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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 2020

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 23, 2019	January 3, 2020
2	December 30, 2019	January 10, 2020
3	January 6, 2020	January 17, 2020
4	January 13, 2020	January 24, 2020
5	January 21, 2020	January 31, 2020
6	January 27, 2020	February 7, 2020
7	February 3, 2020	February 14, 2020
8	February 10, 2020	February 21, 2020
9	February 18, 2020	February 28, 2020
10	February 24, 2020	March 6, 2020
11	March 2, 2020	March 13, 2020
12	March 9, 2020	March 20, 2020
13	March 16, 2020	March 27, 2020
14	March 23, 2020	April 3, 2020
15	March 30, 2020	April 10, 2020
16	April 6, 2020	April 17, 2020
17	April 13, 2020	April 24, 2020
18	April 20, 2020	May 1, 2020
19	April 27, 2020	May 8, 2020
20	May 4, 2020	May 15, 2020
21	May 11, 2020	May 22, 2020
22	May 18, 2020	May 29, 2020

23	May 26, 2020	June 5, 2020
24	June 1, 2020	June 12, 2020
25	June 8, 2020	June 19, 2020
26	June 15, 2020	June 26, 2020
27	June 22, 2020	July 6, 2020
28	June 29, 2020	July 10, 2020
29	July 6, 2020	July 17, 2020
30	July 13, 2020	July 24, 2020
31	July 20, 2020	July 31, 2020
32	July 27, 2020	August 7, 2020
33	August 3, 2020	August 14, 2020
34	August 10, 2020	August 21, 2020
35	August 17, 2020	August 28, 2020
36	August 24, 2020	September 4, 2020
37	August 31, 2020	September 11, 2020
38	September 8, 2020	September 18, 2020
39	September 14, 2020	September 25, 2020
40	September 21, 2020	October 2, 2020
41	September 28, 2020	October 9, 2020
42	October 5, 2020	October 16, 2020
43	October 13, 2020	October 23, 2020
44	October 19, 2020	October 30, 2020
45	October 26, 2020	November 6, 2020
46	November 2, 2020	November 13, 2020
47	November 9, 2020	November 20, 2020
48	November 16, 2020	November 30, 2020
49	November 23, 2020	December 4, 2020
50	November 30, 2020	December 11, 2020
51	December 7, 2020	December 18, 2020
52	December 14, 2020	December 28, 2020

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Acquisition, Management and Disposal of Real Property
- 2) Code Citation: 44 Ill. Adm. Code 5000
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
5000.340	Amendment
5000.APPENDIX A	Amendment
- 4) Statutory Authority: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605], implementing and authorized by Sections 5-675 [20 ILCS 5], 405-215, 405-300, 405-305, 405-310 and 405-315 [20 ILCS 405] of the Civil Administrative Code of Illinois and authorized by Section 6 of the State Property Control Act [30 ILCS 605] and the Illinois Procurement Code [30 ILCS 500].
- 5) A Complete Description of the Subjects and Issues Involved: The amendments update the statewide space standards in order to promote efficient and cost-effective use of facilities, support flexibility, and provide employees with productive work environments.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: It does not create or expand a State mandate under the State Mandates Act [30 ILCS 805].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendment appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Sean Coombe  
Deputy General Counsel

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

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

217/557-3761  
sean.coombe@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: There is no adverse impact to small business.
- 15) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because it was not anticipated.

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING,  
PROCUREMENT AND PROPERTY MANAGEMENT  
SUBTITLE D: PROPERTY MANAGEMENT  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 5000  
ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

## SUBPART A: GENERAL

Section	
5000.100	Authority
5000.110	Policy
5000.120	Applicability

## SUBPART B: LEASED SPACE ACQUISITION POLICY

Section	
5000.200	General Policy and Responsibility
5000.210	Requests for Space/Agency Responsibilities
5000.220	Acquisition Authority
5000.230	General Acquisition Procedures
5000.231	Acquisition of Leases by RFI
5000.232	Leases Acquired by Other Methods
5000.233	Renewal or Extension of Lease in Effect Prior to July 1, 1998
5000.234	Renewal of Leases Entered into After July 1, 1998
5000.235	Purchase Options
5000.240	Lease Administration
5000.250	Emergency Lease Procurement

## SUBPART C: BUILDING STANDARDS

Section	
5000.300	Scope
5000.310	Area Measurement
5000.320	Space Planning Assistance
5000.330	Open Space
5000.340	Space Allowance and Standards
5000.350	Office Furnishing

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- 5000.360 Handicapped Accessibility
- 5000.370 Vending Facilities/Blind Operators
- 5000.380 Improvements

## SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

## Section

- 5000.400 Assignment and Management by DCMS
- 5000.410 Assignment by Agencies
- 5000.420 Reviews and Appeal of Space Assignment Actions
- 5000.430 Services Provided
- 5000.440 Alterations
- 5000.450 Local Requirements

SUBPART E: UTILIZATION OF SPACE  
(STATE-OWNED AND LEASED PROPERTIES)

## Section

- 5000.500 Space Inspections and Surveys
- 5000.510 Responsibility of Agencies
- 5000.520 Release of Space ~~not~~ Fully Utilized
- 5000.530 Notice to DCMS of Relinquishment or Termination of Space

## SUBPART F: EXCESS REAL PROPERTY

## Section

- 5000.600 Excess Real Property Defined
- 5000.610 Reports of Excess Real Property
- 5000.620 Utilization of Excess Real Property
- 5000.630 Charges for Use of Excess Property
- 5000.640 Temporary Occupancy
- 5000.650 Disputes
- 5000.660 Non-State Use

## SUBPART G: SURPLUS REAL PROPERTY

## Section

- 5000.700 Surplus Real Property Defined
- 5000.710 Declaration of Surplus

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

5000.720	Reporting Surplus Real Property
5000.730	Notice of Availability to State Agencies
5000.740	State Agency Requests for Surplus Real Property
5000.750	Transfer Decisions
5000.760	Transfer Procedures
5000.770	Transfer to Department of Central Management Services
5000.780	Subsequent Disposal
5000.790	Sale of Surplus
5000.800	Notice of Sale to Local Governments
5000.810	Local Government Offer to Purchase
5000.820	Public Sale
5000.830	Public Sale Procedures
5000.840	Non-State Interim Use

## SUBPART H: USE OF OFFICE BUILDING

Section	
5000.900	Applicability
5000.901	Building Access and Security
5000.902	Security
5000.910	Definitions
5000.920	Business Hours and Public Access
5000.930	Prohibited Activities
5000.940	Demonstrations
5000.950	Exhibits and Special Events
5000.960	Distribution of Leaflets
5000.970	Severability
5000.APPENDIX A	Space Standards
5000.APPENDIX B	Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act [30 ILCS 605], implementing and authorized by Sections 5-675 [20 ILCS 5], 405-215, 405-300, 405-305, 405-310 and 405-315 [20 ILCS 405] of the Civil Administrative Code of Illinois and authorized by Section 6 of the State Property Control Act [30 ILCS 605] and the Illinois Procurement Code [30 ILCS 500].

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg.

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7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636, effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10753, effective July 1, 1993; amended at 18 Ill. Reg. 1886, effective January 21, 1994; emergency amendment at 17 Ill. Reg. 15653, effective September 9, 1993, for a maximum of 150 days; amended at 19 Ill. Reg. 585, effective January 9, 1995; amended at 20 Ill. Reg. 15002, effective November 7, 1996; emergency amendment at 22 Ill. Reg. 12569, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20545, effective November 16, 1998; emergency amendment at 25 Ill. Reg. 15438, effective November 16, 2001, for a maximum of 150 days; emergency expired April 14, 2002; 26 Ill. Reg. 8083, effective May 17, 2002; amended at 27 Ill. Reg. 2105, effective January 27, 2003; emergency amendment at 29 Ill. Reg. 15686 effective November 17, 2004, for a maximum of 150 days; emergency expired April 15, 2005; amended at 30 Ill. Reg. 14094, effective August 10, 2006; amended at 31 Ill. Reg. 99, effective December 20, 2006; recodified Title of the Part at 39 Ill. Reg. 5903; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: BUILDING STANDARDS

**Section 5000.340 Space Allowance and Standards**

- a) In Appendix A, DCMS is providing space standards that support efficient and cost-effective use of facilities, support flexibility, and provide employees with productive work environments. These space standards dictate the allotment of individual, collaborative, and support space. In planning office space, size and layout shall be consistent with the standards listed in Appendix A. Agency implementation of these space standards shall be done in cooperation with DCMS and shall support the needs of the agency. These DCMS space standards are implemented to reduce costs, optimize the State facilities portfolio, and minimize construction costs, while providing employees with better workspace in which they can collaborate, focus, and serve the citizens of the State of Illinois.
- b) These standards shall apply to upgrades, renovations and new construction of State agency facilities. No rearrangement or remodeling of existing space will be authorized for the sole purpose of conforming to these standards.
- c) Individual agency functions and needs, and physical variations in State property, may require variations in the amount of space assigned. The division of agency space into private, semi-private and open areas will be evaluated by DCMS on a

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

~~case-by-case basis. Space allowed for specific personnel and operations should not exceed that which is necessary to work efficiently and effectively. In planning office space, size and layout should be consistent with the standards listed in Appendix A. It is recognized, however, that agency functions and needs and physical variations in buildings will cause variations in the amount of space assigned, and its division into private, semi-private and open areas. No rearrangement or remodeling of existing space shall be authorized for the sole purpose of conforming to these standards.~~

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

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## NOTICE OF PROPOSED AMENDMENTS

**Section 5000.APPENDIX A Space Standards**

These space standards guide the design of interior spaces by establishing policies and requirements to provide State employees with functional work environments appropriate for their required tasks, maximize the efficient use of space, and enhance work areas for all employees and the public. Please note that, in some cases and based upon operations, unique functions and existing building conditions and dimensions that do not meet the space requirements of this Appendix may be greater and/or smaller than what is indicated. DCMS will evaluate and make final recommendations on a case by case basis.

These space standards will be reflected in the Space Request form, which is available from DCMS.

In the analysis of the basic units of activity, the following standards of space were developed to reflect the requirement of recurring, typical activities. The standards provide the occupant of each work station with space sufficient to conduct his/her business in an efficient manner. The amount of space allocated to each activity type includes allowances for various units of equipment and intrawork station circulation. Additional allowances are used for supporting space for each job position, as well as general circulation, conference rooms, ~~library~~, reception area, special storage, and other unusual space requirements.

A) Enclosed Interior Office Space Standards

Enclosed private office space for agency Directors, Deputy Directors, the head of a Division, Bureau or Office, and similar employees requiring space to conduct private and confidential business shall be sized in accordance with one of the following 3 types.

1. Small Office Type: 100 through 120 SF
2. Medium Office Type: 120 through 150 SF
3. Large Office Type: 225 through 250 SF

B) Open Interior Work Station Space Standards

1. All open interior work stations shall be sized in accordance with the following (for work stations and cubicles):
  - a. Bench Type: 25 SF to 30 SF work areas and desks, with or without separators

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- b. Small Cubicle Type\*: 36 SF
  - c. Medium Cubicle Type: 48 SF
  - d. Large Cubicle Type: 64 SF to 80 SF
2. Huddle/Collaboration Areas:
- a. For 4 Staff: 64 SF
  - b. For 6 to 8 Staff: 144 SF
  - c. For 10 to 14 Staff: 225 SF
3. Reception Areas:
- a. With No Waiting: 100 through 120 SF
  - b. With 4-6 Chairs for Waiting: 144 through 160 SF
  - c. With 8-12 Chairs for Waiting: 225 through 250 SF

Part-time or Field Personnel

Whenever personnel use the assigned space less than 50% of the work week, the area allowances shall be adjusted to maximize efficient space utilization. Generally, 60 square feet or less should be adequate. If operational requirements permit, desks and space should be shared by multiple staff.

C) Common Space Standards

1. New conference rooms shall have appropriate sizes (20 SF per person with required circulation and clearances) and may be smaller in size than the dimensions listed in a, b and c. All requests shall be evaluated by DCMS to determine the size of the conference room that can be constructed:
- a. Small Conference Room for 6 to 10 Staff: 100 through 144 SF
  - b. Medium Conference Room for 14 to 16 Staff: 400 through 425 SF

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c. Large Conference/Training Room for 20+ Staff: 625 through 750 SF

2. Breakrooms and Kitchenettes:

a. Small Breakroom: 120 through 150 SF

b. Medium Breakroom for 8 to 10 Staff: 225 through 250 SF

c. Large Breakroom for 20+ Staff: 400 through 425 SF

3. New storage area requests will be evaluated by DCMS to determine if physical walls are required. DCMS will determine the appropriate size of the storage room, which may be smaller than the following dimensions:

a. Small Storage Area: 100 through 150 SF

b. Medium Storage Area: 225 through 250 SF

c. Large Storage Area: 400 through 425 SF

D) Federal Space Standards

Agencies requesting to use standards other than those established in this Appendix shall supply a copy of those standards to DCMS. In instances in which federal regulations require the use of federal space standards, the agency shall estimate its space requirements in accordance with the federal standards. These space allocation standards are in accordance with Part II, Section 3.20 of the Rules established by the Department of Central Management Services. It is recognized, however, that agency functions and needs and physical variations in buildings will cause variations in the amount of space assigned and its division into private, semi-private and open areas. Therefore, the space occupied by the agency would rarely exactly equal the net space requirement.

A)

Office Space Standards

<u>Position Category</u>	<u>Code</u>	<u>Job Classification Examples</u>	<u>Area Allowances</u>	<u>Space* Type</u>
Executive	E	Commissioner	250-300	P
		Director of Dept.	275-300	P
		Deputy Director	200-250	P

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		<del>(Exec. Area Allowance)</del>	200-300	
Administrator	A	Re. Adm./Mgr.	175-250	PC,P
		Division Chief	180-250	PC,P
		Asst. Div. Chief	150-185	PC,P
		<del>(Admn. Area Allowance)</del>	150-250	
Middle Mgmt./ Supervisory	S	Supv. of Small Unit (12 or less)	100-125	PC,P
		Supv. of Large Unit (13 or more)	125-150	PC,P
		Clerical Supv. Manager (up to 20 subordinates)	75-175	O,PC,P
			125-150	PC,P
		Manager (over 20 subordinates)	150-175	PC,P
		<del>(Middle Mgmt./Supv. Area Allow.)</del>	75-175	O,PC,P

<u>Position Category</u>	<u>Code</u>	<u>Job-Classification Examples</u>	<u>Area Allowances</u>	<u>Space* Type</u>
**Professional	P	Attorney	90-130 to-150	O,S,SC PC,P
		Architect	90-125 to-150	O,S,SC PC,P
		Exec. Acct.	95-125 to-165	O,S,SC PC,P
		Env. Scientist	90-110 to-150	O,S,SC PC,P
		Data Proc. Analyst	90-110 to-150	O,S,SC PC,P
		Human Serv. Consultant	90-100 to-125	O,S,SC PC,P
		Bhvrl. Scientist	90-100 to-125	O,S,SC PC,P
		<del>(Prof. Area Allow.)</del>	99-130 to-165	O,S,SC PC,P

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**Technical/Prof	T	Draftsman	60-85	Ø,S,SC
		Nurse	50-75	Ø
		Auditor	45-60	Ø,S,SC
		Bank Examiner	40-55	Ø
		Data I/O Operator	45-55	Ø,S,SC
		Programmer	65-85	Ø,S,SC
		Accountant	45-65	Ø,S,SC
		Para Legal	65-90	S,SC
		(Technical Prof. Area Allowance)	40-90 to 100	Ø,S,SC PC,P
**Clerical	€	Clerk	140-70	Ø
		Sec./Recept.	50-100	Ø
		Receptionist	50-75	Ø
		Word Processing Specialist	60-70	Ø
		(Clerical Area Allowance)	40-100	Ø
***Field Personnel (Positions where personnel are out of the office more that 50% of the time)	F	Pub. Hlth. Inspec.	45-50	Ø,S
		Caseworker	45-60	Ø,S
		Parole Counselor	45-60	Ø,S
		(Field Personnel Allowance)	40-60	Ø,S

\*P—Private Office Space      PC—Private Cubicle      Ø—Open Space  
 S—Semi Private Office Space      SC—Shared Cubicle

\*\* Any request for Professional, Technical or Clerical private office space must include justification. Security, Confidentiality, Private consultation or other good cause may constitute justification.

\*\*\* Part time or field personnel: Whenever personnel use the assigned space less than 50% of the work week, the area allowances shall be adjusted to maximize efficient space utilization. Generally, sixty (60) square feet or less should be adequate, and, if operational requirements permit, desks and space should be shared by two (2) or more staff.

B) Common Functional Standards

1. Conference Rooms—space allocation will be determined on the basis of:

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- ~~average number of persons attending'~~
- ~~frequency of meetings (average number per month);~~
- ~~average length of sessions;~~
- ~~availability of private office space and;~~
- ~~special requirements, e.g. dais, blackboard, projector and screen, etc.~~

~~Conference rooms should be established only when they will be in use at least 15 hours per week. Approximately 20 half day sessions per month are considered capacity for one room. Allow approximately 20 square feet per person.~~

<u>Average number in Attendance</u>	<u>Area Allowance</u>	<u>NSF Required</u>
4	10' X 10'	100
6	10' X 15'	150
10	11'4" X 20'/12'6" X 20'	225-250
12	12' X 20'/15' X 20'	240-300
14	15' X 20'/15' X 25'	300-375
20	20' X 20'/20' X 25'	400-500
24	20' X 25'/20' X 30'	500-600
30	20' X 30'/20' X 35'	600-700

2. ~~Reception/Client Areas—In establishing reception/client areas, agencies shall consider:~~

- ~~average number of callers each day;~~
- ~~type of callers;~~
- ~~maximum seating requirements; and,~~
- ~~special requirements, e.g. writing tables, bulletin board, coat rack, etc.~~

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Space requirement is based on average visitor load at 10-15 square feet per person per hour plus circulation space. (This allowance does not include space requirement for receptionist.

- 3. Libraries—Space requirements is based on measurement of equipment plus circulation. Despite the fact that there is considerable variation in size of books, the following formulas may be used to estimate the amount of space required for books:

Open reading rooms: 7 volumes per lineal foot; 50 books per foot of standard height wall shelving; or, 100 books per foot of double-faced shelving.

Book stack areas: 15 books per square foot (includes aisles), or 2 books per cubic foot. Approximately 50 long play phonograph records may be shelved on one lineal foot of wall shelving.

- 4. Exhibit Areas, Duplicating Rooms, Mail Rooms, Supply Rooms—Space allocation based on measurement of equipment plus circulation.

- 5. Furniture and Equipment—These standards are to be used only if the designated furniture is not included in a private office or part of an employee's work station. Area requirements for other furniture and equipment can be determined by measuring the items. If access or circulation space is required, this should also be included.

Table with 2 columns: Typical Item and Square Feet. Rows include DESKS (additional) with various desk types and dimensions like 'Desk, single pedestal, 45" X 30"' and 'Desk, double pedestal, 70" X 36"'.

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Desk, double-pedestal, 78" X 36"	20
CHAIRS (additional)	
Chair, swivel/posture	10
Chair, side	8
Stool, swivel	10
Chair, club	9
Settee, 2-seater	17
Settee, 3-seater	23
Chair, stacking	5
TABLES	
Table, multipurpose, 60" X 30"	12
Table, multipurpose, 72" X 36"	18
Table, conference, 72" X 48"	24
Table, conference, 96" X 48"	32
Table, end, 26" X 16"	3
Table, reception, 45" X 19"	6
Table, machine, 19" X 13"	3
Table, drafting, 72" X 40"	20
Table, round center, 42" diameter	10
FILES	
File, vertical, 18" X 29"	9
File, lateral, 36" X 18"	13
File, lateral, 42" X 18"	15
File, flat plans, 54" X 43"	35
MISCELLANEOUS	
Storage shelving—floor length time 5 feet	length X 5'
Work Station Unit (prefabricated), 72" X 23"	12
Copier, 56" X 27"	18
Credenza, 70" X 20"	19
Telephone cabinet, 30" X 15"	7
Storage cabinet, 36" X 18"	9
Bookcase, 38" X 15"	
Reception Counter (includes counter and receptionist work space)—length	length X 5'

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~~length of counter times 5 feet~~

~~Aisle Width~~

~~Files: If files are to open toward an aisle, allow 44 to 66 inches with the file drawer open for heavily traveled aisles, and 28 to 48 inches for secondary aisles.~~

~~Shelving Main and subsidiary aisles around shelving plus 44 to 66 inches for main aisles and 28 to 36 inches for subsidiary aisles.~~

- ~~6. Federal Space Standards—Agencies requesting to use standards other than those published in this Appendix shall supply a copy of those standards with the Department of Central Management Services. Where federal regulations direct the use of space standards, the agency shall estimate its space requirements in accordance with the federal standards.~~

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

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois Works Jobs Program Act
- 2) Code Citation: 14 Ill. Adm. Code 680
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
680.10	New Section
680.20	New Section
680.30	New Section
680.40	New Section
680.50	New Section
680.60	New Section
680.70	New Section
680.80	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Works Jobs Program Act [30 ILCS 559/20-25(e)] and the Department of Commerce and Economic Opportunity Law [20 ILCS 605/605-55].
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Works Apprenticeship Initiative applies to public works projects with an estimated total project costs of \$500,000 or more. The program will impact grantees, contractors and subcontractor who receive money from appropriated capital funds for public works projects. For those projects, the goal of the Illinois Apprenticeship Initiative is that apprentices will perform either 10% of the total labor hours actually worked in each prevailing wage classification or 10% of the estimated labor hours in each prevailing wage classification, whichever is less.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments regarding these rules shall be presented in writing within 45 days after the date of this issue of the *Illinois Register* to:  
  
Jolene Clarke  
Rules Administrator  
Department of Commerce and Economic Opportunity  
500 E. Monroe  
Springfield IL 62701  
  
217/557-1820  
fax: 217/524-3701  
jolene.clarke@illinos.gov
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on any Regulatory Agenda because the enabling legislation was signed into law after the Department's most recent submission.

The full text of the Proposed Rules is identical to that of the text of the Emergency Rules for this Part, and begins in this issue of the *Illinois Register* on page 8502:

## ILLINOIS DEPARTMENT OF LABOR

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Minimum Wage Law
- 2) Code Citation: 56 Ill. Adm. Code 210
- 3) Section Number: 210.115                      Proposed Action:  
New Section
- 4) Statutory Authority: 820 ILCS 105
- 5) Complete Description of the Subjects and Issues Involved: Recent action taken by the United States Department of Labor (U.S. DOL) could expose workers to a higher risk of wage theft and give unscrupulous employers a competitive advantage over law abiding employers. The U.S. DOL adopted a new rule on March 16, 2020. This new federal rule abandons over 60 years of precedent by adopting a restrictive four factor test to determine the existence of a joint employer relationship. Illinois has not needed its own rule interpreting joint employment, until now, because the former Fair Labor Standards Act regulation provided reasonable guidance on the issue.
- 6) Published studies and reports, and sources of underlying data, used to compose this rulemaking: Assistance from Office of the Attorney General. Memo provided.
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge a mandate as described in Section 3(b) of the State Mandates Act.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jason Keller  
Illinois Department of Labor

## ILLINOIS DEPARTMENT OF LABOR

## NOTICE OF PROPOSED AMENDMENT

900 South Spring St.  
Springfield, IL 62704

217-782-1706  
Jason.keller@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No adverse impact
- 15) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not anticipated at the time of the last regulatory agenda was published.

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

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER I: DEPARTMENT OF LABOR  
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 210  
MINIMUM WAGE LAW

SUBPART A: GENERAL PROVISIONS

Section	
210.100	Application of the Act
210.110	Definitions
<a href="#">210.115</a>	<a href="#">Joint Employers</a>
210.120	The Use of Federal Definitions of Various Terms
210.130	Length of Coverage for an Employer
210.140	Uniforms
210.150	Forbidden Activity Covered by Other Laws
210.160	Communication with the Department and the Director

SUBPART B: ESTABLISHMENT OF MINIMUM  
WAGE ALLOWANCE FOR GRATUITIES

Section	
210.200	Meals and Lodging

SUBPART C: SEX DISCRIMINATION

Section	
210.300	Sex Discrimination

SUBPART D: OVERTIME

Section	
210.400	Determining Workweek for Overtime
210.410	Exclusions from the Regular Rate
210.420	Regular Rate of Pay for Determination of Overtime
210.430	Methods of Computing Overtime
210.440	Overtime – General

ILLINOIS DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENT

SUBPART E: EMPLOYMENT OF AN INDIVIDUAL WITH A DISABILITY  
AT A WAGE LESS THAN THE MINIMUM WAGE RATE

- Section  
210.500 Application for a License to Employ an Individual with a Disability at a Wage  
Less than the Minimum Wage Rate  
210.510 Criteria Used to Establish the Necessity of a Sub-Minimum Wage

SUBPART F: EMPLOYMENT OF LEARNERS AT A WAGE  
LESS THAN THE MINIMUM WAGE RATE

- Section  
210.600 General Provisions  
210.610 Application to Employ a Learner  
210.620 Employing More Than One Learner  
210.630 Basic Learner Training Requirements  
210.640 Student Learners in Work Study Programs

SUBPART G: RECORDS, POSTING AND NOTICE REQUIREMENTS

- Section  
210.700 Contents of Records  
210.710 Identification of Learner or Individual with a Disability  
210.720 Minimum Records of Gratuities  
210.730 Records Kept Outside of the Business Premises  
210.740 Notice to Employers – Copies of the Act and Rules and Regulations

SUBPART H: INSPECTION PROCEDURE

- Section  
210.800 Investigations  
210.810 Investigation Procedures  
210.820 Enforcement Procedures

SUBPART I: INFORMAL INVESTIGATIVE CONFERENCE  
ON INSPECTION RESULTS

- Section  
210.900 Request for Review by Employer Subject to an Inspection

## ILLINOIS DEPARTMENT OF LABOR

## NOTICE OF PROPOSED AMENDMENT

210.910	Petition to Intervene by Employee or Former Employee Covered by an Inspection
210.920	Convening an Informal Investigative Conference
210.925	Continuances of Informal Investigative Conference
210.930	Application of the Rules of Evidence – Pleadings and Procedures in an Investigative Conference
210.940	Attorney and Witnesses in Investigative Conference
210.950	Contumacious Conduct in Investigative Conference
210.960	Telephone Conference
210.970	Request for Review

## SUBPART J: ASSESSMENT OF PENALTIES AND PUNITIVE DAMAGES

## Section

210.1000	Assessment and Notice of Underpayment, Penalties, and Punitive Damages
210.1010	Employer Conduct Deemed Wilful
210.1020	Uncontested Payment of Underpayments, Penalties, and Punitive Damages
210.1030	Exception to Notice of Underpayments, Penalties, and Punitive Damages
210.1040	Informal Investigative Conference on the Assessment of Underpayments, Penalties, and Punitive Damages
210.1050	Final Determination of Penalties and Punitive Damages

AUTHORITY: Implementing and authorized by the Minimum Wage Law [820 ILCS 105].

SOURCE: Adopted at 19 Ill. Reg. 6576, effective May 2, 1995; amended at 20 Ill. Reg. 15312, effective November 15, 1996; amended at 25 Ill. Reg. 869, effective January 1, 2001; amended at 29 Ill. Reg. 4734, effective March 21, 2005; amended at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 210.115 Joint Employers**

- a) Two or more employers may be associated with each other in relation to an individual employee in such a way that they jointly employ that individual under the Illinois Minimum Wage Law (the "Act"). If the facts establish that the worker is employed jointly by two or more employers, all of the employee's work for all of the joint employers during the workweek is considered as one employment for purposes of the Act. In this event, all joint employers shall be jointly and severally liable for any violation of the Act.

## ILLINOIS DEPARTMENT OF LABOR

## NOTICE OF PROPOSED AMENDMENT

- b) The following factors provide guidance on whether a joint employment relationship exists in a particular case:
- 1) The employee's work is to the benefit of the alleged joint employer;
  - 2) The work performed by the employee is an integral part of the alleged joint employer's business or businesses;
  - 3) The alleged joint employer has direct or indirect control or influence over the employee's terms or conditions of employment, including the employee's schedule and the quality of the employee's work;
  - 4) The alleged joint employer owns or leases the premises where the work is performed or provide tools or materials used by employees to perform the work;
  - 5) The alleged joint employer has direct or indirect control over the other joint employer's or employers' operations through contractual obligations, shared joint management, direct or indirect ownership interest, or economic dependence.
- c) Whether a joint employment relationship exists depends on all the facts of the particular case. The inquiry should consist of looking at the actual relationship between the employee and the employers, including the employers' ability to exercise control over the employee either directly or indirectly. No one factor is dispositive in the determination of joint employment. For example, a joint employment relationship may still exist when only two of the five factors in subsection (b) indicate the existence of a joint employment relationship.
- d) If all the relevant facts based on the five factors establish that two or more employers are acting entirely independently of each other, and are completely disassociated with respect to the employment of a particular employee who, during the same workweek, performs work for more than one joint employer, each employer may disregard all work performed by the employee for the other employer or employers in determining its own responsibilities under the Act.

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: General Grantmaking (DHS)
- 2) Code Citation: 44 Ill. Adm. Code 7040
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
7040.10	New Section
7040.20	New Section
7040.30	New Section
7040.40	New Section
- 4) Statutory Authority: Implementing and authorized by Section 50(a) of the Grant Accountability and Transparency Act [30 ILCS 708].
- 5) Effective Date of Rules: May 6, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? 2 CFR 200, Subparts A through F and Appendices I through XII (December 26, 2014), except as otherwise indicated at 44 Ill. Adm. Code 7000, 59 Ill. Adm. Code 103, 77 Ill. Adm. Code 2030, and 89 Ill. Adm. Code 507, 509, 511, 525 and 527, or as recorded in the Illinois Catalog of State Financial Assistance.
- 8) A copy of the adopted rules, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 11812; October 18, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Sections 7040.10, 7040.20, 7040.30, and 7040.40 were added to address the scope of the rule, definitions of certain terms used in the rule, incorporations by reference and grant requirements.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Per the Grant Accountability and Transparency Act [30 ILCS 708/50(a)], "The specific requirements and responsibilities of State grantmaking agencies and non-federal entities are set forth in this Act. State agencies making State awards to non-federal entities must adopt by rule the language in 2 CFR 200, Subpart C through Subpart F unless different provisions are required by law." The purpose of this new Part is to adopt the federal grant statute (2 CFR 200) which provides a framework for grantmaking, management, and monitoring/reporting.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

217/785-9772

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

TITLE 44: GOVERNMENTAL CONTRACTS, GRANTMAKING,  
PROCUREMENT AND PROPERTY MANAGEMENT  
SUBTITLE F: GRANTMAKING  
CHAPTER V: DEPARTMENT OF HUMAN SERVICESPART 7040  
GENERAL GRANTMAKING (DHS)

## Section

7040.10	Scope
7040.20	Definitions
7040.30	Incorporations by Reference: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
7040.40	Grant Requirements

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

SOURCE: Adopted at 44 Ill. Reg. 8478, effective May 6, 2020.

**Section 7040.10 Scope**

This Part applies to all nonfederal entities that receive State grants and federal pass-through awards from the Department. These requirements do not apply to private grant awards.

**Section 7040.20 Definitions**

"CFR" means Code of Federal Regulations.

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

"GATA" means the Grant Accountability and Transparency Act [30 ILCS 708].

"GATU" means the Grant Accountability and Transparency Unit within the Illinois Governor's Office of Management and Budget.

**Section 7040.30 Incorporations by Reference: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards**

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

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

**Section 7040.40 Grant Requirements**

- a) Unless different provisions are required by law or an exception is granted by GATU in accordance with 44 Ill. Adm. Code 7000.60, the following sections of 2 CFR 200 are applicable to all State grants and federal pass-through awards issued by the Department.
  - 1) Subpart B – General Provisions
  - 2) Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards
  - 3) Subpart D – Post-Federal Award Requirements
  - 4) Subpart E – Cost Principles
  - 5) Subpart F – Audit Requirements
  - 6) Appendices (applicable sections)
    - A) Appendix I Full Text of Notice of Funding Opportunity (Except Section E)
    - B) Appendix II Contract Provisions for Non-Federal Entity Contracts Under Federal Awards
    - C) Appendix III Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)
    - D) Appendix IV Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULES

- |    |               |   |
|----|---------------|---|
| E) | Appendix V    | State/Local Governmentwide Central Service Cost Allocation Plans              |
| F) | Appendix VI   | Public Assistance Cost Allocation Plans                                       |
| G) | Appendix VII  | States and Local Government and Indian Tribe Indirect Cost Proposals          |
| H) | Appendix VIII | Nonprofit Organizations Exempted From Subpart E – Cost Principles of Part 200 |
| I) | Appendix IX   | Hospital Cost Principles  |
| J) | Appendix X    | Data Collection Form (Form SF-SAC)  |
| K) | Appendix XI   | Compliance Supplement   |
| L) | Appendix XII  | Award Term and Condition for Recipient Integrity and Performance Matters      |
- b) When applying 2 CFR 200 subparts D through F to State funded grants, the terminology equivalencies listed in 44 Ill. Adm. Code 7000.200(b)(1) shall be used.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Illinois Dead Animal Disposal Act
- 2) Code Citation: 8 Ill. Adm. Code 90
- 3) 

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
90.1	New Section
90.5	Amendment
90.105	Amendment
90.110	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Dead Animal Disposal Act [225 ILCS 610].
- 5) Effective Date of Emergency Rules: May 7, 2020
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: This rulemaking is not set to expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: May 7, 2020
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Governor J.B. Pritzker declared a state of emergency on March 9, 2020, and renewed that declaration on April 1, 2020. The pandemic caused by COVID-19 has sickened hundreds of employees at the State's meatpacking plants, which has resulted in decreased production. This has led to the emergency situation at livestock producer sites of numerous animal deaths in a short period of time. As it has now become necessary to dispose of the carcasses, these emergency rules are necessary to safely allow livestock producers to deal with catastrophic animal mortality in a safe, environmental, and efficient manner.
- 10) A Complete Description of the Subjects and Issues Involved: The emergency rules allow for the disposal of an overabundance of swine and cattle carcasses to be managed in a safe, environmental, and efficient fashion.
- 11) Are there any rulemakings to this Part pending? Yes

DEPARTMENT OF AGRICULTURE

NOTICE OF EMERGENCY AMENDMENTS

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

Albert A. Coll  
Assistant General Counsel  
Illinois Department of Agriculture  
State Fairgrounds, P. O. Box 19281  
Springfield IL 62794-9281

217/782-4051  
fax: 217/785-4505

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

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS  
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 90  
ILLINOIS DEAD ANIMAL DISPOSAL ACT

## Section

90.1            COVID-19 Emergency Provisions

EMERGENCY

90.5            Definitions

EMERGENCY

90.10          Plant Facilities

90.20          Plant Premises

90.30          Annual Truck Permits (Repealed)

90.40          Truck Operator's Records (Repealed)

90.50          Odors and Insects Shall Be Controlled

90.60          Salmonella Control For Renderers and Blenders

90.70          Inspection of Premise (Repealed)

90.80          Identification of Receptacles

90.90          Records (Repealed)

90.100        Transportation and Transactions (Repealed)

90.105        ~~Owner-Transportation-to-Landfill~~

EMERGENCY

90.110        On-~~Site~~~~The Farm~~ Disposal

EMERGENCY

90.120        Collection Center

90.130        Disposal By Collection Center of Unusable Materials

AUTHORITY: Implementing and authorized by the Illinois Dead Animal Disposal Act [225 ILCS 610].

SOURCE: Regulations Relating to the Disposal of Dead Animals, filed January 17, 1972, effective January 27, 1972; filed December 6, 1972, effective December 16, 1972; codified at 5 Ill. Reg. 10458; amended at 7 Ill. Reg. 852, effective January 10, 1983; amended at 8 Ill. Reg. 5937, effective April 23, 1984; amended at 13 Ill. Reg. 3681, effective March 13, 1989; amended at 16 Ill. Reg. 11773, effective July 8, 1992; amended at 18 Ill. Reg. 14917, effective September 26, 1994; amended at 20 Ill. Reg. 294, effective January 1, 1996; amended at 28 Ill. Reg. 13415,

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY AMENDMENTS

effective October 1, 2004; amended at 40 Ill. Reg. 2699, effective January 22, 2016; emergency amendment at 44 Ill. Reg. 8483, effective May 7, 2020, for a maximum of 150 days.

**Section 90.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

The COVID-19 emergency has created unique problems for Illinois producers and processors of meat and poultry who do not have access to all their normal markets and who may not be able to operate at full capacity due to employee absences. In some cases, they have acquired or are holding more livestock/poultry than they can move to market, leading to a need to dispose of some of that livestock/poultry. To allow these producers and processors to efficiently dispose of excess animals and to protect the public health in the disposal process, the Department is making changes to Sections 90.5, 90.105 and 90.110 through emergency rulemaking.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 8483, effective May 7, 2020, for a maximum of 150 days)

**Section 90.5 Definitions**  
**EMERGENCY**

For the purposes of this Part, the following definitions shall apply:

"Compost" means the humus-like product of the process of composting waste, which may be used as a soil conditioner.

"Composting" means the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost.

"Disposed of" means the initiation of the process of proper carcass disposal as set forth in the Illinois Dead Animal Disposal Act [225 ILCS 610] and this Part.

"Fish" means the bodies and parts of bodies of all animal aquatic life and the parts or waste thereof.

"Operator" means the person or entity who has been designated by the owner, through contract or otherwise, as responsible for conveying dead animals.

"Poultry" means chickens, turkeys, domestic game birds, and domestic water fowl.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY AMENDMENTS

"Poultry litter" means a nitrogen source such as manure or cake (i.e., the wet, compact crust that forms around feeders and waterers or litter such as found in layer operations and slatted-floor breeders).

"Straw" or "bulking agent" means straw or any alternative carbon source including, but not limited to, corn stover, soybean pods and trash, hay, sawdust, grass clippings, rice and peanut hulls, tomatoes, peat moss, pomace of grapes, wood chips, bark, shredded brush, and leaves.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 8483, effective May 7, 2020, for a maximum of 150 days)

**Section 90.105 ~~Owner-Transportation to Landfill~~  
EMERGENCY**

When ~~an owner or person employed by the owner is~~ transporting a dead animal ~~to a landfill that is open and willing to accept animals~~, the following guidelines shall be followed:

- a) The most direct route shall be utilized.
- b) The bed of the vehicle transporting the animal shall have covering to prevent leakage to the road surface (e.g., plastic covering or barrels).
- c) The animal shall be covered during transport.
- d) The owner, operator, caretaker or animal collection service may dispose of bodies of dead animals, poultry or fish by transporting the bodies to a licensed landfill for disposal or by transporting to a composting site as approved by the Department.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 8483, effective May 7, 2020, for a maximum of 150 days)

**Section 90.110 ~~On-Site-The-Farm~~ Disposal  
EMERGENCY**

Persons disposing of animals (including fish or poultry) or parts of bodies thereof, other than to a licensed renderer, shall comply with the following:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY AMENDMENTS

- a) Disposal by Burning
  - 1) No open burning will be permitted.
  - 2) Any disposal by burning must be performed with an incinerator that is in compliance with the Illinois Environmental Protection Act [415 ILCS 5].
- b) Disposal by Burying
  - 1) Burial shall be on the premises owned or operated by the owner of the dead animal.
    - A) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
      - i) Dead animals shall not be buried less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
      - ii) Dead Animals shall not be buried within the applicable 200 or 400 foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
    - B) Dead animals shall not be buried less than 200 feet from any existing residence not owned or occupied by the owner of the animal.
    - C) ~~No more than a ratio of one pound of dead animals per one square foot of surface area shall be buried on an annual basis. No more than 3,000 pounds of dead animals shall be buried in each site location, and the same site shall not be used more frequently than once every 2 years for burial purposes. There shall be no more than three site locations within a radius of 120 feet.~~

## DEPARTMENT OF AGRICULTURE

## NOTICE OF EMERGENCY AMENDMENTS

- 2) Burial ~~depth~~ shall ~~ensure a~~ be sufficient layer of uniform ~~to provide at least a 6" compacted~~ soil cover is provided completely over ~~carcasses~~the uppermost part of the carcass. Precautions shall be taken to minimize soil erosion.
  - 3) The abdominal cavity of large carcasses shall be punctured to allow escape of putrefactive gasses.
  - 4) Lime or other chemical agent shall not be used to prevent decomposition.
  - 5) Precautions shall be taken at the site of burial necessary to prevent any disturbance by animal or mechanical means.
  - 6) Disease and nuisance vectors are to be minimized and controlled.
  - 7) Final cover or settling shall be limited to a 5% or less slope differential from the normal gradient of its general surroundings.
  - 8) Burial site locations shall be available for inspection by Department personnel during normal working hours.
- c) Disposal of poultry by composting. Persons disposing of poultry by means of composting shall comply with the following requirements:
- 1) The composter shall meet the following criteria:
    - A) Control disease vectors, dust and litter.~~A roof shall cover the entire composting area.~~
    - B) Ensure that livestock carcasses are not visible from public roads or habitable structures.~~An impervious, weight bearing foundation such as concrete shall be used.~~
    - C) Rot-resistant building materials such as preservative-treated lumber shall be used.
    - D) Keep livestock carcasses in the composting facility until complete composted before spreading compost on the land.~~The composter shall consist of primary and secondary bins.~~

## DEPARTMENT OF AGRICULTURE

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- E) The size of the composter shall be based on the farm's projected mortality rate of poultry, in which one pound of dead poultry per cubic foot of primary compost space per day is provided.
- 2) Composting shall comply with the following guidelines:
- A) A mixture of one part dead poultry (by weight), one and one-half part poultry litter, and one-tenth part of straw shall be used. For example: 400 pounds of dead poultry will require 600 pounds of poultry litter and 40 pounds of straw.
  - B) Layering shall be done in the following order, starting from the floor:
    - i) First Layer: straw, poultry litter, straw, birds, and poultry litter.
    - ii) Second and Subsequent Layers: straw, birds, and poultry litter.
  - C) A 36" probe-type thermometer shall be inserted daily into the pile to check the temperature. Within 2 to 4 days, the temperature should peak between 135° F. and 150° F.
  - D) Once the temperature begins to fall from the peak (normally 7 to 10 days), the material shall be removed to the secondary treatment bin.
  - E) After 7 to 10 days in the secondary bin, the compost may be agronomically distributed over land under cultivation or reused in the composting process. For the purpose of this subsection (c)(2)(E), the agronomic rate is the annual application rate of poultry compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.
- 3) The composted material may be substituted for up to one-half of the poultry litter and one-half of the straw.

## DEPARTMENT OF AGRICULTURE

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- d) Disposal of fish by composting. Persons disposing of fish by means of composting shall comply with the following requirements:
- 1) The composter shall meet the following criteria:
    - A) A roof shall cover the entire composting area.
    - B) An impervious, weight-bearing foundation such as concrete shall be used.
    - C) Rot-resistant building materials such as preservative-treated lumber shall be used.
  - 2) The base layer shall meet the following criteria:
    - A) Use 6 to 12" thick of a bulking agent.
    - B) Be no more than 6 to 8 feet wide, but as long as necessary to accommodate the day's supply of compost material.
  - 3) Composting shall meet the following guidelines:
    - A) Composting layer shall consist of a mixture of one part fish, three parts bulking agent and one part recycled compost (if available) or bulking agent and shall be mixed prior to use in the composting layer. The mixing of the materials for the composting layer shall be done in a manner to prevent leakage (e.g., stock tank, bucket, mixing drum).
    - B) The cover layer shall consist of two parts bulking agent and two parts recycled compost (if available) or two parts bulking agent and should reach a thickness of 6 to 12".
    - C) Layering shall be done in the following order starting from the concrete: base layer, composting layer (fish, bulking agent and recycled compost), and cover layer. The composting and cover layers are piled on top of the base layer to form a trapezoid no higher than 4 feet.

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- D) Additions to the compost pile are done by adding new material to the end of the pile.
  - E) A probe-type thermometer shall be inserted daily into the pile to check the temperature. The temperature should peak between 140° F. and 165° F. The material can be recycled after it has composted for at least 2 to 3 weeks, and its temperature has dropped to air temperature.
  - F) After the temperature has dropped to air temperature (normally 2 to 3 weeks), the composted material may be used in the composting layer, or after one month, the composted material may be agronomically distributed over land under cultivation or reused in the cover layer. For the purpose of this subsection (d)(3)(F), the agronomic rate is the annual application rate of fish compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.
- e) Disposal of swine by composting. Persons disposing of swine by means of composting shall comply with the following requirements:
- 1) ~~The composter shall be located entirely over impervious foundation materials.~~
    - A) ~~One of two foundations shall be used:~~
      - i) ~~impervious soil (permeability equal to or less than  $1 \times 10^{-7}$  cm/sec. as defined in Section 651.0703 "Geotechnical considerations in waste facility siting", Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6" base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.~~
      - ii) ~~an impervious, weight-bearing foundation such as concrete or asphalt.~~

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- ~~12)~~ Surface water shall be diverted away from the composter.
- ~~23)~~ Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
- A) Composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
- B) Composter shall not be constructed within the applicable 200 or 400 foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
- ~~34)~~ The owner or operator of each composting facility composting livestock carcasses shall, at minimum, perform the following:
- A) Control disease vectors, dust, and litter;
- B) Ensure that livestock carcasses are not visible from public roads or habitable structures;
- C) Begin processing all livestock carcasses within 24 hours after the animals' deaths;
- D) Keep livestock carcasses in the composting facility until completely composted before spreading on land; and
- E) Remove all finished compost within 12 months after completion of the compost process. The composter shall consist of primary and secondary bins. The size of the composter shall be based on the farm's projected mortality rate of swine during any 3 month period. The primary and secondary bins shall each contain a minimum of 10 square feet of composting area for each 1000 pounds of carcass to be composted.
- ~~5)~~ The composter shall be constructed of permanent rot resistant wall materials, such as preservative treated wood, concrete, or precast concrete

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~~such as highway lane dividers. Each composter bin shall be three sides of a rectangle or square. One side of the bin shall be left open for loading, unloading and mixing the compost. In emergency situations, hay bales of 48" or greater in diameter may be used on a temporary basis in the above configuration of side walls.~~

- 46) Composting shall comply with the following guidelines:
- A) Coarse sawmill sawdust, shredded cornstalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended for the carbon source.
  - B) It is expected that the carbon source will be required in the ratio of approximately one cubic foot of the carbon source per 10 pounds of carcass (3.7 cubic yards of the carbon source per 1000 pounds of carcass). A supply of the carbon source shall be stockpiled and maintained on the premises at all times when the composter is in operation.
  - C) ~~Each~~ For static pile composting, the composter bin, window, or other formed structure shall have a layer of carbon source a minimum of 10" deep placed on the ~~base~~floor before the first carcass is placed in the bin. There shall be a minimum of 10" of carbon source between the carcass and ~~each of the~~ wall or the exposed surface~~vertical walls of the bin~~. The carcass shall be covered with a minimum of 10" of carbon source. The carbon source shall be added to the pile as composting begins, daily or as frequently as needed to sustain a 10" cover of carbon source over all carcasses in the ~~structure's bin's~~ uppermost layer.
  - D) A compost thermometer with a probe at least 36" long shall be obtained and used daily to measure the temperature of the compost ~~in the middle of each bin~~. The compost temperature should reach 135 to 160° degrees F. (57° to 71° C.) and be recorded daily. Compost temperature indicates microbial activity and stage of composting process. The composting process shall be managed in such a way that the heating and decomposition can proceed to completion. If aerobic composting does not begin with 7 days, i.e.,

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if temperatures do not rise above 135° F., the compost pile shall be turned and moisture content of the carbon source adjusted to allow the process to proceed. Temperature records shall be available for examination until the compost is disposed of as in subsection (e)(46)(G).

~~E) The carbon source and carcasses may be placed in the bin until the bin is full.~~

~~EF) For bin composting, all~~ ~~AF~~ compost from the primary bin shall be allowed to undergo a second composting phase as follows:

i) When the temperature surrounding the last carcass placed in the composter drops below 130° F. (typically up to 3 months after the last carcass addition), the compost in that bin shall be transferred to a second bin and allowed to reheat, through a second composting cycle. Moisture shall be added to the compost as needed to promote further composting activity.

ii) Compost shall remain in the second bin for the duration of the secondary composting cycle (typically 3 months). Temperature of the compost shall be measured using the compost thermometer to monitor the composting process.

G) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in the ratio of up to 50% finished compost to fresh carbon source. For the purpose of this subsection (e)(46)(G), the agronomic rate is the annual application rate of swine compost, either alone or in combination with other nutrient supplying materials that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

f) Disposal of cattle, equine, cervidae, sheep, goats, or other small animals by composting. Persons disposing of cattle, equine, cervidae, sheep, goats, or other small animals by means of composting shall comply with the following requirements:

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- 1) Carcasses of those animals dying of suspect neurological causes shall not be composted.
- ~~2) The composter shall be located entirely over impervious foundation materials. One of two foundations shall be used:~~
  - ~~A) Impervious soil (permeability equal to less than  $1 \times 10^{-7}$  cm/sec., as defined in Section 651.0703 (Geotechnical considerations in waste facility siting) of the Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6" base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.~~
  - ~~B) An impervious, weight bearing foundation such as concrete or asphalt.~~
- 23) Surface water shall be diverted away from the composter.
- 34) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
  - A) The composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
  - B) The composter shall not be constructed within the applicable 200- or 400-foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
  - C) A composting site shall be located at least  $\frac{1}{4}$  mile from the nearest occupied residence (other than a residence located on the same property as the facility).
- ~~5) The composter shall consist of at least two bins, allowing operation as primary and secondary composting sequences.~~

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- ~~46~~) The composter shall be constructed of permanent rot-resistant materials, such as preservative-treated wood or concrete.
- ~~57~~) The size of the composter shall be based on the facility's greatest projected mortality rate of animals during any 3-month period of the year.
- ~~68~~) For bin composting, the~~The~~ composter bin minimum width dimension shall be large enough to allow placement of the largest carcass with at least one foot of space all around the carcass for carbon source material, or at least one foot greater than the width of the loader bucket used for turning the compost, whichever is larger.
- ~~79~~) A composting thermometer with a minimum probe length of 36" shall be kept available at the facility for monitoring progress of the compost process.
- ~~810~~) Records of carcass additions, composter operation and land application of finished compost shall be maintained on the premises.
- ~~911~~) Composting shall comply with the following guidelines:
- A) Coarse sawmill sawdust, shredded corn stalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended as the carbon source.
  - B) A supply of carbon source materials shall be stockpiled and maintained on the premises at all times when the composter is in operation.
  - C) Finished compost from the carcass composting process (secondary bins) may be re-used in an amount appropriate to maintaining proper composting operation (up to 50% volume of re-used finished compost suggested).
  - D) For bin composting, each~~Each~~ carcass placed on the floor of a primary bin shall be underlain with at least 12" of absorbent carbon source material.

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- E) Carcasses weighing more than 300 lb. shall be processed prior to covering with carbon source material. Processing may consist of, but is not limited to:
- i) opening the abdominal cavity to facilitate contact of carbon source material and reduce distention of carcass with gases; and
  - ii) incising the large limb muscles to facilitate contact of carbon source material and thereby hasten composting.
- F) For bin composting, each~~Each~~ carcass placed in the primary composter bin shall be immediately covered with a layer of carbon source material to a depth of at least 12" on top and all sides. Carbon source material shall be added to the composter daily or as frequently as needed to sustain a cover of carbon source material over all parts of carcasses in the bin's uppermost layer.
- G) For bin composting, carcasses~~Carcasses~~ and carbon source material may be added to the primary bin until the bin is full.
- H) For bin composting, the~~The~~ composting process shall be monitored and managed in such a way that heating and decomposition can proceed to completion (typically 3 months in the primary bin from the time the last carcass is placed in the bin and another 3 months in the secondary bin from the time the compost is moved into the secondary bin from the primary bin). Water shall be added as necessary to adjust the moisture content of the compost and promote further composting activity.
- I) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in a ratio of up to 50% finished compost to fresh carbon source material. For the purpose of this subsection (f)(~~944~~)(I), the agronomic rate is the annual application rate of the compost, either alone or in combination with other nutrient supplying materials, which is

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necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

- g) Disposal of ~~cattle, cervidae~~, sheep and goat offal by composting. Persons disposing of sheep or goat offal by means of composting shall comply with the following requirements:
- 1) Offal of those animals dying of suspect neurological causes shall not be composted.
  - 2) The composter shall be located entirely over impervious foundation materials. One of two foundations shall be used:
    - A) Impervious soil (permeability equal to less than  $1 \times 10^{-7}$  cm/sec., as defined in Section 651.0703 (Geotechnical considerations in waste facility siting) of the Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6" base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.
    - B) An impervious, weight-bearing foundation such as concrete or asphalt.
  - 3) Surface water shall be diverted away from the composter.
  - 4) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
  - 5) The composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
  - 6) The composter shall not be constructed within the applicable 200- or 400-foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.

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- 7) A composting site shall be located at least  $\frac{1}{4}$  mile from the nearest occupied residence (other than a residence located on the same property as the facility).
- 8) The composter shall consist of at least two bins, allowing operation as primary and secondary composting sequences.
- 9) The composter shall be constructed of permanent rot-resistant materials, such as preservative-treated wood or concrete.
- 10) The size of the composter shall be based on the greatest projected offal rate from animals during any 3-month period of the year.
- 11) The composter bin minimum width dimension shall be at least one foot greater than the width of the loader bucket used for turning the compost.
- 12) A composting thermometer with a minimum probe length of 36" shall be kept available at the facility for monitoring progress of the compost process.
- 13) Records of offal additions, composter operation and land application of finished compost shall be maintained on the premises.
- 14) Composting shall comply with the following guidelines:
  - A) Coarse sawmill sawdust, shredded corn stalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended as the carbon source.
  - B) A supply of carbon source materials shall be stockpiled and maintained on the premises at all times when the composter is in operation.
  - C) Finished compost from the offal composting process (secondary bins) may be re-used in an amount appropriate to maintaining proper composting operation (up to 50% volume of re-used finished compost suggested).

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- D) Offal placed on the floor of a primary bin shall be mixed in a 50/50 ratio to carbon source material and underlain with at least 12" of absorbent carbon source material.
- E) Any offal placed in the primary composter bin shall be immediately covered with a layer of carbon source material to a depth of at least 12" on top and all sides. Carbon source material shall be added to the composter daily or as frequently as needed to sustain a cover of carbon source material over all parts of carcasses in the bin's uppermost layer.
- F) Offal and carbon source material may be added to the primary bin until the bin is full.
- G) The composting process shall be monitored and managed in such a way that heating and decomposition can proceed to completion (typically 3 months in the primary bin from the time the last carcass is placed in the bin and another 3 months in the secondary bin from the time the compost is moved into the secondary bin from the primary bin). Water shall be added as necessary to adjust the moisture content of the compost and promote further composting activity.
- H) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in a ratio of up to 50% finished compost to fresh carbon source material. For the purpose of this subsection (g)(14)(H), the agronomic rate is the annual application rate of the compost, either alone or in combination with other nutrient supplying materials, which is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 8483, effective May 7, 2020, for a maximum of 150 days)

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- 1) Heading of the Part: Illinois Works Jobs Program Act
- 2) Code Citation: 14 Ill. Adm. Code 680
- 3) 

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
680.10	New Section
680.20	New Section
680.30	New Section
680.40	New Section
680.50	New Section
680.60	New Section
680.70	New Section
680.80	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Works Jobs Program Act [30 ILCS 559/20-25(e)] and the Department of Commerce and Economic Opportunity Law [20 ILCS 605/605-55].
- 5) Effective Date of Rules: May 8, 2020
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: The Department has not specified an expiration date.
- 7) Date Filed with the Index Department: May 8, 2020
- 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: The Department maintains a copy of the emergency rules including any reference materials in its principal office in Springfield IL and is available for public inspection.
- 9) Reason for Emergency: The Illinois Works Apprenticeship Initiative had an effective date of July 1, 2020. Emergency rules are required to implement this program for applicable grants and contracts entered into since July 1, 2020.
- 10) A Complete Description of the Subjects and Issues Involved: The Illinois Works Apprenticeship Initiative applies to public works projects with an estimated total project costs of \$500,000 or more. The program will impact grantees, contractors and subcontractor who receive money from appropriated capital funds for public works

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projects. For those projects, the goal of the Illinois Apprenticeship Initiative is that apprentices will perform either 10% of the total labor hours actually worked in each prevailing wage classification or 10% of the estimated labor hours in each prevailing wage classification, whichever is less.

- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 13) Information and questions regarding these emergency rules shall be directed in writing to:

Jolene Clarke  
Rules Administrator  
Department of Commerce and Economic Opportunity  
500 E. Monroe  
Springfield IL 62701

217/557-1820  
217/524-3701  
jolene.clarke@illinois.gov

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY RULES

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 680

ILLINOIS WORKS JOBS PROGRAM ACT

SUBPART A: ADMINISTRATIVE REQUIREMENTS

Section

680.10 Purpose

EMERGENCY

680.20 Definitions

EMERGENCY

SUBPART B: ILLINOIS WORKS APPRENTICESHIP INITIATIVE

680.30 Apprenticeship Goal

EMERGENCY

680.40 Reduction or Waiver of the Apprenticeship Goal

EMERGENCY

680.50 Certification of Compliance

EMERGENCY

680.60 Failure to Comply

EMERGENCY

680.70 Compliance with Federal Apprenticeship Requirements

EMERGENCY

680.80 Agency Responsibilities

EMERGENCY

AUTHORITY: Implementing and authorized by the Illinois Works Jobs Program Act [30 ILCS 559/Art. 20] and Section 605-55 of the Department of Commerce and Economic Opportunity Law [20 ILCS 605].

SOURCE: Emergency rules adopted at 44 Ill. Reg. 8502, effective May 8, 2020, for a maximum of 150 days.

SUBPART A: ADMINISTRATIVE REQUIREMENTS

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**Section 680.10 Purpose  
EMERGENCY**

*It is in the public policy interest of the State to ensure that all Illinois residents have access to State capital projects and careers in the construction industry and building trades, including those who have been historically underrepresented in those trades. To ensure that those interests are met, the General Assembly has created the Illinois Works Preapprenticeship Program and the Illinois Works Apprenticeship Initiative. [30 ILCS 559/20-5]*

**Section 680.20 Definitions  
EMERGENCY**

The following definitions are applicable to this Part.

*"Act" means the Illinois Works Jobs Program Act [30 ILCS 559/Art. 20].*

*"Agency" means each officer, board, commission, and agency created by the Constitution, whether in the executive, legislative, or judicial branch of State government, but other than the circuit court; each officer, department, board, commission, agency, institution, authority, university, and body politic and corporate of the State; each administrative unit or corporate outgrowth of the State government that is created by or pursuant to statute, other than units of local government and their officers, school districts, and boards of election commissioners; and each administrative unit or corporate outgrowth of these entities and as may be created by executive order of the Governor. [5 ILCS 100/1-20]*

*"Applicant" means a person, business, public or private corporation, partnership, individual, union, committee, club, unincorporated association, or other organization or group of individuals, or other legal entity corporation, partnership, limited liability company, or joint venture that applies for a grant or contract from appropriated capital funds to finance, in whole or in part, a public works project.*

*"Apprentice" means a participant in an apprenticeship program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training. [30 ILCS 559/20-10]*

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*"Apprenticeship Program" means an apprenticeship and training program approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training. [30 ILCS 559/20-10]*

"Appropriated Capital Funds" means moneys appropriated by the General Assembly from either a fund holding State of Illinois bonds proceeds or any other fund that receives and holds public funds for use in funding capital programs and projects. "Appropriated capital funds" are those appropriations designated as capital appropriations in the Governor's Office of Management and Budget document entitled "Enacted Budget – Enacted Appropriations by Line Item", produced for each Fiscal Year and posted on the GOMB website at <https://www2.illinois.gov/sites/budget/Pages/BudgetBooks.aspx>.

*"Bid Credit" means a virtual dollar for a contractor or subcontractor to use toward future bids on contracts with the State for public works projects. [30 ILCS 559/20-10]*

*"Community-based Organization" means a nonprofit organization, including an accredited public college or university, selected by the Department to participate in the Illinois Works Preapprenticeship Program. To qualify as a "community-based organization", the organization must demonstrate the following:*

*the ability to effectively serve diverse and underrepresented populations, including by providing employment services to those populations;*

*knowledge of the construction and building trades;*

*the ability to recruit, prescreen, and provide preapprenticeship training to prepare workers for employment in the construction and building trades;*  
*and*

*a plan to provide the following:*

*preparatory classes;*

*workplace readiness skills, such as resume preparation and interviewing techniques;*

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*strategies for overcoming barriers to entry and completion of an apprenticeship program; and*

*any prerequisites for acceptance into an apprenticeship program.*  
[30 ILCS 559/20-10]

*"Contractor" means a person, corporation, partnership, limited liability company, or joint venture entering into a contract to construct a public work, whether the contract is entered directly with an agency or indirectly with a grantee using appropriated capital funds to pay for the contract. [30 ILCS 559/20-10]*

*"Department" means the Department of Commerce and Economic Opportunity.*  
[30 ILCS 559/20-10]

*"Estimated Total Project Cost" means a good faith approximation of the costs of an entire project being paid for in whole or in part by appropriated capital funds to construct a public work. Operational costs are not included in the calculation of estimated total project costs.*

*"Grantee" means the recipient of a grant award from an agency paid from appropriated capital funds for the purpose of funding a public works project.*

*"Labor Hours" means the total hours for workers who are receiving an hourly wage and who are directly employed for the public works project. "Labor hours" includes hours performed by workers employed by the contractor and subcontractors on the public works project. "Labor hours" does not include hours worked by the forepersons, superintendents, owners, and workers who are not subject to prevailing wage requirements. [30 ILCS 559/2-10]*

*"Minorities" means minority persons as defined in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act [30 ILCS 575]. [30 ILCS 559/2-10]*

*"Public works" means all projects, contracted or funded by the State or any agency of the State, in whole or in part, from appropriated capital funds (as defined in this section), that constitute public works under the Prevailing Wage Act [820 ILCS 130]. [30 ILCS 559/2-10]*

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"Project" means the activities established by the agency and set forth in the Grant Agreement or contract that are funded, in whole or in part, by appropriated State funds.

"State" means the State of Illinois.

*"Subcontractor" means a person, corporation, partnership, limited liability company, or joint venture that has contracted with the contractor to perform all or part of the work to construct a public work by a contractor. [30 ILCS 559/2-10]*

*"Underrepresented Populations" means populations identified by the Department that historically have had barriers to entry or advancement in the workforce. "Underrepresented populations" includes, but is not limited to, minorities, women, and veterans. [30 ILCS 559/2-10]*

## SUBPART B: ILLINOIS WORKS APPRENTICESHIP INITIATIVE

**Section 680.30 Apprenticeship Goal  
EMERGENCY**

- a) *The goal of the Illinois Works Apprenticeship Initiative ("10% apprenticeship goal") is that, for projects estimated to cost \$500,000 or more, apprentices will perform either 10% of the total labor hours actually worked in each prevailing wage classification or 10% of the estimated labor hours in each prevailing wage classification, whichever is less. [30 ILCS 559/20-20(a)(2)]*
- b) Unless otherwise provided by an agency, the applicant, grantee or contractor shall provide the estimated total project cost. To establish the estimated total project cost, the applicant, grantee or contractor may provide the following information:
  - 1) Good faith estimates from contractors with supporting documentation, including, but not limited to, contracts, estimates and bids;
  - 2) The funding sources for the project; and
  - 3) Any and all additional information and documents requested by the agency providing the funding through a contract or Grant Agreement.

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- c) For projects that are estimated to receive \$500,000 or more of appropriated capital funds:
  - 1) If the State's contribution to the project amount is 50% or more of the estimated total project cost for the public works project, the 10% apprenticeship goal applies to all prevailing wage eligible work performed on the project.
  - 2) If the State's contribution to the project is less than 50% of the estimated total project cost for the public works project, the 10% apprenticeship goal applies only to prevailing wage eligible work being funded by appropriated capital funds.
- d) For projects that are estimated to receive less than \$500,000 of appropriated capital funds, but the estimated total project cost is \$500,000 or more:
  - 1) If the estimated total project cost is \$500,000 or more and the State contribution of appropriated capital funds represents 50% or more of the total cost, the 10% apprenticeship goal applies to all prevailing wage eligible work on the project.
  - 2) If the estimated total project cost is less than 50% funded by the State contribution of appropriated capital funds, the 10% apprenticeship goal does not apply.
- e) If the estimated total project cost is less than \$500,000, the 10% apprenticeship goal does not apply.

**Section 680.40 Reduction or Waiver of the Apprenticeship Goal  
EMERGENCY**

- a) *Before or during the term of a contract or Grant Agreement, the Department may reduce or waive the 10% apprenticeship goal, as defined in Section 680.30.*
  - 1) To obtain a reduction or waiver in the 10% apprenticeship goal, the applicant, grantee or contractor shall submit a waiver request form to the Department and the agency administering the contract or grant. Requests for a reduction or waiver of the 10% apprenticeship goal shall be submitted to the Department and the agency administering the contract or

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grant as soon as practicable after discovering the existence of one or more factors set forth in subsection (b). The request form will be available on the Department's website.

- 2) Upon receipt of the waiver request, the Department and/or the Agency may request additional information from the applicant, grantee or contractor.
- b) *Prior to the Department granting a request for a reduction or waiver, the Department shall determine, in its discretion, whether to hold a public hearing on the request. In determining whether to hold a public hearing, the Department may consider factors, including, but not limited to:*
- 1) *the scale of the project;*
  - 2) *whether the applicant, grantee, contractor or subcontractor seeking the reduction or waiver has previously requested reductions or waivers on other projects; and*
  - 3) *the value of, and frequency of, grant awards and contracts previously received from the State by the applicant, grantee, contractor or subcontractor.*
- c) Upon receipt of all information provided in subsection (b), the Department will endeavor to issue a notice for a public hearing on the waiver request within 30 days.
- d) *The Department may grant a reduction or waiver upon a determination that:*
- 1) *the applicant, grantee, contractor or subcontractor has demonstrated that insufficient apprentices are available;*
  - 2) *the reasonable and necessary requirements of the contract or grant do not allow the goal to be met;*
  - 3) *there is a disproportionately high ratio of material costs to labor hours that makes meeting the goal infeasible; or*

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULES

- 4) *apprentice labor hour goals conflict with existing requirements, including federal requirements, in connection with the public work.*
- e) *The Department may also consult with the Business Enterprise Council under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and the Chief Procurement Officer of the agency administering the public works contract. [30 ILCS 559/20-20(b)]*
- f) *The 10% apprenticeship goal does not apply to contracts or Grant Agreements in existence on the effective date of the Act (June 28, 2019). [30 ILCS 559/20-20(f)]*

**Section 680.50 Certification of Compliance  
EMERGENCY**

- a) Upon completion of the work set forth in the contract or Grant Agreement, grantees, *contractors and subcontractors must submit a certification to the Department and the agency that is administering either the contract or the grant agreement, demonstrating that the grantee, contractor or subcontractor has either:*
  - 1) *met the 10% apprenticeship goal; or*
  - 2) *received a reduction or waiver of the 10% apprenticeship goal pursuant to Section 20-20(b) of the Act and Section 680.40 of this Part. [30 ILCS 559/20-20(c)]*
- b) Upon completion of all of the work for the project, and not just the work set forth in the contract or Grant Agreement, grantees, *contractors and subcontractors must submit a certification to the Department and the agency that is administering either the contract or the Grant Agreement, demonstrating that the grantee, contractor or subcontractor has either:*
  - 1) *met the 10% apprenticeship goal; or*
  - 2) *received a reduction or waiver of the 10% apprenticeship goal pursuant to Section 20-20(b) of the Act and Section 680.40 of this Part. [30 ILCS 559/20-20(c)]*

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULES

- c) The certification form, which shall be made available on the Department's website, shall include:
- 1) The contract or grant number;
  - 2) The estimated total project cost;
  - 3) The final total cost of the project, if known;
  - 4) The total labor hours actually worked in each prevailing wage classification on the job, or the estimated labor hours in each prevailing wage classification, whichever is applicable;
  - 5) The actual labor hours worked by apprentices in each prevailing wage classification; and
  - 6) Whether the contractor received a reduction or waiver of the 10% apprenticeship goal.
- d) Grantee, contractor or subcontractor shall submit a certification upon completion of the work set forth in the contract or Grant Agreement and upon completion of the project, if applicable. Depending on the estimated total project cost, a grantee, contractor or subcontractor may be required to submit additional reports after the completion of the contract or grant.

**Section 680.60 Failure to Comply  
EMERGENCY**

- a) When the agency enters into a contract with a contractor, *it shall be deemed to be a material breach of the contract and to entitle the agency to declare a default, terminate the contract, and exercise those remedies provided for in the contract, at law, or in equity if the contractor or subcontractor submits false or misleading information.* [30 ILCS 559/20-20(c)]
- b) When the agency enters into a Grant Agreement with a grantee, *it shall be deemed to be a material breach of the Grant Agreement and to entitle the agency to declare a default, terminate the Grant Agreement, and exercise those remedies provided for in the Grant Agreement, at law, or in equity if the grantee submits false or misleading information.* [30 ILCS 559/20-20(c)]

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULES

**Section 680.70 Compliance with Federal Apprenticeship Requirements  
EMERGENCY**

- a) *Notwithstanding any provisions to the contrary in the Act, any State agency that administers a construction program for which federal law or regulations establish standards and procedures for the utilization of apprentices may implement the Illinois Works Apprenticeship Initiative using the federal standards and procedures for the establishment of goals and utilization procedures for the State-funded, as well as the federally assisted, portions of the program. In such cases, these goals shall not exceed those established pursuant to the relevant federal statutes or regulations. [30 ILCS 559/20-20(g)]*
- b) To apply the federal apprenticeship standards and procedures to a program, the agency shall submit a request to the Department on a form that will be available on the Department's website.

**Section 680.80 Agency Responsibilities  
EMERGENCY**

Each agency is responsible for the following regarding compliance with the Act for all contracts and grants it administers or plans to administer:

- a) Reviewing the applicable federal and/or State statutes and administrative rules to determine whether the Act applies to the funding source of the grant and/or contract.
- b) Submitting a request for a program to apply federal apprenticeship standards and procedures to a program as set forth in Section 680.70(a).
- c) Gathering and reviewing information from applicants, contractors and grantees for all contracts and grants to determine whether the Act applies to each contract or grant.
- d) Including language in applications, bid documents, notices of funding opportunities, contracts and Grant Agreements to notify applicants, contractors and grantees of their obligations to comply with the Act and to ensure compliance with the Act.

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY RULES

- e) Collecting reports and supporting documents from contractors and grantees both during the term of the contract or grant and after the term ends, if applicable, to track compliance with the Act.
- f) Requiring completion of all forms requested by the Department to track compliance with the Act, and keeping such records as required by the Department and the State Records Act [5 ILCS 160].
- g) Completing an initial review of all requests for waivers or a reduction in the 10% apprenticeship goal and transmitting the paperwork to the Department with a recommendation regarding the waiver or reduction.
- h) Monitoring the contractors and grantees and addressing noncompliance with the Act.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Assisted Living and Shared Housing Establishment Code
- 2) Code Citation: 77 Ill. Adm. Code 295
- 3) Section Number: 295.1                      Emergency Action: New Section
- 4) Statutory Authority: Implementing and authorized by the Assisted Living and Shared Housing Act [210 ILCS 9].
- 5) Effective Date of Rule: May 5, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: The emergency rule will expire at the end of the 150-day period or upon repeal of the emergency rule.
- 7) Date Filed with the Index Department: May 5, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subjects and Issues Involved: This rule temporarily suspends the provision regarding the expiration of a facility's probationary license and the provisions regarding annual on-site visits, except in cases when resident health and safety is at risk, and for allegations of abuse or neglect, because of the Department's limited abilities for surveys during the COVID-19 crisis.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rule shall be directed to:

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

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

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 295  
ASSISTED LIVING AND SHARED HOUSING ESTABLISHMENT CODE

## SUBPART A: GENERAL PROVISIONS

## Section

295.1      COVID-19 Emergency ProvisionsEMERGENCY

295.100	Purpose of the Act and this Part (Repealed)
295.200	Definitions
295.300	Incorporated and Referenced Materials
295.400	License Requirement
295.500	Application for License
295.600	Issuance of an Initial Regular License
295.700	Issuance of a Renewal License
295.800	Probationary License
295.900	Denial of a License
295.1000	Revocation, Suspension, or Refusal to Renew a License
295.1010	Transfer of Ownership
295.1020	Information to Be Made Available to the Resident by the Licensee
295.1030	Information to Be Made Available to the Public by the Department
295.1040	Technical Infractions
295.1050	Violations
295.1060	Remedies and Sanctions
295.1070	Annual On-Site Review and Complaint Investigation Procedures
295.1080	Waivers
295.1090	Complaints
295.1100	Alzheimer's Disease and Related Dementias Special Care Disclosure
295.1110	Floating Licenses

## SUBPART B: POLICIES

## Section

295.2000	Residency Requirements
295.2010	Termination of Residency

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

295.2020	Notice of Closure
295.2030	Establishment Contracts
295.2040	Disaster Preparedness
295.2050	Incident and Accident Reporting
295.2060	Quality Improvement Program
295.2070	Negotiated Risk Agreement

## SUBPART C: PERSONNEL

Section	
295.3000	Personnel Requirements, Qualifications and Training
295.3010	Manager's Qualifications
295.3020	Employee Orientation and Ongoing Training
295.3030	Initial Health Evaluation for Direct Care and Food Service Employees
295.3040	Health Care Worker Background Check

## SUBPART D: RESIDENT CARE AND SERVICES

Section	
295.4000	Physician's Assessment
295.4010	Service Plan
295.4020	Mandatory Services
295.4030	Special Safety and Service Needs of Individuals Who Are Quadriplegic or Paraplegic, or Who Have Neuro-Muscular Diseases
295.4040	Communicable Disease Policies
295.4050	Tuberculin Skin Test Procedures
295.4060	Alzheimer's and Dementia Programs

## SUBPART E: MEDICATIONS

Section	
295.5000	Medication Reminders, Supervision of Self-Medication, Medication Administration and Storage

## SUBPART F: RESIDENT RIGHTS

Section	
295.6000	Resident Rights
295.6010	Abuse, Neglect, and Financial Exploitation Prevention and Reporting

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

295.6030 Resident's Representative

## SUBPART G: RESIDENT AND ESTABLISHMENT RECORDS

## Section

295.7000 Resident Records

295.7010 Establishment Records

## SUBPART H: FOOD SERVICE

## Section

295.8000 Food Service

## SUBPART I: PHYSICAL PLANT AND ENVIRONMENTAL REQUIREMENTS

## Section

295.9000 Physical Plant

295.9005 Units

295.9010 Supplemental Physical Plant Requirements for Assisted Living Establishments

295.9020 Supplemental Physical Plant Requirements for Shared Housing Establishments

295.9030 Furnishings

295.9040 Environmental Requirements

295.APPENDIX A Physician's Assessment Form

295.TABLE A Heat Index Table/Apparent Temperature

**AUTHORITY:** Implementing and authorized by the Assisted Living and Shared Housing Act [210 ILCS 9].

**SOURCE:** Adopted at 25 Ill. Reg. 14401, effective December 1, 2001; emergency amendment at 27 Ill. Reg. 6378, effective April 1, 2003, for a maximum of 150 days; emergency expired August 28, 2003; amended at 27 Ill. Reg. 18087, effective November 12, 2003; amended at 28 Ill. Reg. 14593, effective October 21, 2004; amended at 32 Ill. Reg. 7968, effective May 12, 2008; amended at 36 Ill. Reg. 13632, effective August 16, 2012; amended at 39 Ill. Reg. 11484, effective July 31, 2015; emergency amendment at 44 Ill. Reg. 8515, effective May 5, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

**Section 295.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

For the duration of the Gubernatorial Disaster Proclamations related to the COVID-19 public health emergency:

- a) Section 295.800(b) and Section 295.800(c) regarding licenses and Department reviews for regular licensure are suspended.
- b) Section 295.1070(a) regarding annual on-site visits is suspended.
- c) Section 295.1110(l) regarding annual unannounced on-site visits is suspended.
- d) In conducting on-site investigations and surveys, the Department will minimize the impact on facility activities, while ensuring facilities are implementing actions to protect the health and safety of residents, staff, and other individuals in response to the COVID-19 pandemic.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 8515, effective May 5, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) 

<u>Section Numbers</u> :	<u>Emergency Actions</u> :
300.1	New Section
300.2	New Section
- 4) Statutory Authority: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
- 5) Effective Date of Rules: May 5, 2020
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency amendment will expire at the end of the 150-day period or upon repeal of the emergency rule.
- 7) Date Filed with the Index Department: May 5, 2020
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency rules are adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.

- 10) A Complete Description of the Subject and Issues Involved: These rules temporarily suspend the requirement that certified nursing assistants successfully complete a Department-approved training program within 120 days after the date of initial employment, and the requirement that developmental disabilities aides or DSPs submit required documentation in accordance with Section 350.663 within 120 days; however, it does not suspend the requirement that these individuals be able to demonstrate competency in their jobs. The rule also suspends provisions related to issuance of probationary licenses and certain Department on-site investigations and surveys, except for allegations of abuse or neglect.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
300.230	Amendment	44 Ill. Reg. 435; January 10, 2020
300.650	Amendment	44 Ill. Reg. 435; January 10, 2020
300.686	Amendment	44 Ill. Reg. 435; January 10, 2020
300.1230	Amendment	44 Ill. Reg. 435; January 10, 2020
300.1231	New Section	44 Ill. Reg. 435; January 10, 2020
200.1232	New Section	44 Ill. Reg. 435; January 10, 2020
300.1233	New Section	44 Ill. Reg. 435; January 10, 2020
300.1234	New Section	44 Ill. Reg. 435; January 10, 2020
300.Appendix A	New Section	44 Ill. Reg. 435; January 10, 2020
300.Appendix B	New Section	44 Ill. Reg. 435; January 10, 2020

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

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

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

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300  
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

## Section

300.1            COVID-19 Emergency Provisions

EMERGENCY

300.2            COVID-19 Emergency Provisions for Licenses and Inspections

EMERGENCY

- 300.110        General Requirements
- 300.120        Application for License
- 300.130        Licensee
- 300.140        Issuance of an Initial License for a New Facility
- 300.150        Issuance of an Initial License Due to a Change of Ownership
- 300.160        Issuance of a Renewal License
- 300.163        Alzheimer's Special Care Disclosure
- 300.165        Criteria for Adverse Licensure Actions
- 300.170        Denial of Initial License
- 300.175        Denial of Renewal of License
- 300.180        Revocation of License
- 300.190        Experimental Program Conflicting With Requirements
- 300.200        Inspections, Surveys, Evaluations and Consultation
- 300.210        Filing an Annual Attested Financial Statement
- 300.220        Information to Be Made Available to the Public By the Department
- 300.230        Information to Be Made Available to the Public By the Licensee
- 300.240        Municipal Licensing
- 300.250        Ownership Disclosure
- 300.260        Issuance of Conditional Licenses
- 300.270        Monitor and Receivership
- 300.271        Presentation of Findings
- 300.272        Determination to Issue a Notice of Violation or Administrative Warning
- 300.274        Determination of the Level of a Violation
- 300.276        Notice of Violation
- 300.277        Administrative Warning

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties (Repealed)
300.286	Notice of Penalty Assessment; Response by Facility
300.287	Consideration of Factors for Assessing Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

## SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

## SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening and Request for Resident Criminal History Record Information
300.620	Admission, Retention and Discharge Policies
300.624	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
300.625	Identified Offenders
300.626	Discharge Planning for Identified Offenders
300.627	Transfer of an Identified Offender
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.651	Whistleblower Protection
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
300.684	Emergency Use of Physical Restraints
300.686	Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690	Incidents and Accidents
300.695	Contacting Local Law Enforcement
300.696	Infection Control

## SUBPART D: PERSONNEL

Section	
300.810	General
300.820	Categories of Personnel
300.830	Consultation Services
300.840	Personnel Policies

## SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section	
300.1010	Medical Care Policies
300.1020	Communicable Disease Policies
300.1025	Tuberculin Skin Test Procedures
300.1030	Medical Emergencies
300.1035	Life-Sustaining Treatments
300.1040	Care and Treatment of Sexual Assault Survivors
300.1050	Dental Standards
300.1060	Vaccinations

## SUBPART F: NURSING AND PERSONAL CARE

Section	
300.1210	General Requirements for Nursing and Personal Care
300.1220	Supervision of Nursing Services
300.1230	Direct Care Staffing
300.1240	Additional Requirements

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART G: RESIDENT CARE SERVICES

## Section

- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs
- 300.1440 Volunteer Program
- 300.1450 Language Assistance Services

## SUBPART H: MEDICATIONS

## Section

- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

## SUBPART I: RESIDENT AND FACILITY RECORDS

## Section

- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

## SUBPART J: FOOD SERVICE

## Section

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Meal Planning

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

300.2060	Therapeutic Diets (Repealed)
300.2070	Scheduling Meals
300.2080	Menus and Food Records
300.2090	Food Preparation and Service
300.2100	Food Handling Sanitation
300.2110	Kitchen Equipment, Utensils, and Supplies

## SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section	
300.2210	Maintenance
300.2220	Housekeeping
300.2230	Laundry Services

## SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section	
300.2410	Furnishings
300.2420	Equipment and Supplies
300.2430	Sterilization of Equipment and Supplies

## SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section	
300.2610	Codes
300.2620	Water Supply
300.2630	Sewage Disposal
300.2640	Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS  
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section	
300.2810	Applicability of these Standards
300.2820	Codes and Standards
300.2830	Preparation of Drawings and Specifications
300.2840	Site
300.2850	Administration and Public Areas
300.2860	Nursing Unit

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

300.2870	Dining, Living, Activities Rooms
300.2880	Therapy and Personal Care
300.2890	Service Departments
300.2900	General Building Requirements
300.2910	Structural
300.2920	Mechanical Systems
300.2930	Plumbing Systems
300.2940	Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS  
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section	
300.3010	Applicability
300.3020	Codes and Standards
300.3030	Preparation of Drawings and Specifications
300.3040	Site
300.3050	Administration and Public Areas
300.3060	Nursing Unit
300.3070	Living, Dining, Activities Rooms
300.3080	Treatment and Personal Care
300.3090	Service Departments
300.3100	General Building Requirements
300.3110	Structural
300.3120	Mechanical Systems
300.3130	Plumbing Systems
300.3140	Electrical Requirements

## SUBPART P: RESIDENT'S RIGHTS

Section	
300.3210	General
300.3220	Medical Care
300.3230	Restraints (Repealed)
300.3240	Abuse and Neglect
300.3250	Communication and Visitation
300.3260	Resident's Funds
300.3270	Residents' Advisory Council
300.3280	Contract With Facility

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

300.3290	Private Right of Action
300.3300	Transfer or Discharge
300.3310	Complaint Procedures
300.3320	Confidentiality
300.3330	Facility Implementation

## SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

## Section

300.3410	Application of Other Sections of These Minimum Standards (Repealed)
300.3420	Administrator (Repealed)
300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
300.3450	Resident Living Services Medical and Dental Care (Repealed)
300.3460	Resident Services Program (Repealed)
300.3470	Psychological Services (Repealed)
300.3480	Social Services (Repealed)
300.3490	Recreational and Activities Services (Repealed)
300.3500	Individual Treatment Plan (Repealed)
300.3510	Health Services (Repealed)
300.3520	Medical Services (Repealed)
300.3530	Dental Services (Repealed)
300.3540	Optometric Services (Repealed)
300.3550	Audiometric Services (Repealed)
300.3560	Podiatric Services (Repealed)
300.3570	Occupational Therapy Services (Repealed)
300.3580	Nursing and Personal Care (Repealed)
300.3590	Resident Care Services (Repealed)
300.3600	Record Keeping (Repealed)
300.3610	Food Service (Repealed)
300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630	Design and Construction Standards (New and Existing Facilities) (Repealed)

## SUBPART R: DAYCARE PROGRAMS

## Section

300.3710	Day Care in Long-Term Care Facilities
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## SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

Section	
300.4000	Applicability of Subpart S
300.4010	Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4020	Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4030	Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4040	General Requirements for Facilities Subject to Subpart S
300.4050	Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
300.4060	Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4070	Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4080	Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4090	Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF  
HEALTHCARE AND FAMILY SERVICES'  
DEMONSTRATION PROGRAM FOR PROVIDING  
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

Section	
300.6000	Applicability of Subpart T (Repealed)
300.6005	Quality Assessment and Improvement for Facilities Subject to Subpart T (Repealed)
300.6010	Comprehensive Assessments for Residents of Facilities Subject to Subpart T (Repealed)
300.6020	Reassessments for Residents of Facilities Subject to Subpart T (Repealed)
300.6030	Individualized Treatment Plan for Residents of Facilities Subject to Subpart T (Repealed)
300.6040	General Requirements for Facilities Subject to Subpart T (Repealed)
300.6045	Serious Incidents and Accidents in Facilities Subject to Subpart T (Repealed)
300.6047	Medical Care Policies for Facilities Subject to Subpart T (Repealed)
300.6049	Emergency Use of Restraints for Facilities Subject to Subpart T (Repealed)
300.6050	Psychiatric Rehabilitation Services for Facilities Subject to Subpart T (Repealed)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 300.6060 Discharge Plans for Residents of Facilities Subject to Subpart T (Repealed)  
 300.6070 Work Programs for Residents of Facilities Subject to Subpart T (Repealed)  
 300.6080 Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T (Repealed)  
 300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T (Repealed)  
 300.6095 Training and Continuing Education for Facilities Subject to Subpart T (Repealed)

SUBPART U: ALZHEIMER'S SPECIAL CARE UNIT OR CENTER PROVIDING CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA

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- 300.7000 Applicability  
 300.7010 Admission Criteria  
 300.7020 Assessment and Care Planning  
 300.7030 Ability-Centered Care  
 300.7040 Activities  
 300.7050 Staffing  
 300.7060 Environment  
 300.7070 Quality Assessment and Improvement  
 300.7080 Variances to Enhance Residents' Quality of Life
- 300.APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)  
 300.APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)  
 300.APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights (Repealed)  
 300.APPENDIX D Forms for Day Care in Long-Term Care Facilities  
 300.APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)  
 300.APPENDIX F Guidelines for the Use of Various Drugs  
 300.APPENDIX G Facility Report  
 300.TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities  
 300.TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities  
 300.TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities  
 300.TABLE D Heat Index Table/Apparent Temperature

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

**AUTHORITY:** Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at

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22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill. Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14, 2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg. 17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012; amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg. 4954, effective March 29, 2013; amended at 38 Ill. Reg. 22851, effective November 21, 2014; amended at 39 Ill. Reg. 5456, effective March 25, 2015; amended at 41 Ill. Reg. 14811, effective November 15, 2017; amended at 43 Ill. Reg. 3536, effective February 28, 2019; emergency amendment at 44 Ill. Reg. 8521, effective May 5, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 300.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

To address potential staffing shortages during the COVID-19 pandemic, the following provisions shall apply to this Part during the duration of Governor Pritzker's Gubernatorial Disaster Proclamations issued in response to COVID-19:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- a) Section 300.660(b)(2) is suspended only to the extent that it requires nursing assistants to successfully complete a Department-approved Basic Nursing Assistant Training Program within 120 days after the date of initial employment. The requirement that nursing assistants successfully complete a Department-approved Basic Nursing Assistant Training Program is not suspended.
- b) Section 300.660(b)(3) is suspended only to the extent that it requires nursing assistants to submit documentation, within 120 days, to the Department in accordance with Section 300.663 in order to be registered on the Nurse Aide Registry. The requirement that nursing assistants submit such documentation is not suspended.
- c) Upon request by the Department or the facility's Director of Nursing, individuals working as certified nursing assistants shall demonstrate competency of the principles, techniques, and procedures of the CNA training program curriculum and checklist set forth in the Basic Nursing Assistant Training Program rules (77 Ill. Adm. Code 395.300), completion of which shall be observed and properly documented by a Registered Nurse.
- d) The facility shall maintain documentation of the determination of competency for individuals working as CNAs.
- e) A facility shall continue to comply with all other requirements established by the Department in this Part.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 8521, effective May 5, 2020, for a maximum of 150 days)

**Section 300.2 COVID-19 Emergency Provisions for Licenses and Inspections**  
**EMERGENCY**

For the duration of the Gubernatorial Disaster Proclamations related to the COVID-19 public health emergency:

- a) Section 300.140(b) and Section 300.150(f) regarding issuance of a probationary license for new facilities or those with changed ownership are suspended.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- b) Section 300.140(c) and Section 300.150(g) regarding facility inspections prior to termination of a probationary license are suspended.
- c) Section 300.200(a) regarding annual inspections is suspended.
- d) Section 300.2810(e) regarding final inspections is suspended.
- e) The provision in Section 300.3310(f) regarding the 30-day timeframe for the initiation of an on-site investigation after receipt of a complaint unrelated to allegations of abuse and neglect is suspended.
- f) In conducting on-site investigations and surveys, the Department will minimize the impact on facility activities, while ensuring facilities are implementing actions to protect the health and safety of residents, staff, and other individuals in response to the COVID-19 pandemic.
- g) Section 300.3300(c)(1)(D) regarding the involuntary transfer or discharge of a resident due to late payment or nonpayment is suspended.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 8521, effective May 5, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Number: 330.1                      Emergency Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
- 5) Effective Date of Rule: May 5, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period or upon repeal of the emergency rule.
- 7) Date Filed with the Index Department: May 5, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking suspends facility inspections in Section 330.140(c) and Section 330.150(g), the requirement for probationary licenses in Sections 330.140(b) and 330.150(f), annual inspections pursuant to Section 330.200(a), and the 30-day timeframe for an inspection arising from a complaint unrelated to allegations of abuse and neglect in Section 330.4310(f).
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rule shall be directed to:

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

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

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 330  
SHELTERED CARE FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

## Section

330.1 [COVID-19 Emergency Provisions](#)EMERGENCY

- 330.110 General Requirements
- 330.120 Application for License
- 330.130 Licensee
- 330.140 Issuance of an Initial License For a New Facility
- 330.150 Issuance of an Initial License Due to a Change of Ownership
- 330.160 Issuance of a Renewal License
- 330.163 Alzheimer's Special Care Disclosure
- 330.165 Criteria for Adverse Licensure Actions
- 330.170 Denial of Initial License
- 330.175 Denial of Renewal of License
- 330.180 Revocation of License
- 330.190 Experimental Program Conflicting With Requirements
- 330.200 Inspections, Surveys, Evaluations and Consultation
- 330.210 Filing an Annual Attested Financial Statement
- 330.220 Information to be Made Available to the Public By the Department
- 330.230 Information to be Made Available to the Public By the Licensee
- 330.240 Municipal Licensing
- 330.250 Ownership Disclosure
- 330.260 Issuance of Conditional Licenses
- 330.270 Monitoring and Receivership
- 330.271 Presentation of Findings
- 330.272 Determination to Issue a Notice of Violation or Administrative Warning
- 330.274 Determination of the Level of a Violation
- 330.276 Notice of Violation
- 330.277 Administrative Warning
- 330.278 Plans of Correction
- 330.280 Reports of Correction

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties (Repealed)
330.286	Notice of Penalty Assessment; Response by Facility
330.287	Consideration of Factors for Assessing Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators (Repealed)
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.315	Supported Congregate Living Arrangement Demonstration
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

## SUBPART B: ADMINISTRATION

Section	
330.510	Administrator

## SUBPART C: POLICIES

Section	
330.710	Resident Care Policies
330.715	Request for Resident Criminal History Record Information
330.720	Admission and Discharge Policies
330.724	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
330.725	Identified Offenders
330.726	Discharge Planning for Identified Offenders
330.727	Transfer of an Identified Offender
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.761	Whistleblower Protection
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Incidents and Accidents
330.785	Contacting Local Law Enforcement
330.790	Infection Control

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NOTICE OF EMERGENCY AMENDMENT

330.795 Language Assistance Services

SUBPART D: PERSONNEL

Section

- 330.910 Personnel
- 330.911 Health Care Worker Background Check
- 330.913 Nursing and Personal Care Assistants (Repealed)
- 330.916 Student Interns (Repealed)
- 330.920 Consultation Services
- 330.930 Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section

- 330.1110 Medical Care Policies
- 330.1120 Personal Care
- 330.1125 Life Sustaining Treatments
- 330.1130 Communicable Disease Policies
- 330.1135 Tuberculin Skin Test Procedures
- 330.1140 Care and Treatment of Sexual Assault Survivors
- 330.1145 Restraints
- 330.1150 Emergency Use of Physical Restraints
- 330.1155 Unnecessary, Psychotropic, and Antipsychotic Drugs
- 330.1160 Vaccinations

SUBPART F: RESTORATIVE SERVICES

Section

- 330.1310 Activity Program
- 330.1320 Work Programs
- 330.1330 Written Policies for Restorative Services
- 330.1340 Volunteer Program

SUBPART G: MEDICATIONS

Section

- 330.1510 Medication Policies
- 330.1520 Administration of Medication

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330.1530 Labeling and Storage of Medications

## SUBPART H: RESIDENT AND FACILITY RECORDS

## Section

330.1710 Resident Record Requirements  
330.1720 Content of Medical Records  
330.1730 Records Pertaining to Residents' Property  
330.1740 Retention and Transfer of Resident Records  
330.1750 Other Resident Record Requirements  
330.1760 Retention of Facility Records  
330.1770 Other Facility Record Requirements

## SUBPART I: FOOD SERVICE

## Section

330.1910 Director of Food Services  
330.1920 Dietary Staff in Addition to Director of Food Services  
330.1930 Hygiene of Dietary Staff  
330.1940 Diet Orders  
330.1950 Meal Planning  
330.1960 Therapeutic Diets (Repealed)  
330.1970 Scheduling of Meals  
330.1980 Menus and Food Records  
330.1990 Food Preparation and Service  
330.2000 Food Handling Sanitation  
330.2010 Kitchen Equipment, Utensils, and Supplies

## SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

## Section

330.2210 Maintenance  
330.2220 Housekeeping  
330.2230 Laundry Services

## SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

## Section

330.2410 Furnishings

## DEPARTMENT OF PUBLIC HEALTH

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330.2420 Equipment and Supplies

## SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

## Section

330.2610 Codes  
330.2620 Water Supply  
330.2630 Sewage Disposal  
330.2640 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR  
NEW SHELTERED CARE FACILITIES

## Section

330.2810 Applicable Requirements (Repealed)  
330.2820 Applicability of These Standards  
330.2830 Submission of a Program Narrative  
330.2840 New Constructions, Additions, Conversions, and Alterations  
330.2850 Preparation and Submission of Drawings and Specifications  
330.2860 First Stage Drawings  
330.2870 Second Stage Drawings  
330.2880 Architectural Drawings  
330.2890 Structural Drawings  
330.3000 Mechanical Drawings  
330.3010 Electrical Drawings  
330.3020 Additions to Existing Structures  
330.3030 Specifications  
330.3040 Building Codes  
330.3050 Site  
330.3060 General Building Requirements  
330.3070 Administration  
330.3080 Corridors  
330.3090 Bath and Toilet Rooms  
330.3100 Living, Dining, Activity Rooms  
330.3110 Bedrooms  
330.3120 Special Care Room  
330.3130 Kitchen  
330.3140 Laundry  
330.3150 Housekeeping, Service, and Storage

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

330.3160	Plumbing
330.3170	Heating and Cooling
330.3180	Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR  
NEW SHELTERED CARE FACILITIES

## Section

330.3310	Applicable Requirements (Repealed)
330.3320	Applicability of These Standards
330.3330	Fire Protection
330.3340	Fire Department Service and Water Supply
330.3350	General Building Requirements
330.3360	Exit Facilities and Subdivision of Floor Areas
330.3370	Stairways, Vertical Openings, and Doorways
330.3380	Corridors
330.3390	Exit Lights and Directional Signs
330.3400	Hazardous Areas and Combustible Storage
330.3410	Fire Alarm and Detection System
330.3420	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR  
EXISTING SHELTERED CARE FACILITIES

## Section

330.3610	Site
330.3620	General Building Requirements
330.3630	Administration
330.3640	Corridors
330.3650	Bath and Toilet Rooms
330.3660	Living, Dining, and Activity Rooms
330.3670	Bedrooms
330.3680	Special Care Room
330.3690	Kitchen
330.3700	Laundry Room
330.3710	Housekeeping and Service Rooms and Storage Space
330.3720	Plumbing and Heating
330.3730	Electrical

## DEPARTMENT OF PUBLIC HEALTH

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SUBPART P: FIRE PROTECTION STANDARDS FOR  
EXISTING SHELTERED CARE FACILITIES

## Section

330.3910	Fire Protection
330.3920	Fire Department Service and Water Supply
330.3930	Occupancy and Fire Areas
330.3940	Exit Facilities and Subdivision of Floor Areas
330.3950	Stairways, Vertical Openings, and Doorways
330.3960	Exit and Fire Escape Lights and Directional Signs
330.3970	Hazardous Areas and Combustible Storage
330.3980	Fire Alarm and Detection System
330.3990	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

## SUBPART Q: RESIDENT'S RIGHTS

## Section

330.4210	General
330.4220	Medical Care
330.4230	Restraints (Repealed)
330.4240	Abuse and Neglect
330.4250	Communication and Visitation
330.4260	Resident's Funds
330.4270	Residents' Advisory Council
330.4280	Contract With Facility
330.4290	Private Right of Action
330.4300	Transfer or Discharge
330.4310	Complaint Procedures
330.4320	Confidentiality
330.4330	Facility Implementation

## SUBPART R: DAY CARE PROGRAMS

## Section

330.4510	Day Care in Long-Term Care Facilities
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330.APPENDIX A	Interpretation, Components, and Illustrative Services for Sheltered Care
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	Facilities (Repealed)
330.APPENDIX B	Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
330.APPENDIX C	Forms for Day Care in Long-Term Care Facilities
330.APPENDIX D	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
330.APPENDIX E	Guidelines for the Use of Various Drugs
330.TABLE A	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. 16594, effective September 18, 1998; amended at 23 Ill. Reg. 1085, effective January 15, 1999; amended at 23 Ill. Reg. 8064, effective July 15, 1999; amended at 24 Ill. Reg. 17304, effective November 1, 2000; amended at 25 Ill. Reg. 4901, effective April 1, 2001; amended at 26 Ill. Reg. 4859, effective April 1, 2002; amended at 26 Ill. Reg. 10559, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2202, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5473, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5886, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14218, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15880, effective September 25, 2003; amended at 27 Ill. Reg. 18130, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3541, effective November 15, 2003; amended at 28 Ill. Reg. 11195, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11879, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15156, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12891, effective August 2, 2005; amended at 30 Ill. Reg. 1439, effective January 23, 2006; amended at 30 Ill. Reg. 5260, effective March 2, 2006; amended at 31 Ill. Reg. 6072, effective April 3, 2007; amended at 31 Ill. Reg. 8828, effective June 6, 2007; amended at 33 Ill. Reg. 9371, effective June 17, 2009; amended at 34 Ill. Reg. 19199, effective November 23, 2010; amended at 35 Ill. Reg. 3415, effective February 14, 2011; amended at 35 Ill. Reg. 11513, effective June 29, 2011; amended at 37 Ill. Reg. 2315, effective February 4, 2013; amended at 37 Ill. Reg. 4970, effective March 29, 2013; amended at 39 Ill. Reg. 5470, effective March 25, 2015; amended at 41 Ill. Reg. 14826, effective November 15, 2017; amended at 43 Ill. Reg. 3551, effective February 28, 2019; emergency amendment at 44 Ill. Reg. 8536, effective May 5, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 330.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

For the duration of the Gubernatorial Disaster Proclamations related to the COVID-19 public health emergency:

- a) Section 330.140(c) and Section 330.150(g) regarding facility inspections prior to termination of a probationary license are suspended.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- b) Section 330.140(b) and Section 330.150(f) regarding issuance of a probationary license is suspended.
- c) Section 330.200(a) regarding annual inspections is suspended.
- d) The provision in Section 330.4310(f) regarding the 30-day timeframe for the initiation of an on-site investigation after receipt of a complaint unrelated to allegations of abuse and neglect is suspended.
- e) In conducting on-site investigations and surveys, the Department will minimize the impact on facility activities, while ensuring facilities are implementing actions to protect the health and safety of residents, staff, and other individuals in response to the COVID-19 pandemic.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 8536, effective May 5, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Illinois Veterans' Homes Code
- 2) Code Citation: 77 Ill. Adm. Code 340
- 3) Section Number: 340.1                      Emergency Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].
- 5) Effective Date of Rule: May 5, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period or upon repeal of the emergency rule.
- 7) Date Filed with the Index Department: May 5, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking clarifies the Department will minimize the impact on facility activities, while ensuring facilities are implementing actions to protect the health and safety of residents, staff, and other individuals in response to the COVID-19 pandemic.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rule shall be directed to:

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

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

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 340  
ILLINOIS VETERANS' HOMES CODE

## SUBPART A: GENERAL PROVISIONS

## Section

[340.1](#) [COVID-19 Emergency Provisions](#)[EMERGENCY](#)

340.1000	Definitions
340.1010	Incorporated and Referenced Materials
340.1110	General Requirements
340.1115	Federal Veterans' Regulations
340.1120	Application for License
340.1125	Alzheimer's Special Care Disclosure
340.1130	Criteria for Adverse Licensure Actions
340.1140	Denial of Initial License
340.1150	Revocation or Denial of Renewal of License
340.1160	Inspections, Surveys, Evaluations, and Consultations
340.1170	Presentation of Findings by the Department
340.1190	Ownership Disclosure
340.1200	Monitor and Receivership
340.1210	Determination of a Violation
340.1220	Determination of the Level of a Violation
340.1225	Administrative Warning
340.1230	Plans of Correction and Reports of Correction
340.1240	Calculation of Penalties (Repealed)
340.1245	Conditions for Assessment of Penalties
340.1250	Reduction or Waiver of Penalties
340.1255	Supported Congregate Living Arrangement Demonstration
340.1260	Waivers

## SUBPART B: POLICIES AND FACILITY RECORDS

## Section

340.1300	Facility Policies
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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

340.1305	Request for Resident Criminal History Record Information
340.1310	Admission, Retention and Discharge Policies
340.1314	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
340.1315	Identified Offenders
340.1316	Discharge Planning for Identified Offenders
340.1317	Transfer of an Identified Offender
340.1320	Disaster Preparedness
340.1330	Incidents and Accidents
340.1335	Infection Control
340.1340	Facility Record Requirements
340.1350	Personnel Policies
340.1351	Whistleblower Protection
340.1360	Initial Health Evaluation for Employees
340.1370	Administrator
340.1375	Personnel Requirements
340.1376	Registry of Certified Nursing Assistants
340.1377	Health Care Worker Background Check
340.1378	Resident Attendants
340.1380	Contacting Local Law Enforcement

## SUBPART C: RESIDENT RIGHTS

Section	
340.1400	Implementation of Resident Rights and Facility Responsibilities
340.1410	General
340.1420	Contract Between Resident and Facility
340.1430	Residents' Advisory Council
340.1440	Abuse and Neglect
340.1450	Communication and Visitation
340.1460	Resident's Funds
340.1470	Transfer or Discharge
340.1480	Complaint Procedures
340.1490	Private Right of Action

## SUBPART D: HEALTH SERVICES

Section	
340.1500	Medical Care Policies

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

340.1505	Medical, Nursing and Restorative Services
340.1510	Communicable Disease Policies
340.1520	Tuberculin Skin Test Procedures
340.1530	Physician Services
340.1535	Dental Programs
340.1540	Life-Sustaining Treatments
340.1550	Obstetrical and Gynecological Care
340.1560	Nursing Personnel
340.1570	Personal Care
340.1575	Care and Treatment of Sexual Assault Survivors
340.1580	Restraints
340.1590	Nonemergency Use of Physical Restraints
340.1600	Emergency Use of Physical Restraints
340.1610	Unnecessary, Psychotropic, and Antipsychotic Drugs
340.1620	Medication Administration (Repealed)
340.1630	Self-Administration of Medication (Renumbered)
340.1640	Vaccinations
340.1645	Language Assistance Services

## SUBPART E: MEDICATIONS

## Section

340.1650	Medication Policies and Procedures
340.1655	Compliance with Licensed Prescriber's Orders
340.1660	Administration of Medication
340.1665	Control of Medication
340.1670	Labeling and Storage of Medication
340.1675	Self-Administration of Medication

## SUBPART F: RESIDENT LIVING SERVICES

## Section

340.1700	Recreational and Activity Programs
340.1710	Social Services
340.1720	Work Programs
340.1730	Volunteer Program

## SUBPART G: RESIDENT RECORDS

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

## Section

340.1800	Resident Record Requirements
340.1810	Content of Medical Records
340.1820	Records Pertaining to Resident's Property
340.1830	Retention, Transfer, and Inspection of Records
340.1840	Confidentiality of Resident's Records

## SUBPART H: FOOD SERVICE

## Section

340.1900	Food Service Staff
340.1910	Diet Orders
340.1920	Meal Planning
340.1930	Therapeutic Diets (Repealed)
340.1940	Menus and Food Records
340.1950	Food Preparation and Service
340.1960	Kitchen Equipment, Utensils and Supplies

SUBPART I: PHYSICAL PLANT SERVICES,  
FURNISHINGS, EQUIPMENT AND SUPPLIES

## Section

340.2000	Maintenance
340.2010	Water Supply, Sewage Disposal and Plumbing
340.2020	Housekeeping
340.2030	Laundry Services
340.2040	Furnishings
340.2050	Equipment and Supplies
340.TABLE A	Heat Index Table/Apparent Temperature
340.TABLE B	Guidelines for the Use of Various Drugs

**AUTHORITY:** Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

**SOURCE:** Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendment at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162, effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999; amended at 23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg. 17225, effective November 1, 2000; amended at 25 Ill. Reg. 4869, effective April 1, 2001; amended at 26 Ill. Reg. 4870, effective April 1, 2002; amended at 26 Ill. Reg. 10589, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2222, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; amended at 27 Ill. Reg. 5903, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14230, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15904, effective September 25, 2003; amended at 27 Ill. Reg. 18148, effective November 15, 2003; amended at 28 Ill. Reg. 11209, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11931, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15208, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12924, effective August 2, 2005; amended at 30 Ill. Reg. 1452, effective January 23, 2006; amended at 30 Ill. Reg. 5303, effective March 2, 2006; amended at 31 Ill. Reg. 6098, effective April 3, 2007; amended at 31 Ill. Reg. 8841, effective June 6, 2007; amended at 33 Ill. Reg. 9384, effective June 17, 2009; amended at 34 Ill. Reg. 19214, effective November 23, 2010; amended at 35 Ill. Reg. 3442, effective February 14, 2011; amended at 35 Ill. Reg. 11596, effective June 29, 2011; amended at 37 Ill. Reg. 2330, effective February 4, 2013; amended at 37 Ill. Reg. 4983, effective March 29, 2013; amended at 39 Ill. Reg. 5482, effective March 25, 2015; amended at 42 Ill. Reg. 1132, effective January 5, 2018; emergency amendment at 44 Ill. Reg. 8548, effective May 5, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 340.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

In conducting on-site investigations and surveys, the Department will minimize the impact on facility activities, while ensuring facilities are implementing actions to protect the health and safety of residents, staff, and other individuals in response to the COVID-19 pandemic.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 8548, effective May 5, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) 

<u>Section Numbers</u> :	<u>Emergency Actions</u> :
350.1	New Section
350.2	New Section
- 4) Statutory Authority: Implementing and authorized by the ID/DD Community Care Act [210 ILCS 47].
- 5) Effective Date of Rules: May 5, 2020
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: The emergency rules will expire at the end of the 150-day period or upon repeal of the emergency rule.
- 7) Date Filed with the Index Department: May 5, 2020
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency rules are adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.

- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking temporarily suspends the requirement that developmental disability aides, including those individuals serving as direct support persons (DSPs), successfully complete a Department-approved training program within 120 days after the date of initial employment, and the requirement that developmental disabilities aides or DSPs submit required documentation in accordance with Section 350.663 within 120 days; however, it does not suspend the requirement that these individuals be able to demonstrate competency in their jobs. In addition, this rule temporarily suspends the provision regarding the expiration of a facility's probationary license and the provisions regarding

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

annual on-site inspections and surveys, except in cases when resident health and safety is at risk, and for allegations of abuse or neglect, because of the Department's limited abilities for surveys during the COVID-19 crisis. The rule also suspends the provision regarding transfer or discharge of a resident due to late payment or nonpayment.

- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding these emergency rules shall be directed to:

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

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

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIES

## PART 350

## INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

## Section

350.1            [COVID-19 Emergency Provisions](#)

EMERGENCY

350.2            [COVID-19 Emergency Provisions for Licenses and Inspections](#)

EMERGENCY

- 350.110        General Requirements
- 350.120        Application for License
- 350.130        Licensee
- 350.140        Issuance of an Initial License for a New Facility
- 350.150        Issuance of an Initial License Due to a Change of Ownership
- 350.160        Issuance of a Renewal License
- 350.165        Criteria for Adverse Licensure Actions
- 350.170        Denial of Initial License
- 350.175        Denial of Renewal of License
- 350.180        Revocation of License
- 350.190        Experimental Program Conflicting With Requirements
- 350.200        Inspections, Surveys, Evaluations and Consultation
- 350.210        Filing an Annual Attested Financial Statement
- 350.220        Information to Be Made Available to the Public By the Department
- 350.230        Information to Be Made Available to the Public By the Licensee
- 350.240        Municipal Licensing
- 350.250        Ownership Disclosure
- 350.260        Issuance of Conditional Licenses
- 350.270        Monitor and Receivership
- 350.271        Presentation of Findings
- 350.272        Determination to Issue a Notice of Violation or Administrative Warning
- 350.274        Determination of the Level of a Violation
- 350.276        Notice of Violation
- 350.277        Administrative Warning
- 350.278        Plans of Correction

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators (Repealed)
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

## SUBPART B: ADMINISTRATION

Section	
350.510	Administrator

## SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening and Request for Resident Criminal History Record Information
350.630	Admission, Retention and Discharge Policies
350.634	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
350.635	Identified Offenders
350.636	Discharge Planning for Identified Offenders
350.637	Transfer of an Identified Offender
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Incidents and Accidents
350.750	Contacting Local Law Enforcement
350.760	Infection Control

## SUBPART D: PERSONNEL

Section	
350.810	Personnel
350.820	Consultation Services
350.830	Personnel Policies (Repealed)

## SUBPART E: RESIDENT LIVING SERVICES

Section	
350.1010	Service Programs
350.1020	Psychological Services
350.1030	Social Services
350.1040	Speech Pathology and Audiology Services
350.1050	Recreational and Activities Services
350.1055	Volunteer Program
350.1060	Training and Habilitation Services
350.1070	Training and Habilitation Staff
350.1080	Restraints
350.1082	Nonemergency Use of Physical Restraints
350.1084	Emergency Use of Physical Restraints
350.1086	Unnecessary, Psychotropic, and Antipsychotic Drugs
350.1088	Language Assistance Services

## SUBPART F: HEALTH SERVICES

Section	
350.1210	Health Services
350.1220	Physician Services
350.1223	Communicable Disease Policies
350.1225	Tuberculin Skin Test Procedures
350.1230	Nursing Services

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 350.1235 Life-Sustaining Treatments
- 350.1240 Dental Services
- 350.1250 Physical and Occupational Therapy Services
- 350.1260 Vaccinations

## SUBPART G: MEDICATIONS

## Section

- 350.1410 Medication Policies and Procedures
- 350.1420 Compliance with Licensed Prescriber's Orders
- 350.1430 Administration of Medication
- 350.1440 Labeling and Storage of Medications
- 350.1450 Control of Medications

## SUBPART H: RESIDENT AND FACILITY RECORDS

## Section

- 350.1610 Resident Record Requirements
- 350.1620 Content of Medical Records
- 350.1630 Confidentiality of Resident's Records
- 350.1640 Records Pertaining to Residents' Property
- 350.1650 Retention and Transfer of Resident Records
- 350.1660 Other Resident Record Requirements
- 350.1670 Staff Responsibility for Medical Records
- 350.1680 Retention of Facility Records
- 350.1690 Other Facility Record Requirements

## SUBPART I: FOOD SERVICE

## Section

- 350.1810 Director of Food Services
- 350.1820 Dietary Staff in Addition to Director of Food Services
- 350.1830 Hygiene of Dietary Staff
- 350.1840 Diet Orders
- 350.1850 Meal Planning
- 350.1860 Therapeutic Diets (Repealed)
- 350.1870 Scheduling Meals
- 350.1880 Menus and Food Records
- 350.1890 Food Preparation and Service

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 350.1900 Food Handling Sanitation
- 350.1910 Kitchen Equipment, Utensils, and Supplies

## SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

- Section
- 350.2010 Maintenance
- 350.2020 Housekeeping
- 350.2030 Laundry Services

## SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- Section
- 350.2210 Furnishings
- 350.2220 Equipment and Supplies

## SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

- Section
- 350.2410 Codes
- 350.2420 Water Supply
- 350.2430 Sewage Disposal
- 350.2440 Plumbing

## SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

- Section
- 350.2610 Applicability of These Standards
- 350.2620 Codes and Standards
- 350.2630 Preparation of Drawings and Specifications
- 350.2640 Site
- 350.2650 Administration and Public Areas
- 350.2660 Nursing Unit
- 350.2670 Dining, Living, Activities Rooms
- 350.2680 Therapy and Personal Care
- 350.2690 Service Departments
- 350.2700 General Building Requirements
- 350.2710 Structural

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 350.2720 Mechanical Systems
- 350.2730 Plumbing Systems
- 350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE  
FACILITIES FOR THE DEVELOPMENTALLY DISABLED

## Section

- 350.2910 Applicability
- 350.2920 Codes and Standards
- 350.2930 Preparation of Drawings and Specifications
- 350.2940 Site
- 350.2950 Administration and Public Areas
- 350.2960 Nursing Unit
- 350.2970 Living, Dining, Activities Rooms
- 350.2980 Treatment and Personal Care
- 350.2990 Service Department
- 350.3000 General Building Requirements
- 350.3010 Structural
- 350.3020 Mechanical Systems
- 350.3030 Plumbing Systems
- 350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

## Section

- 350.3210 General
- 350.3220 Medical and Personal Care Program
- 350.3230 Restraints (Repealed)
- 350.3240 Abuse and Neglect
- 350.3250 Communication and Visitation
- 350.3260 Resident's Funds
- 350.3270 Residents' Advisory Council
- 350.3280 Contract With Facility
- 350.3290 Private Right of Action
- 350.3300 Transfer or Discharge
- 350.3310 Complaint Procedures
- 350.3320 Confidentiality
- 350.3330 Facility Implementation

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR  
THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

## Section

350.3710	Applicability of Other Provisions of this Part
350.3720	Administration
350.3730	Admission and Discharge Policies
350.3740	Personnel
350.3750	Consultation Services and Nursing Services
350.3760	Medication Policies
350.3770	Food Services
350.3780	Codes and Standards
350.3790	Administration and Public Areas
350.3800	Bedrooms
350.3810	Nurses Station
350.3820	Bath and Toilet Rooms
350.3830	Utility Rooms
350.3840	Living, Dining, Activity Rooms
350.3850	Therapy and Personal Care
350.3860	Kitchen
350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART Q: DAY CARE PROGRAMS

## Section

350.4210	Day Care in Long-Term Care Facilities
350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C	Seismic Zone Map
350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E	Guidelines for the Use of Various Drugs
350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE D	Food Service Sanitation Rules, 77 Illinois Admin. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of 16 Beds or Less
350.TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F	Heat Index Table/Apparent Temperature

**AUTHORITY:** Implementing and authorized by the ID/DD Community Care Act [210 ILCS 47].

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3552, effective November 15, 2003; amended at 28 Ill. Reg. 7653, effective May 24, 2004; amended at 28 Ill.

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## NOTICE OF EMERGENCY AMENDMENTS

Reg. 11217, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11971, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15247, effective September 23, 2005, for the remainder of the maximum 150 days; emergency expired December 8, 2005; amended at 29 Ill. Reg. 12954, effective August 2, 2005; amended at 30 Ill. Reg. 1460, effective January 23, 2006; amended at 30 Ill. Reg. 5338, effective March 2, 2006; amended at 30 Ill. Reg. 13876, effective August 7, 2006; amended at 31 Ill. Reg. 6119, effective April 3, 2007; amended at 31 Ill. Reg. 8850, effective June 6, 2007; amended at 33 Ill. Reg. 9393, effective June 17, 2009; amended at 34 Ill. Reg. 19224, effective November 23, 2010; amended at 35 Ill. Reg. 3461, effective February 14, 2011; amended at 39 Ill. Reg. 5490, effective March 25, 2015; amended at 42 Ill. Reg. 7950, effective April 30, 2018; emergency amendment at 44 Ill. Reg. 8555, effective May 5, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 350.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

To address potential staffing shortages during the COVID-19 pandemic, the following provisions shall apply to this Part during the duration of Governor Pritzker's Gubernatorial Disaster Proclamations issued in response to COVID-19:

- a) Section 350.680(b)(2) is suspended only to the extent that it requires developmental disability aides, including those individuals working as direct support persons (DSPs) and habilitation aides, to complete a Department-approved training within 120 days after the date of initial employment. The requirement that developmental disability aides, including DSPs and habilitation aides, successfully complete a Department-approved training program is not suspended.
- b) Upon request by the Department or the facility's Qualified Mental Retardation Professional (QMRP), individuals working as developmental disabilities aides, including DSPs or habilitation aides, shall demonstrate competency of the principles, techniques, and procedures of the direct support person training program curriculum described in the Direct Support Person Training Program rules (77 Ill. Adm. Code 395.320), which shall be observed and properly documented by the facility's QMRP.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- c) The facility shall maintain documentation of the determination of competency for individuals working as developmental disability aides, including DSPs and habilitation aides.
- d) A facility shall continue to comply with all other requirements established by the Department in this Part.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 8555, effective May 5, 2020, for a maximum of 150 days)

**Section 350.2 COVID-19 Emergency Provisions for Licenses and Inspections**  
**EMERGENCY**

For the duration of the Gubernatorial Disaster Proclamations related to the COVID-19 public health emergency:

- a) Section 350.140(b) and Section 350.150(f) regarding issuance of probationary licenses are suspended.
- b) Section 350.140(c) and Section 350.150(g) regarding facility inspections prior to termination of a probationary license are suspended.
- c) Section 350.200(a) regarding annual inspections is suspended.
- d) The provision in Section 350.3310(f) regarding the 30-day timeframe for the initiation of an on-site investigation after receipt of a complaint unrelated to allegations of abuse and neglect is suspended.
- e) In conducting on-site investigations and surveys, the Department will minimize the impact on facility activities, while ensuring facilities are implementing actions to protect the health and safety of residents, staff, and other individuals in response to the COVID-19 pandemic.
- f) Section 350.3300(c)(1)(D) regarding the involuntary transfer or discharge of a resident due to late payment or nonpayment is suspended.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 8555, effective May 5, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Specialized Mental Health Rehabilitation Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 380
- 3) Section Number: 380.1                      Emergency Action: New Section
- 4) Statutory Authority: Implementing and authorized by the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49].
- 5) Effective Date of Rule: May 5, 2020
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency rule will expire at the end of the 150-day period or upon repeal of the emergency rule.
- 7) Date Filed with the Index Department: May 5, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subjects and Issues Involved: This rule temporarily suspends the provision regarding the expiration of a facility's provisional license and the provisions regarding Department on-site investigations and surveys, except in cases when resident health and safety is at risk, and for allegations of abuse or neglect, because of the Department's limited abilities for surveys during the COVID-19 crisis.
- 11) Are there any other rulemakings pending on this Part? Yes

Section Numbers:  
380.140

Proposed Actions:  
Amendment

Illinois Register Citations:  
44 Ill. Reg. 3349; March 6, 2020

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

380.600	Amendment	44 Ill. Reg. 3349; March 6, 2020
380.740	Amendment	44 Ill. Reg. 3349; March 6, 2020

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

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 380  
SPECIALIZED MENTAL HEALTH REHABILITATION FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section

380.1      COVID-19 Emergency Provisions  
EMERGENCY

- 380.100      Definitions
- 380.110      Incorporated and Referenced Materials
- 380.120      Applicability and General Requirements
- 380.130      Staff Qualifications and Training Requirements
- 380.140      Consumer Rights and Choices
- 380.150      Informed Consent
- 380.160      Restraints and Therapeutic Separation
- 380.170      Consumer Background Checks
- 380.180      Identified Offenders
- 380.190      Consumer Records
- 380.200      Assessment, Level of Service Determination, and Authorization
- 380.210      Individualized Treatment Plan
- 380.220      Transfer Discharge

SUBPART B: SPECIALIZED MENTAL HEALTH  
REHABILITATION FACILITIES PROGRAMS

Section

- 380.300      Triage Centers
- 380.310      Crisis Stabilization Units
- 380.320      Recovery and Rehabilitation Supports Centers
- 380.330      Transitional Living Units

SUBPART C: PROGRAM PERSONNEL

Section

- 380.400      Employee Personnel Policies and Records

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENT

380.410	Initial Health Evaluation for Employees, Interns and Volunteers
380.420	Health Care Worker Background Check
380.430	Executive Director
380.440	Psychiatric Medical Director

## SUBPART D: ADMINISTRATION

Section	
380.500	Required Policies and Procedures
380.510	Quality Assessment and Performance Improvement
380.515	Reportable Performance Indicators
380.520	Information to Be Made Available to the Public
380.530	Incidents, Accidents and Emergency Care
380.540	Abuse, Neglect and Theft
380.550	Contacting Local Law Enforcement
380.560	Care and Treatment of Sexual Assault Survivors
380.570	Fire Safety and Disaster Preparedness
380.580	Research

## SUBPART E: SUPPORT SERVICES AND ENVIRONMENT

Section	
380.600	Required Support Services
380.610	Physician Medical Services
380.620	Health/Nursing Services
380.630	Pharmaceutical Services and Medication Administration
380.640	Infection Control and Vaccinations
380.650	Dietetic Services
380.660	Dental Services
380.670	Physical Plant and Environmental Requirements

## SUBPART F: LICENSURE REQUIREMENTS

Section	
380.700	Licensure Application Requirements
380.710	Application Process and Requirements for a Provisional License
380.720	Plan of Operation
380.730	Requirements for Accreditation
380.740	Surveys and Inspections

## DEPARTMENT OF PUBLIC HEALTH

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380.750	License Sanctions and Revocations
380.760	Citation Review and Appeal Procedures
380.770	Safety, Zoning and Building Clearances
380.780	Special Demonstration Programs and Services

**AUTHORITY:** Implementing and authorized by the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49].

**SOURCE:** Emergency rule adopted at 38 Ill. Reg. 11819, effective May 22, 2014, for a maximum of 150 days; emergency expired October 18, 2014; adopted at 38 Ill. Reg. 22897, effective November 21, 2014; amended at 43 Ill. Reg. 1651, effective January 18, 2019; emergency amendment at 44 Ill. Reg. 8568, effective May 5, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 380.1 COVID-19 Emergency Provisions****EMERGENCY**

For the duration of the Gubernatorial Disaster Proclamations related to the COVID-19 public health emergency:

- a) Section 380.700(f) regarding provisional licenses is suspended.
- b) Section 380.740(b) regarding annual facility surveys is suspended.
- c) In conducting on-site investigations and surveys, the Department will minimize the impact on facility activities, while ensuring facilities are implementing actions to protect the health and safety of residents, staff, and other individuals in response to the COVID-19 pandemic.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 8568, effective May 5, 2020, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Medically Complex for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3) 

<u>Section Numbers</u> :	<u>Emergency Actions</u> :
390.1	New Section
390.2	New Section
- 4) Statutory Authority: Implementing and authorized by the Assisted Living and Shared Housing Act [210 ILCS 46].
- 5) Effective Date of Rules: May 5, 2020
- 6) If the emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency rules will expire at the end of the 150-day period or upon repeal of the emergency rule.
- 7) Date Filed with the Index Department: May 5, 2020
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: These emergency rules are adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued during 2020 related to COVID-19.

Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.

- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking temporarily suspends the requirement that developmental disability aides, including those individuals serving as direct support persons (DSPs), successfully complete a Department-approved training program within 120 days after the date of initial employment, and the requirement that developmental disabilities aides or DSPs submit required documentation in accordance with Section 390.663 within 120 days; however, it does not suspend the requirement that these individuals be able to demonstrate competency in their jobs. This rule temporarily suspends the provision regarding the

## DEPARTMENT OF PUBLIC HEALTH

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expiration of a facility's probationary license and the provisions regarding annual on-site investigations and surveys, except in cases when resident health and safety is at risk, and for allegations of abuse or neglect, because of the Department's limited abilities for surveys during the COVID-19 crisis.

- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding these emergency rules shall be directed to:

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

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

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 390  
MEDICALLY COMPLEX FOR THE DEVELOPMENTALLY DISABLED  
FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

## Section

[390.1](#) [COVID-19 Emergency Provisions](#)

[EMERGENCY](#)

[390.2](#) [COVID-19 Emergency Provisions for Licenses and Inspections](#)

[EMERGENCY](#)

390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licensure Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to be Made Available to the Public by the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Type of a Violation
390.276	Notice of Violation
390.277	Administrative Warning

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties (Repealed)
390.286	Notice of Penalty Assessment: Response by Facility
390.287	Consideration of Factors for Assessing Penalties
390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators (Repealed)
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.315	Supported Congregate Living Arrangement Demonstration (Repealed)
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

## SUBPART B: ADMINISTRATION

Section	
390.500	Administrator

## SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
390.625	Pre-admission Assessment and Request for Criminal History Record Information (Repealed)
390.630	Admission, Retention and Discharge Policies
390.635	Identified Offenders (Repealed)
390.636	Discharge Planning for Identified Offenders (Repealed)
390.637	Transfer of an Identified Offender (Repealed)
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.681	Health Care Worker Background Check
390.682	Resident Attendants

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Incidents and Accidents
390.750	Contacting Local Law Enforcement
390.760	Infection Control

## SUBPART D: PERSONNEL

Section	
390.810	General
390.820	Categories of Personnel
390.830	Consultation Services

## SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section	
390.1010	Service Programs
390.1020	Medical Services
390.1025	Life-Sustaining Treatments
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services
390.1130	Communicable Disease Policies
390.1140	Vaccinations
390.1150	Language Assistance Services

## SUBPART F: RESTRAINTS AND BEHAVIOR MANAGEMENT

Section	
390.1310	Restraints

## DEPARTMENT OF PUBLIC HEALTH

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- 390.1312 Nonemergency Use of Physical Restraints
- 390.1314 Emergency Use of Physical Restraints
- 390.1316 Unnecessary, Psychotropic, and Antipsychotic Drugs
- 390.1320 Behavior Management
- 390.1330 Behavior Emergencies (Repealed)

## SUBPART G: MEDICATIONS

## Section

- 390.1410 Medication Policies and Procedures
- 390.1420 Compliance with Licensed Prescriber's Orders
- 390.1430 Administration of Medication
- 390.1440 Labeling and Storage of Medications
- 390.1450 Control of Medications

## SUBPART H: RESIDENT AND FACILITY RECORDS

## Section

- 390.1610 Resident Record Requirements
- 390.1620 Content of Medical Records
- 390.1630 Confidentiality of Resident's Records
- 390.1640 Records Pertaining to Residents' Property
- 390.1650 Retention and Transfer of Resident Records
- 390.1660 Other Resident Record Requirements
- 390.1670 Staff Responsibility for Medical Records
- 390.1680 Retention of Facility Records
- 390.1690 Other Facility Record Requirements

## SUBPART I: FOOD SERVICE

## Section

- 390.1810 Director of Food Services
- 390.1820 Dietary Staff in Addition to Director of Food Services
- 390.1830 Hygiene of Dietary Staff
- 390.1840 Diet Orders
- 390.1850 Meal Planning
- 390.1860 Infant and Therapeutic Diets
- 390.1870 Scheduling Meals
- 390.1880 Menus and Food Records

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390.1890	Food Preparation and Service
390.1900	Preparation of Infant Formula
390.1910	Food Handling Sanitation
390.1920	Kitchen Equipment, Utensils, and Supplies

## SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

## Section

390.2010	Maintenance
390.2020	Housekeeping
390.2030	Laundry Services

## SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

## Section

390.2210	Furnishings
390.2220	Equipment and Supplies
390.2230	Sterilization of Supplies and Equipment

## SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

## Section

390.2410	Codes
390.2420	Water Supply
390.2430	Sewage Disposal
390.2440	Plumbing

## SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

## Section

390.2610	Applicability of these Standards
390.2620	Codes and Standards
390.2630	Preparation of Drawings and Specifications
390.2640	Site
390.2650	Administration and Public Areas
390.2660	Nursing Unit
390.2670	Dining, Play, Activity/Program Rooms
390.2680	Therapy and Personal Care
390.2690	Service Departments

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

390.2700	General Building Requirements
390.2710	Structural
390.2720	Mechanical Systems
390.2730	Plumbing Systems
390.2740	Electrical Systems

## SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section	
390.2910	Applicability
390.2920	Codes and Standards
390.2930	Preparation of Drawings and Specifications
390.2940	Site
390.2950	Administration and Public Areas
390.2960	Nursing Unit
390.2970	Play, Dining, Activity/Program Rooms
390.2980	Treatment and Personal Care
390.2990	Service Department
390.3000	General Building Requirements
390.3010	Structural
390.3020	Mechanical Systems
390.3030	Plumbing Systems
390.3040	Electrical Requirements

## SUBPART O: RESIDENT'S RIGHTS

Section	
390.3210	General
390.3220	Medical Care
390.3230	Restraints (Repealed)
390.3240	Abuse and Neglect
390.3250	Communication and Visitation
390.3260	Resident's Funds
390.3270	Residents' Advisory Council
390.3280	Contract With Facility
390.3290	Private Right of Action
390.3300	Transfer or Discharge
390.3310	Complaint Procedures
390.3320	Confidentiality

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

390.3330 Facility Implementation

## SUBPART P: DAY CARE PROGRAMS

## Section

390.3510 Day Care in Long-Term Care Facilities

- 390.APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
- 390.APPENDIX B Forms for Day Care in Long-Term Care Facilities
- 390.APPENDIX C Guidelines for the Use of Various Drugs
- 390.TABLE A Infant Feeding
- 390.TABLE B Daily Nutritional Requirements By Age Group
- 390.TABLE C Sound Transmissions Limitations
- 390.TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
- 390.TABLE E Sprinkler Requirements
- 390.TABLE F Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the MC/DD Act [210 ILCS 46].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18, 1998; amended at 23 Ill. Reg. 1069, effective January 15, 1999; amended at 23 Ill. Reg. 8021, effective July 15, 1999; amended at 24 Ill. Reg. 17283, effective November 1, 2000; amended at 25 Ill. Reg. 4890, effective April 1, 2001; amended at 26 Ill. Reg. 4890, effective April 1, 2002; amended at 26 Ill. Reg. 10645, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2258, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5509, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5947, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14250, effective August 15, 2003, for a maximum of 150 days; emergency expired January 12, 2004; amended at 27 Ill. Reg. 15949, effective September 25, 2003; amended at 27 Ill. Reg. 18204, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3565, effective November 15, 2003; amended at 28 Ill. Reg. 11231, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 12025, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15301, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12988, effective August 2, 2005; amended at 30 Ill. Reg. 1473, effective January 23, 2006; amended at 30 Ill. Reg. 5383, effective March 2, 2006; amended at 31 Ill. Reg. 6145, effective April 3, 2007; amended at 31 Ill. Reg. 8864, effective June 6, 2007; amended at 33 Ill. Reg. 9406, effective June 17, 2009; amended at 34 Ill. Reg. 19239, effective November 23, 2010; amended at 35 Ill. Reg. 3495, effective February 14, 2011; amended at 39 Ill. Reg. 5503, effective March 25, 2015; amended at 42 Ill. Reg. 6716, effective March 29, 2018; amended at 43 Ill. Reg. 3564, effective February 26, 2019; emergency amendment at 44 Ill. Reg. 8573, effective May 5, 2020, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

**Section 390.1 COVID-19 Emergency Provisions**  
**EMERGENCY**

To address potential staffing shortages during the COVID-19 pandemic, the following provisions shall apply to this Part during the duration of Governor Pritzker's Gubernatorial Disaster Proclamations issued in response to COVID-19:

- a) Section 390.680(b)(2) is suspended only to the extent that it requires developmental disability aides, including those individuals working as direct support persons (DSPs) and habilitation aides, to complete a Department-approved training within 120 days after the date of initial employment. The requirement that developmental disability aides, including DSPs and habilitation aides, successfully complete a Department-approved training program is not suspended.
- b) Upon request by the Department or the facility's Qualified Mental Retardation Professional (QMRP), individuals working as developmental disabilities aides, including DSPs or habilitation aides, shall demonstrate competency of the principles, techniques, and procedures of the direct support person training program curriculum described in the Direct Support Person Training Program (77 Ill. Adm. Code 395.320), which shall be observed and properly documented by the facility's QMRP.
- c) The facility shall maintain documentation of the determination of competency for individuals working as developmental disability aides, including DSPs and habilitation aides.
- d) A facility shall continue to comply with all other requirements established by the Department in this Part.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 8573, effective May 5, 2020, for a maximum of 150 days)

**Section 390.2 COVID-19 Emergency Provisions for Licenses and Inspections**  
**EMERGENCY**

For the duration of the Gubernatorial Disaster Proclamations related to the COVID-19 public health emergency:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- a) Section 390.140(b) and Section 390.150(f) regarding issuance of probationary licenses are suspended.
- b) Section 390.140(c) and Section 390.150(g) regarding facility inspections prior to termination of a probationary license are suspended.
- c) Section 390.200(a) regarding annual inspections is suspended.
- d) The provision in Section 390.3310(f) regarding the 30-day timeframe for the initiation of an on-site investigation after receipt of a complaint unrelated to allegations of abuse and neglect is suspended.
- e) In conducting on-site investigations and surveys, the Department will minimize the impact on facility activities, while ensuring facilities are implementing actions to protect the health and safety of residents, staff, and other individuals in response to the COVID-19 pandemic.
- f) Section 390.3300(c)(1)(D) regarding the involuntary transfer or discharge of a resident due to late payment or nonpayment is suspended.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 8573, effective May 5, 2020, for a maximum of 150 days)

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Illinois Library System Act
- 2) Code Citation: 23 Ill. Adm. Code 3030
- 3) Section Number: 3030.201                      Emergency Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].
- 5) Effective Date of Rule: May 7, 2020
- 6) If this emergency rule is to expire before the end of the 150 day period, please specify the date on which it is to expire: The emergency rule will expire 45 days after the Gubernatorial Disaster Proclamation issued April 30, 2020 expires.
- 7) Date Filed with the Index Department: May 7, 2020
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file at the Illinois State Library and is available for public inspection.
- 9) Reason for Emergency: Because of library re-opening plans may be implemented in a phased-in manner (i.e. curbside delivery), a library may need to restrict access to their own patrons. Section 3030.201 addresses the provisions of the emergency rulemaking.
- 10) A Complete Description of the Subjects and Issues Involved: Because Gubernatorial Disaster Proclamation issued on April 30, 2020 in regards to the Covid-19 pandemic, a library's Board of Trustees or governing body may consider providing services that it considers essential, such as curbside delivery of library materials. Because of staffing, hours of service, and library collection limitations, the provisions that require libraries to adhere to interlibrary loan, reciprocal borrowing and reciprocal access will be suspended during the period of the emergency rule. Full adherence to those provisions set forth in this Part will resume after the expiration of the disaster proclamation.
- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: The primary policy objective of this emergency rulemaking is to adequately administer the Illinois Library System Act.

OFFICE OF THE SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- 13) Information and questions regarding this emergency rule shall be directed to:

Joseph Natale  
Chief Deputy Director  
Illinois State Library  
Gwendolyn Brooks Building  
Springfield IL 62701-1796

217/558-4185  
jnatale@ilsos.net

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

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE B: CULTURAL RESOURCES  
CHAPTER I: SECRETARY OF STATEPART 3030  
THE ILLINOIS LIBRARY SYSTEM ACT

## SUBPART A: PURPOSE AND DEFINITIONS

Section	
3030.100	Purpose
3030.110	Definitions

## SUBPART B: MULTITYPE LIBRARY SYSTEM

Section	
3030.200	Membership in a Multitype Library System
<a href="#">3030.201</a>	<a href="#">Suspension of Resource Sharing Membership Requirement</a>
<u>EMERGENCY</u>	
3030.205	Changes in Multitype Library System Membership Status
3030.210	Establishment of Systems
3030.215	Standards for Core Services to Members
3030.225	Geographic Boundaries and Demographics
3030.230	Adjustment of the Geographic Boundaries of Multitype Library Systems
3030.235	Mergers
3030.240	Liquidation
3030.245	Revocation of Approval
3030.250	Board of Directors Requirements
3030.255	Board of Directors Policies
3030.260	Finances and Records
3030.265	Annual Application
3030.270	Annual System Report

## SUBPART C: PUBLIC LIBRARY SYSTEM

Section	
3030.300	Membership in a Public Library System
3030.310	Establishment of Systems
3030.315	Standards for Core Services

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT

3030.325	Revocation of Approval
3030.330	Board of Directors Requirements
3030.335	Board of Directors Policies
3030.340	Finances and Records
3030.345	Annual Application
3030.350	Annual System Report

## SUBPART D: APPEALS PROCEDURES

## Section

3030.400	Hearing
3030.410	Administrative Review of State Librarian's Decision in Contested Cases
3030.420	Notice of Hearing
3030.430	Conduct of Hearing
3030.440	Motions
3030.450	Order of the Hearing
3030.455	Authority of Administrative Law Judge
3030.460	Record of the Hearing
3030.470	Oral Proceedings
3030.480	Findings of Fact
3030.490	Rules of Evidence; Official Notice
3030.495	Decisions and Orders

3030.EXHIBIT A ILLINET Interlibrary Load Code

**AUTHORITY:** Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

**SOURCE:** Rules and Regulations for Library Systems and State Aid, November 8, 1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 15, 1989; amended at 14 Ill. Reg. 20066, effective December 1, 1990; amended at 16 Ill. Reg. 10329, effective June 12, 1992; emergency amendment at 17 Ill. Reg. 9725, effective June 11, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 12449, effective July 15, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21187, effective November 23, 1993; amended at 17 Ill. Reg. 22048, effective December 14, 1993; amended at 18 Ill. Reg. 7452, effective May 3, 1994; expedited correction at 18 Ill. Reg. 13154, effective May 3, 1994; amended at 20 Ill. Reg. 3909, effective February 16, 1996; emergency amendment at 21 Ill. Reg. 4853, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 11774, effective August 11, 1997; amended at 26 Ill. Reg. 5969, effective July 1, 2002; amended at 28 Ill. Reg. 7666, effective June 1, 2004; amended at 31

## OFFICE OF THE SECRETARY OF STATE

## NOTICE OF EMERGENCY AMENDMENT

Ill. Reg. 16273, effective November 20, 2007; amended at 32 Ill. Reg. 9635, effective June 23, 2008; amended at 36 Ill. Reg. 12377, effective July 18, 2012; old Part repealed at 39 Ill. Reg. 5137 and new Part adopted at 39 Ill. Reg. 5140, effective March 20, 2015; emergency amendment at 44 Ill. Reg. 6148, effective April 6, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 8585, effective May 7, 2020, for a maximum of 150 days.

## SUBPART B: MULTITYPE LIBRARY SYSTEM

**Section 3030.201 Suspension of Resource Sharing Membership Requirement**  
**EMERGENCY**

The provisions in Section 3030.200(a)(2)(C), (E) and (F) are suspended for a period of no longer than 45 days after the expiration of the Gubernatorial Disaster Proclamation issued on April 30, 2020, as extended by subsequent Gubernatorial Disaster Proclamations.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 8585, effective May 7, 2020, for a maximum of 150 days)

CHIEF PROCUREMENT OFFICER FOR  
THE DEPARTMENT OF TRANSPORTATION

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Chief Procurement Officer for the Department of Transportation – Contract Procurement
- 2) Code Citation: 44 Ill. Adm. Code 6
- 3) Date of Index Department Review: May 7, 2020
- 4) Reason for Recodification: The purpose of this recodification is to update subpart headings.
- 5) Headings and Section Numbers of the Part being Recodified:

<u>Subparts/Sections</u>	<u>Headings</u>
Subpart C	Methods of Procurement
6.80	Competitive Sealed Bids
Subpart K	Target Market Program
6.800	Purpose and Objective
6.810	Definitions
6.820	Implementation Procedures
6.830	Target Market Remedial Actions
6.840	Participation Eligibility
6.850	Limitations Applicable to Participation
6.860	Severability

- 6) Headings and Section Numbers of the Part being Recodified:

<u>Subparts/Sections</u>	<u>Headings</u>
Subpart C	Methods of Procurement and Source Selection
6.80	Competitive Sealed Bids
Subpart K	Preferences
6.801	Small Business Set-Asides

- 7) Conversion Table of Present and Recodified Parts:

<u>Present Parts</u>	<u>Recodified Parts</u>
Subpart C Methods of Procurement	Subpart C Methods of Procurement and Source Selection

CHIEF PROCUREMENT OFFICER FOR  
THE DEPARTMENT OF TRANSPORTATION

NOTICE OF RECODIFICATION

Section		
6.80		6.80
Subpart K	Target Market Program	Subpart K Preferences
Section		
6.800		None
6.801		6.801
6.810		None
6.820		None
6.830		None
6.840		None
6.850		None
6.860		None

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received during the period of May 5, 2020 through May 11, 2020. These rulemakings are scheduled for the May 19, 2020 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.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
6/21/20	<u>Illinois State Police</u> , Firearm Dealer License Certification Act (20 Ill. Adm. Code 1232)	2/7/20 44 Ill. Reg. 2446	5/19/20

## EXECUTIVE ORDERS

**2020-33 (Revised)**  
**EXECUTIVE ORDER IN RESPONSE TO COVID-19**  
**(COVID-19 EXECUTIVE ORDER NO. 31)**

**WHEREAS**, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

**WHEREAS**, Coronavirus Disease 2019 (COVID-19) is a novel severe acute respiratory illness that has spread among people through respiratory transmissions, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

**WHEREAS**, as the virus has progressed through Illinois, the crisis facing the State has developed and now requires an evolving response to ensure hospitals, health care professionals and first responders are able to meet the health care needs of all Illinoisans and in a manner consistent with CDC guidance that continues to be updated; and,

**WHEREAS**, I declared all counties in the State of Illinois as a disaster area on April 30, 2020 because the current circumstances in Illinois surrounding the spread of COVID-19, including the devastating impacts to the health and lives of people throughout the State, the threatened shortages of hospital beds, ICU beds, ventilators, and PPE, and the critical need for increased COVID-19 testing capacity, constitute an epidemic emergency and a public health emergency; and,

**WHEREAS**, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-13, 2020-14, 2020-15, 2020-16, 2020-17, 2020-19, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, and 2020-31, and hereby incorporate the WHEREAS clauses of those Executive Orders;

**THEREFORE**, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective April 30, 2020:

**Part 1: Re-Issue of Executive Orders.**

Executive 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-13, 2020-14, 2020-15, 2020-16, 2020-17, 2020-19, 2020-20, 2020-21, 2020-22, 2020-23,

## EXECUTIVE ORDERS

2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, and 2020-31 hereby are re-issued by this Executive Order 2020-33 as follows:

**Executive Order 2020-04 (Closure of James R. Thompson Center; Waiver of Sick Leave Requirement for State Employees):**

Sections 2 and 3 of Executive Order 2020-04 are re-issued and extended through **May 29, 2020**.

**Executive Orders 2020-05 and 2020-06 (School Closures):**

Executive Orders 2020-05 and 2020-06 are re-issued in their entirety and extended through **May 29, 2020**.

**Executive Order 2020-07 (Suspension of on-premises consumption at restaurants and bars; Unemployment insurance; Open Meetings Act):**

Sections 1, 3, 4, 5, and 6, as amended below, of Executive Order 2020-07 are re-issued and extended through **May 29, 2020**.

Section 6. During the duration of the Gubernatorial Disaster Proclamation and through May 29, 2020, the provisions of the Open Meetings Act, 5 ILCS 120, requiring or relating to in-person attendance by members of a public body are suspended. Specifically, (1) the requirement in 5 ILCS 120/2.01 that "members of a public body must be physically present" is suspended; and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted are suspended. The provision of the Illinois Finance Authority Act that "[a]ll meetings shall be conducted at a single location within the State with a quorum of members physically present at this location," 20 ILCS 3501/801-25, is suspended through May 29, 2020. The provision of the Illinois Administrative Code that a meeting of the Concealed Carry Licensing Review Board that requires a "quorum is in attendance at a meeting" as a condition for when "Commissioners may attend telephonically or electronically," 20 Ill. Admin. Code 2900.110(c), is suspended through May 29, 2020.

Public bodies, including those listed specifically above, are encouraged to postpone consideration of public business where possible. When a meeting is necessary, public bodies are encouraged to provide video, audio, and/or telephonic access to meetings to ensure members of the public may monitor the meeting, and to update their websites and social media feeds to keep the public fully apprised of any modifications to their meeting schedules or the format of their meetings due to COVID-19, as well their activities relating to COVID-19.

## EXECUTIVE ORDERS

**Executive Order 2020-08 (Secretary of State Operations):**

Executive Order 2020-08 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-09 (Telehealth):**

Executive Order 2020-09 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-11 (Revisions to prior Executive Orders; Department of Corrections notification period):**

Sections 3 and 4 of Executive Order 2020-11 are re-issued and extended through **May 29, 2020**.

**Executive Order 2020-12 (Health care worker background checks; Department of Juvenile Justice notification period; Coal Mining Act):**

Executive Order 2020-12 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-13 (Suspending Department of Corrections admissions from county jails):**

Executive Order 2020-13 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-14 (Notary and witness guidelines):**

Executive Order 2020-14, as amended below, is re-issued in its entirety and extended through **May 29, 2020**.

Section 2. During the duration of the Gubernatorial Disaster Proclamation related to the outbreak of COVID-19, any act of witnessing required by Illinois law may be completed remotely by via two-way audio-video communication technology, provided that:

- a. The two-way audio-video communication technology must allow for direct, contemporaneous interaction between the individual signing the document ("the signatory") and the witness by sight and sound;
- b. The two-way audio-video communication technology must be recorded and preserved by the signatory or the signatory's designee for a period of at least three years;

## EXECUTIVE ORDERS

- c. The signatory must attest to being physically located in Illinois during the two-way audio-video communication;
- d. The witness must attest to being physically located in Illinois during the two-way audio-video communication;
- e. The signatory must affirmatively state on the two-way audio-video communication what document the signatory is signing;
- f. Each page of the document being witnessed must be shown to the witness on the two-way audio-video communication technology in a means clearly legible to the witness and initialed by the signatory in the presence of the witness;
- g. The act of signing must be captured sufficiently up close on the two-way audio-video communication for the witness to observe;
- h. The signatory must transmit by overnight mail, fax, or electronic means a legible copy of the entire signed document directly to the witness no later than the day after the document is signed;
- i. The witness must sign the transmitted copy of the document as a witness and transmit the signed copy of the document back via overnight mail, fax, or electronic means to the signatory within 24 hours of receipt; and,
- j. If necessary, the witness may sign the original signed document as of the date of the original execution by the signatory provided that the witness receives the original signed document together with the electronically witnessed copy within thirty days from the date of the remote witnessing.

**Executive Order 2020-15 (Suspending provisions of the Illinois School Code):**

Executive Order 2020-15 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-16 (Repossession of vehicles; suspension of classroom training requirement for security services):**

Executive Order 2020-16 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Orders 2020-03 and 2020-17 (Cannabis deadlines and applications):**

Executive Orders 2020-03 and 2020-17, as modified by Executive Order 2020-18, are re-issued and shall remain in effect as specified by Executive Order 2020-18.

**Executive Order 2020-19 (Immunity from civil liability for health care facilities, professionals, and volunteers):**

Executive Order 2020-19, as amended below, is re-issued in its entirety and extended through **May 29, 2020**.

## EXECUTIVE ORDERS

Section 1. For purposes of this Executive Order, the following terms are defined as set forth below:

- a. "Health Care Facilities" means:
- i. Facilities licensed, certified, or approved by any State agency and covered by the following: 77 Ill. Admin. Section 1130.215(a)-(f); University of Illinois Hospital Act, 110 ILCS 330; Alternative Health Care Delivery Act, 210 ILCS 3/35(2)-(4); Emergency Medical Services (EMS) Systems Act, 210 ILCS 50; or Department of Veterans' Affairs Act, 20 ILCS 2805;
  - ii. State-operated Developmental Centers certified by the federal Centers for Medicare and Medicaid Services and licensed State-operated Mental Health Centers created pursuant to the Mental Health and Developmental Disabilities Administrative Act, 20 ILCS 1705/4;
  - iii. Licensed community-integrated living arrangements as defined by the Community-Integrated Living Arrangements Licensing and Certification Act, 210 ILCS 135/2;
  - iv. Licensed Community Mental Health Centers as defined in the Community Services Act, 405 ILCS 30;
  - v. Federally qualified health centers under the Social Security Act, 42 U.S.C. § 1396d(1)(2)(B); ~~and~~
  - vi. Any government-operated site providing health care services established for the purpose of responding to the COVID-19 outbreak;
  - vii. Supportive living facilities certified by the Illinois Department of Healthcare and Family Services pursuant to the Illinois Public Aid Code, 305 ILCS 5/5-5.01(a); and,
  - viii. Assisted living establishments and shared housing establishments licensed by the DPH pursuant to the Assisted Living and Shared Housing Act, 210 ILCS 9.

"Health Care Facility" is the singular form of the plural "Health Care Facilities."

- b. "Health Care Professional" means all licensed or certified health care or emergency medical services workers who (i) are providing health care services at a Health Care Facility in response to the COVID-19 outbreak and are authorized to do so; or (ii) are working under the direction of the Illinois Emergency Management Agency (IEMA) or DPH in response to the Gubernatorial Disaster Proclamations.
- c. "Health Care Volunteer" means all volunteers or medical or nursing students who do not have licensure who (i) are providing services,

## EXECUTIVE ORDERS

assistance, or support at a Health Care Facility in response to the COVID-19 outbreak and are authorized to do so; or (ii) are working under the direction of IEMA or DPH in response to the Gubernatorial Disaster Proclamations.

Section 8. For purposes of Section 2, rendering assistance by hospitals licensed pursuant to the Illinois Hospital Licensing Act, 210 ILCS 85, must also include accepting a transfer of a COVID-19 patient from another hospital, including hospital inpatients, and state-operated entities (collectively, "transferring entities") that do not have the capacity and capability necessary to provide treatment for a COVID-19 patient. The receiving hospital shall accept such transfer of a COVID-19 patient if it has sufficient capacity and capability necessary to provide treatment for the COVID-19 patient. In determining whether a hospital has sufficient capacity and capability necessary to provide treatment for a COVID-19 patient, the hospital shall consider, at a minimum, its ability to provide safe and effective treatment consistent with current public health recommendations and available supplies, staffing, and medical bed capacity.

**Executive Order 2020-20 (Public assistance requirements):**

Executive Order 2020-20 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-21 (Furlough of Illinois Department of Corrections inmates):**

Executive Order 2020-21 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-22 (Township meetings; Funeral Directors and Embalmers Licensing Code; placements under the Child Care Act of 1969; fingerprint submissions under Health Care Worker Background Check Act):**

Executive Order 2020-22 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):**

Executive Order 2020-23 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-24 (Illinois Department of Human Services Forensic Treatment Program; investigations of Illinois Department of Human Services employees):**

Executive Order 2020-24 is re-issued in its entirety and extended through **May 29, 2020**.

## EXECUTIVE ORDERS

**Executive Order 2020-25 (Garnishment and wage deductions):**

Executive Order 2020-25 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-26 (Hospital capacity):**

Executive Order 2020-26 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-27 (Cadavers testing positive for COVID-19):**

Executive Order 2020-27 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-28 (Industrial radiography certifications):**

Executive Order 2020-28 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-29 (In-person education or exams for professional insurance licenses):**

Executive Order 2020-29 is re-issued in its entirety and extended through **May 29, 2020**.

**Executive Order 2020-30 (Filing of residential eviction actions; enforcement of non-residential eviction orders; expired consular identification documents; electronic filings for the Illinois Human Rights Commission):**

Executive Order 2020-30, as amended below, is re-issued in its entirety and extended through May 29, 2020.

Section 3. All state, county, and local law enforcement officers in the State of Illinois are instructed to cease enforcement of orders of eviction for residential and non-residential premises, unless the tenant has been found to pose a direct threat to the health and safety of other tenants, an immediate and severe risk to property, or a violation of any applicable building code, health ordinance, or similar regulation. Nothing in this Executive Order shall be construed as relieving any individual or entity of the obligation to pay rent, to make mortgage payments, or comply with any other obligation that an individual or entity may have pursuant to a lease, or rental agreement, or mortgage. The continued need for this directive shall be evaluated upon issuance of any new Gubernatorial Disaster Proclamation.

## EXECUTIVE ORDERS

**Executive Order 2020-31 (Educator licensure and student graduation requirements):**

Executive Order 2020-31 is re-issued in its entirety and extended through **May 29, 2020**.

**Part 2: Savings Clause.** If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor April 30, 2020

Filed by the Secretary of State May 6, 2020

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 44, Issue 21 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

**PROPOSED RULES**

44 - 5000	.....	8454
14 - 680	.....	8470
56 - 210	.....	8472

**ADOPTED RULES**

44 - 7040	5/6/2020 .....	8478
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**EMERGENCY RULES**

8 - 90	5/7/2020 .....	8483
14 - 680	5/8/2020 .....	8502
77 - 295	5/5/2020 .....	8515
77 - 300	5/5/2020 .....	8521
77 - 330	5/5/2020 .....	8536
77 - 340	5/5/2020 .....	8548
77 - 350	5/5/2020 .....	8555
77 - 380	5/5/2020 .....	8568
77 - 390	5/5/2020 .....	8573
23 - 3030	5/7/2020 .....	8585

**NOTICE OF CODIFICATION CHANGES**

44 - 6	.....	8590
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**EXECUTIVE ORDERS AND  
PROCLAMATIONS**

20 - 33	4/30/2020 .....	8593
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