
- 1) The written assurance statement ~~provided~~required by the licensed lead abatement supervisor, as required in Section 845.155~~subsection (b)(2) of~~

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~~this Section stating that the work area has passed the final visual inspection;~~

- 2) A written statement that the work area passed visual inspection and analyses for dust wipe samples collected in the work area were within acceptable regulatory limits as outlined in Section 845.205(c);
- 3) The printed name, license number, and written signature of the person who conducted the final clearance evaluation sampling; and
- 4) A copy of the field sampling forms utilized, including the locations where the samples were collected and a copy of the laboratory results.
- e) The licensed lead inspector or lead risk assessor shall keep a copy of the final clearance evaluation~~compliance investigation~~ report, as required by the record keeping requirements outlined in Section 845.230.
- f) A final clearance evaluation shall not be conducted by a licensed lead inspector or lead risk assessor who is employed by or affiliated with the licensed lead abatement contractor that conducted the lead abatement or lead mitigation.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.230 Record Keeping Requirements for Environmental Investigations for Lead

All written reports and records required in Sections 845.210, 845.215, ~~845.220~~ and 845.225 shall be maintained by the licensed lead inspector ~~and~~/or lead risk assessor who performed the lead investigation service.

- a) Copies of all written reports and records shall be maintained for no fewer than 6 years from the date ~~of~~ the final clearance evaluation report or certificate of compliance is issued~~investigation~~;
- b) The licensed lead inspector and lead risk assessor shall allow the Department or its delegate agency access to ~~the such~~ records as requested, and shall provide copies to the Department upon request;
- c) Copies of all written reports and records shall be provided to the person who contracted for the lead investigation service for the regulated facility.

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(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

SUBPART F: STANDARDS FOR LEAD MITIGATION
AND LEAD ABATEMENT**Section 845.250 Submissions and Notices**

- a) ~~Notice to the Department.~~ The lead abatement contractor shall notify the Department at least 7 calendar days prior to the commencement of any lead abatement or lead mitigation project ~~at~~ a regulated facility. A separate notification shall be submitted for each unique regulated facility.
- 1) Notifications and changes to the notification shall be submitted on a form provided by the Department and shall be complete and accurate;
 - 2) The notification shall ~~state the~~ reflect a start date ~~of that corresponds with the beginning of lead abatement setup and an end date indicating when final clearance evaluation results are to be received by the lead abatement contractor that corresponds with the achievement of clearance. The lead abatement contractor shall submit any changes to the notification to the Department at least one day prior to the changes taking place;~~
 - 3) The lead abatement contractor shall submit any changes in the notification sent to the Department. The calendar days shall be counted starting with the day the notice is received by the Department. The date received will be based on the postmarked date if mailed and/or the facsimile receipt date. The lead abatement contractor may not start work sooner than the start date placed on the original notification ~~eight~~ calendar day;
 - 4) In the event that a project is delayed or cancelled for any reason, a revised notification shall be submitted to the Department, prior to the delay or cancellation, informing the Department of the delay or cancellation stating so. The notification shall be updated every 7 days until the project begins again. If the notification dates expire before the final clearance evaluation results are received by the lead abatement contractor ~~job re-commences~~, a new 7-day notification shall be submitted to the Department in accordance with subsections (a)(1) through -(3).

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- b) The owner or agent of any tenant-occupied regulated facility shall give notice to the occupants at least 7 calendar days, but not more than 30 calendar days, before a lead abatement contractor may commence a lead abatement or lead mitigation project. The owner or agent of the building in which the lead abatement or lead mitigation project is to take place shall notify all residents of: ~~Notice to Occupants~~
- 1) The area that is to undergo lead abatement or lead mitigation;~~The owner or its agent of any tenant-occupied regulated facility shall give notice to the occupants at least 7 calendar days, but not more than 30 calendar days, before a lead abatement contractor may commence a lead abatement or lead mitigation project. The owner of the building in which the lead abatement or lead mitigation project is to take place shall notify all residents of:~~
 - 2) The date on which lead abatement or lead mitigation is to commence;
 - 3) The name and telephone number for the Department-licensed lead abatement contractor;
 - 4) The occupants' obligations under this Section to remove personal items from the proposed work area; and
 - 5) The owner of a regulated facility who has received a mitigation notice under Section 9 of the Act shall post notices at all entrances to the regulated facility specifying the identified lead hazards. The posted notices, drafted by the Department and sent to the property owner with the notification of lead hazards, shall indicate the following:
 - A) that a unit or units in the building or the building have been found to have lead hazards~~The area that is to be abated or mitigated;~~
 - B) that other units in the building may have lead hazards~~The date on which abatement or mitigation is to commence;~~
 - C) that the Department recommends that children 6 years of age or younger and pregnant persons receive a blood lead testing~~The name and telephone number for the licensed lead abatement contractor;~~

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- D) ~~*where to seek further information*~~The occupants' obligations under this Section to remove personal items from the proposed work area; and
- E) ~~*whether mitigation notices have been issued for 2 or more dwelling units within a 5-year period of time.*~~The owner of a dwelling unit or residential building who has received a mitigation notice under Section 9 of the Act shall post notices in common areas of the building specifying the identified lead hazards. The posted notice, drafted by the Department and sent to the property owner with the notification of lead hazards, shall indicate the following:
- i) ~~*that a unit or units in the building have been found to have lead hazards;*~~
 - ii) ~~*that other units in the building may have lead hazards;*~~
 - iii) ~~*that the Department recommends that children 6 years of age or younger receive a blood lead screening;*~~
 - iv) ~~*where to seek further information; and*~~
 - v) ~~*whether mitigation notices have been issued for 2 or more dwelling units within a 5-year period of time.*~~
- c2) *Once the owner has complied with a mitigation notice or mitigation order issued by the Department, the owner may remove the notices posted pursuant to this Section. (Section 9.4 of the Act)*

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.255 Work Practice and Occupant Protection Program

- a) The lead abatement contractor shall protect occupants of a regulated facility undergoing lead abatement or lead mitigation activities from exposure to potential lead hazards that may be generated by the lead abatement or lead mitigation activities. To ensure the health and safety of occupants, a Work Practice and Occupant Protection Plan shall be ~~developed~~produced and followed for each lead mitigation and lead abatement project. At a minimum, the plan shall describe the

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protocols, procedures and work practices to be employed by the lead abatement contractor to ensure that the occupants are properly protected from potential lead hazards that may be generated from the lead abatement or lead mitigation work. The plan shall be written and shall fulfill the following requirements:

- 1) Evaluate the need to remove the occupants from the regulated facility during the lead abatement or lead mitigation;
- 2) Be unique to each lead abatement or lead mitigation work area;
- 3) Be developed by a licensed lead [abatement](#) supervisor employed by the licensed lead abatement contractor performing the lead abatement or lead mitigation work;
- 4) Provide the name, written signature and [Department-issued](#) license number of the licensed lead [abatement](#) supervisor who prepared the plan;
- 5) Be developed and implemented prior to commencement of lead abatement or lead mitigation;
- 6) Include the results of any lead inspection or lead risk assessment conducted in the regulated facility;
- 7) Evaluate and establish the requirements for pre-cleaning the work areas before establishing work place barriers and containment systems as required by Section 845.265;
- 8) Describe what work practices will be employed to prevent the uncontrolled release of dust and debris from the work area;
- 9) Describe the method of separating the work area from non-work areas, and describe work area isolation methods to prevent unauthorized entry by non-licensed or non-protected individuals;
- 10) Describe in writing work practices to be employed to abate or mitigate the [lead-bearing](#)~~lead-bearing~~ substance and ~~or~~ lead hazard;

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- 11) Outline procedures to ensure that the work area or regulated facility is not re-occupied prior to final cleaning required in Section 845.285 and the final clearance evaluation requirements specified in Section 845.225;
 - 12) Be kept at the site and updated as necessary by the lead abatement supervisor employed by the lead abatement contractor performing the lead abatement or lead mitigation;
 - 13) Be kept by the lead abatement contractor after the completion of the lead mitigation or lead abatement project in accordance with the record keeping requirements outlined in Section 845.300; and
 - 14) Be made available for review by the building owner, its agent or a representative of the Department or its delegate agency.
- b) The lead abatement contractor performing a lead abatement or lead mitigation activity that is expected to break or disturb any ~~lead-bearing~~ lead-bearing substances shall display a caution sign outside ~~at~~ each work area ~~at~~ the regulated facility in the following manner:
- 1) Before abating or mitigating a ~~lead-bearing~~ lead-bearing substance, caution signs shall be posted by the lead abatement contractor immediately outside all entrances and exits to each work area;
 - 2) Caution signs shall be kept posted until the lead abatement or lead mitigation is completed and final ~~dust~~ clearance evaluation results have been obtained. Caution signs shall:
 - A) Be at least 11" by 8.5";
 - B) State the date and place of the lead abatement or lead mitigation project; and
 - C) Include the phrase "Warning, Lead Work Area, Poison, No Smoking or Eating" in bold lettering, at least 2 inches high.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.260 Personnel Protection Program

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- a) The lead abatement contractor, its agent, or any person who is performing lead abatement or lead mitigation in a regulated facility shall take the necessary precautions to protect his or her health, the health of any [lead abatement](#) supervisor or [lead abatement](#) worker-~~employed~~, and the health of occupants of the regulated facility during any lead abatement or lead mitigation that may produce lead chips, dust or fumes.
- b) The lead abatement contractor shall comply with the requirements established for worker protection in accordance with 29 CFR 1926.62, 29 CFR 1910.1025 and 29 CFR 1910.134.
- c) The lead abatement contractor shall maintain copies of the written personnel protection program on-site at each lead abatement and lead mitigation project and make those copies available for review by Department or delegate agency staff. The written plan shall include:
 - 1) The minimum requirements for personal protective equipment to enter the work area. If protective equipment is not provided, the [lead abatement](#) contractor shall have on-site air monitoring results and/or negative exposure assessment as required by OSHA, indicating that protective equipment is not required;
 - 2) The work practices ~~thatt~~ ensure ~~that~~ employees are not spreading potential lead contamination to other locations by transfer on protective equipment; and
 - 3) The personal hygiene practices to be used by personnel for decontamination prior to leaving the work area.
- d) Copies of the written personnel protection program shall be maintained as part of the records required in Section 845.300.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.265 [Lead](#) Work Area Isolation, Preparation and Containment

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- a) Work area isolation, preparation and containment shall be in accordance with the written Work Practice and Occupant Protection Program required by Section 845.255 and the procedures specified in this Section.
- b) The licensed lead abatement contractor shall ensure that unauthorized persons are not permitted to enter a work area where lead mitigation or lead abatement is occurring.
- c) The licensed lead abatement contractor shall ensure that all warning signs required by Section 845.255 are clearly displayed, identifying each work area within the regulated facility.
- d) ~~Accessibility.~~ At all times when a lead abatement or lead mitigation project is being conducted in a regulated facility, the lead abatement contractor shall ensure that the following conditions are met:
 - 1) The Department or its delegate agency shall have access to the work area at any time during a lead abatement or lead mitigation project to determine compliance with the requirements of this Part;
 - 2) The lead abatement contractor shall ensure that occupants and pets use alternative entrances and exits that do not require passage through the work area. The lead abatement contractor shall use all reasonable efforts to create an uncontaminated passage for entrance and exit of all building occupants;
 - 3) If the entrance to and exit from a building can only be through the work area, the lead abatement contractor shall provide an enclosed passage through the work area, which serves as an air-tight isolation barrier from the work area and is to be used for entrance and exit from the building. The airtight enclosed passage must remain in place until work is complete, final ~~cleanup~~ ~~clean-up~~ is conducted, and the ~~final clearance evaluation~~ ~~compliance investigation~~ required by Section 845.225 has been successfully completed;
 - 4) Restricted access to each work area shall remain in place until work is completed, final ~~cleanup~~ ~~clean-up~~ is conducted, and the final ~~dust~~ clearance ~~evaluation~~ samples have ~~met the minimum requirements set forth~~ ~~passed the compliance investigation required~~ in Section 845.225.

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- e) ~~Work Area Pre-cleaning.~~—The lead abatement contractor shall conduct ~~the required~~ pre-cleaning of each work area as ~~stated in~~ required by the Work Practice and Occupant Protection Plan required by Section 845.255, including at least the following:
- 1) Turn off all forced air ventilation in the work area and seal exhaust and intake points in the work area;
 - 2) Pre-clean movable objects ~~within the proposed work area~~ using HEPA-filtered vacuum equipment ~~and/or~~ wet cleaning methods, ~~as appropriate,~~ and remove ~~those such~~ objects from the work area;
 - 3) Clean upholstered furniture, drapes and removable carpeting twice using HEPA-filtered vacuum equipment before removal from the work area;
 - 4) Pre-clean fixed objects using HEPA-filtered vacuum equipment and/or wet cleaning methods ~~as appropriate;~~ and
 - 5) Pre-clean the ~~proposed~~ work area using ~~HEPA-filtered~~ HEPA-filtered vacuum equipment ~~and/or~~ wet cleaning methods ~~as appropriate.~~
- f) ~~Interior Containment.~~—Before beginning ~~lead abatement or lead mitigation in an interior to abate or mitigate a lead bearing substance that may cause lead chips, dust or fumes in the~~ work area, a licensed lead abatement contractor ~~performing lead abatement or lead mitigation shall, in the following order:~~
- 1) Ensure that access to the work area is restricted as required in subsection (d) ~~of this Section;~~
 - 2) Ensure that all requirements of work area pre-cleaning specified in subsection (e) ~~of this Section~~ have been completed;
 - 3) Cover and seal all objects that cannot be moved, such as radiators, refrigerators, stoves, kitchen cabinets, built-in furniture, and bookcases, with plastic sheeting at least 6 mils thick;
 - 4) Cover floors in the work area with plastic sheeting at least 6 mils thick ~~and sealed~~ in place. For projects that will last more than one day, 2 layers

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of plastic sheeting 6 mils thick shall be installed. At the end of each work day, the top layer of plastic sheeting shall be cleaned, removed and disposed of in accordance Section 845.285(b) and replaced; and

- 5) Protect carpeting to ensure that contamination does not occur from the lead abatement or lead mitigation activities. Carpeting is subject to ~~the compliance~~-sampling outlined in Section 845.225, and including meeting the regulatory limits of lead for floors ~~as~~ specified in Section 845.205(c).
- g) ~~Exterior Containment.~~ Before beginning lead abatement or lead mitigation ~~to abate or mitigate a lead bearing substance~~ in an exterior work area, a licensed lead abatement contractor ~~performing the abatement or mitigation~~ shall ensure ~~the following~~:
 - 1) Access to the work area is ~~shall be~~ restricted as required in subsection (d) of this Section.
 - 2) All requirements of work area pre-cleaning specified in ~~Pre-cleaning of the work area shall be completed as required by~~ subsection (e) of this Section have been completed, including removal and disposal of visible paint chips and debris that are on the ground.
 - 3) When waste and debris will be generated from the lead mitigation or lead abatement activities, ~~the lead abatement contractor shall install at least one~~ layer of plastic sheeting at least 6 mils thick shall be installed to collect any debris ~~generated~~. The plastic sheeting shall be attached below the surface that is to be abated or mitigated to collect and contain any waste and debris. The plastic sheeting shall extend out from the foundation at least 3 feet per story being abated or mitigated, with a minimum of ~~65~~ feet and a maximum of 20 feet. If these horizontal standards cannot be met for any reason, the lead abatement contractor shall erect vertical containment or equivalent extra precautions to contain the work area and ensure that dust and debris does not contaminate adjacent buildings or migrate to adjacent properties.
- A) When liquid waste is produced, ~~excluding hydro-blasting~~, the lead abatement contractor shall install a waste collection system capable of handling the amount of liquid waste to be generated by the procedure.

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- B) The waste collection system shall be attached below the surface being abated or mitigated to assure that liquid waste does not leak from the contained work area.
- 4) Containment systems shall be installed to withstand ~~the forces of the~~ weather conditions and to contain all debris and waste generated during the lead abatement or lead mitigation activities. If inclement weather conditions persist during lead abatement or lead mitigation activities, the lead abatement contractor ~~shall may be required to~~ erect vertical containment or equivalent extra precautions to contain the work area and ensure that dust and debris does not contaminate adjacent buildings or migrate to adjacent properties~~shrouds to prevent dispersal or spread of generated debris.~~
- 5) If the lead abatement contractor is to employ vacuum blasting or contained hydro-blasting, the interior side of windows shall be sealed with at least 2 layers of plastic sheeting at least 6 mils thick.
- 6) Plastic containment barriers that cannot be secured to prevent unauthorized access in the absence of the lead abatement contractor shall be cleaned, removed and disposed of ~~daily~~ in accordance with Section 845.285(c) and replaced daily.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.270 Prohibited Work Practices

~~a)~~ No person conducting lead abatement or lead mitigation ~~of lead bearing substances~~ shall employ any of the following methods:

- ~~a1)~~ Open flame burning;
- ~~b2)~~ Dry sanding;
- ~~c3)~~ Open abrasive blasting;
- ~~d4)~~ Uncontained exterior hydro-blasting;

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- e) Interior hydro-blasting;
- f) Methylene chloride application; or
- g) Dry scraping.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.275 Safe Work Practices

- a) Lead abatement ~~is a work practice that when completed shall remove or permanently eliminate exposure to the lead-bearing substances at a regulated facility. Abatement of lead-bearing substances may employ a wide range of work practices outlined in the~~ methodologies specified in Section 845.15, including ~~the following methods:~~
 - 1) Replacement ~~of any. Any component~~ part of a building ~~may be abated by replacement with a~~ lead-free component ~~part free of lead-bearing substances.~~
 - 2) Removal ~~of any. Any component~~ part of a building ~~using~~ may be abated by the following techniques:
 - A) Off-site chemical stripping;
 - B) Heat ~~guns~~ gun (operating ~~at temperature~~ temperature shall not exceed 1100° F). If using heat guns, the lead abatement contractor shall ensure that ~~a~~ appropriate fire extinguishing equipment is on-site and immediately accessible to the lead workers using the heat guns. A minimum of one fire extinguisher for each heat gun being used ~~is on-site shall be~~ supplied ~~by the lead abatement contractor;~~
 - C) Non-flammable ~~Nonflammable~~ chemical strippers that do not contain methylene chloride;
 - D) Sander equipped with HEPA vacuum attachment;
 - E) Wet planing to substrate;

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- F) Contained vacuum~~Vacuum~~ blasting in exterior work areas only;
 - G) Contained hydro-blasting in exterior work areas only; and
 - H) Mechanical paint removal systems equipped with a HEPA vacuum attachment.
- 3) Enclosure of a lead-bearing. ~~A lead-bearing~~ substance may be ~~achieved~~~~abated~~ by covering the ~~lead-bearing~~~~lead-bearing~~ surface with an approved material. ~~Materials used shall comply~~~~any of the following materials, provided use of the material complies~~ with local building ordinances or codes and shall be applied in accordance with methodologies outlined in Section 845.15. Materials approved for enclosure include:
- A) Gypsum board;
 - B) Fiberglass mats;
 - C) Canvas-backed vinyl wall coverings;
 - D) High pressure laminated plastic sheeting~~sheet, such as Formica~~[®];
 - E) Tile;
 - F) Paneling;
 - G) Vinyl;
 - H) Wood;
 - I) Aluminum;
 - J) Stone; or
 - K) Other durable material that does not readily tear or peel.

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- 4) Encapsulation ~~of a lead-bearing.~~ A lead-bearing substance may be ~~achieved~~ abated by ~~applying an encapsulation if the~~ encapsulating product ~~is applied~~ in accordance with the manufacturer's directions and ~~shall be~~ applied in accordance with methodologies specified in Section 845.15.
- b) Lead mitigation ~~is a work practice that when completed temporarily renders a lead bearing substance safe and removes an immediate health hazard to humans.~~ Mitigation of lead bearing substances may ~~employ~~ include a wide range of interim lead hazard control work practices, including:
 - 1) ~~Procedures~~ Those procedures identified as interim controls outlined in the methodologies incorporated in Section 845.15;
 - 2) The methods outlined in subsection (a) ~~of this Section~~ that are not permanent;
 - 3) Paint film stabilization;
 - 4) Friction and impact surface treatment; and
 - 5) Dust removal and control; ~~and~~
 - 6) ~~Reversal.~~ A lead-bearing substance may be mitigated by reversing component parts, provided that no lead-bearing surface remains exposed at the completion of the process and all seams are caulked and sealed.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.280 ~~Guidelines for~~ Abatement and Mitigation of Lead-Contaminated Soil

- a) Soil abatement, including removal of lead-contaminated soil, shall be conducted in accordance with methodologies ~~incorporated~~ outlined in Section 845.15 and shall meet the following requirements:
 - 1) All soil removal work shall be conducted by ~~a Department-~~ licensed lead abatement ~~contractor~~ contractors employing licensed lead abatement workers who are supervised by a licensed lead abatement supervisor;

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- 2) Worker protection shall be provided as required in Section 845.260. At a minimum, all lead abatement workers removing lead-contaminated~~leaded~~ soil shall be provided with a changing area equipped with a facility for washing or showering. Lead abatement workers~~Workers~~ shall be required to change into personal protective clothing before entering the work area, and to remove personal protective clothing and shower or wash before leaving the work area;
- 3) A Work Practice and Occupant Protection Program as required by Section 845.255 shall be developed;
- 4) Equipment decontamination procedures shall be employed to prevent the spread of lead dust and debris~~contamination~~. Disposable items are not to be reused and shall be discarded as provided in Section 845.~~290~~285. The equipment decontamination procedures shall be outlined in the Work Practices and Occupant Protection Program required by Section 845.255;
- 5) Prior to beginning soil removal, the source of the lead contamination ~~of the soil~~ shall be identified and eliminated if possible, ~~to prevent re-contamination of the abated area~~;
- 6) Removal of the lead-contaminated soil shall be accompanied by dust suppression methods to keep the generation of dust to a minimum;
- 7) Soil that is stockpiled prior to disposal shall be:
 - A) Placed on a layer of impermeable plastic;
 - B) Kept moist to avoid dust generation; and
 - C) Covered with impermeable plastic that is secured to the ground;
- 8) Removed lead-contaminated soil shall be transported to disposal areas in sealed containers or in a covered vehicle in accordance with disposal requirements incorporated~~outlined~~ in Section 845.290. Off-site vehicular or foot tracking of contaminated soil shall be avoided;
- 9) Any replacement~~removed~~ soil ~~that is to be replaced~~ shall be replaced with soil that has been tested and confirmed to have a lead concentration less

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than 400 ppm. The testing shall be conducted by a licensed lead inspector or lead risk assessor, with analysis performed by ~~an accredited~~ laboratory ~~currently recognized by NLLAP as defined in Section 845.20.~~

- b) Soil abatement, including the installation of a permanent cover, such as concrete or asphalt, over lead-contaminated soil shall be conducted in accordance with methodologies ~~incorporated~~ ~~outlined~~ in Section 845.15 and shall meet the following requirements:
- 1) Soil abatement work, including the installation of a permanent cover, may be conducted by non-licensed persons, provided that the abatement activities do not involve removal of the existing lead-contaminated soil;
 - 2) Dust suppression methods shall be employed ~~to keep the generation of dust to a minimum;~~
 - 3) Equipment decontamination procedures shall be employed to prevent the spread of lead ~~dust and debris~~ ~~contamination~~. Disposable items are not to be reused and shall be discarded as provided in Section 845.290;
 - 4) Prior to beginning soil covering, the source of the lead contamination ~~of the soil~~ shall be identified and eliminated, if possible, ~~to prevent re-contamination of the work area.~~
- c) Soil mitigation, including the installation of a non-permanent cover, such as mulch, stone, gravel, soil, sod, etc., over lead-contaminated soil shall be conducted in accordance with documented methodologies ~~incorporated~~ ~~outlined~~ in Section 845.15 and shall meet the following requirements:
- 1) Soil mitigation work, including the installation of a non-permanent cover, may be conducted by non-licensed persons, provided that the mitigation activities do not include the removal of the existing lead-contaminated soil;
 - 2) Dust suppression methods shall be employed ~~to keep the generation of dust to a minimum;~~

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- 3) Equipment decontamination procedures shall be employed to prevent the spread of lead ~~dust and debris~~contamination. Disposable items are not to be reused and shall be discarded as provided in Section 845.290;
- 4) Prior to beginning soil mitigation, the source of the lead contamination ~~of the soil~~ shall be identified and eliminated if possible ~~to prevent re-contamination of the mitigation area~~;
- 5) The non-permanent cover material shall be tested and confirmed to have a lead concentration less than 400 ppm. The testing shall be conducted by a licensed lead inspector or lead risk assessor, with analysis conducted by ~~an accredited~~ laboratory currently recognized by NLLAP; and-
- 6) Installation of non-permanent covering shall be applied to a minimum depth of 2 inches over the lead-contaminated soil.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.285 Cleanup ~~Clean-Up~~ Procedures

- a) Cleanup of interior and exterior work areas shall be conducted at least daily at the end of the work shift, and upon completion of the lead mitigation and lead abatement work.
- b) ~~Clean Up of Interior Work Areas.~~ The lead abatement contractor shall clean up interior work areas using~~complete~~ the following procedures in the order that they appear:
 - 1) All work area isolation systems required in Section 845.265 shall remain in place until completion of the final clearance evaluation~~compliance investigation~~ in accordance with Section 845.225.
 - 2) All waste and debris shall be removed from the work area and disposed of in accordance with Section 845.290.
 - 3) All surfaces and plastic containment barriers in the work area shall be HEPA vacuumed and wet washed with a detergent and water solution ~~of a phosphate-free lead-dissolving detergent~~.

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- 4) After wet washing and allowing all surfaces to dry, HEPA vacuuming of all surfaces in the work area shall be repeated.
 - 5) All plastic barriers used for containment, excluding isolation barriers, if present, shall be removed, ~~and~~ disposed of and replaced daily until final clean up.
 - ~~6) All surfaces in the work area shall be HEPA vacuumed.~~
 - ~~67) All lead waste, isolation barriers and material from clean up, including mop heads, sponges, filters and disposable clothing, shall be deposited and sealed airtight in double plastic bags at least 4 mils thick or single bags 6 mils thick, and the bags shall be sealed.~~
- c) Clean Up of Exterior Work Area.—The lead abatement contractor shall clean up exterior work areas using~~conduct exterior clean up according to~~ the following procedures:
- 1) All waste and debris shall be removed from the work area and disposed of in accordance with Section 845.290.
 - 2) All plastic barriers used for containment shall be removed, ~~and~~ disposed of and replaced daily until final clean up. The plastic sheeting shall be removed in a manner to prevent release of any remaining debris.
 - A) Any surface ~~in the work area~~ with visible debris remaining after removal of plastic sheeting shall be HEPA vacuumed.
 - B) All exterior horizontal components in the work area shall be wet washed with a detergent and water solution ~~or a phosphate-free lead-dissolving detergent as appropriate~~.
 - 3) All lead waste, work area barriers and material from clean up, including mop heads, sponges, filters and disposable clothing, shall be deposited and sealed airtight in double plastic bags at least 4 mils thick or single bags 6 mils thick, and the bags shall be sealed.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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Section 845.290 Disposal Procedures

~~Waste Disposal.~~—The lead abatement contractor shall dispose of all waste generated from the lead abatement or lead mitigation in accordance with State, local and federal laws.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.295 Re-occupation~~Reoccupanion~~ of the Lead Work Area

- a) Before a work area may be released for re-occupancy~~reoccupaney~~, the work area must meet the following requirements:
 - 1) The work area shall pass the visual inspection outlined in Section 845.225; ~~ensuring that all abated or mitigated surfaces and all floors have been treated to provide smooth and easily cleanable surfaces;~~ and
 - 2) Lead dust levels on floors and other horizontal surfaces shall be below the levels established in Section 845.205(c). ~~All environmental lead samples must be submitted and analyzed by an accredited laboratory, as defined in 845.20.~~
- b) Upon ~~the work area's~~ passing ~~of~~ the visual inspection and achieving acceptable final dust sample clearance evaluation results, the licensed lead abatement contractor shall obtain a signed copy of the final clearance evaluation result~~compliance investigation report~~ required by Section 845.225 before being released from the work area.
- c) Upon receipt of the signed final clearance evaluation result~~compliance investigation report~~ required by Section 845.225, the licensed lead abatement contractor shall remove the remaining isolation barriers and may release the work area for re-occupancy~~reoccupaney~~.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.300 Record Keeping Requirements for Lead Mitigation and Lead Abatement Activities

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- a) The lead abatement contractor shall retain the following information for every lead abatement or lead mitigation project conducted in a regulated facility in Illinois:
- 1) The name and address of the owner or its agent for whom the project was conducted;
 - 2) A copy of the 7-day abatement/mitigation notification form and all revisions submitted to the Department prior to commencement;
 - 3) Copies of the results of any lead inspection or lead risk assessment conducted in the regulated facility and provided to the lead abatement contractor;
 - 4) A signed copy of the Work Practice and Occupant Protection Plan developed for the regulated facility;
 - 5) A copy of the written personal protection plan ~~OSHA personal monitoring results conducted~~ for the project;
 - 6) A list of the names of the licensed lead abatement workers and lead abatement supervisors employed for each project, including a copy of their Department-issued lead abatement license numbers;
 - 7) A copy of the written assurance statement provided by the licensed lead abatement supervisor as required in Section 845.155, ~~which states that all lead mitigation and lead abatement identified in the Work Practice and Occupant Protection Program have been completed~~; and
 - 8) A copy of the final clearance evaluation results ~~written compliance investigation report~~ required by Section 845.225, ~~indicating that the project met the clearance criteria~~.
- b) The records shall be retained for at least 6 years from the date the lead mitigation or lead abatement project was completed.
- c) The lead abatement contractor shall provide a copy of the items listed in subsections ~~subsection~~ (a)(1) through (8) to the owner of the regulated facility within 60 days after completion of the lead mitigation and/or abatement project.

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- d) The lead abatement contractor shall maintain the following records ~~pertaining to lead abatement contractor license application records and supporting documents~~ for as long as the company is licensed:
- 1) Completed license application form;
 - 2) Proof of liability insurance for all of the time that the lead abatement contractor is licensed;
 - 3) Medical monitoring records for all employees;
 - 4) Copies of all correspondence from the Department; and
 - 5) Records of all legal proceedings, lawsuits or claims that have been filed or levied against the ~~lead abatement contractor~~ ~~Contractor~~ during the time that it is licensed by the Department as a lead abatement contractor.
- e) The lead abatement contractor shall allow the Department or ~~delegate agency's~~ ~~representative~~ access to records pertaining to all lead mitigation and lead abatement projects conducted in regulated facilities.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

SUBPART G: FINES, PENALTIES AND ADMINISTRATIVE HEARINGS

Section 845.350 Denial, Suspension and Revocation of Lead Training Course Approval

- a) ~~Suspension, Revocation, or Denial of Training Courses.~~—The Director of ~~Public Health~~, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the approval of, a lead training program ~~provider~~, or the approval of an individual training course, in any case in which the Department finds substantial or continued failure to comply with the requirements of this Part, including ~~but not limited to~~ fraud, misrepresentation, working without approval, or not adhering to approved training materials.
- b) The hearing notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or approved ~~lead training program~~ provider with an opportunity to request a

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hearing. If a written hearing request is not received within 15 days after the date of mailing by the Department, the right to a hearing is waived.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.355 Denial, Suspension and Revocation of Licenses

- a) In any case in which the Director ~~of Public Health~~ finds substantial or continued failure to comply with the requirements of this Part, including fraud, misrepresentation, working without a license, or not adhering to work practice standards or failure to pay fines or penalties owed to the Department, the Director, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the license of, a lead abatement contractor, lead supervisor, lead worker, lead abatement risk assessor or lead inspector.
- b) The hearing notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or licensee with an opportunity to request a hearing. If a written hearing request is not received within 15 days after the date of mailing by the Department, the right to a hearing is waived.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.360 Fines and Penalties

- a) In addition to any other action authorized by the Act or this Part, *the Department is authorized to ~~may~~ assess ~~administrative~~ penalties against any licensee or any other person who violates the Act or this Part. (Section 12.2(b) of the Act) ~~licensed lead worker, licensed lead professional, licensed lead abatement contractor or approved lead training provider for violation of any provision of the Act or this Part. (Section 11.2 of the Act)~~ The Department shall determine whether a fine will be assessed and the amount of any such fine.*
- b) The Department shall consider the following criteria independently and aggregately to determine whether a fine shall be assessed:
 - 1) Whether the Department issued a stop work order and whether the person strictly obeyed the order;

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- 2) Whether the person has previously been cited for a violation of the Act or this Part, except that any previously cited violation shall not be considered if the violation was held to be unfounded by a final order of the Department or by a court, or if any previous citations for violations occurred more than 3 years ago;
 - 3) Whether the violation is of such nature as to result in the possibility of injury or other harm to the environment; to the person's agents or employees; to the building owner, users or occupants; or to the general public;
 - 4) Whether the violation appears to be the result of any degree of negligence by the person or by the person's agents or employees;
 - 5) Whether the person demonstrated good faith efforts to correct the violation upon receipt of oral or written notice of the violation and whether such actions in fact corrected the violation;
 - 6) Whether the person has falsified any lead license or certificate or represents himself or herself as authorized to conduct work without a valid license in a fraudulent manner; and
 - 7) Whether the person falsified any record keeping information required by the Act or this Part.
- c) Criteria to determine the amount of a fine ~~and~~/or penalty for a violation of any provision of the Act or of this Part are as follows. All amounts determined pursuant to these criteria shall be added together to determine the total fine against the person.
- 1) First violation – the person may be issued a fine of up to ~~\$5,000~~\$1,000.
 - 2) Each day that a violation exists shall constitute a separate or repeat violation.
 - 3) Repeat violation – the person may be issued a minimum fine of ~~\$5,000~~\$1,000 plus additional fines calculated according to the following: subsection (c)(4) of this Section.

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- A) For each violation that may cause or result in harm or injury to the health or safety of the agents or employees of the person present: \$100 multiplied by the number of agents or employees present at any time on the date of the violation.
 - B) For each violation that may cause or result in harm or injury to the health or safety of the building owners or users, occupants of the building or the general public: \$100 multiplied by the number of persons present in or around the regulated facility at any time on the date of violation.
 - C) For each violation that may cause or result in contamination with lead dust or debris of any part of the regulated facility other than the work area: ~~\$5,000~~\$1,000.
 - D) For each violation that may cause or result in contamination with lead dust or debris of any surrounding areas to the regulated facility: ~~\$5,000~~\$1,000.
- 4) For a third violation of a provision of the Act or this Part, a licensee or approved training program provider, in addition to the fines and penalties in subsection (c)(3), may have his/her license or Department approval denied, suspended or revoked in accordance with Sections 845.350 and 845.355.
 - 5) Notwithstanding any other provision of this Part, the Department may at any time, upon a finding of 5 or more violations during the same inspection that may cause or result in harm or injury to the health and safety of persons, assess a fine ~~and~~/or penalty pursuant to subsection (c)(3).
- d) The Department shall serve notice of fine and/or penalty assessments, and shall provide the same rights and opportunity for hearing as provided in Section 12.2 of the Act and this Section. In the event that a person fails to request a hearing within the time provided in the notice, the person shall be deemed to have waived the right to an administrative hearing, and the fine and/or penalty assessments that are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law.

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- e) All fine ~~and~~/or penalty assessments that are upheld in whole or in part by final order of the Department shall be due in full at the conclusion of the time period for filing for administrative review pursuant to the Administrative Review Law, unless the person has within that time filed proceedings in administrative review specifically appealing the fine ~~and~~/or penalty assessment and unless the court has stayed enforcement of the fine ~~and~~/or penalty assessment.

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

Section 845.365 ~~Emergency~~ Stop Work Orders for Regulated Facilities

Whenever the Department or its delegate agency finds that a situation exists that requires immediate action to protect the public health, it may, without notice or hearing, issue an order requiring that such action be taken as it may deem necessary to protect the public health, including, but not limited to, the issuance of a stop work order, ordering the immediate suspension of any improper activities that may disturb a lead-bearing surface, and requiring that any person found to be improperly conducting such activities immediately cease work. Notwithstanding any other provision in the Act or this Part, such order shall be effective immediately. The Attorney General, State's Attorney, or Sheriff of the county in which the property is located has authority to enforce the order after receiving notice of the order. Any person subject to such an order is entitled, upon written request to the Department, to a hearing to determine the continued validity of the order. (Section 8.3 of the Act)~~In circumstances of substantial danger to the environment or to the health of persons, the Department may direct a person to cease and desist lead activities conducted pursuant to the Act and this Part, to halt the activity causing or contributing to the danger, or to take such other action as may be necessary. The persons, licensed lead worker, licensed lead professional, licensed lead contractor or approved lead training course provider subject to the order will be removed from the Department's list of approved and/or licensed individuals or firms. The Department shall authorize the reinstatement of the lead activities and reinstatement of the individual and/or firm to the Department's list when the activities that are the subject of the emergency stop work order have been brought into compliance with applicable State and federal requirements and this Part.~~

(Source: Amended at 43 Ill. Reg. 2440, effective February 8, 2019)

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Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System (Repealed)**Section 845.EXHIBIT A Instructions for Completing the Laboratory-Based Report of Childhood Lead Poisoning (Repealed)**

~~The Childhood Lead Poisoning Report form shall be completed for all blood lead test results on all persons 15 years of age and younger. Each laboratory in Illinois certified by the Department to conduct a blood lead analysis is required to complete the Childhood Lead Poisoning Report form, unless the laboratory is reporting to the Department using the electronic reporting system.~~

- 1) ~~Complete the following information on the child's complete name:~~

~~LAST NAME: Enter the child's complete last name.~~

~~FIRST NAME: Enter the child's complete first name.~~

~~MIDDLE INITIAL: Enter the child's middle initial.~~

- 2) ~~Complete the following information on the child's parent or guardian, if available:~~

~~LAST NAME: Enter the parent/guardian's complete last name.~~

~~FIRST NAME: Enter the parent/guardian's complete first name.~~

~~MAIDEN NAME: Enter the parent/guardian's complete maiden last name.~~

- 3) ~~TELEPHONE NUMBER: If available, enter the child's telephone number (area code and 7-digit number).~~

- 4) ~~DATE OF BIRTH: Enter the child's date of birth. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).~~

- 5) ~~ADDRESS OF CHILD: Complete the following elements on the form. All elements refer to the current address for the child.~~

~~NUMBER: Enter the number of the child's current street address.~~

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~~DIRECTION: Enter the direction that appears in the child's current street address (e.g., North).~~

~~STREET NAME: Enter the name of the of the child's current street address.~~

~~TYPE: Enter the applicable type of street address (e.g., street, boulevard, avenue).~~

~~APARTMENT NUMBER: If applicable, enter the apartment number of the child's address.~~

~~COUNTY: Enter the complete name of the county where the child currently resides.~~

~~CITY: Enter the complete name of the city where the child current resides.~~

~~STATE: Enter the state where the child currently resides. Use the standard 2-character abbreviation.~~

~~ZIP: Enter the 5-digit zip code where the child currently resides.~~

- ~~6) SEX: Check the appropriate box to indicate the child's sex.~~
- ~~7) RACE: Check the appropriate box to indicate the child's race.~~
- ~~8) HISPANIC: Check the appropriate box to indicate whether the child is Hispanic.~~

TEST DATA

- ~~1) DATE OF FIRST TEST: Enter the month, day and year the first blood lead sample to be reported was collected. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).~~
- ~~2) TYPE: Check the appropriate box to indicate the specimen type (venous or capillary).~~
- ~~3) TEST RESULTS: Enter the blood lead level of the sample in micrograms per deciliter (mcg/dL).~~
- ~~4) DATE OF SECOND TEST: Enter the month, day and year that the second blood lead sample to be reported was collected. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).~~

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- 5) ~~TYPE: Check the appropriate box to indicate the specimen type (venous or capillary).~~
- 6) ~~TEST RESULTS: Enter the blood lead level of the sample in micrograms per deciliter (mcg/dL).~~
- 7) ~~NAME OF LABORATORY: Enter the name of the laboratory analyzing the blood lead sample or the laboratory code number.~~
- 8) ~~LABORATORY TELEPHONE NUMBER: Enter the telephone number of the laboratory that analyzed the blood lead sample.~~

SUBMITTING PARTY DATA

- 1) ~~NAME: Enter the name of the physician, hospital staff member, laboratory technician, clinic employee or other person submitting the report of blood lead results.~~
- 2) ~~TELEPHONE NUMBER: Enter the telephone number of the submitting party (area code and 7 digit number).~~
- 3) ~~CLINIC/HOSPITAL: Enter the name of clinic or hospital.~~
- 4) ~~ADDRESS: Enter the address of the physician, hospital, laboratory, clinic or other person/facility submitting the report of the blood lead test. The street number, direction, street name, suite, city, state, zip code and county shall be included.~~

COMPLETION DATA

- 1) ~~SIGNATURE/TITLE: On the line provided on the form, the usual signature of the person (first and last name) completing the form shall be affixed. Enter the title of the person completing the form.~~
- 2) ~~DATE OF REPORT: Enter the month, day and year the form is completed. Use 2 digits for the month, 2 digits for the day and 2 digits for the year (e.g., 01/01/01).~~

All elevated blood lead levels of 45 mcg/dL shall be reported by telephone within 24 hours to the Childhood Lead Poisoning Prevention Program at (217) 785-9464 or (217) 782-0403.

Mail completed report within 48 hours to:

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~~Illinois Department of Public Health
Division of Health Assessment and Screening
Childhood Lead Poisoning Prevention Program
535 West Jefferson Street
Springfield, Illinois 62761~~

(Source: Repealed at 43 Ill. Reg. 2440, effective February 8, 2019)

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Section 845.APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System (Repealed)**Section 845.EXHIBIT B Instructions for Submitting Follow-Up Data for Children With Blood Lead Levels \geq 15 mcg/dL (Repealed)**

~~Medical follow-up should be completed by delegate agencies for all persons 15 years of age and younger having had a blood lead test analyzed and confirmed at 15 mcg/dL or higher.~~

~~All medical and environmental follow-up data must be entered into a STELLAR database maintained by the delegate agency. A STELLAR report and any additional reports requested by the Illinois Department of Public Health should be run regularly, at intervals determined by the Department. Detailed instructions on the STELLAR procedures are available from the Department upon request.~~

(Source: Repealed at 43 Ill. Reg. 2440, effective February 8, 2019)

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Section 845.APPENDIX B Information Agreement (Repealed)

The Illinois Department of Public Health ("Department") and _____
("Applicant"), agree as follows:

- 1) ~~The Department will provide data dealing with children who have been tested for lead poisoning in Illinois as outlined in the letter of application.~~
- 2) ~~The applicant agrees that:~~
 - a) ~~Use of data is restricted to the purpose outlined in the letter of application (Attachment A), and any other or additional use of the data may result in immediate termination of this agreement by the Department;~~
 - b) ~~Any and all data that may lead to the identity of any child or parent, research subject, physician, informant, other person or hospital is strictly privileged and confidential. Applicant agrees to keep all such data strictly confidential at all times;~~
 - c) ~~All officers, applicants and employees of Applicant will keep all such data strictly confidential. Applicant will communicate the requirements of this Section to all officers, applicants and employees, will discipline all persons who may violate the requirement of this section, and will notify the Department in writing within 48 hours after any violation of this section, including full details of the violation and corrective actions to be taken;~~
 - d) ~~All data provided by the Department pursuant to this agreement are the sole property of the Department. Any copies by applicant of data provided by the Department pursuant to this agreement are subject to all provisions contained in this agreement. Any copies of data created by Applicant will be destroyed upon completion of the purpose outlined in the application;~~
 - e) ~~The applicant agrees to forward to the Department copies of proposed publications containing data or interpretation of data received as a result of this agreement for the sole purpose of confirming compliance with this agreement;~~
 - f) ~~Any breach of any of the provisions of this agreement will void the agreement.~~

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- 3) ~~The Applicant further agrees to state in publications and presentations concerning research that is the subject of this agreement that the Department was the source of data and conclusions, opinions and recommendations are not necessarily those of the Department.~~
- 4) ~~The Applicant and the Department understand and agree that this agreement may not be sold, assigned or transferred in any matter and that any actual or attempted sale, assignment or transfer shall render this agreement null, void and of no further effect.~~
- 5) ~~This agreement shall take effect upon signature by the Applicant and the Director of Public Health.~~
- 6) ~~All notices required or requested by either the Department or the Applicant shall be sent to the following addresses:~~

~~To the Department:~~

~~Illinois Department of Public Health
 Childhood Lead Poisoning Prevention Program
 535 West Jefferson Street
 Springfield, Illinois 62761~~

~~To the Applicant:~~

~~_____

 _____~~

- 7) ~~The Applicant and the Department understand and agree that this agreement constitutes the total agreement between them and that no promises, terms or conditions, either oral or written, express or implied, not recited, incorporated or referenced in this agreement shall be binding.~~

Applicant

Department

(Signature)

(Recommended by)

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(Title)

(Director, Department)

(Typed/printed name)

(Execution date)

(Source: Repealed at 43 Ill. Reg. 2440, effective February 8, 2019)

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- 1) Heading of the Part: Manufactured Home Community Code
- 2) Code Citation: 77 Ill. Adm. Code 860
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
860.10	Amendment
860.20	Amendment
860.110	Amendment
860.120	Amendment
860.130	Amendment
860.140	Amendment
860.150	Amendment
860.160	Amendment
860.200	Amendment
860.210	Amendment
860.220	Amendment
860.230	Amendment
860.240	Amendment
860.250	Amendment
860.260	Amendment
860.270	Amendment
860.280	Amendment
860.290	Amendment
860.300	Amendment
860.310	Amendment
860.320	Amendment
860.330	Amendment
860.340	Amendment
860.350	Amendment
860.360	Amendment
860.370	Amendment
860.380	Amendment
860.390	Amendment
860.400	Amendment
860.410	Amendment
860.420	Amendment
860.430	Amendment
860.540	New Section
860.Appendix D	Repealed

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- 4) Statutory Authority: Mobile Home Park Act [210 ILCS 115]
- 5) Effective Date of Rules: February 6, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 18682: October 19, 2018
- 10) Has JCAR issued a State of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The Department made minor nonsubstantive changes to the proposed text.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking updates several Sections of the Part, including definitions, incorporated references and requirements for water supplies, sewage disposal systems, electrical systems and refuse disposal. A new Section related to enforcement was also added.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

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Springfield IL 62761

217/782-2043

e-mail: dph.rules@illinois.gov

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER q: MOBILE HOMES

PART 860
MANUFACTURED HOME COMMUNITY CODE

SUBPART A: DEFINITIONS AND INCORPORATED MATERIALS

Section	
860.10	Definitions
860.20	Incorporated and Referenced Materials

SUBPART B: PERMITS

Section	
860.100	Required Permits
860.110	Applications
860.120	Plans
860.130	Flood Plain Requirements
860.140	Occupancy of New Sites
860.150	Immobilization
860.160	Deletion of Sites

SUBPART C: REQUIREMENTS OF THE MANUFACTURED HOME COMMUNITY

Section	
860.200	Layout of the Manufactured Home Community
860.210	Support Systems
860.220	Streets and Parking
860.230	Water
860.240	Sewage
860.250	Electrical
860.260	Fuel Supply
860.270	Fire Safety
860.280	Lighting
860.290	Pools and Beaches
860.300	Solid and Landscape Waste
860.310	Manufactured Home Community Appearance

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860.320	Identification of Sites
860.330	Vector Control
860.340	Fences
860.350	Inspection Doors
860.360	Recreational Vehicles
860.370	Animal Control
860.380	Vacant Sites
860.390	Duplex Units

SUBPART D: ADDITIONAL RESPONSIBILITIES OF THE LICENSEE

Section	
860.400	Required Documents
860.410	Manufactured Home Community Rules
860.420	Register
860.430	Inspections by Manufactured Home Community Management

SUBPART E: ADMINISTRATIVE ACTION BY THE DEPARTMENT

Section	
860.500	Variance Procedures
860.510	Enforcement Action
860.520	Common Operation
860.530	Existing Communities
860.540	Administrative Monetary Penalties

860.ILLUSTRATION A	Manufactured Home Community Layout For Sites Constructed After July 1, 1998
860.ILLUSTRATION B	Typical Manufactured Home Site
860.ILLUSTRATION C	Water Service Connection
860.ILLUSTRATION D	Sewer Service Connection
860.ILLUSTRATION E	Sample Register Information
860.ILLUSTRATION F	Manufactured Home Community Electrical System
860.APPENDIX A	Regional Offices of the Department
860.APPENDIX B	Explanation of the 1996 National Electrical Code Requirements for Manufactured Home Communities (Repealed)
860.APPENDIX C	Unlicensed Motor Vehicles
860.APPENDIX D	Home Rule Units (Repealed)
860.TABLE A	Minimum Road Width

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860.TABLE B	Water Distribution Pipe Size
860.TABLE C	Minimum Size and Slope of Sewer Mains

AUTHORITY: Implementing and authorized by the Mobile Home Park Act [210 ILCS 115].

SOURCE: Adopted March 2, 1973; amended at 4 Ill. Reg. 46, p. 1286, effective January 1, 1981; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 17520, effective September 11, 1984; old Part repealed and new Part adopted at 22 Ill. Reg. 8863, effective May 8, 1998; emergency amendment at 29 Ill. Reg. 10305, effective July 1, 2005, for a maximum of 150 days; emergency expired November 27, 2005; amended at 30 Ill. Reg. 13419, effective July 28, 2006; amended at 43 Ill. Reg. 2558, effective February 6, 2019.

SUBPART A: DEFINITIONS AND INCORPORATED MATERIALS

Section 860.10 Definitions

In addition to the definitions contained in the Mobile Home Park Act, the following definitions shall apply.

"Act" means the Mobile Home Park Act [210 ILCS 115].

"Applicant" means any person making application for a license or permit.

"Community ~~Public~~ Water ~~Supply~~ System" means a public water system that serves for the provision to the public of piped water for human consumption, if the system has at least 15 service connections used by residents or regularly or serves an average of at least 25 individuals daily for at least 60 days per year. This includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used in connection with such system.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health.

"License" means a certificate issued by the Department allowing a person to operate and maintain a manufactured home community under the provisions of the Act and this Part.

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"Licensee" means any person to whom a license or permit has been issued under the Act.

"Manufactured Home" means a structure, transportable in one or more sections, which while in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Any home defined in the Act as a "mobile home" is defined as a "manufactured home" for the purposes of this Part.

"Manufactured Home Community" means a tract of land or two or more contiguous tracts of land that contain sites with the necessary utilities for five or more independent manufactured homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home community. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a manufactured home community if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being part of a manufactured home community. Any community defined in the Act as a "mobile home park" is defined as a "manufactured home community" for the purposes of this Part.

"Non-Community Water System" means a public water system that is not a community water system that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days a year and includes vending machines.

"Owner or Operator" means the licensee or any person operating a manufactured home community.

"Permit" means a certificate issued by the Department permitting the construction, alteration, or the reduction in number of sites of a manufactured home community under the provisions of the Act and this Part.

"Person" means any individual, group of individuals, association, trust,

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partnership, corporation, limited liability company, persons doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof, or any other entity.

"Pothole" means a void or depression in the roadway with a volume of or greater than 400 cubic inches in the surface of a roadway, as calculated by multiplying the surface area of the void or depression by the depth.

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days a year. A public water system includes any collection, treatment, storage and distribution facilities under the control of the operator of the system and used primarily in connection with the system, and any collection or pretreatment storage facilities not under the control of the operator of the system used primarily in connection with the system.

"Resident" means any person who occupies a manufactured home site for dwelling purposes.

"Roadway" means any street, drive or parking area paved, graveled or any other surface for the purpose of vehicular traffic.

"Service equipment" means the necessary electrical equipment, usually consisting of circuit breaker, or switch and fuses, and meter located near the point of entrance of supply conductors to the home and intended to constitute the main control and means of cutoff of the electrical supply.

"Special Flood Hazard Area" means an area that would be inundated by the base flood and shown as such on an Illinois Regulatory Flood Plain Map (published by the Illinois Department of Natural Resources, Division of Water Resources), a Flood Insurance Rate Map or a Flood Hazard Boundary Map, both published by the Federal Insurance Administration or the Federal Emergency Management Agency.

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.20 Incorporated and Referenced Materials

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~~The following standards of nationally recognized organizations and federal and State regulations are incorporated or referenced in this Part:~~

- a) The following materials are incorporated by reference and include no later amendments or editions:
 - 1) ~~Standard Specifications for Water and Sewer Main Construction in Illinois, 2004 Edition. Illinois Society of Professional Engineers, 100 East Washington Street, Springfield IL 62706~~~~1996 Edition published by:~~

~~Illinois Society of Professional Engineers
1304 South Lowell Avenue
Springfield, Illinois 62704
Referenced in Section 860.230.~~
 - 2) ~~Flood Insurance Rate Map and Flood Hazard Boundary Map published by:~~

~~Federal Insurance Administration
Region V
300 Wacker Drive, 24th Floor
Chicago, Illinois 60606
Referenced in Section 860.130.~~
 - 23) ~~National Electrical Code, 2014 Edition. National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269~~~~1996 Edition (NFPA 70-96) published by:~~

~~National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Section 860.250.~~
 - 4) ~~National Electrical Code, 2002 Edition (NFPA 70-02) published by:~~

~~National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Section 860.250.~~

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- 35) Installation of Oil Burning Equipment, 2016 Edition. National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269~~2001 Edition (NFPA 31-01) published by:~~
- ~~National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Section 860.260.~~
- 46) National Fuel Gas Code, 2015 Edition. National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269~~1999 Edition (NFPA 54-99) published by:~~
- ~~National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Sections 860.160 and 860.260.~~
- 57) Storage and Handling of Liquefied Petroleum Gas Code, 2014 Edition. National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269~~Gases, 1998 Edition (NFPA 58-98) published by:~~
- ~~National Fire Protection Association
1 Batterymarch Park
Quincy, Massachusetts 02269
Referenced in Section 860.260.~~
- 68) ASTM International (formerly American Society of Testing and Materials, Standard Method for Test for Surface Burning Characteristics of Building Materials), Standard E84-1998, ASTM International, 100 Barr Harbor Drive, P.O. Box C 700, West Conshohocken PA 19248-2959~~published by:~~
- ~~ASTM International
100 Barr Harbor Drive
P.O. Box C 700
West Conshohocken, Pennsylvania 19248-2959
Referenced in Section 860.270.~~
- 79) Transportation of Natural and Other Gas by Pipeline: Minimum Federal

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~~Safety Standards (49 CFR 192), [February 1, 2017. United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE, Washington DC 20590](#) Revised October 1, 2003~~

~~United States Department of Transportation
Office of Pipeline Safety
400 7th Street S.W.
Washington, D.C. 20590
Referenced in Section 860.260.~~

- b) The following materials are referenced in this Part:
- 1) State of Illinois statutes
 - A) Illinois Architectural Practice Act of 1989 [225 ILCS 305]
~~Referenced in Section 860.120.~~
 - B) Illinois Professional Engineering Act [225 ILCS 325]
~~Referenced in Section 860.120.~~
 - C) Illinois Vehicle Code [625 ILCS 5/4-203]
~~Referenced in Section 860.310 and Appendix C.~~
 - D) Mobile Home Park Landlord and Tenant Act [765 ILCS 745]
~~Referenced in Section 860.400.~~
 - E) Abandoned Mobile Home Act [210 ILCS 117]
~~Referenced in Section 860.310.~~
 - F) Private Sewage Disposal Licensing Act [225 ILCS 225]
~~Referenced in Section 860.240.~~
 - G) Smoke Detector Act [425 ILCS 60]
~~Referenced in Section 860.410.~~
 - H) Plumbing License Law [225 ILCS 320]
~~Referenced in Sections 860.230 and 860.240.~~

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- I) ~~Swimming Facility Pool and Bathing Beach Act [210 ILCS 125]
Referenced in Sections 860.120 and 860.290.~~
 - J) ~~Illinois Mobile Home Tiedown Act [210 ILCS 120]
Referenced in Section 860.400.~~
 - K) ~~Illinois Municipal Code [65 ILCS 5/11-40-3]
Referenced in Appendix C.~~
 - L) ~~Counties Code [55 ILCS 5/5-1092]
Referenced in Appendix C.~~
 - M) ~~Townships Code [60 ILCS 1/30-130]
Referenced in Appendix C.~~
 - N) ~~Manufactured Home Quality Assurance Act [430 ILCS 117]
Referenced in Section 860.210.~~
 - O) [Carbon Monoxide Alarm Detector Act \[430 ILCS 135\]](#)
- 2) Department of Public Health regulations
- A) ~~Illinois Swimming Facility Pool and Bathing Beach Code (77 Ill. Adm. Code 820)
Referenced in Section 860.290.~~
 - B) ~~Illinois Plumbing Code (77 Ill. Adm. Code 890)
Referenced in Sections 860.230, 860.240 and Appendix B.~~
 - C) ~~Private Sewage Disposal Code (77 Ill. Adm. Code 905)
Referenced in Section 860.240.~~
 - D) ~~Drinking Water Systems Code (77 Ill. Adm. Code 900)
Referenced in Section 860.230.~~
 - E) ~~Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
Referenced in Section 860.230.~~
 - F) ~~Illinois Water Well Pump Installation Code (77 Ill. Adm. Code~~

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925)

~~Referenced in Section 860.230.~~

- G) Surface Source Water Treatment Code (77 Ill. Adm. Code 930)
~~Referenced in Section 860.230.~~
 - H) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
~~Referenced in Section 860.230.~~
 - I) Manufactured Home Installation Code (77 Ill. Adm. Code 870)
~~Referenced in Sections 860.210, 860.360.~~
 - J) ~~Rules of Practice and Procedure in Administrative Hearings~~ (77 Ill. Adm. Code 100)
~~Referenced in Section 860.510.~~
- 3) Illinois Pollution Control Board regulations
- A) Public Water Supplies (35 Ill. Adm. Code Subtitle F)
~~Referenced in Section 860.230.~~
 - B) Waste Disposal (35 Ill. Adm. Code Subtitle G)
~~Referenced in Section 860.240.~~
 - C) Solid Waste and Special Waste Hauling (35 Ill. Adm. Code Subtitle G, Subchapter i)
~~Referenced in Section 860.300.~~
- 4) Illinois Environmental Protection Agency regulations
Illinois Recommended Standards for Sewage Works (35 Ill. Adm. Code 370)

~~Referenced in Section 860.240.~~
- 5) Materials of Other State Agencies
- A) ~~IllinoisRegulatory~~ Flood Plain Map published by:

Illinois Department of Natural Resources

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Division of Water Resources
310 South Michigan, Room 1606
Chicago, Illinois 60604
~~Referenced in Section 860.130.~~

- B) Statewide Permit Number 6, issued September 15, 1993 by:

Illinois Department of Transportation
Division of Water Resources
2300 South Dirksen Parkway
Springfield, Illinois 62764
~~Referenced in Section 860.130.~~

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

SUBPART B: PERMITS

Section 860.110 Applications

All permit applications shall be submitted ~~in triplicate~~ to the Department on a form furnished by the Department. The application shall indicate the number and identification of existing sites, new sites to be constructed, licensed sites to be altered or eliminated and the new total number of proposed licensed sites.

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.120 Plans

Section 4(d) of the Act specifies that, for a new manufactured home community, plans must be prepared and sealed by an architect licensed under the authority of the Illinois Architectural Practice Act of 1989 or an engineer licensed under the authority of the Illinois Professional Engineering Act. The plans shall be drawn to scale. Two copies of the plans shall be submitted to the Department. The plans and application material shall contain, at a minimum, an overall manufactured home community plan and a typical site plan as follows:

- a) The overall manufactured home community plan shall include the following details for all proposed construction:
 - 1) The location and dimension of each proposed site;

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- 2) The location, width, type of surface material and traffic flow of all streets;
- 3) The locations of all sidewalks and parking areas;
- 4) The existing and proposed contours of the area, including an indication of any area in a flood plain [and drainage away from the homes](#);
- 5) The locations, types, sizes and identification numbers of all water pipes; details of any private or semi-private water sources, sufficient to indicate compliance, and if the manufactured home community is served by a community public water supply system, the name of the system;
- 6) The locations, types, sizes and identification numbers of all sewage pipes, details of all private sewage disposal systems sufficient to indicate compliance, and, if the manufactured home community is served by a public sewer system, the name of the system;
- 7) The locations, types and sizes of all electrical conductors and equipment;
- 8) The types, sizes, heights and locations of all proposed manufactured home community lighting;
- 9) The sizes, locations and types of all fuel pipes; the locations and sizes of all fuel storage tanks;
- 10) The locations of all recreational equipment, beaches, swimming pools, parks, and community buildings (Swimming pools and bathing beaches are subject to a separate construction permit as required by the [Swimming Facility Pool and Bathing Beach Act](#).);
- 11) The general locations of all existing manufactured home sites and a description of how proposed utility extensions for new sites will be connected;
- 12) The types, sizes and locations of all garbage containers and the frequency of garbage collection;
- 13) The types, sizes and locations of any storm drainage pipes;

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- 14) The locations of fire hydrants and holding ponds and the name of the fire department that serves the manufactured home community; and
 - 15) The locations of all easements.
- b) The typical manufactured home site plan shall include the following:
- 1) Size, type and location of the foundation system for the home;
 - 2) Details and locations of sewer, water and gas piping, showing the height of the risers, the distance between them, and any valves;
 - 3) For private sewage disposal systems, detailed drawings of the proposed system showing the distances between components of the system and potable water systems or bodies of water, soil ~~characteristics, type and/or permeation rates~~, depth of ground water table, and size of system components (When a permit for construction of a private sewage disposal system has been obtained or is pending from a unit of local government, a copy of the permit or permit application shall be submitted.); and
 - 4) Types, locations and ratings of electrical service equipment and conductors with indication of the method of grounding.

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.130 Flood Plain Requirements

Prior to the issuance of a construction permit, the permit applicant shall submit with the application a completed "Special Flood Hazard Area Request Form" provided by the Department. If the site is within a Special Flood Hazard Area, the applicant shall forward the plans for the project to the Illinois Department of Natural Resources, ~~Office Division~~ of Water Resources. No project to be located in a Special Flood Hazard Area shall be issued a permit without a copy of a statement from the ~~Office Division~~ of Water Resources that the construction complies with the requirements of Executive Order 79-4, effective May 31, 1979. Construction of items such as water wells, septic tanks, underground utilities, light poles, pavilions, playground equipment, sidewalks and driveways as specified in Statewide Permit Number 6, issued by the ~~Office Division~~ of Water Resources, ~~September 15, 1993~~, are exempt from the requirements of this Section.

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(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.140 Occupancy of New Sites

No manufactured home shall be placed on a site that has not been licensed by the Department. Upon the completion of the construction of new sites, the Department's regional office shall be contacted (see Section 860.Appendix A) to arrange for an inspection. After approval is granted by the inspector, the fee for the license for the new site(s) shall be submitted before the new site(s) shall be licensed or occupied. ([Type A Violation](#))

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.150 Immobilization

Sites with immobilized manufactured homes are exempt from licensure by the Department. In order for a home to be considered immobilized, the following conditions must be met:

- a) The home shall be provided with individual utilities as defined in Section 2.8 of the Act.
- b) The wheels, tongue, and hitch shall be removed and the home shall be supported by a continuous perimeter foundation of material such as concrete, mortared concrete block, or mortared brick which extends below the established frost depth. The home shall be secured [in accordance with the Manufactured Home Quality Assurance Act and Manufactured Home Installation Code. \(Type A Violation\)](#)~~to the continuous perimeter foundation with 1/2 inch foundation bolts spaced every 6 feet and within one foot of the corners. The bolts shall be imbedded at least 7 inches into concrete foundations or 15 inches into block foundations.~~

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.160 Deletion of Sites

Section 4.3 of the Act specifies the requirements that must be followed to reduce the number of licensed sites. In addition, the following conditions shall be met:

- a) The utilities shall be disconnected as follows:

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- 1) The water service shall be shut off and capped below the frost depth and the riser shall be removed [\(Type A Violation\)](#);
 - 2) The sewer pipe shall be cut below the ground level and sealed to prevent sewer gas from escaping [\(Type A Violation\)](#);
 - 3) The electrical supply to the site shall be disconnected and the service equipment shall be removed [\(Type A Violation\)](#);
 - 4) Any natural gas to the site shall be disconnected below grade and sealed in accordance with the National Fuel Gas Code [\(Type A Violation\)](#); and
 - 5) Any propane tanks and the piping thereto shall be removed. [\(Type A Violation\)](#)
- b) The home shall be removed and the site shall be cleared of any debris or abandoned equipment. [\(Type A Violation\)](#)
- c) The deletion shall not commence until an application for a permit to alter has been submitted and written approval has been issued by the Department. Upon completion of the deletion, the Department's regional office shall be contacted to determine compliance with the requirements of this Section. Upon approval, the next year's license shall reflect the new number of sites. If the reduction results in fewer than five licensed sites, the manufactured home community is no longer subject to licensure and the existing license shall automatically become void upon approval of the reduction. [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

SUBPART C: REQUIREMENTS OF THE MANUFACTURED HOME COMMUNITY

Section 860.200 Layout of the Manufactured Home Community

- a) All areas of the manufactured home community shall be drained to prevent ponding of water. [Sites shall be graded to prevent surface water or drainage from accumulating or going under the home.](#) If necessary, a storm drainage system shall be installed. [\(Type A Violation\)](#)

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- b) Section 9.3 of the Act specifies the minimum square footage of each site and the location of the homes on the site. (See Section 860. Illustrations A and B.) There shall be a minimum street frontage of 25 linear feet for each site. [\(Type A Violation\)](#)
- c) *No mobile home shall be parked closer than 5 feet to the side lot lines of a park, or closer than 10 feet to a public street, alley or building. Each individual site shall abut or face on a private or public street. All streets shall have unobstructed access to a public street. There shall be an open space of at least 10 feet adjacent to the sides of every mobile home and at least 5 feet adjacent to the ends of every mobile home.* [210 ILCS 115/9.3] Homes located on these sites shall not be closer to a private street than the previous home on that site. [\(Type A Violation\)](#)
- d) Manufactured homes located on sites constructed after July 1, 1998 shall be located at least 10 feet from private streets or other manufactured homes, and shall not extend over a sidewalk. [\(Type A Violation\)](#)
- e) All portions of sheds, carports, garages, porches and similar structures constructed after July 1, 1998 shall be at least 3 feet from the manufactured home community property line, 5 feet from any other structure on adjacent sites, and 10 feet from all streets. For corner sites, sheds shall be at least 3 feet from all streets. Existing portions of sheds, carports, garages, porches, and similar structures may be replaced at the same location without complying with the requirements of this subsection (e). [\(Type A Violation\)](#)
- f) If any portion of a home, porch or step is within 5 feet of a private street, a speed limit of 10 miles per hour or less shall be posted for that street. [\(Type A Violation\)](#)
- g) When questions arise concerning the property lines of the manufactured home community, the licensee shall be responsible for identifying the legal location. [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.210 Support Systems

- a) Sites on which homes were installed on or before July 1, 2005 shall have a support system in accordance with the requirements in effect at the time of the

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installation. [\(Type A Violation\)](#)

- b) Manufactured home sites constructed after July 1, 2005 shall comply with the Manufactured Housing Quality Assurance Act ~~[430 ILCS 117]~~ and the Manufactured Home Installation Code ~~(77 Ill. Adm. Code 870)~~. [\(Type B Violation\)](#)
- c) The owner or operator of a licensed manufactured home community must keep on file copies of the Installation Compliance Certificate required by the Manufactured Home Installation Code ~~(77 Ill. Adm. Code 870)~~. This information shall be made available by the owner or operator of the manufactured home community to the Department, the manufactured home owner and lessee, and the representative of the manufactured home owner and lessee. [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.220 Streets and Parking

- a) All streets shall be maintained ~~reasonably~~ free of potholes, snow, and dust. Streets constructed after July 1, 1998 shall be constructed of rock and oil, asphalt or concrete. [\(Type A Violation\)](#)
- b) The minimum road width shall comply with Section 860. Table A. [\(Type A Violation\)](#)
- c) At least two parking spaces shall be provided for each site constructed after July 1, 1998. At least one space shall be available for all other sites. Parking spaces on streets must be a minimum of 18 feet in length. [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.230 Water

- a) Potable water shall be provided at each site. The source of the water shall be either a community public water supply system regulated by the Illinois Environmental Protection Agency ~~(35 Ill. Adm. Code, Subtitle F)~~ or a system regulated by the Department. Systems regulated by the Department shall comply with one of the following:

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- 1) The construction and water quality requirements of the Drinking Water Systems Code ~~(77 Ill. Adm. Code 900)~~ shall be met. [\(Type B Violation\)](#)
 - 2) Water wells shall be located and constructed in accordance with the Illinois Water Well Construction Code ~~(77 Ill. Adm. Code 920)~~ and water well pump installation shall comply with the Illinois Water Well Pump Installation Code ~~(77 Ill. Adm. Code 925)~~. [\(Type B Violation\)](#)
 - 3) Surface water supply systems shall be constructed and operated in accordance with the Surface Source Water Treatment Code ~~(77 Ill. Adm. Code 930)~~. [\(Type B Violation\)](#)
- b) The water distribution system shall be subject to the following requirements:
- 1) If the system is connected to a community public water supply system and has one main water meter, the distribution system beyond the main meter shall be subject to the requirements of the Drinking Water Systems Code and the Illinois Plumbing Code and shall be installed and maintained by a licensed Illinois plumber in accordance with the Illinois Plumbing License Law. [\(Type B Violation\)](#)
 - 2) If the system is connected to a community public water supply system and the residents are billed by the manufactured home community owner for the water based on the readings from the meters at each site, the manufactured home community owner is considered a water supplier and is subject to the requirements of the Illinois Environmental Protection Agency. The distribution system up to the individual service line to each home shall be subject to the requirements of the Illinois Environmental Protection Agency. [\(Type B Violation\)](#)
 - 3) If the park is served by its own community public water supply system, or the manufactured home community is connected to a community public water supply without a main meter for the manufactured home community, the distribution system up to the individual service line to each home shall be subject to the requirements of the Illinois Environmental Protection Agency. [\(Type B Violation\)](#)
- c) Water distribution systems not subject to the requirements of the Illinois Environmental Protection Agency shall be designed and constructed in

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compliance with the requirements of the Drinking Water Systems Code and the Illinois Plumbing Code and shall be installed and maintained by a licensed Illinois plumber in accordance with the Illinois Plumbing License Law. [\(Type B Violation\)](#)

- 1) The following additional requirements shall be met for all distribution systems:
 - A) The distribution system shall supply water to each site at a minimum pressure of 20 pounds per square inch during periods of peak usage. A pressure reducing valve shall be installed if the pressure exceeds 80 pounds per square inch. The distribution pipe shall be looped, whenever possible, and dead end mains shall be equipped with flush hydrants or equivalent. [\(Type A Violation\)](#)
 - B) All water lines under the home shall be protected from freezing. The manufactured home community rules (Section 860.410) shall address the resident's responsibility concerning protection of water lines from freezing. If heat tapes are used, they must be listed for use for manufactured homes and installed according to the manufacturer's instructions. [\(Type A Violation\)](#)
- 2) The following requirements shall be met for distribution systems constructed after July 1, 1998:
 - A) The water main distribution pipe shall be sized in accordance with Table B and be of approved material listed in the "Standard Specifications for Water and Sewer Main Construction in Illinois", ~~2014~~¹⁹⁹⁶ Edition. [\(Type A Violation\)](#)
 - B) Water mains must include flush hydrants or equivalent at a minimum of every 600 feet and at dead ends of piping. Flushing hydrants shall be sized to provide flows that will give a mean velocity of at least 2½ feet per second in the distribution piping being flushed. [\(Type A Violation\)](#)
 - C) Each site shall be served with a separate minimum ¾ inch inside diameter service connection. [\(Type A Violation\)](#)

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- D) All water risers shall be at least $\frac{3}{4}$ inch inside diameter, terminate at least 4 inches above the finished grade, and be separated at least 10 feet horizontally from the sewer riser. [\(Type B Violation\)](#)
- E) An approved shut-off valve shall be provided near the street or site line for installations after July 1, 1998. [\(Type A Violation\)](#)
- d) The manufactured home community owner shall be responsible for sampling of the water supply system [and submitting the results](#) as required by the Department. Routine water sampling will not be required by the Department for water supplies regulated by the Illinois Environmental Protection Agency. [\(Type A Violation\)](#)
- e) If the water distribution system is not regulated by the Illinois Environmental Protection Agency, the following requirements shall be met. When a break occurs in the manufactured home community's distribution system or the pressure in the water distribution system is below the minimum 20 pounds per square inch, the Department's regional office (see Section 860.Appendix A) shall be notified by telephone within 24 hours or the next business day. The affected residents shall be notified immediately by the manufactured home community management of the need to boil their water for three minutes before drinking it. A sign shall be posted at the entrance(s) of the manufactured home community. The Department shall advise the manufactured home community when the boil order can be lifted.
- f) All water leaks in the water distribution system, including those under the manufactured home, shall be repaired within 72 hours after notification from a resident or a Department representative. [\(Type A Violation\)](#)
- g) Notification of planned water supply interruptions for periods greater than one hour shall be provided by the manufactured home community management to the residents affected by the interruption. [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.240 Sewage

- a) All sewage generated within a manufactured home community shall discharge into an approved sewage disposal system.
- 1) A sewage disposal system designed to discharge below ground, or to the

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ground surface with a flow of less than 1,500 gallons per day, shall be regulated by the Department and must meet the requirements of the Private Sewage Disposal Code. [\(Type A Violation\)](#)

- 2) A sewage disposal system or group of systems installed after July 1, 1998 designed to discharge 1,500 or more gallons per day to the ground surface shall meet the requirements of the Illinois Pollution Control Board (35 Ill. Adm. Code 309.102(a) and (b)). [\(Type C Violation\)](#)
- b) A sewage collection system shall meet the following requirements:
- 1) A minimum 4 inch inside diameter sewer riser extending at least 4 inches above the finished grade level shall be provided at each site. The material for the building drain and sewer riser must be approved building drainage pipe material as specified in Section 890.Table A of the Illinois Plumbing Code and shall be installed by an Illinois licensed plumber. The connection between the riser and the manufactured home sewer pipe shall be watertight and odor tight. A watertight and odor tight cap or plug shall be installed on all sewer risers that are not in use. Provisions shall be included to allow for vertical movement due to frost heave if the home is not supported below the frost depth. (See Section 860.Illustration D.) [\(Type A Violation\)](#)
 - 2) The building sewer piping must be approved building sewer material as specified in Section 890.Table A of the Illinois Plumbing Code and meet the requirements of Section 860.Table C. [\(Type A Violation\)](#)
 - 3) The construction and installation of the sewer mains and lift stations must meet the requirements of the Illinois Environmental Protection Agency (35 Ill. Adm. Code 370, Illinois Recommended Standards for Sewage Works) for construction after July 1, 1998. Manholes shall be provided at every change in direction or grade of every main sewer line, at the upper end of every main sewer line, at every junction of two or more branch sewers, and at intervals of not more than 400 feet. Cleanouts extending to grade level may be used instead of manholes on sewer lines less than 8 inches in diameter, and shall be at intervals of not more than 100 feet. [\(Type A Violation\)](#)
- c) Malfunctioning sewage disposal systems shall be repaired and maintained in

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compliance with the requirements specified in subsection (a) of this Section. Within 48 hours after notification from a resident or a Department representative, untreated sewage on the ground as a result of a malfunction shall be removed to the extent possible and the contaminated ground surface shall be covered with lime or similar material. [\(Type C Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.250 Electrical

- a) New Installations
- 1) All electrical distribution systems constructed or replaced after July 1, 1998 and before July 1, 2005 shall be designed and constructed to conform to the requirements of the National Electrical Code, 1996 Edition. Article 550-C of the National Electrical Code contains specific requirements for manufactured home communities. ~~Design After July 1, 2005, design,~~ construction, and replacement of electrical distribution systems shall be in accordance with the ~~2002 Edition~~ [2014 edition](#) of the National Electrical Code. [\(Type C Violation\)](#)
 - 2) For homes installed after July 1, 1998, the manufactured home community licensee shall be responsible for providing electrical service equipment at least equivalent to the amperage capacity of the home which it serves. [\(Type A Violation\)](#)
- b) Existing Installations
- The following minimum requirements shall apply to electrical systems installed prior to July 1, 1998:
- 1) The electrical distribution system to the manufactured home sites shall be single phase, 120/240 volts nominal. [\(Type A Violation\)](#)
 - 2) The type, size, installation and location of all conductors shall comply with their approved use as indicated in the edition of the National Electrical Code in effect at the time of construction. [\(Type A Violation\)](#)
 - 3) The service equipment shall not be attached to the home, located under the home, or located anywhere that is not readily accessible. Obstructions

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such as bushes shall not be located within three feet of the front of the service equipment. [\(Type A Violation\)](#)

- 4) All electrical equipment installed outdoors shall be the weatherproof type. Equipment located under the home shall be protected from the weather. [\(Type C Violation\)](#)
 - 5) The service equipment and any other electrical devices shall be at least 12 inches above grade and secured to prevent any movement. [\(Type B Violation\)](#)
 - 6) The manufactured home feeder conductor shall be either a cord which meets the requirements of the manufacturer of the home or a permanently installed feeder as specified by the National Electrical Code in effect at the time of installation. [\(Type C Violation\)](#)
 - 7) All circuits at the service equipment shall be protected by over-current protection as required by the National Electrical Code in effect at the time of installation. [\(Type C Violation\)](#)
 - 8) Overhead conductors shall provide an 18 feet vertical clearance over all streets, a 12 feet clearance over driveways, and a 10 feet clearance above grade in all other areas. Electrical conductors emerging from the ground shall be protected by enclosures or raceways for direct buried cable or to the approved buried depth for protected conductors and up to a point 8 feet above grade. Acceptable protection shall be rigid metal, intermediate metal or Schedule 80 non-metallic conduit or channel. Manufactured home power supply cords need not be enclosed in conduit or raceways. [\(Type C Violation\)](#)
- c) Maintenance of All Systems
All electrical systems shall be maintained in a safe condition. All damaged or defective equipment shall be repaired or replaced, all loose equipment shall be secured, all faceplates and panel fronts shall be in place and all live parts shall be covered to prevent accidental contact. ~~Tree~~~~Dead tree~~ branches ~~that~~~~which~~ overhang distribution wiring shall be removed. All components of the manufactured home community electrical system shall be inspected by the manufactured home community management and it shall be the responsibility of the licensee to have any defects corrected. [\(Type C Violation\)](#)

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(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.260 Fuel Supply

The distribution, storage, and use of natural gas, liquefied petroleum gas, fuel oil, or other fuels shall be in accordance with the following:

- a) The National Fire Protection Association's Installation of Oil Burning Equipment, ~~2016~~²⁰⁰⁴ Edition. [\(Type A Violation\)](#)
- b) The National Fire Protection Association's National Fuel Gas Code, ~~2015~~¹⁹⁹⁹ Edition. [\(Type A Violation\)](#)
- c) The National Fire Protection Association's ~~Storage and Handling of Liquefied Petroleum Gas Code~~^{Gases}, ~~2014~~¹⁹⁹⁸ Edition. [\(Type A Violation\)](#)
- d) The United States Department of Transportation's Pipeline Safety Regulations.

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.270 Fire Safety

- a) Bales of straw or other flammable materials that do not meet the requirements of subsection (b) of this Section shall not be used for skirting or insulation of the manufactured home. [\(Type B Violation\)](#)
- b) Garages, carports, porches, awnings, sheds, skirting and other similar appurtenances shall be constructed of material designed for exterior use that meets the flame spread rating of 200 or less in accordance with the American Society of Testing and Materials, Standard Method of Test for Surface Burning Characteristics of Building Materials (Standard E84). [\(Type B Violation\)](#)
- c) Fire Hydrants
 - 1) If a manufactured home community has fire hydrants, the fire hydrant valves shall be tested annually and the flow rates documented annually by the local fire department, water department or other entity capable of

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analyzing the available flow from the hydrants. Such test results shall be available to the Department upon request. [\(Type A Violation\)](#)

- 2) The licensee shall provide notification in writing to the local fire department of the hydrants that have been deemed unsatisfactory, which includes an agreement to either remove the hydrants, reverse the top of the hydrant or provide some other identification acceptable to the fire department to indicate that the hydrant is not acceptable, or install a system that meets the requirements of subsection (d). [\(Type A Violation\)](#)
- 3) The residents of the manufactured home community shall be advised in writing by the licensee within 30 days when a manufactured home community licensee becomes aware that one or more hydrants in the community is inadequate. The location of these fire hydrants shall be specified in writing, along with a plan to correct the situation and an anticipated date for completion. [The hydrant shall be repaired or replaced within 30 days.](#) A copy of the notification shall be provided to the Department's Springfield office. [\(Type A Violation\)](#)
- d) Manufactured home communities constructed after July 1, 2005 must be located in an area protected by a fire department or fire protection district and provided with fire hydrants within 500 feet of any structure in the manufactured home community. As an alternative to fire hydrants, a holding pond or other source of water of 100,000 gallons or more accessible to the fire department or fire protection district may be used, if the fire department or fire protection district is capable of pumping from the body of water. The minimum size water main for providing fire protection shall be six inches in diameter. The system shall be designed to maintain a minimum pressure of 20 psi at all points in the distribution system under normal conditions of flow. (See Table B.) [\(Type A Violation\)](#)
- e) Flammable liquids and gasoline-powered equipment other than motorized vehicles shall not be stored within five feet of a manufactured home, except when stored in a shed or garage. [\(Type B Violation\)](#)
- f) All intended means of egress shall not be obstructed. [\(Type C Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.280 Lighting

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Communities constructed after July 1, 1998 shall have an average illumination level of at least 0.6 foot candles and a minimum illumination level of 0.3 foot candles maintained for all streets in the manufactured home community. (Type A Violation)~~To achieve this level of illumination, the following are acceptable:~~

- a) ~~The use of a 175-watt mercury or sodium vapor lamp or a 600-watt tungsten lamp, at an elevation of 25 feet, every 250 feet.~~
- b) ~~Yard lights, at each site, having an average equivalent illumination of a 100-watt electric light bulb.~~

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.290 Pools and Beaches

Swimming pools and bathing beaches, if provided, shall be constructed and operated in accordance with the ~~Illinois Swimming~~ Facility Pool and Bathing Beach Code. Separate construction permits and licenses are required in accordance with the Swimming Facility Pool and Bathing Beach Act. (Type A Violation)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.300 Solid and Landscape Waste

- a) All garbage and refuse shall be stored and disposed of so as not to create a nuisance or a health threat.
 - 1) Garbage must be stored in rust resistant, watertight and fly-proof containers with the lids closed. (Type A Violation)
 - 2) Bulk garbageGarbage containers must be stored on a concrete or asphalt~~at least 6 inches off the ground~~ surface or on an impervious surface. (Type A Violation)
 - 3) AllGarbage containers intended for garbage must be emptied at least once a week. (Type A Violation)
 - 4) A minimum capacity of 40 gallons per occupied site per week shall be

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provided, according to the manufactured home community rules in Section 860.410. Sealed bags can be utilized to supplement the required containers on the day of garbage collection only. A single 20 gallon container is acceptable if emptied twice a week. [\(Type A Violation\)](#)

- 5) Individual containers shall be available at each site or bulk containers shall be located within 250 feet of any home. Upon request, the Department shall grant a variance, under the provisions of Section 850.500, to allow bulk containers to be located more than 250 feet from a home, provided that the Department receives written assurance that the location of the containers is acceptable to the residents whose homes will be more than 250 feet from the containers. There is no distance limitation for bulk containers used by the manufactured home community management to empty individual containers. [\(Type A Violation\)](#)
 - 6) Garbage and refuse shall be disposed of in accordance with the requirements of the Illinois Pollution Control Board (35 Ill. Adm. Code Subtitle G). [\(Type A Violation\)](#)
- b) Landscape waste (leaves, brush, and grass) shall be stored separately from garbage in cans or bags if required by local authorities. Large branches do not need to be placed in a container prior to disposal. If landscape waste burning is permitted by the local jurisdiction, all fires must be located at least 30 feet from any structure. [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.310 Manufactured Home Community Appearance

- a) Household furniture and appliances, auto parts including tires and batteries, building materials, abandoned equipment, [televisions](#), [lawn mowers](#), and similar items shall not be stored within the manufactured home community except in sheds or garages with doors. If the above items are to be discarded, they must be removed from the manufactured home community within 7 days. Precautions shall be taken to prevent entrapment of children in or under any appliance that is being discarded. [\(Type A Violation\)](#)
- b) Abandoned homes as defined in the Abandoned Mobile Home Act shall be removed from the manufactured home community. Damaged homes shall be

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repaired or removed within 60 days after the date damaged. The manufactured home community owner shall advise the Department's regional office in writing if removal cannot be accomplished within 60 days, the reason for the delay and the expected date of compliance. ([Type A Violation](#))

- c) Trees and bushes shall not interfere with normal pedestrian and vehicular traffic. Branches shall not touch the roofs of any structure. Dead trees and branches shall be removed. ([Type B Violation](#))
- d) Any abandoned or unused automobile or piece of equipment having the appearance of being abandoned shall be removed from the manufactured home community. All automobiles, trailers and similar vehicles subject to licensure by the Secretary of State shall have current licenses displayed. The Illinois Vehicle Code specifies the penalty for abandoning automobiles and the provisions for their removal by the manufactured home community management. (See Section 860.Appendix [B€.](#)) ([Type A Violation](#))
- e) All open excavations must be barricaded to prevent access. ([Type C Violation](#))

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.320 Identification of Sites

All sites shall be identified with a legible reflective or contrasting number or letter a minimum of three inches in height. This identification shall be at the same location for each site and visible from the street. There shall be a logical order for the identification of the sites. Previous addresses on homes relocated to the manufactured home community shall be removed. Street signs shall identify all streets that have names. The licensee shall maintain a plan of the manufactured home community indicating the labeling system, a copy of which shall be available to the Department upon request. All electric and natural gas meters must be identified for the site for which they serve. If there is no identification for a vacant site, a temporary identification shall be provided. ([Type A Violation](#))

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.330 Vector Control

The management of the manufactured home community shall take the following measures to prevent insects and rodents in the manufactured home community in addition to requirements

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specified in other Sections of this Part:

- a) Areas of ponding water and items which hold water such as tires shall be eliminated [\(Type A Violation\)](#);
- b) Grass and weeds shall not exceed six inches in height [\(Type A Violation\)](#);
- c) Firewood shall be stacked at least six inches above the ground or on an impervious surface such as concrete [\(Type A Violation\)](#); and
- d) The manufactured home community shall be cleared daily of animal excrement. [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.340 Fences

Fences on individual lots, if permitted by the manufactured home community owner and the local jurisdiction, shall meet the following provisions:

- a) Fences shall not exceed six feet in height. [\(Type A Violation\)](#)
- b) Fences shall be sturdy and not present a safety hazard. [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.350 Inspection Doors

If manufactured home skirting is provided, [the area under the home shall remain accessible with](#) a sliding or hinged inspection door at least 24 inches wide and the approximate height of the skirting shall be provided near the utility connections to the home. Interlocking skirting with panels removable without the use of tools is acceptable. For homes installed prior to July 1, 1998 and not provided with an inspection door, the manufactured home community management, upon request from a Department representative, shall remove the skirting to allow for an inspection under the home. [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.360 Recreational Vehicles

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- a) If approved by the manufactured home community owner, a non-motorized recreational vehicle that meets the following criteria may be located in a manufactured home community as a residence:
- 1) The vehicle contains toilet and bathing facilities [\(Type A Violation\)](#);
 - 2) The vehicle is connected to the required utilities in a permanent fashion as prescribed in this Part [\(Type A Violation\)](#);
 - 3) The vehicle is intended to be occupied by the same person or persons for at least two consecutive months at one location [\(Type A Violation\)](#); and
 - 4) If larger than 8 feet by 32 feet, the vehicle shall be secured as specified in the Mobile Home Tiedown Code (77 Ill. Adm. Code 870). [\(Type A Violation\)](#)
- b) Motorized recreational vehicles shall not be located in a manufactured home community as a residence. [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.370 Animal Control

All animals must be confined in a fenced area or on a cable or similar restraint at all times the animals are outdoors. [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.380 Vacant Sites

When a home is moved from a site, the sewer riser shall be capped or plugged with a watertight and odor-tight fitting. The water shall be shut off and the water line plugged or capped. In freezing weather, the water line must be drained or insulated to prevent breakage. All lines for natural gas, propane and other fuels shall be shut off and plugged or capped. [The secured plug or cap shall require a tool for removal.](#) Section 860.160 contains the requirements for deletion of sites. [\(Type B Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

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Section 860.390 Duplex Units

Duplex manufactured homes located in a manufactured home community must have separate water, sewer and electrical services for each resident and a one-hour, fire-rated assembly shall separate the units. Sites with a duplex unit shall be considered as two sites for licensure purposes. [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

SUBPART D: ADDITIONAL RESPONSIBILITIES OF THE LICENSEE

Section 860.400 Required Documents

- a) Upon initial admittance to the manufactured home community, a new resident shall be provided a copy of the manufactured home community rules (Section 860.410). [\(Type A Violation\)](#)
- b) The manufactured home community owner or manager shall provide, [either in print or via electronic means](#), a resident of each site with a copy of the Department's publication "Living in a Manufactured Home Community", which contains information regarding the [requirements for installation](#)~~tedown~~ of homes, safety tips in the event of a tornado, and a copy of the Mobile Home Landlord and Tenants Rights Act. [\(Type A Violation\)](#)
- c) A copy of the Mobile Home Park Act and the Manufactured Home Community Code shall be available from the manufactured home community owner or manager for inspection by manufactured home community residents. Copies may be obtained from any of the Department's offices indicated in ~~Section 860.~~Appendix A. [\(Type A Violation\)](#)
- d) The name, address, and telephone number of the manufactured home community manager whom residents are to notify of a problem within the manufactured home community shall be provided to each resident. An answering machine [or voicemail](#) shall be connected to the manufactured home community manager's phone if someone is not normally available to answer the calls. [Complaints shall be responded to within 24 hours.](#) [\(Type A Violation\)](#)

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

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Section 860.410 Manufactured Home Community Rules

The manufactured home community owner shall establish and enforce rules governing the resident's responsibilities for maintaining the manufactured home community. The rules established by the manufactured home community owner shall include the control of pets, the storage of garbage, the disposal of abandoned equipment and appliances, the construction of auxiliary structures and fences, the necessity of keeping all vehicles currently licensed, the policy for performing vehicle repairs, the control of the growth of weeds and grass, the storage of firewood, the control of insects and rodents, the need to provide access under the home, the protection of water pipes from freezing, the repair of the residents' water and sewage leaks, the maintenance of the electrical equipment, the maintenance of homes and auxiliary structures, the requirement for the resident to provide fire extinguishers in the home as required by Section 9 of the Act, the requirements for compliance with the Smoke Detector Act [and the Carbon Monoxide Alarm Detector Act](#), and all other rules necessary to maintain the manufactured home community in compliance with the Act and this Part. Provisions shall be included in the manufactured home community rules to inform residents that the park management will correct violations that have not been corrected by the resident. ([Type A Violation](#))

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.420 Register

A manufactured home community register shall be maintained by the manufactured home community manager as specified in Section 13 of the Act. The register shall contain acknowledgment by the resident that the information required in Section 860.400 was provided. (See Section 860.Illustration E.) ([Type A Violation](#))

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

Section 860.430 Inspections by Manufactured Home Community Management

The manufactured home community owner or manager shall inspect the manufactured home community at least weekly to determine the occurrence of any violations of the Department's requirements in the Act and this Part. The residents shall be required to correct any violations that are their responsibility. If the residents fail to make the corrections, the management shall be responsible for correcting the violations or initiating action against the resident to get the violation(s) corrected. If this is not possible, the manufactured home community manager shall advise the Department in writing of the action initiated against the resident and the anticipated

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date of correction of the violations. ([Type A Violation](#))

(Source: Amended at 43 Ill. Reg. 2558, effective February 6, 2019)

SUBPART E: ADMINISTRATIVE ACTION BY THE DEPARTMENT

Section 860.540 Administrative Monetary Penalties

- a) In addition to any other action authorized by the Mobile Home Park Act, the Manufactured Home Quality Assurance Act, the Manufactured Home Installation Code or this Part, if the Department finds violations at manufactured housing communities requiring licensure under the Mobile Home Park Act, the Department shall issue a written report or notice of the violations. In accordance with subsections (b), (c) and (d), each violation shall be categorized as either Type A, Type B, or Type C.
- b) Type A Violation. The situation, condition or practice constituting a Type A violation shall be abated immediately, unless a fixed period of time, not exceeding 10 days, as determined by the Department and specified in the notice of violation or inspection report, is required for correction.
- c) Type B Violation. A facility served with a notice of a Type B violation shall have 10 days after receipt of the notice to submit a plan of correction to the Department. The Department may extend the submission period when the corrective action involves significant capital expenditures. The plan shall include a fixed time period within which violations shall be corrected. If the Department rejects the plan of correction, it shall send notice of the rejection and the reason for the rejection to the facility. The facility shall have 10 days after receipt of the notice of rejection to submit a modified plan. If the modified plan is not timely submitted or if the modified plan is rejected, the facility shall follow an approved plan of correction imposed by the Department.
- d) Type C violations. Type C violations include violations that may result in serious injury or death of patrons, employees, or the general public. Upon finding a Type C violation at a manufactured housing community, the Department will immediately take such actions as necessary to protect public health, which may include ordering the immediate closure of the facility, ordering the abatement of dangerous conditions, or ordering the cessation of any dangerous or improper practice.

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e) Annotations and Penalties

- 1) Sections of this Part are annotated with "(Type A Violation)", "(Type B Violation)", or "(Type C Violation)", denoting the type of violation associated with that Section.
- 2) Type A violations shall carry no penalty provided they are corrected immediately, unless a fixed period of time, not exceeding 10 days, as determined by the Department and specified in the notice of violation or inspection report, is required for correction. If Type A violations are not corrected, they will be deemed Type B violations. Type B violations shall be assessed a penalty of \$25 per violation per day for each day the violation persists. Type C violations shall be assessed a penalty of \$100 per violation per day for each day the violation persists, in addition to any other penalties provided for by law.

(Source: Added at 43 Ill. Reg. 2558, effective February 6, 2019)

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Section 860.APPENDIX D Home Rule Units (Repealed)

~~Section 26 of the Mobile Home Park Act exempts home rule units. All of Cook County and municipalities with a population of more than 25,000 are home rule units unless a specific referendum was passed. The following is a list of home rule units in Illinois as of November 1, 1997.~~

Addison	Flora	Park City
Alsip	Freeport	Park Forest
Alton	Galesburg	Park Ridge
Arlington Heights	Glendale Heights	Pekin
Aurora	Glen Ellyn	Peoria
Barrington Hills	Glenview	Peoria Heights
Bartlett	Glenwood	Peru
Bedford Park	Golf	Quincy
Belleville	Granite City	Rantoul
Berwyn	Hanover Park	Rockdale
Bloomington	Harvey	Rock Island
Bolingbrook	Harwood Heights	Rolling Meadows
Bolingbrook	Highland Park	Rosemont
Bryant	Hoffman Estates	Sauget
Buffalo Grove	Joliet	Schaumburg
Burbank	Kankakee	Schiller Park
Burnham	Lake Barrington	Sesser
Cahokia	Lansing	Skokie
Calumet City	Lincolnshire	South Barrington
Calumet Park	Lincolnwood	South Holland
Carbondale	Manhattan	Springfield
Carpentersville	Marion	St. Charles
Carol Stream	Mascoutah	Standard
Champaign	Maywood	Stickney
Channahon	Mettawa	Stone Park
Chicago	McCook	Streamwood
Chicago Heights	Moline	Sycamore
Chicago Ridge	Monee	Thornton
Cicero	Morton Grove	Tinley Park
Countryside	Mound City	University Park
Crystal Lake	Mount Prospect	Urbana

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Danville	Mt. Vernon	Valmeyer
Decatur	Muddy	Watseka
Deerfield	Mundelein	Waukegan
DeKalb	Murphysboro	West Dundee
Des Plaines	Naperville	Wheaton
Dolton	Naples	Wheeling
Downers Grove	National City	Wilmette
East Hazel Crest	Niles	Woodridge
East St. Louis	Normal	Cook County
Elgin	Norridge	
Elk Grove Village	North Chicago	
Elmhurst	Oak Forest	
Elmwood Park	Oak Lawn	
Elwood	Oak Park	
Evanston	Orland Park	
Evergreen Park	Palatine	

(Source: Repealed at 43 Ill. Reg. 2558, effective February 6, 2019)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Health Care Employee Vaccination Code
- 2) Code Citation: 77 Ill. Adm. Code 956
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
956.10	Amendment
956.20	Amendment
956.30	Amendment
956.APPENDIX A	Amendment
- 4) Statutory Authority: Sections 2310-195, 2310-610 and 2310-650 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/2310-195, 2310-610 and 2310-650]
- 5) Effective Date of Rules: February 6, 2019
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 17545; October 5, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The Department made minor nonsubstantive changes to the proposed text.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This rulemaking implements PA 100-1029, signed August 22, 2018, effective July 1, 2018, which modified the instance in which a health care employee may decline an offer of an influenza vaccine.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/782-2043
e-mail: dph.rules@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 956
HEALTH CARE EMPLOYEE VACCINATION CODE

Section

956.10	Definitions
956.20	Referenced Materials
956.30	Influenza Vaccination

956.APPENDIX A Sample Declination Form

AUTHORITY: Sections 2310-195, 2310-610 and 2310-650 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310/2310-195, 2310-610 and 2310-650].

SOURCE: Emergency rule adopted at 34 Ill. Reg. 996, effective December 29, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 7725, effective May 19, 2010; amended at 36 Ill. Reg. 6656, effective April 16, 2012; emergency amendment at 42 Ill. Reg. 17942, effective September 18, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 2597, effective February 6, 2019.

Section 956.10 Definitions

~~The following terms shall have the meaning ascribed to them whenever the term is used in this Part:~~

Act – Sections 2310-195, 2310-610 and 2310-650 of the Department of Public Health Power and Duties Law of the Civil Administrative Code [20 ILCS 2310].

Health care employee – All paid and unpaid persons working in health care settings who have the potential for exposure to infectious materials, including body substances, contaminated medical supplies and equipment, contaminated environmental surfaces, or contaminated air. Health care employees include, but are not limited to, physicians, nurses, nursing assistants, therapists, technicians, emergency medical services employees, pharmacists, laboratory employees, and persons not directly involved in patient care (e.g., clerical, dietary, housekeeping,

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maintenance and volunteers) but potentially exposed to infectious agents that can be transmitted to and from health care employees.

Health care setting –

A facility licensed under the Alternative Health Care Delivery Act;

An ambulatory surgical treatment center, as defined in the Ambulatory Surgical Treatment Center Act;

An assisted living facility, a shared housing establishment, or a board and care home, as defined in the Assisted Living and Shared Housing Act;

A community living facility, as defined in the Community Living Facilities Licensing Act;

A life care facility, as defined in the Life Care Facilities Act;

A long-term care facility, as defined in the Nursing Home Care Act;

A long-term care facility, as defined in the ID/DD Community Care Act;

[A long-term care facility, as defined in the MC/DD Act;](#)

A [specialized mental health rehabilitation](#)~~long-term care~~ facility, as defined in the Specialized Mental Health Rehabilitation Act [of 2013](#);

An EMS System, as defined in the Emergency Medical Services (EMS) Systems Act;

A freestanding emergency center, licensed under the Emergency Medical Services (EMS) Systems Act;

A home health agency, home services agency or home nursing agency, as defined in the Home Health, Home Services, and Home Nursing Agency Licensing Act;

A hospice care program or voluntary hospice program, as defined in the Hospice Program Licensing Act;

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~~An end stage renal disease facility, as defined in the End Stage Renal Disease Facility Act;~~

A supportive residence, as defined in the Supportive Residences Licensing Act;

A hospital, as defined in the Hospital Licensing Act;

The University of Illinois Hospital, Chicago, as defined in the University of Illinois Hospital Act.

Influenza – An acute infectious respiratory disease, caused by influenza viruses.

Medically contraindicated – That administration of an influenza vaccine to an employee would likely be detrimental to the employee's health (Section 2310-650 of the Act).

Vaccination – The act or practice of vaccinating; inoculation with vaccine.

(Source: Amended at 43 Ill. Reg. 2597, effective February 6, 2019)

Section 956.20 Referenced Materials

The following Illinois statutes are referenced in this Part:

- a) Alternative Health Care Delivery Act [210 ILCS 3]
- b) Ambulatory Surgical Treatment Center Act [210 ILCS 5]
- c) Assisted Living and Shared Housing Act [210 ILCS 9]
- d) Community Living Facilities Licensing Act [210 ILCS 35]
- e) Life Care Facilities Act [210 ILCS 40]
- f) Nursing Home Care Act [210 ILCS 45]
- g) Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

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- h) Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]
- i) Hospice Program Licensing Act [210 ILCS 60]
- ~~j) End Stage Renal Disease Facility Act [210 ILCS 62]~~
- ~~jk) Supportive Residences Licensing Act [210 ILCS 65]~~
- ~~kl) Hospital Licensing Act [210 ILCS 85]~~
- ~~lm) University of Illinois Hospital Act [110 ILCS 330]~~
- ~~mñ) ID/DD Community Care Act [210 ILCS 47]~~
- ~~no) Specialized Mental Health Rehabilitation Act [210 ILCS 48]~~
- ~~o) MC/DD Act [210 ILCS 46]~~
- p) Department of Public Health Powers and Duties Law of the Civil Administrative Code [20 ILCS 2310]

(Source: Amended at 43 Ill. Reg. 2597, effective February 6, 2019)

Section 956.30 Influenza Vaccination

~~Each~~Beginning with the 2010 to 2011 influenza season, ~~each~~ health care setting shall ensure that all health care employees are provided education on influenza and are offered the opportunity to receive seasonal, novel and pandemic influenza vaccine, in accordance with this Section, during the influenza season (between September 1 and March 1 of each year), unless the vaccine is unavailable (see subsection (~~de~~)).

- a) Each health care setting shall notify all health care employees of the influenza vaccination provisions of this Part and shall provide or arrange for vaccination of all health care employees who accept the offer of vaccination. Each health care setting shall provide all health care employees with education about the benefits of influenza vaccine and potential consequences of influenza illness. Information

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provided shall include the epidemiology, modes of transmission, diagnosis, treatment and non-vaccine infection control strategies.

b) Each health care setting shall develop and implement a program that includes the following:

- 1) A plan to offer seasonal, pandemic or any other influenza vaccine;
- 2) The time frame within which health care employees will be offered vaccination; and
- 3) Any required documentation relating to the health care employee vaccination requirement of this Part.

c) Declination of Vaccine

1) A health care employee may decline the offer of vaccination if:

A) the vaccine is medically contraindicated;

B) the vaccination is against the employee's religious belief; or

C) the employee has already been vaccinated.

~~1) Health care employees may decline to accept the offer of vaccination for reasons including the following:~~

~~A) The vaccine is medically contraindicated, which means that administration of influenza vaccine to that person would likely be detrimental to the person's health;~~

~~B) Vaccination is against the person's religious beliefs;~~

~~C) The person has already been vaccinated; or~~

~~D) For any other reasons documented by the person as the basis of the refusal.~~

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- 2) *General philosophical or moral reluctance to influenza vaccinations does not provide basis for an exemption. (Section 2310-650 of the Act)*
- 32) Health care employees who decline vaccination for any reason indicated in subsection (c)(1) shall sign a statement declining vaccination and certifying that he or she received education about the benefits of influenza vaccine.
- d) Unavailability of Vaccine. A health care setting shall not be required to offer influenza vaccination when the vaccine is unavailable for purchase, shipment or administration by a third party, or when complying with an order of the Department that restricts the use of the vaccine. A health care setting shall offer to provide or arrange for influenza vaccination for health care employees as soon as the vaccine becomes available.
- e) Documentation
- 1) Each health care setting shall maintain a system to track the offer of vaccination to health care employees. The system shall include documentation that each person either accepted the offer or declined the offer by signing a declination statement pursuant to subsection (c)(~~32~~).
 - 2) If a health care setting is unable to provide or arrange for influenza vaccination for health care employees who wish to be vaccinated, the reasons why the vaccination could not be provided or arranged for shall be documented.
 - 3) Individual declination statements ~~shall~~ should be handled in a manner that ensures individual confidentiality.
 - 4) Documentation shall be maintained for at least three years.
- f) Health care settings may choose to develop and implement more stringent influenza vaccination policies, strategies or programs designed to improve health care employee vaccination rates than those required by this Part and that are consistent with existing law and regulation.

(Source: Amended at 43 Ill. Reg. 2597, effective February 6, 2019)

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Section 956.APPENDIX A Sample Declination Form

1. _____ (Initial) I have read the "Influenza Vaccine Information Statement, date XXXX". I have had an opportunity to ask questions, which were answered to my satisfaction. I understand the benefits and risks of influenza vaccine.

Print Name _____ Department _____

I intend to be vaccinated.

2. _____ (Initial) I have already had an influenza vaccination this year.

Location where vaccinated _____ Date vaccinated _____

3. **I acknowledge that I am aware of the following facts:**

- Influenza is a serious respiratory disease that kills, on average, 36,000 Americans every year.
- Influenza virus may be shed for up to 48 hours before symptoms begin, allowing transmission to others.
- Up to 30% of people with influenza have no symptoms, allowing transmission to others.
- Influenza virus changes often, making annual vaccination necessary. Immunity following vaccination is strongest for 2 to 6 months.
- I understand that influenza vaccine cannot transmit influenza. It does not, however, prevent all disease.
- I have declined to receive the influenza vaccine for the _____ season. I acknowledge that influenza vaccination is recommended by the Centers for Disease Control and Prevention (CDC) for all health care employees to prevent infection from and transmission of influenza and its complications, including death, to patients/residents/clients, my co-workers, my family and my community.

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4. I decline the offer of vaccination for the following reasons (please initial all that apply):

- _____ My ~~philosophical or~~ religious beliefs prohibit vaccination.
- _____ I have a medical contraindication to receiving the vaccine.
- _____ I have already received an influenza vaccination.
- _____ ~~Other reason~~
- _____ ~~I do not wish to say why I decline.~~

5. Knowing the facts set forth above, I choose to decline vaccination at this time. I may change my mind and accept vaccination later, if vaccine is available. I have read and fully understand the information on this declination form.

Print name _____ Department _____

Signature _____ Date _____

(Source: Amended at 43 Ill. Reg. 2597, effective February 6, 2019)

DEPARTMENT OF NATURAL RESOURCES

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING

- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
110.200	New Section
110.210	New Section
110.215	New Section
110.220	New Section
110.225	New Section
110.230	New Section
110.235	New Section
110.240	New Section
110.245	New Section
110.250	New Section
- 4) Date Proposed Rulemaking published in the *Illinois Register*: 42 Ill. Reg. 7905; May 11, 2018
- 5) Date the Joint Committee on Administrative Rules Statement of Recommendation to Proposed Rulemaking published in the *Illinois Register*: 43 Ill. Reg. 1407; January 25, 2019
- 6) Summary of Action Taken by the Agency: At its meeting on December 11, 2018, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that, if the Department of Natural Resources believes that volunteers on Department property should be examined for criminal background, it seek statutory authority, and setting parameters for, criminal history background checks for volunteers.

In response to this Recommendation, the Department agrees to seek statutory authority for criminal history background check for volunteers on Department property.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of February 5, 2019 through February 11, 2019. The following rulemakings are scheduled for the March 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>
3/21/19	<u>Office of the Comptroller</u> , Claim Eligible to be Offset (74 Ill. Adm. Code 285)	10/26/18 42 Ill. Reg. 19151	3/12/19
3/22/19	<u>Department of Healthcare and Family Services</u> , Medical Payment (89 Ill. Adm. Code 140)	11/9/18 42 Ill. Reg. 19557	3/12/19
3/23/19	<u>Illinois Racing Board</u> , Definitions (11 Ill. Adm. Code 210)	12/21/18 42 Ill. Reg. 23656	3/12/19
3/23/19	<u>Illinois Racing Board</u> , Race Track Surfaces (Repealer) (11 Ill. Adm. Code 411)	12/21/18 42 Ill. Reg. 23703	3/12/19
3/23/19	<u>Illinois Racing Board</u> , Prohibited Conduct (Repealer) (11 Ill. Adm. Code 423)	12/21/18 42 Ill. Reg. 23707	3/12/19
3/23/19	<u>Illinois Racing Board</u> , Horseman's Bookkeeping System Licensees (Repealer) (11 Ill. Adm. Code 450)	12/21/18 42 Ill. Reg. 23711	3/12/19

EXECUTIVE ORDER

2019-9
EXECUTIVE ORDER CREATING THE JUSTICE, EQUITY, AND OPPORTUNITY
INITIATIVE

WHEREAS, Illinois has an opportunity to create a justice system that better reflects Illinois' values by focusing on increasing justice, equity, and opportunity in Illinois; and

WHEREAS, overincarceration has ripple effects on entire communities, particularly those that have been disproportionately affected by high incarceration rates as the result of a system that has disenfranchised communities of color; and

WHEREAS, boosting economic development in areas of the State that have been left behind by economic progress and improving access to professional licenses, state procurement opportunities, educational opportunities and housing will reduce recidivism and provide opportunities for people in the criminal justice system to return to their communities, obtain high-quality jobs and steer clear of crime after their release; and

WHEREAS, 45% of people released from prison recidivate, a clear indication that the Illinois prison system must do more to successfully rehabilitate people and prepare them to return to their communities after release by, among other steps, strengthening mental health treatment, effectively addressing substance abuse disorders, increasing job training and education programming in Illinois prisons; and

WHEREAS, the people in prison who are the most at risk of recidivating and most in need of services often do not receive those services; and

WHEREAS, increasing the use of high-quality, bias-free risk assessment tools will help judges and the Illinois Department of Corrections make decisions about sentencing and programming; and

WHEREAS, the Illinois Department of Corrections has recently faced significant lawsuits alleging discrimination, poor access to health care, and inadequate mental health treatment, demonstrating a clear need for higher-quality training for Illinois Department of Corrections staff and improvements in the services provided to people in the corrections system, changes that will make Illinois prisons safer and reduce the likelihood of recidivism; and

WHEREAS, women make up a growing percentage of Illinois' prison population have unique healthcare and familial needs; and

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WHEREAS, while important progress has been made in addressing the needs of women incarcerated in Illinois, including the passage of a law that gives pregnant pretrial detainees an alternative to incarceration, more family-centered and trauma-informed policies are needed; and

WHEREAS, youth make up another unique prison population, and improving juvenile justice education facilities, prevention programming, and diversion opportunities will reduce the number of young people in Illinois prisons and better position those young people in prison for success post-release; and

WHEREAS, increasing judges' use of diversion programs, reducing the use of pretrial detention, implementing bond reform, reducing mandatory minimums, and implementing alternatives to incarceration will all play an important role in making sentencing in Illinois more equitable; and

WHEREAS, building trust between police officers and the communities they serve is a crucial part of criminal justice reform in Illinois, and reducing excessive force, racial profiling, civil asset forfeiture, and vehicle impoundment will all be necessary to implement effective, community-based policing; and

WHEREAS, gun violence is a scourge on Illinois communities and needs to be treated as a public health issue, and the State of Illinois can enhance gun violence prevention programs and improve firearm safety; and

WHEREAS, legalizing cannabis for adult use and ensuring licensing leads to equitable business ownership will help to right some of the wrongs created by the criminal justice system by providing economic opportunity for communities disproportionately impacted by the war on drugs; and

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

I. Definitions

As used in this Executive Order, "State Agency" means any office, department, agency, board, commission or authority of the Executive Branch of the State of Illinois under the jurisdiction of the Governor.

II. The Justice, Equity, and Opportunity Initiative is Established

The Justice, Equity, and Opportunity Initiative is established in the Office of the Lieutenant Governor to:

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- a. Convene and create a collaborative environment, especially among stakeholders, State Agencies and the organizations they work with;
- b. Improve communications across State Agencies and ensure a coordinated, holistic effort to transform the criminal justice system and effective implementation of the necessary actions;
- c. Support research and pilot programs that will test groundbreaking efforts to reform the criminal justice system and provide data and analysis to assess program efficacy and guide new and different efforts; and
- d. Advise decision making to ensure the different branches of Illinois government work proactively to create a more fair and equitable criminal justice system.

III. The Justice, Equity, and Opportunity Initiative Shall Report to the Office of the Governor

The Justice, Equity, and Opportunity Initiative shall:

- a. Within 90 days of the effective date of this Executive Order, deliver a report to the Office of the Governor describing the goals and the deliverables for the first year of the Initiative; and
- b. On January 1 of each year, deliver a report to the Office of the Governor describing the accomplishments of the Initiative, as well as the opportunities and challenges the Initiative encounters, and the goals and deliverables for the upcoming year.

IV. The Justice, Equity, and Opportunity Initiative Shall Collaborate with all State Agencies

The Justice, Equity, and Opportunity Initiative shall interact with any State Agency. All State Agencies shall work cooperatively with the Initiative as needed to define and achieve the deliverables of the Initiative.

V. Savings Clause

Nothing in this Executive Order shall be construed to contravene any federal or State law or regulation. Nothing in this Executive Order shall affect or alter the existing statutory powers of any State Agency or be construed as a reassignment or reorganization of any State Agency.

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VI. Prior Executive Orders

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

VII. Severability Clause

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

VIII. Effective Date

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

Issued by Governor: February 11, 2019

Filed with Secretary of State: February 11, 2019

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 43, Issue 8 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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