

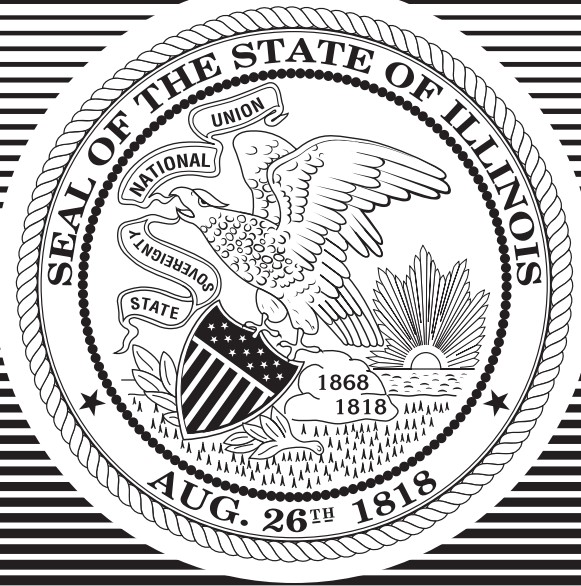
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# ILLINOIS

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## REGISTER

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PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

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November 20, 2020 Volume 44, Issue 47

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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 AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fairs Operating Under the Agricultural Fair Act
- 2) Code Citation: 8 Ill. Adm. Code 260
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
260.95	Amendment
260.220	Amendment
- 4) Statutory Authority: Implementing and authorized by the Agricultural Fair Act [30 ILCS 120].
- 5) A Complete Description of the Subjects and Issues Involved: The amendment increases the maximum age of junior exhibitors at fairs operating under the Agricultural Fair Act from 19 to 21. The amendment also updates the policy of when rehabilitation reports must be sent to the Department by setting a final due date of August 15.
- 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: Written comments may be submitted within 45 days of the publication of this Notice to:

Pamela Harmon  
Agency Rules Coordinator  
Illinois State Fairgrounds  
801 E. Sangamon Ave.  
Springfield IL 62702

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

217/524-6905  
fax: 217/785-4505

- 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 AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

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

## PART 260

## FAIRS OPERATING UNDER THE AGRICULTURAL FAIR ACT

SUBPART A: FAIRS OPERATING UNDER THE  
AGRICULTURAL PREMIUM FUND

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260.25	Denial of State Aid Claim (Repealed)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

## SUBPART B: FAIRS

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

## PARTICIPATING IN THE REHABILITATION FUND

## Section

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

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

## Section

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

SUBPART D: PROCEDURES FOR PARTICIPATION  
IN THE VOCATIONAL AGRICULTURE FUND

## Section

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

SUBPART E: FAIRS OPERATING UNDER THE  
FAIR AND EXPOSITION FUND

## Section

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



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

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

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

SOURCE: Rules and Regulations Governing Fairs Operating Under The Agricultural Fair Act, filed December 6, 1977, effective January 1, 1978; codified at 5 Ill. Reg. 10529; amended at 6 Ill. Reg. 4109, effective April 6, 1982; amended at 9 Ill. Reg. 3233, effective March 1, 1985; amended at 10 Ill. Reg. 7654, effective April 28, 1986; amended at 11 Ill. Reg. 10175, effective May 15, 1987; amended at 21 Ill. Reg. 2139, effective January 29, 1997; amended at 26 Ill. Reg. 5122, effective April 1, 2002; amended at 28 Ill. Reg. 11091, effective July 23, 2004; amended at 30 Ill. Reg. 2253, effective February 6, 2006; amended at 44 Ill. Reg. 2480, effective January 27, 2020; amended at 45 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: FAIRS OPERATING UNDER THE  
AGRICULTURAL PREMIUM FUND

**Section 260.95 Junior Classes**

- a) Junior classes are eligible for premium State aid only if they are open to boys and girls who are 8 years of age or in third grade and not yet ~~21~~<sup>19</sup> years of age on or before September 1 of the year previous to the fair. All animals (i.e., individual, herd or flock classes) shown in junior classes must be the property of the boys and girls showing them. If the same animals are shown in both the open classes and junior classes, they shall be shown under the same exhibitor's name (for example, the father is not permitted to show an animal in the open class and the son or daughter to show the same animal in the junior classes).
- b) Exhibitors may be assisted in herd or flock classes during the judging process only by other boys and girls who meet the age requirement set forth in subsection (a).

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

- c) ~~When~~~~Where~~ the county board elects to have strictly a Junior Show, livestock and exhibits must be on the fairgrounds on the opening day of the fair until the close of the fair, unless earlier release of the livestock is authorized by the Bureau. ~~When~~~~Where~~ both a Junior Show and open show are held, livestock and exhibits entered in the Junior Show shall follow the standards for the open show set forth in Section 260.50(a).
- d) Junior Show classes must be separate and distinct classes from the open and 4-H show classes and must be shown and competitively judged separately from 4-H and open shows or exhibitions.

(Source: Amended at 45 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: FAIRS PARTICIPATING IN THE REHABILITATION FUND

**Section 260.220 Rehabilitation Report and Receipts**

- a) When filing a rehabilitation report with the Bureau, a fair association or agricultural society shall have the report postmarked or filed with the Bureau on or before June 30 of each year on forms furnished by the Bureau. A \$25 fee will be deducted from the total rehabilitation claim each day the report is late. Fair associations or agricultural societies whose rehabilitation reports are not postmarked or filed by August 15 of each year shall not qualify to receive rehabilitation monies from the Department for that year. If there is any question as to whether certain expenditures are eligible for reimbursement of rehabilitation monies in accordance with Section 13 of the Act, the fair association or agricultural society may contact the Bureau for approval of the proposed expenditures. Copies of both rehabilitation reports and paid receipts should be retained for seven years by the fair association or agricultural society for its files.
- b) The following information shall be submitted on the rehabilitation report:
- 1) The year for which the report is submitted;
  - 2) The name and address of the fair association or agricultural society;
  - 3) The county where the fair was held;
  - 4) The current value of real estate and improvements made to the

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENTS

fairgrounds;

- 5) The name, title and address of the officers and directors of the fair;
  - 6) The number of acres in the fairgrounds and whether the fairgrounds are owned or leased by the fair association or agricultural society;
  - 7) If the fairgrounds are leased, the number of years remaining under the terms of the lease and the date of expiration of the lease; and
  - 8) Each project, ~~shall be~~ listed separately on the report, along with the cost of the project.
- c) Itemized bills and receipts as evidence of expenditures shall accompany the rehabilitation report. A fee of \$25 will be deducted from the total rehabilitation claim each day receipts are late. Receipts and/or copies of cancelled checks indicating that payments of bills have been made by the fair association or agricultural society issued by the persons who performed the services or from whom the equipment was purchased shall also accompany the rehabilitation report. The itemized bills and receipts of payments submitted with the rehabilitation report will not be returned as they are a permanent part of the rehabilitation report.
- d) The rehabilitation report shall be signed by the president and secretary of the fair association or agricultural society and shall be notarized.

(Source: Amended at 45 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3) Section Number: 1320.330                      Proposed Action: Amendment
- 4) Statutory Authority: Optometric Practice Act of 1987 [225 ILCS 80]; Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) A Complete Description of the Subjects and Issues Involved: This proposed amendment adds a new pharmaceutical agent to the list of Approved Therapeutic Ocular Pharmaceutical Agents in the Optometry Rules in Section 1320.330. The authority for the Department to promulgate this rulemaking is pursuant to Section 15.1 of the Illinois Optometry Act, [225 ILCS 80/], which states that "the Optometry Board may add a pharmaceutical agent approved by the FDA or class of agents for the purpose of the diagnosis or treatment of conditions of the eye and adnexa after consideration of the agent's systemic effects, side effects, and the use of the agent within the practice of optometry. Within 45 days after the Board's recommendation to the Department of a pharmaceutical agent or class of agents, the Department shall promulgate rules necessary to allow for the prescribing or administering of the pharmaceutical agent or class of agents under this Act."

The Board heard a presentation on a particular topical agent to treat droopy eyelids at the last Board meeting on September 17, 2020. They unanimously agreed to add the agent to the Rules. The agent is FDA approved for the treatment of droopy eyelid, also known as acquired blepharoptosis.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: None
- 7) Will this rulemaking replace any emergency rule currently in effect? 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 FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2<sup>nd</sup> Floor  
Springfield IL 62786

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

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Those providing the services of optometrists may be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Professional optometric training and experience is required for licensure.
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
- 54 professional, scientific and technical services
- B) Categories that the agency reasonably believes the rulemaking will impact, including:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

ii regulatory requirements

- 15) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because the need for it was unanticipated.

The full text of the Proposed Amendment is identical to that of the Emergency text for this Part, and begins in this issue of the *Illinois Register* on page 18613.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Roofing Industry Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1460
- 3) 

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1460.10	Amendment
1460.11	Amendment
1460.40	Amendment
1460.50	Amendment
1460.60	Amendment
1460.75	New Section
1460.80	Amendment
- 4) Statutory Authority: Implementing the Illinois Roofing Industry Licensing Act [225 ILCS 335] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].
- 5) A Complete Description of the Subjects and Issues Involved: PA 99-469 was the sunset reauthorization of the Illinois Roofing Industry Licensing Act. The proposed rulemaking modifies existing requirements to conform with current practices, accomplishes an overall modernization of the Act, and implements statutory changes. The sunset reauthorization added a citation provision, requiring the Department to adopt rules to issue citations for non-frivolous complaints under the Act for which a hearing may be requested. This rulemaking also includes some technical clean-up and the removal of redundant sections.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355:  
None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2<sup>nd</sup> Floor  
Springfield IL 62786

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

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Those employing licensed roofers may be affected.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: A knowledge of roofing is necessary for licensure.
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
- 54 professional, scientific and technical services
- B) Categories that the agency reasonably believes the rulemaking will impact, including:
- ii regulatory requirements



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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

15) Regulatory Agenda on which this rulemaking was summarized: July 2020

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1460

## ILLINOIS ROOFING INDUSTRY LICENSING ACT

## Section

1460.5	Definitions
1460.10	Application for a Roofing License
1460.11	Qualifying Party
1460.12	Examination for Qualifying Party
1460.20	Liability Insurance Requirements
1460.30	Bonding Requirements
1460.40	Renewals
1460.50	Restoration
1460.60	Cancellation of License
1460.70	Definition of Roofing (Repealed)
<a href="#">1460.75</a>	<a href="#">Citations</a>
1460.80	Fees
1460.90	Granting Variances

**AUTHORITY:** Implementing the Illinois Roofing Industry Licensing Act [225 ILCS 335] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105].

**SOURCE:** Emergency Rules adopted at 10 Ill. Reg. 10284, effective July 1, 1985, for a maximum of 150 days; rules adopted at 10 Ill. Reg. 1237, effective January 3, 1986; amended at 11 Ill. Reg. 6246, effective March 18, 1987; transferred from Chapter I, 68 Ill. Adm. Code 460 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1460 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2946; amended at 25 Ill. Reg. 2085, effective January 22, 2001; emergency amendment at 27 Ill. Reg. 6363, effective April 10, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 14347, effective August 25, 2003; amended at 38 Ill. Reg. 7910, effective March 25, 2014; amended at 45 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1460.10 Application for a Roofing License**

- a) Applications for a roofing license under the Act shall be submitted to the Division on forms provided by the Division, along with the following documentation:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Limited roofing license applicants must submit the following:
  - A) Proof of liability insurance acceptable to the Division as specified in Section 1460.20. Proof shall be a Certificate of Insurance;
  - B) Either:
    - i) Proof that the applicant has obtained Workers' Compensation Insurance or that the applicant is an approved self-insurer of Workers' Compensation. Proof shall be either the Certificate of Insurance from the insurance provider or the Certificate of Approval as a Self-Insurer issued by the Illinois Workers' Compensation Commission; or
    - ii) Certifying statement that the applicant has no employees. If an applicant is a sole proprietorship or partnership and the applicant has no employees, the applicant shall not be required to provide proof of Workers' Compensation Insurance or Illinois Unemployment Insurance.
  - C) Proof that the applicant has obtained, ~~or has applied for,~~ an unemployment insurance employer account number issued by the Illinois Department of Employment Security and that he or she is not delinquent in the payment of any amount due under the Unemployment Insurance Act~~Illinois Unemployment Insurance employer identification number, unless certifying that applicant has no employees, in accordance with subsection (a)(2).~~ Proof shall be ~~either~~ a copy of the quarterly report ~~(Form UI 3/40)~~ issued to the applicant by the Department of Employment Security ~~or a certified copy of the completed application submitted to the Department of Employment Security for the issuance of an employer identification number;~~
  - D) Proof of a bond in the amount of \$10,000 pursuant to Section 1460.30;
  - E) Designation of a qualifying party; and

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

F) The required fee set forth in Section 1460.80.

2) Unlimited roofing license applicants must submit the following:

A) Proof of liability insurance acceptable to the Division as specified in Section 1460.20. Proof shall be a Certificate of Insurance;

B) Either:

i) Proof that the applicant has obtained Workers' Compensation Insurance or that the applicant is an approved self-insurer of Workers' Compensation. Proof shall be either the Certificate of Insurance from the insurance provider or the Certificate of Approval as a Self-Insurer issued by the Illinois Workers' Compensation Commission; or

ii) Certifying statement that the applicant has no employees. If an applicant is a sole proprietorship or partnership and the applicant has no employees, the applicant shall not be required to provide proof of Workers' Compensation Insurance or Illinois Unemployment Insurance;

C) Proof that the applicant has obtained ~~or has applied for~~, an unemployment insurance employer account number issued by the Illinois Department of Employment Security and that he or she is not delinquent in the payment of any amount due under the Unemployment Insurance Act~~Illinois Unemployment Insurance employer identification number, unless certifying that applicant has no employees, in accordance with subsection (a)(2).~~ Proof shall be ~~either~~ a copy of the quarterly report ~~(Form UI 3/40)~~ issued to the applicant by the Department of Employment Security ~~or a certified copy of the completed application submitted to the Department of Employment Security for the issuance of an employer identification number;~~

D) Proof of a bond in the amount of \$25,000 pursuant to Section 1460.30;

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- E) Designation of a qualifying party; and
  - F) The required fee set forth in Section 1460.80.
- b) Any applicant for a limited or unlimited roofing license that is a partnership, corporation, business trust, or other legal entity shall provide the following information with the application:
- 1) For Corporations:
    - A) The name of the corporation and its business address, and the names of all members of the board of directors and officers;
    - B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in this State issued by the Secretary of State is also required; and
    - C) A copy of the authority to transact business under the Assumed Business Name Act [805 ILCS 405] issued by the Secretary of State for any assumed names of the corporation, if applicable.
  - 2) For Partnerships:
    - A) A copy of the signed and dated partnership agreement, the name of the partnership and its business address, and the names of all general partners; and
    - B) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.
  - 3) For Limited Liability Companies or Limited Liability Partnerships:
    - A) The name of the limited liability company or partnership, the business address and the members/partners of the company/partnership; and

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- B) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.
- 4) For Sole Proprietorships with an Assumed Name: A letter or certificate from the county clerk where an assumed name has been filed.
- c) No roofing license will be issued to any applicant without a designated qualifying party who has passed the examination set forth in Section 1460.12.
- d) A holder of a limited license who wants an unlimited license ~~will~~shall be required to submit an application for an unlimited license in accordance with subsection (a)(2).

(Source: Amended at 45 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1460.11 Qualifying Party**

- a) ~~All~~Beginning July 1, 2003, all licensees shall have a designated qualifying party.
- b) At renewal, all licensees will be required to designate a qualifying party. If a qualifying party was designated as a licensee's qualifying party on or before July 1, 2003, the qualifying party will not be required to take and pass the examination set forth in Section 1460.12. The licensee will be required to restore his or her license in accordance with Section 1460.50 if, at any time thereafter, one of the following occurs:~~All licensees at renewal will be required to designate a qualifying party, who will not be required to take and pass the examination set forth in Section 1460.12. If, at any time thereafter, a licensee allows his/her license to lapse, or the qualifying party who was designated on or before July 1, 2003 terminates or is terminated, or his or her status as a qualifying party of a licensee is terminated, the licensee will be required to restore his or her license in accordance with Section 1460.50.~~
- 1) A licensee allows his or her license to lapse;
- 2) The qualifying party who was designated on or before July 1, 2003 terminates his or her designation as the licensee's qualifying party;

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- 3) The qualifying party's status as the qualifying party is terminated by the licensee; or
  - 4) The qualifying party's designation is terminated by the Division.
- c) No person shall be named as a qualifying party for more than one licensee. However, the person may act in the capacity of the qualifying party for one additional licensee of the same type of licensure if one of the following conditions exists:
- 1) There is a common ownership of at least 25% of each licensed entity for which the person acts as a qualifying party; or
  - 2) The same person acts as a qualifying party for one licensed entity and its licensed subsidiary. "Subsidiary" as used in this Section means a corporation of which at least 25% is owned by another licensee.
- d) When a qualifying party is terminated or is terminating his or her status as a qualifying party of a licensee, the qualifying party and the licensee shall notify the Division in writing of the termination within 30 business days.
- e) The licensee shall notify the Division in writing within 30 business days after the termination of a qualifying party and shall supply the name and address of the newly designated qualifying party. If the qualifying party has not taken and passed the examination set forth in Section 1460.12, or the party to be named was not named as a qualifying party on or before July 1, 2003 by some licensee, the new qualifying party shall apply for examination pursuant Section 1460.12. The qualifying party will have 7 months to pass the examination. If the qualifying party has not passed the examination in the 7 months, the licensee shall designate a qualifying party who has passed the examination.

(Source: Amended at 45 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1460.40 Renewals**

Each ~~limited or unlimited roofing license shall expire on June 30 of odd-numbered years and must be renewed prior to that date. Beginning with the 2015 renewal and for all renewals thereafter, each~~ limited or unlimited roofing license shall expire on December 31 of odd-

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numbered years and must be renewed prior to that date. Each application for renewal of a limited or unlimited roofing license shall be made on forms provided by the Division and shall be accompanied by:

- a) ~~A~~ certifying statement that the holder of the license continues to comply with the requirements for insurance and bonding;
- b) ~~The~~ required fee set forth in Section 1460.80; and
- c) ~~The~~ name of the designated qualifying party.

(Source: Amended at 45 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1460.50 Restoration**

- a) ~~An applicant seeking Applications for~~ restoration of a limited or unlimited roofing license that has expired or has been placed on inactive status for 5 years or less shall have the license restored upon filing an application, on forms supplied by the Division, together with payment of all lapsed renewal fees ~~and shall be made to the Division on forms provided by the Division~~ and shall include the following:
  - 1) Designation as either a limited or unlimited roofing contractor;
  - 2) Proof of insurance as required in Section 1460.20;
  - 3) Proof of continuous surety bond as required in Section 1460.30;
  - 4) The name of the designated qualifying party who has passed the examination set forth in Section 1460.12, except that those individuals who were designated as a qualifying party on or before July 1, 2003 are not required to take the examinations so long as the qualifying party is the same individual who was the designated qualifying party in 2003 for the applicant seeking restoration; and
  - 5) The required fee set forth in Section 1460.80.
- b) ~~An applicant seeking Applications for~~ restoration of a limited or unlimited roofing license that has expired or has been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together



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~~with have the license restored upon payment of~~ all lapsed renewal fees ~~and shall be made to the Department on forms provided by the Department~~ and shall include the following:

- 1) Designation as either a limited or unlimited roofing contractor;
- 2) Proof of insurance as required in Section 1460.20;
- 3) Proof of continuous surety bond as required in Section 1460.30;
- 4) The name of the designated qualifying party who has passed the appropriate examination set forth in Section 1460.12(b), except that those individuals who were designated as a qualifying party on or before July 1, 2003 are not required to take the examinations so long as the designated qualifying party is the same individual who was the designated qualifying party in 2003 for the applicant seeking restoration;
- 5) The required fee set forth in Section 1460.80; and
- 6) One of the following, which also applies to individuals who were designated as a qualifying party on or before July 1, 2003:
  - A) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the applicantregistrant was authorized to practice during the term of active practice; or
  - B) An affidavit attesting to military service as provided in Section 60 of the Act; or
  - C) Testing/Experience
    - i) Except as otherwise provided in subsection (b)(6)(C)(ii), proof of passage of one of the following examinations appropriate for the type of license being restored:
      - The Illinois Residential Roofing;

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- The Illinois Commercial and Industrial Roofing; and
  - The Illinois Residential, Commercial and Industrial Roofing; or
- ii) In lieu of submission of an examination referenced in subsection (b)(6)(C)(i), the person seeking restoration may submit proof of 6 months of lawful practice under the supervision of a licensed roofer. That practice shall be under a licensed roofer holding the same type of license, meaning unlimited or limited, as the person seeking restoration.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~~~Department~~ because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be requested to provide information as may be necessary.

(Source: Amended at 45 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1460.60 Cancellation of License**

- a) A limited or unlimited roofing license shall be cancelled, without hearing, by the Division upon proof that the holder of the license has failed to maintain the insurance or bonding requirements. Proof shall be notice by the insurance company to the ~~Division~~~~Department~~ of insurance or bond cancellation.
- b) The holder of a cancelled license shall have the license reissued upon application to the Division, on forms provided by the Division, and upon proof that he/she has satisfied all insurance and bond requirements.

(Source: Amended at 45 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1460.75 Citations**

- a) Pursuant to Section 11.10 of the Act, the Division may issue citations for:

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- 1) Unlicensed practice as set forth in Section 10a of the Act, including practicing on a nonrenewed license;
  - 2) Use of a license to permit or enable an unlicensed person to provide roofing contractor services as set forth in Section 9.1(1)(gg) of the Act;
  - 3) Aiding or assisting another person in violating any provision of the Act or this Part as set forth in Section 9.1(f) of the Act; or
  - 4) Substandard work under Section 9.1 of the Act.
- b) The citation will state:
- 1) The cited person's name and address;
  - 2) The cited person's license number, if any;
  - 3) A brief factual statement;
  - 4) The Sections of the Act or rules allegedly violated; and
  - 5) The fine or civil penalty imposed, which shall be as follows:
    - A) The civil penalty for unlicensed practice is \$200 per violation and \$400 per subsequent violations occurring within 12 months;
    - B) The fine for aiding and abetting unlicensed practice is \$100 per violation and \$200 per subsequent violations occurring within 12 months;
    - C) The fine for substandard work under Section 9.1 of the Act is \$100 per violation.
- c) A citation will be:
- 1) Issued within 6 months after the reporting of a violation that is the basis for the citation; and

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- 2) Sent to the licensee at the licensee's address of record or email address of record, sent to an unlicensed person at his or her last known address or last known email address, or served via personal service.
- d) If a cited person wishes to dispute the citation, the cited person may request in writing, within 30 days after the citation is served, a hearing before the Division. If the cited person requests a hearing within 30 days after the citation is served, the Division will afford the cited person a hearing conducted in the same manner as a hearing provided for in the Act and will determine whether the cited person committed the violation as charged and whether the fine or civil penalty as levied is warranted.
- e) If the cited person does not request a hearing within 30 days after the citation is served, then the citation will become a final order and will constitute discipline and any fine or civil penalty imposed is due and payable.
- f) Nothing in this Section limits the authority of the Division to take disciplinary action under the Act. Post-citation failure to correct the violation or a continuing violation will subject the cited person to further action by the Division, as authorized by the Act.

(Source: Added at 45 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1460.80 Fees**

The following fees shall be paid to the ~~Division~~Department and are not refundable:

- a) Application Fees
- 1) The fee for application for an unlimited or limited roofing license is \$125.
- 2) Applicants for an examination shall be required to pay, either to the ~~Division~~Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the ~~Division~~Department or the designated testing service, shall result in the forfeiture of the examination fee.

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- b) **Renewal Fees**  
The fee for the renewal of an unlimited or limited license ~~will~~ be calculated at the rate of \$62.50 per year.
- c) **General Fees**
- 1) The fee for the restoration of a non-renewed license is \$50 plus payment of all lapsed renewal fees, not to exceed \$375.
  - 2) The fee for the issuance of a duplicate/replacement license issued for a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
  - 3) The fee for certification of a licensee's record for any purpose is \$20.
  - 4) The fee for a wall certificate showing licensure ~~will~~ be the actual cost of producing the certificate.
  - 5) The fee for a roster of licensees ~~will~~ be the actual cost of producing the roster.

(Source: Amended at 45 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Public Water Supply Capacity
- 2) Code Citation: 35 Ill. Adm. Code 652
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
652.701	Repealed
652.702	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 19].
- 5) Effective Date of Rules: November 9, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules is on file in the Illinois Environmental Protection Agency's principal office located at 1021 North Grand Avenue East, P.O. Box 19276 Springfield, IL 62794-9276 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 13880; December 6, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? JCAR did not indicate to the Agency any changes.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: The Illinois EPA is repealing Sections in Part 652 and replacing with new rules in Part 652 pursuant to the Illinois Environmental Protection Act.

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

Sara G. Terranova  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19726  
Springfield IL 62794-9276

217/782-5544

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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- 1) Heading of the Part: Community Water Supplies
- 2) Code Citation: 35 Ill. Adm. Code 652
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
652.100	New Section
652.110	New Section
652.120	New Section
652.130	New Section
652.200	New Section
652.210	New Section
652.220	New Section
652.300	New Section
652.310	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 4 (aa) and 14 through 19 of the Environmental Protection Act [415 ILCS 5/4 (aa); 415 ILCS 5/14-19].
- 5) Effective Date of Rules: November 9, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules are on file in the Illinois Environmental Protection Agency's (Illinois EPA) principal office located at 1021 North Grand Avenue East, P.O. Box 19276 Springfield, Illinois 62794-9276 and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 13889; December 6, 2019
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: Illinois EPA's final version contains revisions as recommended by the Illinois Section American Water Works Association (ISAWWA). ISAWWA recommended modifying Section 652.200(b) to include additional items that Subpart B does not apply to. ISAWWA specifically proposed adding "equipment or material purchased through a third-party manufacturer or fabricator



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which is coated prior to purchase or delivery to the community water supply" as Section 652.200(b)(3).

In addition, the Illinois EPA incorporated all grammatical recommendations made by JCAR.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rules specify electronic reporting requirements for community water supplies, provide for the prevention of environmental degradation that might occur when carrying out corrosion prevention and mitigation methods at community water supplies, and reaffirm existing rules on capacity development for community water supplies.
- 16) Information and questions regarding these adopted rules shall be directed to:

Sara G. Terranova  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19726  
Springfield IL 62794-9276

217/782-5544

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

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 652  
COMMUNITY WATER SUPPLIES

## SUBPART A: GENERAL

Section	
652.100	Purpose
652.110	Definitions
652.120	Electronic Reporting Requirements
652.130	Incorporation by Reference

## SUBPART B: CORROSION PREVENTION

Section	
652.200	Applicability
652.210	Corrosion Prevention Standards
652.220	Corrosion Prevention at Community Water Supplies

## SUBPART C: PUBLIC WATER SUPPLY CAPACITY

Section	
652.300	System Capacity
652.310	Supporting Data for Public Water Supply Capacity Demonstration

**AUTHORITY:** Implementing and authorized by Sections 4(aa) and 14 through 19 of the Environmental Protection Act [415 ILCS 5/4(aa) and 14 through 19].

**SOURCE:** Adopted December 30, 1974; amended at 2 Ill. Reg. 51, p. 219, effective December 17, 1978; rules repealed and new rules adopted and codified at 5 Ill. Reg. 2705, effective March 4, 1981; rules repealed and new rules adopted and codified at 8 Ill. Reg. 8455, effective June 5, 1984; amended at 23 Ill. Reg. 8989, effective July 29, 1999; amended at 38 Ill. Reg. 13876, effective June 30, 2014; amended at 41 Ill. Reg. 10462, effective July 28, 2017; former Part repealed at 44 Ill. Reg. 18561 and new Part adopted at 44 Ill. Reg. 18563, effective November 9, 2020.

## SUBPART A: GENERAL

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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**Section 652.100 Purpose**

The purpose of this Part is to:

- a) specify electronic reporting requirements for community water supplies pursuant to Section 4(aa) of the Act;
- b) provide rules for the prevention of environmental degradation that might occur when carrying out corrosion prevention and mitigation methods under Section 14.7 of the Act; and
- c) provide capacity development requirements pursuant to Section 15 of the Act.

**Section 652.110 Definitions**

In addition to these definitions, all definitions of the Illinois Environmental Protection Act [415 ILCS 5] shall apply to this Part. For purposes of this Part:

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Environmental Protection Agency established by Section 4 of the Environmental Protection Act.

"Capacity" means the ability to plan for, achieve and maintain compliance with applicable drinking water standards. Capacity has three components: technical, managerial and financial. Adequate capability in all three areas is necessary for a system to have "capacity".

"Capacity development" is the process of water systems acquiring and maintaining adequate technical, managerial, and financial capabilities to consistently provide safe drinking water. The federal Safe Drinking Water Act amendments of 1996 (42 USC 300f et seq.) provide a framework for states and water systems to work together to ensure that systems acquire and maintain the technical, managerial and financial capacity needed to meet the Act's public health protection objectives. (See Section 652.300.)

*"Corrosion" means a naturally occurring phenomenon commonly defined as the deterioration of a metal that results from a chemical or electrochemical reaction with its environment.*

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*"Corrosion prevention and mitigation methods" means the preparation, application, installation, removal, or general maintenance as necessary of a protective coating system, including any or more of the following:*

*surface preparation and coating application on the exterior or interior of a community water supply; or*

*shop painting of structural steel fabricated for installation as part of a community water supply.*

*"Corrosion prevention project" means carrying out corrosion prevention and mitigation methods. Corrosion prevention project does not include clean-up related to surface preparation. [415 ILCS 5/14.7(b)]*

"Effective external linkage" is the ability of a water system to communicate and exchange information with water customers, regulators, technical and financial assistance organizations, and other entities that routinely interact with the water system.

"Infrastructure" means all mains, pipes including water service lines, and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended to be used for the purpose of furnishing water for drinking or general domestic use.

"New public water supply" means, beginning October 1, 1999, all new community water supplies and new non-transient non-community water supplies and those water supplies that expand their infrastructure to serve or intend to serve at least 25 persons at least 60 days per year. Any water system not currently PWS that adds persons so that the total served is 25 persons or more without constructing additional infrastructure will become a PWS, but will not be required to demonstrate capacity under 35 Ill. Adm. Code 652.310 unless the PWS is on restricted status as required by 35 Ill. Adm. Code 602.106.

*"Protective coatings personnel" means personnel employed or retained by a contractor providing services covered by this Part to carry out corrosion prevention or mitigation methods or inspections. [415 ILCS 5/14.7(b)]*

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*"Public water supply" or "PWS" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or "a non-community water supply". [415 ILCS 5/3.365]*

*"Community water supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. [415 ILCS 5/3.145]*

*"Non-community water supply" means a public water supply that is not a community water supply. The requirements of the Act shall not apply to non-community water supplies. [415 ILCS 5/3.145]*

*"Resident" means a person who dwells or has a place of abode which is occupied by that person for 60 days or more each calendar year. [415 ILCS 5/3.415]*

"State" means the State of Illinois.

"Water Service Lines" means any pipe from the water main or source of potable water supply that serves or is accessible to not more than one property, dwelling, or rental unit of the user. Each water service line must also meet the applicable requirements of 35 Ill. Adm. Code 651 through 654 and the applicable requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890).

**Section 652.120 Electronic Reporting Requirements**

- a) All community water supplies must submit the following information to the Agency electronically:
  - 1) monitoring data necessary to comply with the Safe Drinking Water Act and the National Primary Drinking Water Regulations in 40 CFR 141;

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- 2) the water distribution system material inventory pursuant to Section 17.11(c) of the Act.
- b) Any community water supply unable to submit the information specified in subsection (a) electronically may request an electronic submission waiver from the Agency. Any request for a waiver pursuant to this Section must be submitted 90 days before the information specified in subsection (a) is required to be submitted to the Agency. Each waiver granted by the Agency expires 30 days after the information in subsection (a) is required to be submitted to the Agency.

**Section 652.130 Incorporation by Reference**

- a) Abbreviations and Short-name Listing of References. The following names and abbreviated names are used in this Section to refer to materials incorporated by reference:

"ANSI" means those standards published by American National Standards Institute (ANSI).

"AWWA" means those standards published by American Water Works Association.

"NSF" means those standards published by the National Sanitation Foundation International.

- b) The Agency incorporates the following materials by reference:

AWWA. American Water Works Association et al., 6666 West Quincy Ave., Denver CO 80235, (303)794-7711.

AWWA D103-09, Factory Coated Bolted Carbon Steel Tanks for Water Storage, approved January 25, 2009, effective November 1, 2009.

AWWA D107-10, Composite Elevated Tanks for Water Storage, approved January 17, 2010, effective December 1, 2010.

NSF. National Sanitation Foundation International, 3475 Plymouth Road, PO Box 130140, Ann Arbor MI 48113-0140, (734)769-8010.

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NSF/ANSI 60-2014 Drinking Water Treatment Chemicals – Health Effects, April 2014.

NSF/ANSI 61-2014 Drinking Water System Components – Health Effects, March 2014.

NSF/ANSI 372-2011 Drinking Water System Components – Lead Content, July 2013.

SSPC. The Society for Protective Coatings/NACE International Joint SSPC Standard/NACE Standard Practice. Industrial Coating and Lining Application Specialist Qualification and Certification. SSPC ACS-1/NACE No. 13, effective March 28, 2016.

- c) No later amendments to or editions of the materials listed in subsection (b) are incorporated.

## SUBPART B: CORROSION PREVENTION

**Section 652.200 Applicability**

- a) Except as provided in subsection (b), Subpart B applies only to community water supplies conducting corrosion prevention projects.
- b) Subpart B does not apply to:
- 1) *buried pipelines, including, but not limited to, pipes, mains, and joints;*
  - 2) *routine maintenance activities of community water supplies, including, but not limited to, the use of protective coatings applied by the owner's utility personnel during the course of performing routine maintenance activities. Routine maintenance activities include, but are not limited to, the painting of fire hydrants; routine over-coat painting of interior and exterior building surfaces such as floors, doors, windows, and ceilings; and routine touch-up and over-coat application of protective coatings typically found on water utility pumps, pipes, tanks, and other water treatment plant appurtenances and utility owned structures [415 ILCS 5/14.7]; and*

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- 3) equipment or material purchased through a third-party manufacturer or fabricator that is coated prior to purchase or delivery to the community water supply.

**Section 652.210 Corrosion Prevention Standards**

The Agency identifies the following standards for corrosion prevention and mitigation, incorporated by reference in Section 652.130:

- a) AWWA D103-09, Factory Coated Bolted Carbon Steel Tanks for Water Storage;
- b) AWWA D107-10, Composite Elevated Tanks for Water Storage;
- c) NSF/ANSI 60-2014 Drinking Water Treatment Chemicals – Health Effects;
- d) NSF/ANSI 61-2014 Drinking Water System Components – Health Effects;
- e) NSF/ANSI 372-2011 Drinking Water System Components – Lead Content; and
- f) SSPC ACS-1/NACE No. 13 Industrial Coating and Lining Application Specialist Qualification and Certification.

**Section 652.220 Corrosion Prevention at Community Water Supplies**

- a) A community water supply must use *protective coatings personnel to carry out corrosion prevention and mitigation methods* on the following:
  - 1) *exposed water treatment tanks, exposed non-concrete water treatment structures, exposed water treatment pipe galleys;*
  - 2) *exposed pumps; and*
  - 3) *generators.* [415 ILCS 5/14.7(a)(2)(A)]
- b) A community water supply must use *inspectors to ensure that best practices and standards* specified in Section 652.210 *are adhered to on each corrosion prevention project* under this Part [415 ILCS 5/14.7(a)(2)(B)].

## SUBPART C: PUBLIC WATER SUPPLY CAPACITY



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**Section 652.300 System Capacity**

All new public water supplies must demonstrate technical, financial, and managerial capacity to ensure compliance with the applicable federal and State drinking water standards of 35 Ill. Adm. Code: Subtitle F. The owner of the public water supply is responsible for demonstrating and maintaining capacity. Technical, financial, and managerial capacity shall be based on the following criteria:

- a) "Technical capacity" means the physical and operational ability of a water system to achieve and maintain federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F. Technical capacity means the physical infrastructure of the water system and includes, but is not limited to, adequacy of source water and treatment, storage and distribution components, and the ability of system personnel to adequately operate and maintain the system.
- b) "Managerial capacity" means the ability of a water system to conduct its business in a manner that enables the system to achieve and maintain compliance with federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F. Managerial capacity includes the system's institutional and administrative capabilities, and is assessed using data documenting ownership accountability, staffing and organization, and effective external linkages with customers, external resource agencies, and regulators.
- c) "Financial capacity" means the ability of a water system to acquire and manage sufficient financial resources to enable the system to achieve and maintain compliance with federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F. Financial capacity includes revenue sufficiency, credit worthiness, and use of budgeting, accounting, and financial planning practices, as well as documentation of financial management through record keeping and revenue management.

**Section 652.310 Supporting Data for Public Water Supply Capacity Demonstration**

Each public water supply subject to the capacity requirements shall demonstrate technical capacity, managerial capacity, and financial capacity by submission of the following compliance records to the Agency.

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- a) For technical capacity, each public water supply must demonstrate the following:
  - 1) compliance with the standards for design, construction, and operation of public water supplies as required by 35 Ill. Adm. Code 604;
  - 2) selection of a source that is economically reasonable, reliable and adequate in quantity, and technically treatable to meet all proposed and existing State and federal drinking water standards, based upon an evaluation of potential sources of potable water;
  - 3) compliance with the ownership, certified operator, and responsible operator rules of 35 Ill. Adm. Code 603 and 681; and
  - 4) compliance with the applicable federal and State drinking water standards of 35 Ill. Adm. Code: Subtitle F.
- b) Each public water supply must demonstrate managerial capacity by providing the following:
  - 1) an organizational chart of the system that identifies responsible personnel, including both management and operational personnel;
  - 2) an operational management plan that:
    - A) describes operating procedures;
    - B) identifies the personnel responsible for operation and management of the system;
    - C) includes a description of the process to be used to identify and implement changes to current procedures; and
    - D) identifies the process to be used to ensure that changes in responsible personnel are reported and implemented;
  - 3) an emergency management plan that includes:

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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- A) identification of potential natural and human-caused risks to the water system;
  - B) identification of personnel responsible for response actions, notification procedures, and public/press relations; and
  - C) measures for averting or avoiding emergencies and the means for implementing the emergency response plan; and
- 4) a training plan that assures on-going training participation by all personnel.
- c) Each public water supply must demonstrate financial capacity by submitting the following:
- 1) a budget developed for a five-year period that includes, at a minimum, revenue income, operating expenses, capitalization expenses, reserves, capital improvements, and an emergency reserve fund;
  - 2) a description of income, investment and disbursement procedures and fiscal management reports that ensure adequate fiscal management; and
  - 3) a financial plan that projects growth, potable water demands, and regulatory compliance.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Transmitters of Money Act
- 2) Code Citation: 38 Ill. Adm. Code 205
- 3) Section Number: 205.35                      Adopted Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by the Transmitters of Money Act [205 ILCS 657].
- 5) Effective Date of Rule: November 5, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 11364; July 10, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The Department received a public comment from the Counsel to The Money Services Round Table (TMSRT), who suggested amending the proposed rule to state clearly that "the renewal fee shall be calculated based on the below-listed category into which the licensee's reported Illinois volume falls.". The suggestion was based upon their assertion that the rule as proposed did not impose incremental assessments based on each tranche or volume. Rather the licensee would pay the assessment amount based on which tranche its reported Illinois volume fit into. The Department agreed with their interpretation and made the requested change with slightly different language.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT

15) Summary and Purpose of Rulemaking: This adopted rule made changes to the fees assessed for a Transmitters of Money Act (TOMA) license application, the renewal of a TOMA license, and various service fees. It also made changes to the penalty fees assessed for a failure to apply for renewal of a license or to submit financial documents in a timely manner. The adopted changes to these fee structures allows for fee calculation to be based on the total dollar amount of transactions instead of a flat, per-license fee. This change allows the Department to increase focus to where increased risks are shifting and aligns with the fee structures within other states.

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

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2<sup>nd</sup> Floor  
Springfield IL 62786

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

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT

## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## PART 205

## TRANSMITTERS OF MONEY ACT

## Section

205.10	Average Daily Balance
205.20	Authorized Sellers
205.30	Examinations
<a href="#">205.35</a>	<a href="#">Fees</a>
205.40	Revocation or Suspension of License
205.50	Reports/Documents

AUTHORITY: Implementing and authorized by Section 95 of the Transmitters of Money Act [205 ILCS 657].

SOURCE: Adopted at 20 Ill. Reg. 5811, effective April 8, 1996; amended at 26 Ill. Reg. 14261, effective October 1, 2002; amended at 44 Ill. Reg. 18575, effective November 5, 2020.

**Section 205.35 Fees**

- a) Pursuant to Section 45(b) of the Transmitters of Money Act [205 ILCS 657] (Act), the fees outlined in Section 45(a) of the Act are amended as follows:
- 1) Application Fee. For applying for a license, an application fee of \$2,500 and a license fee of \$0.
  - 2) Renewal Fee. For renewal of a license, a fee will be calculated based on the total dollar volume of transactions, including transactions by authorized sellers, reported, pursuant to Section 40(4) of the Act, by the licensee in its annual renewal application. The renewal fee shall be calculated in the following manner based on the licensee's reported Illinois volume:

<u>Transactions of \$1,000,000 or less</u>	<u>\$1,000 renewal fee</u>
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## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT

<u>Transactions over \$1,000,000 but less than \$10,000,000</u>	<u>\$1,000 plus an additional amount equal to a rate of .0004 for each dollar in volume more than \$1,000,000 but less than \$10,000,000</u>
<u>Transactions over \$10,000,000 but less than \$100,000,000</u>	<u>\$4,600 plus an additional amount equal to a rate of .0002 for each dollar in volume more than \$10,000,000 but less than \$100,000,000</u>
<u>Transactions over \$100,000,000</u>	<u>\$22,600 plus an additional amount equal to a rate of .0001 for each dollar in volume more than \$100,000,000 up to a maximum fee of \$50,000</u>

- 3) For process or other notice served upon the Director as provided by Section 100 of the Act, a fee of \$10.
  - 4) For an application for renewal of a license received by the Department after December 1, a penalty fee of \$50 per day for each day after December 1, in addition to any other fees required under this Section, unless an extension of time has been applied for and approved prior to December 1.
  - 5) For failure to submit financial statements required by Section 40 of the Act, a penalty fee of \$50 per day for each day after December 1 the statement is not provided, unless an extension of time has been applied for and approved prior to December 1.
- b) Unless otherwise indicated by the Act, these fees shall be nonrefundable. All moneys received by the Department under the Act shall be deposited into the Financial Institution Fund.

(Source: Added at 44 Ill. Reg. 18575, effective November 5, 2020)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
148.50	Amendment
148.122	Amendment
148.190	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rules: November 9, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 44 Ill. Reg. 10065; June 12, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Changes between the proposed amendment and adopted amendment include: capitalization and grammar edits; clarifications to the definition of "Hospital Long Term Care Day"; restating reimbursement limitations; and clarifications regarding the post-discharge placement notification and approval (not prior approval) process.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
148.116	Amendment	44 Ill. Reg. 12725; July 31, 2020



## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

148.117	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.122	Amendment	44 Ill. Reg. 12725; July 31, 2020
148.126	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.140	Amendment	44 Ill. Reg. 12725; July 31, 2020
148.295	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.296	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.299	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.401	Amendment	44 Ill. Reg. 12725; July 31, 2020
148.402	Amendment	44 Ill. Reg. 12725; July 31, 2020
148.403	Amendment	44 Ill. Reg. 12725; July 31, 2020
148.404	Amendment	44 Ill. Reg. 12725; July 31, 2020
148.405	Amendment	44 Ill. Reg. 12725; July 31, 2020
148.406	Amendment	44 Ill. Reg. 12725; July 31, 2020
148.407	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.408	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.409	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.410	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.411	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.412	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.413	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.414	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.415	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.416	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.417	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.418	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.419	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.420	Repealed	44 Ill. Reg. 12725; July 31, 2020
148.421	New Section	44 Ill. Reg. 12725; July 31, 2020
148.423	New Section	44 Ill. Reg. 12725; July 31, 2020
148.425	New Section	44 Ill. Reg. 12725; July 31, 2020

- 15) Summary and Purpose of Rulemaking: These amendments revise the requirements for hospital long term care days; discontinue the requirement for Medicaid Percentage Adjustment hospitals to provide obstetric services if another hospital within 15 miles continues to provide those services; and discontinues the collection co-payments for inpatient hospital services.
- 16) Information and questions regarding these adopted rules shall be directed to:

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Steffanie Garrett  
General Counsel  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue East, 3<sup>rd</sup> Floor  
Springfield IL 62763-0002

[HFS.Rules@Illinois.gov](mailto:HFS.Rules@Illinois.gov)

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 148

## HOSPITAL SERVICES

## SUBPART A: GENERAL PROVISIONS

## Section

148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

## Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments (Repealed)
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments (Repealed)
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments (Repealed)
148.100	County Trauma Center Adjustment Payments
148.103	Outpatient Service Adjustment Payments (Repealed)
148.105	Reimbursement Methodologies for Inpatient Rehabilitation Services
148.110	Reimbursement Methodologies for Inpatient Psychiatric Services
148.112	Medicaid High Volume Adjustment Payments
148.115	Reimbursement Methodologies for Long Term Acute Care Services
148.116	Reimbursement Methodologies for Children's Specialty Hospitals
148.117	Outpatient Assistance Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 148.140 Hospital Outpatient and Clinic Services
- 148.150 Public Law 103-66 Requirements
- 148.160 Payment Methodology for County-Owned Large Public Hospitals
- 148.170 Payment Methodology for University-Owned Large Public Hospitals
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act (Repealed)
- 148.180 Payment for Pre-operative Days and Patient Specific Orders
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems (Repealed)
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions (Repealed)
- 148.230 Admissions Occurring on or after September 1, 1991 (Repealed)
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals (Repealed)
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates (Repealed)
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals (Repealed)
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements (Repealed)
- 148.285 Excellence in Academic Medicine Payments (Repealed)
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments
- 148.296 Transitional Supplemental Payments
- 148.297 Physician Development Incentive Payments
- 148.298 Pediatric Inpatient Adjustment Payments (Repealed)
- 148.299 Medicaid Facilitation and Utilization Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives (Repealed)
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Sub-acute Alcoholism and Substance Abuse Treatment Services

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.390 Hearings
- 148.400 Special Hospital Reporting Requirements
- 148.401 Alzheimer's Treatment Access Payment
- 148.402 Expensive Drugs and Devices Add-On Payment
- 148.403 General Provisions – Inpatient
- 148.404 General Provisions – Outpatient
- 148.405 Graduate Medical Education (GME) Payment
- 148.406 Graduate Medical Education (GME) Payment for Large Public Hospitals
- 148.407 Medicaid High Volume Hospital Access Payment
- 148.408 Inpatient Simulated Base Rate Adjustment
- 148.409 Inpatient Small Public Hospital Access Payment
- 148.410 Long-Term Acute Care Access Payment
- 148.411 Medicaid Dependent Hospital Access Payment
- 148.412 Outpatient Simulated Base Rate Adjustment
- 148.413 Outpatient Small Public Hospital Access Payment
- 148.414 Perinatal and Rural Care Access Payment
- 148.415 Perinatal and Trauma Center Access Payment
- 148.416 Perinatal Care Access Payment
- 148.417 Psychiatric Care Access Payment for Distinct Part Units
- 148.418 Psychiatric Care Access Payment for Freestanding Psychiatric Hospitals
- 148.419 Safety-Net Hospital, Private Critical Access Hospital, and Outpatient High Volume Access Payments
- 148.420 Trauma Care Access Payment
- 148.422 Outpatient Access Payments (Repealed)
- 148.424 Outpatient Utilization Payments (Repealed)
- 148.426 Outpatient Complexity of Care Adjustment Payments (Repealed)
- 148.428 Rehabilitation Hospital Adjustment Payments (Repealed)
- 148.430 Perinatal Outpatient Adjustment Payments (Repealed)
- 148.432 Supplemental Psychiatric Adjustment Payments (Repealed)
- 148.434 Outpatient Community Access Adjustment Payments (Repealed)
- 148.436 Long Term Stay Hospital Per Diem Payments (Repealed)
- 148.440 High Volume Adjustment Payments (Repealed)
- 148.442 Inpatient Services Adjustment Payments (Repealed)
- 148.444 Capital Needs Payments (Repealed)
- 148.446 Obstetrical Care Payments (Repealed)
- 148.448 Trauma Care Payments (Repealed)
- 148.450 Supplemental Tertiary Care Payments (Repealed)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

148.452	Crossover Care Payments (Repealed)
148.454	Magnet Hospital Payments (Repealed)
148.456	Ambulatory Procedure Listing Increase Payments (Repealed)
148.458	General Provisions (Repealed)
148.460	Catastrophic Relief Payments (Repealed)
148.462	Hospital Medicaid Stimulus Payments (Repealed)
148.464	General Provisions (Repealed)
148.466	Magnet and Perinatal Hospital Adjustment Payments (Repealed)
148.468	Trauma Level II Hospital Adjustment Payments (Repealed)
148.470	Dual Eligible Hospital Adjustment Payments (Repealed)
148.472	Medicaid Volume Hospital Adjustment Payments (Repealed)
148.474	Outpatient Service Adjustment Payments (Repealed)
148.476	Ambulatory Service Adjustment Payments (Repealed)
148.478	Specialty Hospital Adjustment Payments (Repealed)
148.480	ER Safety Net Payments (Repealed)
148.482	Physician Supplemental Adjustment Payments (Repealed)
148.484	Freestanding Children's Hospital Adjustment Payments (Repealed)
148.486	Freestanding Children's Hospital Outpatient Adjustment Payments (Repealed)

## SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section	
148.500	Definitions
148.510	Reimbursement

## SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section	
148.600	Definitions
148.610	Scope of the Program
148.620	Assistance Level and Reimbursement
148.630	Criteria and Information Required to Establish Eligibility
148.640	Covered Services

## SUBPART E: INSTITUTION FOR MENTAL DISEASES PROVISIONS FOR HOSPITALS

Section	
148.700	General Provisions

## SUBPART F: EMERGENCY PSYCHIATRIC DEMONSTRATION PROGRAM

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section

148.800	General Provisions
148.810	Definitions
148.820	Individual Eligibility for the Program
148.830	Providers Participating in the Program
148.840	Stabilization and Discharge Practices
148.850	Medication Management
148.860	Community Connect IMD Hospital Payment
148.870	Community Connect TCM Agency Payment
148.880	Program Reporting
148.TABLE A	Renal Participation Fee Worksheet
148.TABLE B	Bureau of Labor Statistics Equivalence
148.TABLE C	List of Metropolitan Counties by SMSA Definition

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002;



## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005;

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emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 1997, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008; amended at 32 Ill. Reg. 9945, effective June 26, 2008; emergency amendment at 32 Ill. Reg. 10517, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 33 Ill. Reg. 501, effective December 30, 2008; peremptory amendment at 33 Ill. Reg. 1538, effective December 30, 2008; emergency amendment at 33 Ill. Reg. 5821, effective April 1, 2009, for a maximum of 150 days; emergency expired August 28, 2009; amended at 33 Ill. Reg. 13246, effective September 8, 2009; emergency amendment at 34 Ill. Reg. 15856, effective October 1, 2010, for a maximum of 150 days; emergency expired February 27, 2011; amended at 34 Ill. Reg. 17737, effective November 8, 2010; amended at 35 Ill. Reg. 420, effective December 27, 2010; expedited correction at 38 Ill. Reg. 12618, effective December 27, 2010; amended at 35 Ill. Reg. 10033, effective June 15, 2011; amended at 35 Ill. Reg. 16572, effective October 1, 2011; emergency amendment at 36 Ill. Reg. 10326, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 148.70(g) suspended at 36 Ill. Reg. 13737, effective August 15, 2012; suspension withdrawn from Section 148.70(g) at 36 Ill. Reg. 18989, December 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 148.70(g) at 36 Ill. Reg. 18976, effective December 12, 2012 through June 30, 2013; emergency amendment to Section 148.140(b)(1)(F) suspended at 36 Ill. Reg. 13739, effective August 15, 2012; suspension

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withdrawn from Section 148.140(b)(1)(F) at 36 Ill. Reg. 14530, September 11, 2012; emergency amendment to Sections 148.140(b) and 148.190(a)(2) in response to Joint Committee on Administrative Rules action at 36 Ill. Reg. 14851, effective September 21, 2012 through June 30, 2013; amended at 37 Ill. Reg. 402, effective December 27, 2012; emergency rulemaking at 37 Ill. Reg. 5082, effective April 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 10432, effective June 27, 2013; amended at 37 Ill. Reg. 17631, effective October 23, 2013; amended at 38 Ill. Reg. 4363, effective January 29, 2014; amended at 38 Ill. Reg. 11557, effective May 13, 2014; amended at 38 Ill. Reg. 13263, effective June 11, 2014; amended at 38 Ill. Reg. 15165, effective July 2, 2014; emergency amendment at 39 Ill. Reg. 10453, effective July 10, 2015, for a maximum of 150 days; emergency expired December 6, 2015; amended at 39 Ill. Reg. 10824, effective July 27, 2015; amended at 39 Ill. Reg. 16394, effective December 14, 2015; amended at 41 Ill. Reg. 1041, effective January 19, 2017; amended at 42 Ill. Reg. 3152, effective January 31, 2018; emergency amendment at 42 Ill. Reg. 13740, effective July 2, 2018, for a maximum of 150 days; emergency amendment to emergency rule at 42 Ill. Reg. 16318, effective August 13, 2018, for the remainder of the 150 days; emergency expired November 28, 2018; amended at 42 Ill. Reg. 22401, effective November 29, 2018; emergency amendment at 43 Ill. Reg. 9813, effective August 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 2545, effective January 22, 2020; emergency amendment at 44 Ill. Reg. 12832, effective July 17, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. 18579, effective November 9, 2020.

## SUBPART A: GENERAL PROVISIONS

**Section 148.50 Covered Hospital Services**

Effective for dates of outpatient services on or after July 1, 2014 and inpatient discharges on or after July 1, 2014, [unless a later effective date is specified in this Section](#):

- a) The Department shall pay hospitals for the essential provision of inpatient, outpatient, and clinic diagnostic and treatment services not otherwise excluded or limited that are provided by a hospital, as described in Section 148.25(b), or a distinct part unit, as described in Section 148.25(c), and that are provided in compliance with hospital licensing standards. Payment may be made for the following types of care subject to the special requirements described in Section 148.40:
  - 1) General/specialty services.
  - 2) Psychiatric services.

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- 3) Rehabilitation services.
  - 4) End-Stage Renal Disease Treatment (ESRDT) services.
- b) Certain services are defined as hospital covered services with certain restrictions. These programs include hospital residing long term care services, subacute alcoholism and substance abuse treatment services, and the transplant program.
- c) Hospital ~~Residing~~ Long Term Care Services
- 1) Effective for dates of service on or after July 1, 2019, Hospital Long Term Care Days shall be covered. Hospital Long Term Care Days are defined as days when:
    - A) The discharging hospital or the assigned peer review agent determines that continued hospital level of care is no longer necessary; and
    - B) Discharge of the patient is delayed due to the lack of available placement outside of the hospital at the next level of care provided in a nursing facility, ICF/DD facility, MC/DD facility, rehabilitation hospital, psychiatric hospital, Long-Term Services and Supports Waiver setting, or a residence when home health care services (as defined in Section 140.471) are required.

~~Long term care services are not considered by the Department to be hospital services unless the hospital is enrolled with the Department specifically to provide hospital residing long term care services as a hospital based long term care facility. Hospital residing long term care is care provided by hospitals to non-acute patients requiring chronic, skilled nursing care when a skilled nursing facility bed is not available, or non-acute care provided by hospitals that is not routinely performed within a skilled setting, such as ventilator care, when appropriate placements are not available to discharge the patient. Hospitals may not utilize the following beds or facilities for hospital services unless the hospital is enrolled with the Department to provide hospital residing long term care:~~

- A) ~~A special unit or specified beds which are certified for skilled nursing facility services under the Medicare Program; or~~

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- B) ~~A special unit or separate facility administratively associated with the hospital and licensed as a long term care facility.~~
- 2) For dates of service on or after July 1, 2019, Hospital Long Term Care Days shall be reimbursed in accordance with this subsection (c). Hospitals are required to notify the Department when post-discharge placement is required. Approval from the Department that the stay meets the requirements of this subsection (c)(2) is required before payment can be made. In order to approve payment for Hospital Long Term Care Days, documentation demonstrating the following shall be provided: There are three categories of service for hospital-residing long-term care. These categories are as follows:
- A) The hospital attempted to place the individual in at least five appropriate settings; Skilled Care—Hospital Residing (category of service 037) Reimbursement is available for hospitals providing hospital-residing long-term care when the patients' needs reflect routine skilled care and the inability to place the patient is due to unavailability of a skilled nursing bed. Reimbursement for this type of care is at the average statewide rate for skilled nursing care. For a hospital to be eligible for such reimbursement, the following criteria must be met:
- i) ~~The hospital must document its attempt to place the patient in at least five appropriate facilities.~~
  - ii) ~~Documentation (form HFS 3127) must be attached to the appropriate claim form and submitted to the Department.~~
  - iii) ~~Reimbursement is limited to services provided after the minimum number of contacts has been made. Reimbursement will not be made for services which were billed as acute inpatient care and denied as not being medically necessary. Reimbursement may be made for up to a maximum of 31 days before additional documentation must be submitted to extend the eligibility for additional reimbursement.~~

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- B) ~~Following the five placement attempts, the hospital notified the Department or its designated contractor of its inability to place the individual;~~Exceptional Care—Hospital Residing (category of service 038) Reimbursement is available for hospitals providing hospital residing long term care when the level of care is not routinely performed within a skilled setting, such as ventilator care, and the patient cannot be placed in a skilled nursing facility because the level of care is not available. Exceptional care is defined by the Department as the level of care required by persons who are medically stable and ready for discharge from a hospital but who require a multi-disciplinary level of care for physician, nurse, and ancillary specialist services with exceptional costs related to extraordinary equipment and supplies that have been determined to be a medical necessity. This includes, but is not limited to, persons with acquired immune deficiency syndrome (AIDS) or a related condition, head injured persons, and ventilator dependent persons. Reimbursement for this type of care is at the average statewide rate for exceptional care. For a hospital to be eligible for the reimbursement, the following criteria must be met:
- i) ~~The hospital must document its attempt to place the patient in at least five appropriate facilities.~~
  - ii) ~~Documentation (form HFS 3127) must be attached to the appropriate claim form and submitted to the Department.~~
  - iii) ~~Reimbursement is limited to services provided after the minimum number of contacts has been made. Reimbursement will not be made for services which were billed as acute inpatient care and denied as not being medically necessary. Reimbursement may be made for up to a maximum of 31 days before additional documentation must be submitted to extend the eligibility for additional reimbursement.~~
- C) The individual requires the level of care described in subsection (c)(1)(B);~~ID/MI Non-Acute Care—Hospital Residing (category of service 039) Reimbursement is available for hospitals providing hospital residing long term care when the pre-admission screening~~

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~~agent has not completed the assessment, planning or discharge process. Reimbursement for this type of care is at the average statewide rate for intermediate care facilities for persons with intellectual disabilities. For a hospital to be eligible for such reimbursement, the following criteria must be met:~~

- ~~i) The hospital must document that the pre-admission screening agent has not completed the assessment, planning or discharge process.~~
  - ~~ii) Reimbursement is limited to a maximum of three non-acute level of care days. Reimbursement will not be made for services which were billed as acute inpatient care and denied as not being medically necessary.~~
- 3) Reimbursement is limited to services provided after the minimum number of contacts have been made and the Department or its contractor has been notified of the need for post-discharge placement. For dates of service on or after July 1, 2019 and prior to November 1, 2020, the Department will not limit reimbursement to days after the Department or its contractor have been notified of the need for post-placement discharge and approved payment; however, the hospital still must provide documentation that the requirements of subsections (c)(2)(A) and (C) are met.
- 4) Reimbursement Limitations
- A) Reimbursement will not be made for services when the underlying inpatient stay was denied as not medically necessary.
  - B) When the initial hospital stay is reimbursed under the DRG system, only days that exceed the DRG average length of stay can qualify as Hospital Long Term Care Days.
  - C) When a hospital is reimbursed on a per diem basis, only days beyond the period of time when hospital level of care is needed can qualify as Hospital Long Term Care Days.
  - D) Services reimbursable under 305 ILCS 5/5-5.07 shall not be reimbursed as Hospital Long Term Care Days.

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- E) Services reimbursable under the Long Term Acute Care Hospital Quality Improvement Transfer Program Act [210 ILCS 155] and certified as part of a continued stay review by the Department's Quality Improvement Organization shall not be reimbursed as Hospital Long Term Care Days.
- 5) The reimbursement rate for each eligible Hospital Long Term Care Day is \$289.48 per day.
- 6) Payments for Hospital Long Term Care Days are not eligible for per diem add-on payments under the Medicaid High Volume Adjustment (MHVA) and Medicaid Percentage Adjustment (MPA) programs.
- 7) If a hospital seeks reimbursement for services provided to any individual enrolled in a Managed Care Organization (MCO), the requirements of Section 14-13(e) of the Public Aid Code [305 ILCS 5] must be followed.
- d) Subacute Alcoholism and Substance Abuse Treatment Services  
Rules regarding reimbursement for sub-acute alcoholism and substance abuse treatment services may be found under Sections 148.340 through 148.390.
- e) Transplant Program  
The Medical Assistance Program provides for payment for organ transplants only when provided by a certified transplantation center as described in Section 148.82. Payment for kidney and cornea transplants does not require enrollment as an approved transplantation center.

(Source: Amended at 44 Ill. Reg. 18579, effective November 9, 2020)

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

**Section 148.122 Medicaid Percentage Adjustments**

Effective for dates of service on or after July 1, 2014, the Department shall make an annual determination of those hospitals qualified for adjustments under this Section effective October 1 of each year unless otherwise noted.



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- a) Qualified Medicaid Percentage Hospitals. The Department shall make adjustment payments to hospitals that are deemed as a Medicaid percentage hospital by the Department. A hospital, except those that are owned or operated by a unit of government, may qualify for a Medicaid Percentage Adjustment ([MPA](#)) in one of the following ways:
- 1) The hospital's Medicaid inpatient utilization rate (MIUR), as defined in Section 148.120(i)(4), is at least one-half standard deviation above the mean Medicaid utilization rate, as defined in Section 148.120(i)(3).
  - 2) The hospital's low income utilization rate, as defined in Section 148.120(i)(6), exceeds 25 per centum.
  - 3) Illinois hospitals that, on July 1, 1991, had an MIUR, as defined in Section 148.120(i)(4), that was at least the mean Medicaid inpatient utilization rate, as defined in Section 148.120(i)(3), and that were located in a planning area with one-third or fewer excess beds as determined by the Illinois Health Facilities Planning Board ([see](#) 77 Ill. Adm. Code 1100), and that, as of June 30, 1992, were located in a federally designated Health Manpower Shortage Area ([see](#) 42 CFR 5 (1989)).
  - 4) Illinois hospitals that meet the following criteria:
    - A) Have an MIUR, as defined in Section 148.120(i)(4), that is at least the mean Medicaid inpatient utilization rate, as defined in Section 148.120(i)(3).
    - B) Have a Medicaid obstetrical inpatient utilization rate, as defined in subsection (g)(3), that is at least one standard deviation above the mean Medicaid obstetrical inpatient utilization rate, as defined in subsection (g)(2).
  - 5) Any children's hospital, as defined in Section 148.25(d)(3).
  - 6) Out of state hospitals meeting the criteria in Section 148.120(e).
- b) In making the determination described in subsections (a)(1) and (a)(4)(A), the Department shall utilize the data described in Section 148.120(c) and received in compliance with Section 148.120(f).

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- c) Hospitals that qualified as ~~an MPAA Medicaid Percentage Adjustment~~ hospital under subsection (a)(2) for the Medicaid percentage determination year beginning October 1, 2013 may apply annually to become qualified under subsection (a)(2) by submitting audited certified financial statements as described in Section 148.120(d) and received in compliance with Section 148.120(f).
- d) Medicaid Percentage Adjustments. The adjustment payments required by subsection (a) of this Section for qualified hospitals shall be calculated annually as follows for hospitals defined in Section 148.25(b)(1), excluding hospitals defined in Section 148.25(a).
- 1) The payment adjustment shall be calculated based upon the hospital's MIUR, as defined in Section 148.120(i)(4), and subject to subsection (e) of this Section, as follows:
    - A) Hospitals with an MIUR below the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25;
    - B) Hospitals with an MIUR that is equal to or greater than the mean Medicaid inpatient utilization rate but less than one standard deviation above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25 plus \$1 for each one percent that the hospital's MIUR exceeds the mean Medicaid inpatient utilization rate;
    - C) Hospitals with an MIUR that is equal to or greater than one standard deviation above the mean Medicaid inpatient utilization rate but less than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$40 plus \$7 for each one percent that the hospital's MIUR exceeds one standard deviation above the mean Medicaid inpatient utilization rate; and
    - D) Hospitals with an MIUR that is equal to or greater than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$90 plus \$2 for each one percent that the hospital's MIUR exceeds 1.5 standard deviations above the mean Medicaid inpatient utilization rate.

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- 2) The ~~MPA~~[Medicaid Percentage Adjustment](#) payment, calculated in accordance with this subsection (d), to a hospital shall not exceed \$155 per day for a children's hospital, as defined in Section 148.25(d)(3), and shall not exceed \$215 per day for all other hospitals.
- 3) The amount calculated pursuant to subsections (d)(1) through (d)(2) of this Section shall be adjusted by the aggregate annual increase in the national hospital market basket price proxies (DRI) hospital cost index from DSH determination year 1993, as defined in Section 148.120(i)(2), through DSH determination year 2003 and annually thereafter, by a percentage equal to the lesser of:
  - A) The increase in the national hospital market basket price proxies (DRI) hospital cost index for the most recent 12 month period for which data are available; or
  - B) The percentage increase in the Statewide average hospital payment rate, over the previous year's Statewide average hospital payment rate.
- 4) The amount calculated pursuant to subsections (d)(1) through (d)(3) shall be the inpatient payment adjustment in dollars for the applicable Medicaid percentage determination year. The adjustments calculated under subsections (d)(1) through (d)(3) shall be paid on a per diem basis and shall be applied to each covered day of care provided.
- e) Inpatient Adjustor for Children's Hospitals. For a children's hospital, as defined in Section 148.25(d)(3), the payment adjustment calculated under subsection (d)(1) shall be multiplied by 2.0.
- f) Medicaid Percentage Adjustment Limitations:
  - 1) In addition, to be deemed ~~an MPA~~[an Medicaid Percentage Adjustment](#) hospital, a hospital must provide to the Department, in writing, the names of at least two obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under a State Medicaid plan. In the case of a hospital located in a rural area (that is, an area outside of a Metropolitan Statistical Area, as defined

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by the federal Executive Office of Management and Budget), the term "obstetrician" includes any physician with staff privileges to perform ~~non-emergency~~ obstetric ~~services~~ ~~procedures~~ at the hospital. This requirement for obstetric services does not apply to a hospital:

- A) In~~in~~ which the inpatients are predominantly individuals under 18 years of age; ~~or~~
  - B) That does not offer non-emergency obstetric services as of December 22, 1987; or
  - C) That was providing obstetric services prior to February 1, 2019 and discontinues obstetric services after February 1, 2019 and is located within 15 miles of a hospital that continues to provide obstetric services at the time of discontinuation. Hospitals that do not offer obstetric services~~non-emergency obstetrics~~ to the general public, with the exception of those hospitals described in Section 148.25(d), must submit a statement to that effect that includes the date obstetric services were discontinued.
- 2) Hospitals that qualify for ~~MPAs~~ Medicaid Percentage Adjustments under this Section shall not be eligible for the total ~~MPA~~ Medicaid Percentage Adjustment if, during the ~~MPA~~ Medicaid Percentage Adjustment determination year, the hospital discontinues provision of obstetric services~~non-emergency obstetrical care~~. The provisions of this subsection (f)(2) shall not apply to those hospitals described in Section 148.25(d) or those hospitals that have not offered obstetric~~non-emergency obstetrical~~ services as of December 22, 1987, or those hospitals that discontinue obstetric services after February 1, 2019 and are located within 15 miles of a hospital that continues to provide obstetric services at the time of discontinuation. In this instance, the adjustments calculated under subsection (d) shall cease to be effective on the date that the hospital discontinued the provision of obstetric services~~non-emergency obstetrical care~~.
- 3) Appeals based upon a hospital's ineligibility for Medicaid Percentage payment adjustments, or their payment adjustment amounts, in accordance with Section 148.310(b), that result in a change in a hospital's eligibility for Medicaid Percentage payment adjustments or a change in a hospital's

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payment adjustment amounts, shall not affect the Medicaid Percentage status of any other hospital or the payment adjustment amount of any other hospital that has received notification from the Department of its eligibility for Medicaid Percentage payment adjustments based upon the requirements of this Section.

- 4) Medicaid Inpatient Utilization Rate Limit. Hospitals that qualify for Medicaid percentage payment adjustments under this Section shall not be eligible for Medicaid percentage payment adjustments if the hospital's MIUR, as defined in Section 148.120(i)(4), is less than one percent.
- g) Inpatient Payment Adjustment Definitions. The definitions of terms used with reference to calculation of Inpatient Payment Adjustments are as follows:
- 1) "Medicaid Percentage determination year" has the same meaning as the DSH determination year defined in Section 148.120(i)(2).
  - 2) "Mean Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the total Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (g)(4), provided by all Medicaid-participating Illinois hospitals providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the federal Social Security Act (42 USC 1396a), and the denominator of which is the total Medicaid inpatient days, as defined in subsection (g)(6), for all such hospitals. That information shall be derived from claims for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year that were subsequently adjudicated by the Department through the last day of June preceding the Medicaid percentage determination year and contained within the Department's paid claims data base.
  - 3) "Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (g)(4), provided by a Medicaid-participating Illinois hospital providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the federal Social Security Act (42 USC 1396a), and the denominator of which is the total Medicaid (Title XIX) inpatient days, as defined in subsection (g)(6), provided by such hospital. This information shall be derived from claims

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for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year that were subsequently adjudicated by the Department through the last day of June preceding the Medicaid Percentage determination year and contained within the Department's paid claims data base.

- 4) "Medicaid (Title XIX) obstetrical inpatient days" means hospital inpatient days that were subsequently adjudicated by the Department through the last day of June preceding the ~~MPA~~[Medicaid Percentage Adjustment](#) determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act (specifically excluding Medicare/Medicaid crossover claims), with a Diagnosis Related Grouping (DRG) of:
- A) 370 through 375 for claims adjudicated before July 1, 2014; or
  - B) 540, 541, 542 or 560 for claims adjudicated on or after July 1, 2014.
- 5) "Total Medicaid (Title XIX) inpatient days", as referred to in subsections (g)(2) and (g)(3), means hospital inpatient days, excluding days for normal newborns, that were subsequently adjudicated by the Department through the last day of June preceding the Medicaid Percentage determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, and specifically excludes Medicare/Medicaid crossover claims.
- ~~67~~) "Medicaid obstetrical inpatient utilization rate base year" means, for example, fiscal year 2002 for the October 1, 2003 ~~MPA~~[Medicaid Percentage Adjustment](#) determination year; fiscal year 2003 for the October 1, 2004 ~~MPA~~[Medicaid Percentage Adjustment](#) determination year; etc.
- ~~78~~) "Obstetric services" shall at a minimum include non-emergency inpatient deliveries in the hospital.

(Source: Amended at 44 Ill. Reg. 18579, effective November 9, 2020)

**Section 148.190 Copayments**

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The following implements cost sharing in compliance with 42 USC 1396o (section 1916 of the Social Security Act):

- a) With the exception of those classes of individuals identified in 89 Ill. Adm. Code 140.402(d) and those services identified in 89 Ill. Adm. Code 140.402(e), copayments will be assessed on inpatient services provided under all Medical Assistance Programs administered by the Department, as provided in the Illinois Public Aid Code [305 ILCS 5]. Effective July 1, 2012 [through August 31, 2019](#), copayments will be in the following amounts:
  - 1) Inpatient hospital services: a daily copayment amount as defined in federal regulations at 42 CFR 447.50 et seq., which, for dates of service beginning July 1, 2012 through March 31, 2013, is \$3.65. Beginning April 1, 2013 [through August 31, 2019](#), the nominal copayment amount is \$3.90.
  - 2) Non-emergency services defined as Non-emergency/Screening Level in Section 148.140(b) rendered in an emergency room: a nominal copayment amount as defined in federal regulations at 42 CFR 447.50 et seq., which, for dates of service beginning July 1, 2012 through March 31, 2013, is \$3.65. Beginning April 1, 2013 [through August 31, 2019](#), the nominal copayment amount is \$3.90.
- b) In each instance where a copayment is payable, the Department will reduce the amount payable to the affected provider by the amount of the required copayment.
- c) No provider may deny care or services on account of an individual's inability to pay a copayment; this requirement, however, shall not extinguish the liability for payment of the copayment by the individual to whom the care or services were furnished.

(Source: Amended at 44 Ill. Reg. 18579, effective November 9, 2020)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Hours of Service of Drivers
- 2) Code Citation: 92 Ill. Adm. Code 395
- 3) Section Number: 395.2000                      Adopted Action:  
Amendment
- 4) Statutory Authority: 625 ILCS 5/18b-102 and 105
- 5) Effective Date of Rule: November 9, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rule, including any materials incorporated by reference, is on file at the Department of Transportation at 2300 S. Dirksen Parkway, Springfield, IL 62764 and will be made available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 44 Ill. Reg. 13067; August 7, 2020
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were suggested by JCAR.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Federal Motor Carrier Safety Administration (FMCSA) of the United States Department of Transportation (USDOT) recently published a final rule amending 49 CFR 395, Hours of Service of Drivers. The Department, as it is required under 625 ILCS 5/18b-105(e), is adopting the FMCSA's final rule by updating its incorporation of the federal regulations. Below is a summary of the key changes made by the FMCSA's final rule. A complete copy of the final rule may be obtained by visiting [www.federalregister.gov](http://www.federalregister.gov) and searching for 85 FR 33396.



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT

**Short-haul Exception**

The final rule extends the short-haul exception from 100 air-miles to 150 air-miles. In addition, the maximum duty period allowed under the short-haul exception has been increased from 12 to 14 hours.

**Sleeper Berth Requirements**

Drivers may take their required 10 hours off-duty in two periods, provided one off-duty period is at least 2 hours long and the other involves at least 7 consecutive hours spent in the sleeper berth.

**Required Break**

The 30-minute break is now only required when a driver has driven for a period of 8 hours without at least a 30-minute interruption. The break may be satisfied by any non-driving period of 30 minutes.

**Adverse Driving Conditions**

Drivers may extend the maximum driving window by up to 2 hours during adverse driving conditions.

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

Greg Stucka, Rules Manager  
Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Springfield IL 62764

217/524-2638

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

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 395  
HOURS OF SERVICE OF DRIVERS

## Section

395.1000	Purpose and Applicability
395.1500	Enforcement
395.2000	Incorporation by Reference of 49 CFR 395

**AUTHORITY:** Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

**SOURCE:** Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 5096, effective March 31, 1999; amended at 24 Ill. Reg. 1944, effective January 19, 2000; amended at 25 Ill. Reg. 2092, effective January 17, 2001; amended at 26 Ill. Reg. 9009, effective June 5, 2002; amended at 26 Ill. Reg. 12766, effective August 12, 2002; amended at 27 Ill. Reg. 9251, effective June 2, 2003; amended at 28 Ill. Reg. 1161, effective January 4, 2004; emergency amendment at 28 Ill. Reg. 6654, effective April 14, 2004, for a maximum of 150 days; emergency expired September 10, 2004; amended at 29 Ill. Reg. 19264, effective November 10, 2005; amended at 30 Ill. Reg. 5642, effective March 8, 2006; amended at 32 Ill. Reg. 10433, effective June 25, 2008; amended at 37 Ill. Reg. 18346, effective November 4, 2013; amended at 40 Ill. Reg. 2050, effective January 8, 2016; emergency amendment at 41 Ill. Reg. 15380, effective December 19, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 5918, effective March 14, 2018; amended at 44 Ill. Reg. 18603, effective November 9, 2020.

**Section 395.2000 Incorporation by Reference of 49 CFR 395**

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR Subchapter B) was in effect on [October 1, 2019, as amended by 85 FR 33396 \(June 1, 2020\)](#)~~October 1, 2017~~, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated. Copies of 49 CFR 395 are available for inspection at 2300 South Dirksen Parkway, Springfield,

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT

Illinois 62764 or by calling ~~(217)785-1181~~<sup>(217)785-1181</sup>. The incorporated CFR may also be accessed via the U.S. Government Publishing Office's website at <http://www.ecfr.gov>.

- b) References to subchapters, parts, subparts, sections, or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) ~~49 CFR 395.1(h) and 395.1(i) are not incorporated. The following interpretations of, additions to, and deletions from 49 CFR 395 shall apply for purposes of this Part:~~
- ~~1) 49 CFR 395.1(h) and 395.1(i) are not incorporated.~~
  - ~~2) 49 CFR 395.1(e)(1) as it applies to intrastate carriers is amended to establish that drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status. (Section 18b-105(d) of the Law)~~
- d) *A contract carrier shall limit the hours of service by a driver transporting employees in the course of their employment on a road or highway of this State in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in 7 consecutive days. The contract carrier shall require a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service per day to have at least 8 consecutive hours off duty before operating a vehicle again. (Section 18b-106.1 of the Law) If the driver drives over 12 hours per day or performs more than 15 hours of on-duty service per day, the driver must complete a log book for that day.*

(Source: Amended at 44 Ill. Reg. 18603, effective November 9, 2020)

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULES

- 1) Heading of the Part: Business Interruption Grant Program
- 2) Code Citation: 14 Ill. Adm. Code 690
- 3) 

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
690.150	Amendment
690.170	Amendment
- 4) Statutory Authority: Implementing Section 30 of PA 101-637 and Section 605-1050, and authorized by Sections 605-95 and 605-55, of the Department of Commerce and Economic Opportunity Law [20 ILCS 605].
- 5) Effective Date of Rules: November 6, 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 amendments will expire when the underlying emergency expires (12/17/20) or a permanent rule is adopted.
- 7) Date Filed with the Index Department: November 6, 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 adopted rule including any reference materials in its principal office in Springfield, Illinois and is available for public inspection.
- 9) Reason for Emergency: Emergency rulemaking authorized by 5 ILCS 100/5-45.3; reason for emergency is to provide timely economic assistance to businesses affected by the COVID-19 public health emergency.
- 10) A Complete Description of the Subjects and Issues Involved: The rules implement the Business Interruption Grant Program authorized by PA 101-636, Article 30 (new 20 ILCS 605/605-1050), PA 101-7, Article 46, Section 100, and PA 101-637, Article 30, Section 55. The amendments provide the Department with the ability to administer additional funding rounds to affected businesses if funding is available. The amendments also extend the deadline for recipients of financial assistance to submit their final expenditure reports.
- 11) Are there any other rulemakings on this Part pending? Yes

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULES

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
690.10	New Section	44 Ill. Reg. 12993; August 7, 2020
690.20	New Section	44 Ill. Reg. 12993; August 7, 2020
690.30	New Section	44 Ill. Reg. 12993; August 7, 2020
690.40	New Section	44 Ill. Reg. 12993; August 7, 2020
690.50	New Section	44 Ill. Reg. 12993; August 7, 2020
690.60	New Section	44 Ill. Reg. 12993; August 7, 2020
690.70	New Section	44 Ill. Reg. 12993; August 7, 2020
690.80	New Section	44 Ill. Reg. 12993; August 7, 2020
690.90	New Section	44 Ill. Reg. 12993; August 7, 2020
690.100	New Section	44 Ill. Reg. 12993; August 7, 2020
690.110	New Section	44 Ill. Reg. 12993; August 7, 2020
690.120	New Section	44 Ill. Reg. 12993; August 7, 2020
690.130	New Section	44 Ill. Reg. 12993; August 7, 2020
690.140	New Section	44 Ill. Reg. 12993; August 7, 2020
690.150	New Section	44 Ill. Reg. 12993; August 7, 2020
690.160	New Section	44 Ill. Reg. 12993; August 7, 2020
690.170	New Section	44 Ill. Reg. 12993; August 7, 2020
690.180	New Section	44 Ill. Reg. 12993; August 7, 2020

- 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 amendments to 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  
jolene.clarke@illinois.gov

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULES

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 690

BUSINESS INTERRUPTION GRANT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section

690.10 Purpose

EMERGENCY

690.20 Definitions

EMERGENCY

690.30 GATA Requirements

EMERGENCY

690.40 Qualified Partners

EMERGENCY

690.50 Identifying Disproportionately Impacted Areas

EMERGENCY

690.60 Form of Financial Assistance

EMERGENCY

690.70 Financial Assistance Application Process

EMERGENCY

690.80 Selection Process

EMERGENCY

690.90 Eligibility Requirements and Allowable Expenditures

EMERGENCY

690.100 Reporting, Cooperation, and Record Retention

EMERGENCY

690.110 Noncompliance

EMERGENCY

SUBPART B: FINANCIAL ASSISTANCE TO SEVERELY  
IMPACTED AREAS, BUSINESSES, AND INDUSTRIES

Section

690.120 Prioritizing Severely Impacted Businesses and Industries

EMERGENCY

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULES

690.130 Applicant Affiliations  
EMERGENCY

SUBPART C: FINANCIAL ASSISTANCE TO CHILD CARE PROGRAMS  
THROUGH THE CHILD CARE RESTORATION GRANTS PROGRAM

Section

690.140 Requirements for Child Care Restoration Grants  
EMERGENCY

690.150 Calculation of Child Care Restoration Grant Award Amounts  
[EMERGENCY](#)

690.160 Eligible Expenses  
EMERGENCY

690.170 Reporting Requirements  
[EMERGENCY](#)

690.180 Monitoring  
EMERGENCY

SUBPART D: FINANCIAL ASSISTANCE THROUGH  
THE LIVESTOCK MANAGEMENT FACILITIES GRANT PROGRAM

Section

690.190 General Provisions of the Livestock Management Facilities Program  
EMERGENCY

690.200 Swine Depopulation Program  
EMERGENCY

690.210 Agriculture Business Interruption Program  
EMERGENCY

690.220 Meat and Poultry Capacity Program  
EMERGENCY

690.230 Reporting Requirements  
EMERGENCY

690.240 Monitoring  
EMERGENCY

AUTHORITY: Implementing Section 605-1050, and authorized by Sections 605-95 and 605-55, of the Department of Commerce and Economic Opportunity Law [20 ILCS 605].

## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULES

SOURCE: Emergency rules adopted at 44 Ill. Reg. 13111, effective July 21, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16836, effective September 29, 2020, for the remainder of the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 18607, effective November 6, 2020, for the remainder of the 150 days.

SUBPART C: FINANCIAL ASSISTANCE TO CHILD CARE PROGRAMS  
THROUGH THE CHILD CARE RESTORATION GRANTS PROGRAM**Section 690.150 Calculation of Child Care Restoration Grant Award Amounts****EMERGENCY**

- a) Grant amounts will be determined based on four factors:
  - 1) The licensed capacity of the applicant, as indicated on its day care license as of March 1, 2020. If the applicant received its license after March 1, 2020, then its grant award amount will be determined based on its licensed capacity as of the date of its application.
  - 2) The applicant's current Circle of Quality in the ExceleRate Illinois Quality Rating and Improvement System (see 23 Ill. Adm. Code 235.65).
  - 3) The CCAP county grouping in which the applicant is located.
  - 4) Whether the applicant is in a disproportionately impacted area.
- b) If an applicant is located in a disproportionately impacted area, its grant amount will be increased by 10%.
- c) The first round of grants will be issued between July 1, 2020 and September 30, 2020. If funds allow, a second round of grants will be made in September 2020 to cover the period of October 1, 2020 through November 30, 2020. The amount of the grants will be determined using the same criteria as the first round (see Section 690.140). After the conclusion of the second round, any grant funds still available may be utilized to fund additional rounds. The selection method may vary based on location and population served to maximize the equitable distribution of financial assistance among disproportionately impacted areas and other affected areas.



## DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

## NOTICE OF EMERGENCY AMENDMENTS TO EMERGENCY RULES

(Source: Added by emergency rule at 44 Ill. Reg. 13111, effective July 21, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 18607, effective November 6, 2020, for the remainder of the 150 days)

**Section 690.170 Reporting Requirements****EMERGENCY**

- a) Program participants shall provide monthly expenditure reports documenting how grant funds were used. Reporting will be in a format determined by DHS. Expenditure reports will be due the 15<sup>th</sup> of the month following the month of expenditure. Documented expenses will be reconciled with grant funds received on a quarterly basis.
- b) Program participants shall provide a final expenditure report of all grant funds by the 15<sup>th</sup> of the month following the termination of the award~~December 15, 2020~~.

(Source: Added by emergency rule at 44 Ill. Reg. 13111, effective July 21, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 18607, effective November 6, 2020, for the remainder of the 150 days)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3) Section Number: 1320.330                      Emergency Action: Amendment
- 4) Statutory Authority: Optometric Practice Act of 1987 [225 ILCS 80]; Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)]
- 5) Effective Date of Rule: November 4, 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 Department has not set a date for the emergency to expire before the end of the 150-day period.
- 7) Date Filed with Index Department: November 4, 2020
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Division of Financial and Professional Regulation's principal office of the Division of Professional Regulation and is available for public inspection.
- 9) Reason for Emergency: Optometrists may only prescribe drugs for conditions related to the eye (unlike the scope of physicians). Drugs optometrists may prescribe must be approved by the Optometry Board and listed in the Part. The drug listed in this emergency rule was approved by the FDA and the Illinois Optometry Board on September 17, 2020. Optometrists are unable to prescribe the drug until the rule is in place.
- 10) A Complete Description of the Subjects and Issues Involved: This emergency rule adds a new pharmaceutical agent to the list of Approved Therapeutic Ocular Pharmaceutical Agents in the Optometry Rules in Section 1320.330. The authority for the Department to promulgate this emergency rulemaking is pursuant to Section 15.1 of the Illinois Optometry Act, [225 ILCS 80/], which states that "the Optometry Board may add a pharmaceutical agent approved by the FDA or class of agents for the purpose of the diagnosis or treatment of conditions of the eye and adnexa after consideration of the agent's systemic effects, side effects, and the use of the agent within the practice of optometry. Within 45 days after the Board's recommendation to the Department of a pharmaceutical agent or class of agents, the Department shall promulgate rules necessary

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT

to allow for the prescribing or administering of the pharmaceutical agent or class of agents under this Act."

The Board heard a presentation on a particular topical agent to treat droopy eyelids at the last Board meeting on September 17, 2020. They unanimously agreed to add the agent to the Rules. The agent is FDA approved for the treatment of droopy eyelid, also known as acquired blepharoptosis.

- 11) Are there any other rulemakings pending on this Part? No
- 12) 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.
- 13) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 2<sup>nd</sup> Floor  
Springfield IL 62786

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

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT

## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1320

## OPTOMETRIC PRACTICE ACT OF 1987

## SUBPART A: OPTOMETRY

## Section

1320.20	Approved Programs of Optometry
1320.30	Application for Licensure
1320.35	Application for a Limited Residency License (Repealed)
1320.40	Examinations
1320.45	Fees (Emergency Expired)
1320.50	Endorsement
1320.55	Renewals (Renumbered)
1320.60	Inactive Status
1320.70	Restoration
1320.80	Continuing Education
1320.90	Minimum Eye Examination
1320.95	Minimum Equipment List
1320.100	Practice of Optometry
1320.105	Recordkeeping
1320.110	Advertising
1320.120	Granting Variances (Renumbered)

## SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

## Section

1320.200	Standards (Repealed)
1320.210	Application for Diagnostic Certification (Repealed)
1320.220	Approved Diagnostic Topical Ocular Pharmacological Training (Repealed)
1320.230	Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act (Repealed)
1320.240	Restoration of Diagnostic Certification (Repealed)
1320.250	Endorsement of Diagnostic Certification (Repealed)
1320.260	Renewal of Certification (Repealed)
1320.270	Display of Certification (Repealed)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT

SUBPART C: DIAGNOSTIC AND THERAPEUTIC OCULAR  
PHARMACEUTICAL AGENTS

## Section

- 1320.300 Definitions and Standards
- 1320.310 Application for Therapeutic Certification (Repealed)
- 1320.315 Controlled Substance License Requirement
- 1320.320 Approved Therapeutic Ocular Training (Repealed)
- 1320.330 Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act

EMERGENCY

- 1320.335 Oral Pharmaceutical Agents
- 1320.340 Restoration of Therapeutic Certification (Repealed)
- 1320.350 Endorsement of Therapeutic Certification (Repealed)

## SUBPART D: GENERAL

## Section

- 1320.400 Fees
- 1320.410 Ancillary Licenses (Repealed)
- 1320.411 Ancillary Registrations
- 1320.420 Renewals
- 1320.430 Granting Variances

**AUTHORITY:** Optometric Practice Act of 1987 [225 ILCS 80]; Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105].

**SOURCE:** Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128,

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT

effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at 17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. 17150, effective December 19, 1995; amended at 20 Ill. Reg. 9068, effective July 1, 1996; amended at 21 Ill. Reg. 16040, effective November 24, 1997; amended at 23 Ill. Reg. 5744, effective April 30, 1999; amended at 24 Ill. Reg. 3656, effective February 15, 2000; amended at 27 Ill. Reg. 2677, effective January 31, 2003; amended at 28 Ill. Reg. 4945, effective March 3, 2004; amended at 28 Ill. Reg. 16247, effective December 2, 2004; amended at 29 Ill. Reg. 20616, effective December 6, 2005; amended at 31 Ill. Reg. 4339, effective March 5, 2007; amended at 32 Ill. Reg. 3243, effective February 21, 2008; amended at 34 Ill. Reg. 2883, effective February 18, 2010; amended at 36 Ill. Reg. 10006, effective June 29, 2012; amended at 41 Ill. Reg. 11400, effective September 8, 2017; emergency amendment at 44 Ill. Reg. 18613, effective November 4, 2020, for a maximum of 150 days.

SUBPART C: DIAGNOSTIC AND THERAPEUTIC OCULAR  
PHARMACEUTICAL AGENTS**Section 1320.330 Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to  
Section 15.1 of the Act****EMERGENCY**

- a) The following categories of therapeutic ocular pharmaceutical agents are approved for use by licensed optometrists:
  - 1) Anti-Infective Agents
  - 2) Anti-Allergy Agents
  - 3) Anti-Glaucoma Agents (except oral carbonic anhydrase inhibitors, which may be prescribed only in a quantity sufficient to provide treatment for up to 72 hours)
  - 4) Anti-Inflammatory Agents (except oral steroids)
  - 5) Topical Anesthetic Agents
  - 6) Over the Counter Agents
  - 7) Analgesic Agents

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF EMERGENCY AMENDMENT

- 8) Mydriatic Reversing Agents
  - 9) Anti-Dry Eye Agents
  - 10) Agents for the treatment of hypotrichosis
  - 11) [Topical ophthalmic treatment for acquired blepharoptosis](#)
- b) Licensed optometrists shall be permitted to use topical anesthetics, mydriatics, cycloplegics and miotics.
  - c) Oral pharmaceutical agents may be prescribed for a child under 5 years of age only in consultation with a physician licensed to practice medicine in all its branches.

(Source: Amended by emergency rulemaking at 44 Ill. Reg. 18613, effective November 4, 2020, for a maximum of 150 days)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received during the period of November 3, 2020 through November 9, 2020. These rulemakings are scheduled for the December 15, 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
12/16/20	<u>Department of Commerce and Economic Opportunity</u> , Business Interruption Grant Program (14 Ill. Adm. Code 690)	8/7/20 44 Ill. Reg. 12993	12/15/20
12/19/20	<u>Illinois Emergency Management Agency</u> , Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 Ill. Adm. Code 505)	1/3/20 44 Ill. Reg. 12	12/15/20
12/19/20	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	7/6/20 44 Ill. Reg. 11132	12/15/20



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

Rules acted upon in Volume 44, Issue 47 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**

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**ADOPTED RULES**

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35 - 652	11/9/2020 .....	18563
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**EMERGENCY RULES**

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