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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

Issue#	Rules Due Date	Date of Issue
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

CIVIL SERVICE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Civil Service Commission
- 2) Code Citation: 80 Ill. Adm. Code 1
- 3) Section Number: 1.150 Proposed Action:
Amendment
- 4) Statutory Authority: 20 ILCS 415
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking governs the use of email in the conduct of appeals and contested hearings held before the Civil Service Commission.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government. This rulemaking does not create or enlarge a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments during the 45-day First Notice Period, which commences on the issue date of this publication of the *Illinois Register* to:

Andrew Barris, Assistant Executive Director
Civil Service Commission
607 East Adams Street, Suite 801
Springfield IL 62701

217/782-7373

CIVIL SERVICE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 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 and extent of the amendments were not realized by the Agency at that time.

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

CIVIL SERVICE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER I: CIVIL SERVICE COMMISSIONPART 1
CIVIL SERVICE COMMISSION

Section

1.10	Meetings of the Commission
1.40	Procedures Before the Commission (Repealed)
1.45	Classification Plan
1.50	Ex Parte Communications
1.80	Declaratory Rulings
1.90	Allocation Appeals Procedure
1.100	Appeal of Layoff
1.110	Allegations of Personnel Code and Rule Violations
1.120	Appeal of Geographical Transfers
1.130	Appeals of Disciplinary Action or Demotion
1.140	Response to Proposed Decisions (Renumbered)
1.141	Collective Bargaining Agreements
1.142	Jurisdiction B Exemptions
1.143	Orders of Compliance
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1.146	Service of Pleadings
1.147	Appeal Hearing File
1.150	Filing Procedure – Computation of Time
1.154	Notice, Time and Place of Hearing
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1.160	Disciplinary Charges and Amendments
1.170	Level of Discipline
1.180	Conduct of Hearings (Repealed)
1.190	Subpoena – Fees and Mileage of Witnesses
1.200	Authority of Administrative Law Judge
1.205	Motions
1.210	Extensions of Time – Continuances of Hearing – Waivers of Compensation for Continuances
1.212	Consolidation
1.216	Qualification of Administrative Law Judge
1.218	Disqualification of Administrative Law Judge

CIVIL SERVICE COMMISSION

NOTICE OF PROPOSED AMENDMENT

1.220	Discovery
1.222	Evidence Depositions
1.224	Prehearing Conference
1.226	Stipulations
1.230	Default
1.232	Burden of Proof
1.233	Evidence
1.234	Hostile Witness
1.235	Exhibits
1.236	Order of Hearing
1.237	Hostile Witness (Renumbered)
1.240	Interlocutory Appeal
1.250	Past Work Record (Repealed)
1.260	Oral Argument Before the Commission
1.270	Authority of Commission Regarding Orders and Proposals for Decision of the Administrative Law Judge
1.280	Record of Proceedings
1.290	Remandment
1.300	Administrative Review
1.302	Response to Proposals for Decision or Orders
1.310	Personnel Rules
1.320	Classification Plan (Renumbered)
1.330	Collective Bargaining Agreements (Renumbered)
1.340	Jurisdiction B Exemptions (Renumbered)
1.350	Orders of Compliance (Renumbered)

AUTHORITY: Implementing and authorized by Section 10 of the Personnel Code [20 ILCS 415].

SOURCE: Adopted June 28, 1972; rules repealed and new rules adopted at 6 Ill. Reg. 3551 and 3553, effective March 23, 1982; codified at 8 Ill. Reg. 16419; amended at 9 Ill. Reg. 15826, effective October 4, 1985; amended at 19 Ill. Reg. 12451, effective August 21, 1995; amended at 34 Ill. Reg. 3485, effective March 3, 2010; amended at 37 Ill. Reg. 3825, effective March 15, 2013; amended at 42 Ill. Reg. 16395, effective September 1, 2018; amended at 44 Ill. Reg. _____, effective _____.

Section 1.150 Filing Procedure – Computation of Time

- a) Filing and Form of Papers

CIVIL SERVICE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) The original copy of a complaint, appeal, pleading, written motion, notice or other paper must be filed in the Springfield office of the Commission. If the last day for filing falls upon a weekend or legal holiday, the last date for filing will be the first business day subsequent to the weekend or legal holiday.
 - 2) Papers shall be signed by the party filing the paper or by the party's representative and shall contain the address of the party or, if represented, the name, business address and telephone number of the representative. Copies of all filed papers shall be served on all parties to the proceedings, and notice of service shall be given to the Commission.
 - 3) Each document shall show on the first page the caption and case number assigned by the Commission, and shall identify the party on whose behalf the document is filed. The final page of each filed document shall contain the name, address and telephone number of the attorney, or of the party if the party is self-represented.
 - 4) In accordance with the Identity Protection Act [5 ILCS 179], no person's Social Security Number shall be filed or submitted to the Civil Service Commission in a pleading, exhibit or any other document related to a case unless the Social Security Number is essential to the matter before the Commission.
- b) Notice
Notice to a designated representative is notice to the client or member represented. Notice to an employee who is not represented shall be served at the address specified in the employee's appeal or, if an address was not specified, to the last address shown in the employee's personnel record.
- c) Computation of Time
Whenever a time period commences upon a person's receipt of service by mail, receipt shall be presumed to have occurred on the fourth day after mailing. The presumption may be rebutted by proper proof.
- d) Filing by Facsimile and/or Electronic Mail
- 1) Filings may be by facsimile if done in accordance with this Part.

CIVIL SERVICE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 2) Filings may be by electronic mail (email) if agreed to by all of the parties. A party serving a document by email must successfully transmit the document to the recipients' primary email address or any of the recipients' secondary email addresses.
 - 3) If any computer malfunction precludes the email service of a document, the party must promptly serve the document in paper in accordance with this Section.
 - 4) The Commission may serve notices of hearing, orders, final decisions, and other documents by email, in lieu of serving paper documents, if the recipients have consented to email service in the proceeding and have not revoked the consent. When serving a notice of hearing, order, or final decision by email, the Commission will transmit the document to all the recipients' email addresses, simultaneously requesting a delivery receipt. If the Commission receives no delivery receipt within 48 hours after transmission, the Commission will promptly serve the document on paper. ~~, but electronic filing of any or all pleadings, orders, proposals for decision, finding and decision of the Commission, or any other document will only be allowed with the prior approval of the Administrative Law Judge assigned to the proceeding as to the form and manner of the filing. By agreement of all parties, the Administrative Law Judge may order that routine communications regarding scheduling matters be conducted via electronic mail. Pursuant to Section 10-70 of the Illinois Administrative Procedure Act [5 ILCS 100], compliance with that Act regarding service and/or notice may be waived by the parties.~~
- e) Electronic Filing System
Upon implementation of an electronic filing system, filings may be done electronically with the Commission.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Pharmacy Benefit Managers
- 2) Code Citation: 50 Ill. Adm. Code 3145
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
3145.10	New Section
3145.20	New Section
3145.30	New Section
- 4) Statutory Authority: Implementing Section 513b2 and authorized by Sections 401 and 513b2(e) of the Illinois Insurance Code [215 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: HB 465 created a new Section in the Illinois Insurance Code [215 ILCS 5/513b1]. Within the statute it indicates that the Director will establish rules. The Department needs to establish the fee, application and definitions within rule to support statute.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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:

Charles Sauer
Assistant General Counsel
Department of Insurance

or Susan Anders
Rules Coordinator
Department of Insurance

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

320 West Washington, 4th Floor
Springfield IL 62767-0001

320 West Washington, 4th Floor
Springfield IL 62767-0001

217/785-0260

217/558-0957

- 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: The Department has determined that the rulemaking will not have an impact on small business.
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE
REPRESENTATIVES AND BUSINESS ENTITIES

PART 3145
PHARMACY BENEFIT MANAGERS

Section

3145.10	Purpose and Scope
3145.20	Registration
3145.30	Registration and Renewal Fee

AUTHORITY: Implementing Article XXXIIB, and authorized by Sections 401 and 513b2(e) of the Illinois Insurance Code [215 ILCS 5].

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

Section 3145.10 Purpose and Scope

The purposes of this Part are to establish registration requirements for pharmacy benefit managers and to establish initial and renewal registration fees.

Section 3145.20 Registration

- a) All pharmacy benefit managers doing business in this State shall register with the Director of Insurance (Director). Each applicant for registration shall:
- 1) Make application for registration through the National Insurance Producer Registry (NIPR) at www.nipr.com;
 - 2) Place a copy of its corporate charter, articles of incorporation, or other charter documents in the NIPR attachment warehouse;
 - 3) Place in the attachment warehouse the name, address and official position of each officer and director of the registration; and
 - 4) Pay the fee established by Section 3145.30.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- b) Initial and renewal registrations are valid for a period of 2 years.

Section 3145.30 Registration and Renewal Fee

Each pharmacy benefit manager doing business in this State shall pay a registration fee of \$500.00 on the initial application for registration and biannually thereafter on or before its expiration date, as long as the registration remains active.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Third Party Prescription Administrators
- 2) Code Citation: 50 Ill. Adm. Code 3150
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
3150.10	Repealed
3150.20	Amendment
3150.30	Amendment
3150.40	Amendment
- 4) Statutory Authority: Implementing Sections 512-1, 512-2, 512-3, 512-4, 512-5, 512-6, 512-8, 512-9 and 512-10 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5].
- 5) A Complete Description of the Subjects and Issues Involved: The majority of licenses issued by the Department of Insurance renew on an annual anniversary date. The Department is changing the third party prescription administrator renewal date from a fixed date of April 1 to an annual renewal of one year of the date of issuance to be consistent with other license types.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: 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 INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Charles Sauer
Assistant General Counsel
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

or

Susan Anders
Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield IL 62767-0001

217/785-0260

217/558-0957

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No adverse impact
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2020

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE
REPRESENTATIVES AND BUSINESS ENTITIES~~REGISTERED FIRMS~~

PART 3150
THIRD PARTY PRESCRIPTION ADMINISTRATORS

Section

3150.10	Authority (<u>Repealed</u>)
3150.20	Purpose and Scope
3150.30	Registration
3150.40	Annual Registration Fee

AUTHORITY: Implementing Sections 512-1, 512-2, 512-3, 512-4, 512-5, 512-6, 512-8, 512-9 and 512-10, and authorized by Section 401, of the Illinois Insurance Code [215 ILCS 5].

SOURCE: Adopted and codified at 7 Ill. Reg. 15625, effective November 8, 1983; amended at 44 Ill. Reg. _____, effective _____.

Section 3150.10 Authority (Repealed)

~~This Part is promulgated by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1013) which empowers the Director "...to make reasonable rules and regulations as may be necessary for making effective..." the insurance laws of this State. The purpose of this Part is to implement Section 512-1, 512-2, 512-3, 512-4, 512-5, 512-6, 512-7, 512-8, 512-9 and 512-10 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 1065.59-1 through 1065.59-10).~~

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

Section 3150.20 Purpose and Scope

The purposes of this Part are to establish criteria for registration in accordance with the terms of Article XXXI½ of the Illinois Insurance Code (Code) [215 ILCS 5](~~Ill. Rev. Stat. 1981, ch. 73, par. 1065.59-10~~) and to establish an annual registration fee for all third party prescription programs and administrators doing business in this State.

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 3150.30 Registration.

~~All third party prescription programs and administrators doing business in this State as set forth in Ill. Rev. Stat. 1981, ch. 73, par. 733-3, shall register with the Director of Insurance.~~ Each applicant for registration shall file with the Director of Insurance (Director) the following documents for each program to be administered:

- a) One of the following:
- 1) A certification ~~that~~which includes the location and identification number of the account that the third party prescription program administrator has established and will maintain to comply with Section 512-5(1) of the Code;~~or~~
 - 2b) A bond in compliance with Section 512-5(2) of the Code; or
 - 3e) A certification setting forth the basis on which the applicant is~~they are~~ exempted from subsection (a)(1) or (2) in accordance with Section 512-5 of the Code;~~and~~
 - b) Any contracts, and any schedules ~~that are attached to those contracts~~thereto, that will be entered into in this State in compliance with Section 512-7 of the Code;~~and~~
 - c) A manual of procedures setting forth the methodology for compliance with Sections 512-6, 512-8 and 512-9 of the Code.
 - f) ~~The fee as established by Section 3150.40 of this Part.~~

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

Section 3150.40 Annual Registration Fee.

Each third party administrator doing business in this State shall pay to the Director a registration fee of \$50.00 on the initial date of application for registration and each annual renewal of the registration annually thereafter on or before April 1st of each succeeding year so long as such registration is maintained.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Ethylene Oxide Ambient Air Monitoring
- 2) Code Citation: 35 Ill. Adm. Code 249
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
249.100	New Section
249.105	New Section
249.110	New Section
249.115	New Section
249.120	New Section
- 4) Statutory Authority: Implementing Section 9.16, P.A. 101-22, and authorized b Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.16, PA 101-22; 27; and 28].
- 5) A Complete Description of the Subjects and Issues Involved: New Section 9.16(n) of the Environmental Protection Act (Act) [415 ILCS 5/9.16(n)] amended in PA 101-22, eff. June 21, 2019) requires the IEPA to develop a system to ascertain ambient baseline levels of ethylene oxide (EtO) across Illinois. EtO is a flammable gas that is used in two ways: 1) it can be combined with other chemicals, resulting in a wide array of consumer products, including detergents, solvents, plastics, antifreeze, textiles, and adhesives; and 2) it is used as a sterilizing agent for medical equipment and a fumigating agent for food products. EtO is also an unintended byproduct of certain processes, including combustion. Sources of EtO emissions include plants, microbes, human exhalation, cigarette smoke, automobile exhaust, and industrial sources (e.g. commercial sterilizers and chemical facilities). EtO is one of 187 Hazardous Air Pollutants (HAPs) regulated under Section 112 of the Clean Air Act (42 USC 7412). This rule is proposed for the specific purpose of satisfying the statutory mandate to collect ambient monitoring data for EtO in order to supplement the monitoring being conducted by the United States Environmental Protection Agency (USEPA). The proposal provides a mechanism to collect ambient air samples to determine the background levels of EtO throughout the State. Id.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- 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: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R19-18 and be addressed to:
- Clerk's Office
Illinois Pollution Control Board
JRTC 100 W. Randolph St., Suite 11-500
Chicago IL 60601
- Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov.
- Interested persons may request copies of the Board's opinion and order in R20-18 by calling the Clerk's office at 312/814-3620 or may download copies from the Board's Web site at pcb.illinois.gov.
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No small businesses will be impacted by this rulemaking.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

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

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER m: MONITORING REQUIREMENTSPART 249
ETHYLENE OXIDE AMBIENT AIR MONITORING

Section

249.100	Purpose
249.105	Monitoring Locations
249.110	Ethylene Oxide Ambient Air Monitoring Requirements
249.115	Monitoring Results
249.120	Sunset Provisions

AUTHORITY: Implementing Section 9.16, and authorized by Sections 27 and 28, of the Environmental Protection Act [415 ILCS 5/9.16, 27, and 28].

SOURCE: Adopted in R20-18 at 44 Ill. Reg. _____, effective _____.

Section 249.100 Purpose

The purpose of this Part is to set forth the manner in which the Agency shall conduct ambient air monitoring of ethylene oxide in accordance with the requirements in Section 9.16 of the Environmental Protection Act [415 ILCS 5/9.16].

Section 249.105 Monitoring Locations

The Agency shall monitor levels of ethylene oxide in the ambient air in or around the following locations in Illinois in accordance with the requirements set forth in Section 249.110:

- a) Northbrook;
- b) Schiller Park;
- c) Nilwood;
- d) Alton; and

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- e) Bondville.

Section 249.110 Ethylene Oxide Ambient Air Monitoring Requirements

- a) The Agency shall conduct ambient air monitoring for ethylene oxide in or around each location specified in Section 249.105 for a period of six consecutive calendar months. During that time frame, the Agency shall collect a sample every 12 days. Each sample shall be collected over a period of approximately 24 hours.
- b) The six-month monitoring period shall commence no later than one year after the effective date of this Part.
- c) The Agency shall comply with all applicable USEPA guidelines for ambient air monitoring.

Section 249.115 Monitoring Results

The Agency shall make the ambient air monitoring results publicly available on the Agency's website within 30 days after receipt of each set of quality assured data.

Section 249.120 Sunset Provisions

The provisions of this Part shall no longer apply 24 months after the effective date of this Part.

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- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
250.105	Amendment
250.445	New Section
250.750	Amendment
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements PA 100-1051 regarding requirements that health care providers create a workplace violence prevention program that complies with Occupational Safety and Health Administration (OSHA) guidelines for preventing workplace violence for health care and social service workers.

This rulemaking amends Section 250.750 (Emergency Services for Sexual Assault Victims) to bring the Section into compliance with amendments to the Sexual Assault Survivors Emergency Treatment Act (SASETA) from PA 100-775.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed

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rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

217/785-9212
e-mail: dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Hospitals licensed under the Hospital Licensing act [210 ILCS 85]
- B) Reporting, bookkeeping or other procedures required for compliance: Hospitals will be required to create workplace violence prevention programs that comply with OSHA guidelines and that include required training.
- C) Types of professional skills necessary for compliance: Administrative, nursing, and other medical staff, physicians

14) Small Business Impact Analysis:

- A) Types of businesses subject to the proposed rule:
 - 62 Health Care and Social Assistance
- B) Categories that the Agency reasonably believes the rulemaking will impact, including:
 - i. hiring and additional staffing;
 - ii. regulatory requirements;
 - iii. purchasing;
 - vi. equipment and material needs;
 - vii. training requirements;

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- viii. record keeping;
- x. other potential impacted categories.

15) Regulatory Agenda on which this rulemaking was summarized: July 2019

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIESPART 250
HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL PROVISIONS

Section	
250.100	Definitions
250.105	Incorporated and Referenced Materials
250.110	Application for and Issuance of Permit to Establish a Hospital
250.120	Application for and Issuance of a License to Operate a Hospital
250.130	Administration by the Department
250.140	Hearings
250.150	Definitions (Renumbered)
250.160	Incorporated and Referenced Materials (Renumbered)

SUBPART B: ADMINISTRATION AND PLANNING

Section	
250.210	The Governing Board
250.220	Accounting
250.230	Planning
250.240	Admission and Discharge
250.245	Failure to Initiate Criminal Background Checks
250.250	Visiting Rules
250.260	Patients' Rights
250.265	Language Assistance Services
250.270	Manuals of Procedure
250.280	Agreement with Designated Organ Procurement Agencies
250.285	Smoking Restrictions
250.290	Safety Alert Notifications

SUBPART C: THE MEDICAL STAFF

Section	
250.310	Organization

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250.315	House Staff Members
250.320	Admission and Supervision of Patients
250.330	Orders for Medications and Treatments
250.340	Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section	
250.410	Organization
250.420	Personnel Records
250.430	Duty Assignments
250.435	Health Care Worker Background Check
250.440	Education Programs
250.445	Workplace Violence Prevention Program
250.450	Personnel Health Requirements
250.460	Benefits

SUBPART E: LABORATORY

Section	
250.510	Laboratory Services
250.520	Blood and Blood Components
250.525	Designated Blood Donor Program
250.530	Proficiency Survey Program (Repealed)
250.540	Laboratory Personnel (Repealed)
250.550	Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section	
250.610	General Diagnostic Procedures and Treatments
250.620	Radioactive Isotopes
250.630	General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICES

Section	
250.710	Classification of Emergency Services
250.720	General Requirements

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250.725	Notification of Emergency Personnel
250.730	Community or Areawide Planning
250.740	Disaster and Mass Casualty Program
250.750	Medical Forensic Emergency Services for Sexual Assault Survivors Vietims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section	
250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services
250.890	Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section	
250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients

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- 250.1075 Use of Restraints
- 250.1080 Admission Procedures Affecting Care
- 250.1090 Sterilization and Processing of Supplies
- 250.1100 Infection Control
- 250.1110 Mandatory Overtime Prohibition
- 250.1120 Staffing Levels
- 250.1130 Nurse Staffing by Patient Acuity

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

- Section
- 250.1210 Surgery
- 250.1220 Surgery Staff
- 250.1230 Policies & Procedures
- 250.1240 Surgical Privileges
- 250.1250 Surgical Emergency Care
- 250.1260 Operating Room Register and Records
- 250.1270 Surgical Patients
- 250.1280 Equipment
- 250.1290 Safety
- 250.1300 Operating Room
- 250.1305 Visitors in Operating Room
- 250.1310 Cleaning of Operating Room
- 250.1320 Postanesthesia Care Units

SUBPART K: ANESTHESIA SERVICES

- Section
- 250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

- Section
- 250.1510 Medical Records
- 250.1520 Reports

SUBPART M: FOOD SERVICE

- Section

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250.1610	Dietary Department Administration
250.1620	Facilities
250.1630	Menus and Nutritional Adequacy
250.1640	Diet Orders
250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service
250.1680	Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section	
250.1710	Housekeeping
250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Soiled Linen
250.1760	Clean Linen

SUBPART O: OBSTETRIC AND NEONATAL SERVICE

Section	
250.1810	Applicability of Other Provisions of this Part
250.1820	Obstetric and Neonatal Service (Perinatal Service)
250.1830	General Requirements for All Obstetric Departments
250.1840	Discharge of Newborn Infants from Hospital
250.1845	Caesarean Birth
250.1850	Single Room Postpartum Care of Mother and Infant
250.1860	Special Programs (Repealed)
250.1870	Labor, Delivery, Recovery and Postpartum Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE,
EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION,
PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section	
250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply

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250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950	Grounds and Buildings Shall be Maintained
250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing
250.1980	Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

Section	
250.2010	Definition
250.2020	Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section	
250.2110	Service Requirements
250.2120	Personnel Required
250.2130	Facilities for Services
250.2140	Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section	
250.2210	Applicability of other Parts of these Regulations
250.2220	Establishment of a Psychiatric Service
250.2230	The Medical Staff
250.2240	Nursing Service
250.2250	Allied Health Personnel
250.2260	Staff and Personnel Development and Training
250.2270	Admission, Transfer and Discharge Procedures
250.2280	Care of Patients
250.2290	Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
250.2300	Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section	
250.2410	Applicability of these Standards

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250.2420	Submission of Plans for New Construction, Alterations or Additions to Existing Facility
250.2430	Preparation of Drawings and Specifications – Submission Requirements
250.2440	General Hospital Standards
250.2442	Fees
250.2443	Advisory Committee
250.2450	Details
250.2460	Finishes
250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
250.2500	Electrical Requirements

SUBPART U: CONSTRUCTION REQUIREMENTS FOR EXISTING HOSPITALS

Section

250.2610	Applicability of Subpart U
250.2620	Codes and Standards
250.2630	Existing General Hospital Requirements
250.2640	Details
250.2650	Finishes
250.2660	Mechanical
250.2670	Plumbing and Other Piping Systems
250.2680	Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section

250.2710	Special Care and/or Special Service Units
250.2720	Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section

250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff

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250.2860	Medical Records
250.2870	Referral
250.2880	Client Legal and Human Rights
250.APPENDIX A	Codes and Standards (Repealed)
250.EXHIBIT A	Codes (Repealed)
250.EXHIBIT B	Standards (Repealed)
250.EXHIBIT C	Addresses of Sources (Repealed)
250.ILLUSTRATION A	Seismic Zone Map
250.TABLE A	Measurements Essential for Level I, II, III Hospitals
250.TABLE B	Sound Transmission Limitations in General Hospitals
250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990;

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amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 34 Ill. Reg. 2528, effective January 27, 2010; amended at 34 Ill. Reg. 3331, effective February 24, 2010; amended at 34 Ill. Reg. 19031, effective November 17, 2010; amended at 34 Ill. Reg. 19158, effective November 23, 2010; amended at 35 Ill. Reg. 4556, effective March 4, 2011; amended at 35 Ill. Reg. 6386, effective March 31, 2011; amended at 35 Ill. Reg. 13875, effective August 1, 2011; amended at 36 Ill. Reg. 17413, effective December 3, 2012; amended at 38 Ill. Reg. 13280, effective June 10, 2014; amended at 39 Ill. Reg. 5443, effective March 25, 2015; amended at 39 Ill. Reg. 13041, effective September 3, 2015; amended at 41 Ill. Reg. 7154, effective June 12, 2017; amended at 41 Ill. Reg. 14945, effective November 27, 2017; amended at 42 Ill. Reg. 9507, effective May 24, 2018; amended at 43 Ill. Reg. 3889, effective March 18, 2019; amended at 43 Ill. Reg. 12990, effective October 22, 2019; amended at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 250.105 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:

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- 1) Private and Professional Association Standards
 - A) American Society for Testing and Materials (ASTM), Standard No. E90-99 (2009): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, which may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959
 - B) ASTM E 662 (2012), Standard Test Method for Specific Optical Density of Smoke Generated by Solid Materials, which may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959
 - C) ASTM E 84 (2010), Standard Test Method for Surface Burning Characteristics of Building Materials, which may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959
 - D) The following standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), which may be obtained from the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329:
 - i) ASHRAE Handbook of Fundamentals (2009)
 - ii) ASHRAE Handbook for HVAC Systems and Equipment (2004)
 - iii) ASHRAE Handbook-HVAC Applications (2007)
 - E) The following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:
 - i) NFPA 101 (2012): Life Safety Code and all applicable

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references under Chapter 2, Referenced Publications.

- ii) NFPA 101A (2013): Guide on Alternative Approaches to Life Safety

- F) American Academy of Pediatrics and American College of Obstetricians and Gynecologists, Guidelines for Perinatal Care, Seventh Edition (2012), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264) (See Section 250.1820.)

- G) American College of Obstetricians and Gynecologists, Guidelines for Women's Healthcare, Fourth Edition (2014), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264) (See Section 250.1820.)

- H) American Academy of Pediatrics (AAP), Red Book: Report of the Committee on Infectious Diseases, 28th Edition (2009), which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Blvd., Elk Grove Village, Illinois 60007 (See Section 250.1820.)

- I) American Academy of Pediatrics and the American Heart Association, 2011 American Heart Association (AHA) Guidelines for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC) of Pediatric and Neonatal Patients: Neonatal Resuscitation Guidelines, which may be obtained from the American Academy of Pediatrics, 141 Northwest Point Blvd., Elk Grove Village, Illinois 60007, or at pediatrics.aappublications.org/cgi/reprint/117/5/e1029.pdf (See Section 250.1830.)

- J) National Association of Neonatal Nurses, Position Statement #3009 Minimum RN Staffing in NICUs, which may be obtained from the National Association of Neonatal Nurses, 4700 W. Lake Ave., Glenview, Illinois 60025 or at nann.org/pdf/08_3009_rev.pdf (See Section 250.1830.)

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- K) National Council on Radiation Protection and Measurements (NCRP), Report 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Ave., Suite 800, Bethesda, Maryland 20814-3095 (See Sections 250.2440 and 250.2450.)
- L) DOD Penetration Test Method MIL STD 282 (2012): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120 (See Section 250.2480.)
- M) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code (2009), which may be obtained from the National Association of Plumbing-Heating-Cooling Contractors, 180 S. Washington Street, P.O. Box 6808, Falls Church, Virginia 22046 (703-237-8100)
- N) International Building Code (2012), which may be obtained from the International Code Council, 4051 Flossmoor Road, Country Club Hills, Illinois 60477-5795 (See Section 250.2420.)
- O) American National Standards Institute, ANSI A117.1 (2009), Standard for Accessible and Usable Buildings, which may be obtained from the American National Standards Institute, 25 West 433rd Street, 4th Floor, New York, New York 10036 (See Section 250.2420.)
- P) ASME Standard A17.1-2007, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers (ASME) International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900
- Q) Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1997),

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which may be obtained from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 2000, Chicago, Illinois 60610 (See Section 250.315.)

- R) The Joint Commission, 2006 Hospital Accreditation Standards (HAS), Standard PC.3.10, which may be obtained from the Joint Commission, One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181 (See Section 250.1035.)
 - S) National Quality Forum, Safe Practices for Better Health Care (2009), which may be obtained from the National Quality Forum, 601 13th Street, NW, Suite 500 North, Washington DC 20005, or from www.qualityforum.org
- 2) Federal Government Publications:
- A) Department of Health and Human Services, Centers for Disease Control and Prevention, "Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings 2007", updated October 2017, available at <https://www.cdc.gov/anthrax/pdf/infection-control-guidelines-for-healthcare-setting-2007.pfd>
 - B) Department of Health and Human Services, Centers for Disease Control and Prevention, "Guidelines for Infection Control in Health Care Personnel, 1998", available at <https://www.cdc.gov/infectioncontrol/guidelines/healthcare-personnel/index.html>
 - C) Department of Health and Human Services, Centers for Disease Control and Prevention, "Guidelines for Environmental Infection Control in Health-Care Facilities: Recommendations – Animals in Health Care Facilities", "Morbidity and Mortality Weekly Report", June 6, 2003/Vol. 52/No. RR-10, available at <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5210a1.htm>
 - D) Department of Health and Human Services, Centers for Disease Control and Prevention, "Guidelines for Hand Hygiene in Health-Care Settings", "Morbidity and Mortality Weekly Report", October 25, 2002/Vol. 51/No. RR-16, available at

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<https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5116a1.htm>

- E) Department of Health and Human Services, Centers for Disease Control and Prevention, "Guidelines for Disinfection and Sterilization in Healthcare Facilities, 2008", updated February 15, 2017, available at <https://www.cdc.gov/infectioncontrol/guidelines/disinfection/>
 - F) Department of Health and Human Services, Centers for Disease Control and Prevention, "Core Elements of Hospital Stewardship Programs", 2014, which is available at <http://www.cdc.gov/getsmart/healthcare/implementation/core-elements.html>, and "Implementation of Antibiotic Stewardship Core Elements at Small and Critical Access Hospitals", which is available at <https://www.cdc.gov/antibiotic-use/healthcare/pdfs/core-elements-small-critical.pdf>
 - G) National Center for Health Statistics and World Health Organization, Geneva, Switzerland, "International Classification of Diseases", 10th Revision, Clinical Modification (ICD-10-CM) (1990), Version for 2015, which can be accessed at <http://www.who.int/classifications/icd/en/>
 - H) [U.S. Department of Labor, Occupational Safety and Health Administration, "Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers" \(OSHA 3148-06R 2016\), available at: https://www.osha.gov/Publications/osh3148.pdf](https://www.osha.gov/Publications/osh3148.pdf)
 - D) [Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Division of Violence Prevention, "STOP SV: A Technical Package to Prevent Sexual Violence", available at: https://www.cdc.gov/violenceprevention/pdf/sv-prevention-technical-package.pdf](https://www.cdc.gov/violenceprevention/pdf/sv-prevention-technical-package.pdf)
- 3) Federal Regulations:

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- A) 45 CFR 46.101, To What Does the Policy Apply? (October 1, [2019~~2018~~](#))
 - B) 45 CFR 46.103(b), Assuring Compliance with this Policy – Research Conducted or Supported by any Federal Department or Agency (October 1, [2019~~2018~~](#))
 - C) 42 CFR 482, Conditions of Participation for Hospitals (October 1, 2018)
 - D) 21 CFR, Food and Drugs (April 1, 2018)
 - E) 42 CFR 489.20, Basic Commitments (October 1, 2018)
 - F) 29 CFR 1910.1030, Bloodborne Pathogens (July 1, [2019~~2018~~](#))
 - G) 42 CFR 413.65(d) and (e), Requirements for a determination that a facility or an organization has provider-based status (October 1, 2018)
- b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations, guidelines and standards on the date specified and do not include any editions or amendments subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) State of Illinois [Statutes](#)~~statutes~~:
 - A) Hospital Licensing Act [210 ILCS 85]
 - B) Illinois Health Facilities Planning Act [20 ILCS 3960]
 - C) Medical Practice Act of 1987 [225 ILCS 60]
 - D) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
 - E) Pharmacy Practice Act [225 ILCS 85]

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- F) Physician Assistant Practice Act of 1987 [225 ILCS 95]
- G) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]
- H) X-ray Retention Act [210 ILCS 90]
- I) Safety Glazing Materials Act [430 ILCS 60]
- J) Mental Health and Developmental Disabilities Code [405 ILCS 5]
- K) Nurse Practice Act [225 ILCS 65]
- L) Health Care Worker Background Check Act [225 ILCS 46]
- M) MRSA Screening and Reporting Act [210 ILCS 83]
- N) Hospital Report Card Act [210 ILCS 86]
- O) Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522]
- P) Smoke Free Illinois Act [410 ILCS 82]
- Q) Health Care Surrogate Act [755 ILCS 40]
- R) Perinatal HIV Prevention Act [410 ILCS 335]
- S) Hospital Infant Feeding Act [210 ILCS 81]
- T) Medical Patient Rights Act [410 ILCS 50]
- U) Hospital Emergency Service Act [210 ILCS 80]
- V) Illinois Anatomical Gift Act [755 ILCS 50]
- W) Illinois Public Aid Code [305 ILCS 5]
- X) Substance Use Disorder Act [20 ILCS 301]

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- Y) ID/DD Community Care Act [210 ILCS 47]
 - Z) Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49]
 - AA) Veterinary Medicine and Surgery Practice Act of 2004 [225 ILCS 115]
 - BB) Alternative Health Care Delivery Act [210 ILCS 3]
 - CC) Gestational Surrogacy Act [750 ILCS 47]
 - DD) Code of Civil Procedure (Medical Studies) [735 ILCS 5/8-2101]
 - EE) Sexual Assault Survivors Emergency Treatment Act [410 ILCS 70]
 - FF) Civil Administrative Code of Illinois (Department of Public Health Powers and Duties Law) [20 ILCS 2310]
 - GG) AIDS Confidentiality Act [410 ILCS 305]
 - HH) Nursing Home Care Act [210 ILCS 45]
 - II) Illinois Controlled Substances Act [720 ILCS 570]
 - JJ) Early Hearing Detection and Intervention Act [410 ILCS 213]
 - KK) Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]
 - LL) [Health Care Violence Prevention Act \[210 ILCS 160\]](#)
- 2) State of Illinois Administrative Rules:
- A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)
 - B) Department of Public Health, Sexual Assault Survivors Emergency

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Treatment Code (77 Ill. Adm. Code 545)

- C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- D) Department of Public Health, Food Code (77 Ill. Adm. Code 750)
- E) Department of Public Health, Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
- F) Department of Public Health, Maternal Death Review (77 Ill. Adm. Code 657)
- G) Department of Public Health, Control of Sexually Transmissible Infections Code (77 Ill. Adm. Code 693)
- H) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696)
- I) Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
- J) Department of Public Health, Language Assistance Services Code (77 Ill. Adm. Code 940)
- K) Department of Public Health, Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)
- L) Health Facilities and Services Review Board, Narrative and Planning Policies (77 Ill. Adm. Code 1100)
- M) Health Facilities and Services Review Board, Processing, Classification Policies and Review Criteria (77 Ill. Adm. Code 1110)
- N) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905)

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- O) Department of Public Health, Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205)
 - P) Department of Public Health, HIV/AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)
 - Q) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
 - R) State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
 - S) State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)
 - T) Illinois Emergency Management Agency, Standards for Protection Against Radiation (32 Ill. Adm. Code 340)
 - U) Illinois Emergency Management Agency, Use of X-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360)
- 3) Federal Statutes:
- A) Health Insurance Portability and Accountability Act of 1996 (110 USC 1936)
 - B) Emergency Medical Treatment & Labor Act (42 USC 1395dd)
- 4) Federal Training Materials
- A) Preventing Workplace Violence in Healthcare, available at: <https://www.oshatrain.org/courses/mods/776e.html>
 - B) Workplace Violence Prevention for Nurses, available at: <https://www.cdc.gov/niosh/topics/violence/>

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

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SUBPART D: PERSONNEL SERVICE

Section 250.445 Workplace Violence Prevention Program

- a) *A hospital licensed under the Act shall comply with the Health Care Violence Prevention Act. (Section 9.8 of the Act)*
- b) *Each hospital shall display a notice stating that verbal aggression will not be tolerated and physical assault will be reported to law enforcement. (Section 15(c) of the Health Care Violence Prevention Act)*
- c) *Each hospital shall create a workplace violence prevention program that complies with the Occupational Safety and Health Administration (OSHA) Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers. In addition, the workplace violence prevention program shall include:*
 - 1) *the following classification of workplace violence as one of 4 possible types:*
 - A) *"Type 1 violence" – workplace violence committed by a person who has no legitimate business at the work site and includes violent acts by anyone who enters the workplace with the intent to commit a crime;*
 - B) *"Type 2 violence" – workplace violence directed at employees by customers, clients, patients, students, inmates, visitors, or other individuals accompanying a patient;*
 - C) *"Type 3 violence" – workplace violence against an employee by a present or former employee, supervisor, or manager; or*
 - D) *"Type 4 violence" – workplace violence committed in the workplace by someone who does not work there, but has or is known to have had a personal relationship with an employee.*
 - 2) *management commitment and worker participation, including, but not limited to nurses;*
 - 3) *worksite analysis and identification of potential hazards;*

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- 4) *hazard prevention and control;*
 - 5) *safety and health training that includes annual completion of one of the following online courses:*
 - A) Preventing Workplace Violence in Healthcare, available at: <https://www.oshatraining.org/courses/mods/776e.html>; or
 - B) Workplace Violence Prevention for Nurses, available at: <https://www.cdc.gov/niosh/topics/violence/>; and
 - 6) *recordkeeping and evaluation of the violence prevention program.*
(Section 20 of the Health Care Violence Prevention Act)
- d) A hospital's workplace violence prevention program shall also include:
- 1) An overview of the incidence and prevalence of sexual assault and sexual violence;
 - 2) Strategies and approaches to prevent sexual violence;
 - 3) Intervention procedures to report sexual violence;
 - 4) Contact information for local programs and services to assist victims of sexual violence; and
 - 5) Additional training and education resources regarding the prevention and reporting of sexual violence, including, but not limited to, the Centers for Disease Control and Prevention's STOP SV: A Technical Package to Prevent Sexual Violence, available at: <https://www.cdc.gov/violenceprevention/pdf/SV-Prevention-Technical-Package.pdf>.

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

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICES

Section 250.750 Medical ForensicEmergency Services for Sexual Assault SurvivorsVictims

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- a) All hospitals providing emergency services shall render care to victims of sexual assault. The care shall be in accordance with 77 Ill. Adm. Code 545.55 (Treatment and Transfer of Pediatric Sexual Assault Survivors), 77 Ill. Adm. Code 545.60 (Treatment of Sexual Assault Survivors), 77 Ill. Adm. Code 545.63 (Treatment Hospital with Pediatric Transfer), and 77 Ill. Adm. Code 545.65 (Transfer of Sexual Assault Survivors).
- b) A hospital may fulfill its obligation to provide medical forensic services~~emergency service~~ to sexual assault victims by participating in an areawide plan for emergency service in accordance with 77 Ill. Adm. Code 545.50 (Areawide Sexual Assault Treatment Plans).
- c) Pursuant to, but not limited to, Sections 7 and 7.5 of the Sexual Assault Survivors Emergency Treatment Act, a hospital shall not seek payment from a sexual assault survivor who presents at a hospital for medicalemergency and forensic services. If the Department becomes aware that a sexual assault survivor has been billed for treatment, the Department will refer the matter to the Office of the Attorney General for enforcement.
- d) The hospital shall provide a sexual assault survivor with a sexual assault services voucher. For the purposes of this Section, a sexual assault services voucher is *a document generated by a hospital at the time the sexual assault survivor receives outpatient medical*~~hospital emergency and~~ *forensic services that may be used to seek payment for any ambulance services, medical forensic services, laboratory services, pharmacy services, and follow-up healthcare provided as a result of the sexual assault*~~a sexual assault survivor may present to providers for follow-up healthcare~~. (Section 1a of the Sexual Assault Survivors Emergency Treatment Act)

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

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- 1) Heading of the Part: Procedures and Standards
- 2) Code Citation: 92 Ill. Adm. Code 1001
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1001.400	Amendment
1001.440	Amendment
1001.441	Amendment
1001.442	Amendment
1001.444	Amendment
1001.465	Amendment
- 4) Statutory Authority: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implements Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and is authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implements and is authorized by the Motor Vehicle Franchise Act [815 ILCS 710].
- 5) A Complete Description of the Subjects and Issues Involved: Revises the requirement that a Restricted Driving Permit, with a BAIID, issued to a permittee who is classified as High-Risk Dependent, be cancelled if the BAIID monitoring report reflects the permittee has not maintained abstinence, but where the BAIID prevented the vehicle from starting. Instead, the permittee will remain on the BAIID permit, as the device is protecting the public by preventing the permittee from driving after drinking. Prohibits BAIID providers from soliciting customers for other products unrelated to BAIID services. Revises use of medical cannabis provisions to require High Risk Dependent

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permittees to prove stability in the medical cannabis program for a minimum of one year before a permit may be granted. Changes the due date from the 15th of the month to the 8th for an invoice requesting reimbursement for MDDP holders who are found to be indigent under (b)(2)(C).

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: No expenditures by units of local government
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: This rulemaking has no impact on small businesses.

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- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because it was not anticipated at the time the agendas were filed.

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section

- 1001.10 Applicability
- 1001.20 Definitions
- 1001.30 Right to Counsel
- 1001.40 Appearance of Attorney
- 1001.50 Special Appearance
- 1001.60 Substitution of Parties
- 1001.70 Commencement of Actions; Notice of Hearing
- 1001.80 Motions
- 1001.90 Form of Papers – Original Documents Required
- 1001.100 Conduct of Formal Hearings
- 1001.110 Orders; Notification; Time Limits on Obtaining Relief
- 1001.120 Record of Hearings
- 1001.130 Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section

- 1001.200 Applicability
- 1001.210 Definitions
- 1001.220 Hearings: Notice; Location; Procedures; Record
- 1001.230 Rules of Evidence
- 1001.240 Scope of Hearings
- 1001.250 Decisions and Orders
- 1001.260 Rehearings
- 1001.270 Judicial Review
- 1001.280 Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN
DRIVER'S LICENSE SUSPENSIONS AND REVOCATIONS

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Section

1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Record and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions; Time Limits on Obtaining Relief
1001.370	Invalidity

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section

1001.400	Applicability; Statement of Principle and Purpose
1001.410	Definitions
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441	Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs
1001.442	BAIID Provider Certification Procedures and Responsibilities; Certification of BAIIDs; Inspections; BAIID Installer's Responsibilities; Decertification of a BAIID Provider
1001.443	Breath Alcohol Ignition Interlock Device Multiple Offender – Compliance with Interlock Program
1001.444	Monitoring Device Driving Permit (MDDP) Provisions
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.465	Cancellation of Driving Privileges; Hearing to Contest and Show Cause Hearing
1001.470	Renewal, Correction and Cancellation of RDPs
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

SUBPART E: FORMAL MEDICAL HEARINGS

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Section

1001.500	Applicability
1001.510	Definitions
1001.520	Procedure
1001.530	Conduct of Medical Formal Hearings
1001.540	Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES;
PERSONS UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT
HEARINGS; RESTRICTED DRIVING PERMITS

Section

1001.600	Applicability
1001.610	Definitions
1001.620	Burden of Proof
1001.630	Implied Consent Hearings; Religious Exception
1001.640	Implied Consent Hearings; Medical Exception
1001.650	Rebuttable Presumption
1001.660	Alcohol and Drug Education and Awareness Program
1001.670	Petitions for Restricted Driving Permits
1001.680	Form and Location of Hearings
1001.690	Invalidity

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

Section

1001.700	Applicability
1001.710	Definitions
1001.720	Organization of Motor Vehicle Review Board
1001.730	Motor Vehicle Review Board Meetings
1001.740	Board Fees
1001.750	Notice of Protest
1001.760	Hearing Procedures
1001.770	Conduct of Protest Hearing
1001.780	Mandatory Settlement Conference
1001.785	Technical Issues
1001.790	Hearing Expenses; Attorney's Fees
1001.795	Invalidity

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1001.APPENDIX A BAIID Regions and Minimum Installation/Service Center Site Location Guidelines (Repealed)

AUTHORITY: Authorized by Section 2-104(b) of, and implementing Chapters 3 and 5 of, the Illinois Vehicle Code [625 ILCS 5].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1, 1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790, effective October 15, 2001, for a maximum of 150 days; emergency expired on March 13, 2002; emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days; emergency expired on April 7, 2002; amended at 26 Ill. Reg. 9380, effective June 13, 2002; amended at 26 Ill. Reg. 13347, effective August 21, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 14706, effective September 20, 2002, for a maximum of 150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003; amended at 28 Ill. Reg. 12123, effective September 1, 2004; amended at 28 Ill. Reg. 15804, effective November 19, 2004; amended at 31 Ill. Reg. 6185, effective May 1, 2007; amended at 31 Ill. Reg. 14837, effective November 1, 2007; amended at 33 Ill. Reg. 282, effective January 1, 2009; emergency amendment at 35 Ill. Reg. 3848, effective February 15, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 10934, effective June 21, 2011; amended at 36 Ill. Reg. 7300, effective April 30, 2012; amended at 37 Ill. Reg. 5844, effective April 19, 2013; amended at 39 Ill. Reg. 2718, effective February 6, 2015; amended at 40 Ill. Reg. 834, effective December 31, 2015; amended at 40 Ill. Reg. 6158, effective March 23, 2016; amended at 41 Ill. Reg. 473, effective

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December 28, 2016; amended at 42 Ill. Reg. 16921, effective September 5, 2018; amended at 44 Ill. Reg. _____, effective _____.

SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS, REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section 1001.400 Applicability; Statement of Principle and Purpose

- a) **Applicability.** This Subpart applies to the decision making process on applications for: restricted driving permits by persons whose driving privileges have been suspended, revoked, cancelled or denied; the issuance of restricted driving permits conditioned upon the installation of a breath alcohol ignition interlock device (BAIID); the reinstatement of driving privileges; the granting of driving privileges after denial; and the termination of cancellations. Each petitioner's case is unique and all of the evidence and the petitioner's entire driving record must be considered with these standards before a decision is made. The issuance of both forms of driving relief are discretionary with the Secretary of State upon the evidence presented as set forth in this Subpart D.
- b) **Statement of Principle and Purpose**
 - 1) In cases in which a person's driver's license and driving privileges are suspended or revoked, the Secretary has been given the following statutory mandate: *In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to the Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.* [625 ILCS 5/6-208] In the discharge of this mandate, this Subpart D provides guidance to both the Department and the public for issuing and obtaining driving relief.
 - 2) In the implementation of this Subpart D, the Office of the Secretary of State subscribes to the disease concept of alcoholism/chemical dependency, as defined in the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10] and incorporates by reference the Jellinek chart (E.M. Jellinek, *The Disease Concept of Alcoholism*, Hillhouse Press (1960, no further amendments or additions included)).

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Furthermore, it is the policy of the Secretary of State that this Subpart D is to be read, interpreted, and applied as an integrated whole, rather than separately and individually. Therefore, the purpose of this Subpart D is to assist the hearing process to determine, first, the nature and extent of a petitioner's alcohol/drug problem; second, whether the petitioner's alcohol/drug problem has been resolved; and, third, whether the petitioner will be a safe and responsible driver. The petitioner must carry the burden of proof on each of these 3 issues by clear and convincing evidence in order to obtain driving relief. A petitioner cannot prove that he/she will be a safe and responsible driver unless and until the petitioner has proven that his/her alcohol/drug problem has been resolved. The fact the petitioner has abstained from the use of alcohol/drugs is not sufficient, in and of itself, to prove that the petitioner's alcohol/drug problem has been resolved. Rather, a petitioner must also prove that he/she has successfully completed all recommended countermeasures and significant improvement has occurred in his/her attitude and lifestyle from that which existed at the time he/she committed the offenses resulting in the suspension or revocation of his or her driving privileges, so that the Secretary will be reasonably assured that the petitioner will be a safe and responsible driver in the future.

- 3) It is also the policy of the Secretary of State that a complete and accurate alcohol/drug use history is essential in determining the nature and extent of a petitioner's alcohol/drug problem and that a service provider's classification of a petitioner's alcohol/drug problem is not credible without a complete and accurate alcohol/drug use history. Furthermore, significant discrepancies and/or inconsistencies among or between the alcohol/drug use history recited in an alcohol/drug evaluation and the petitioner's testimony at a driver's license hearing, or the other evidence admitted at a hearing, renders suspect and unreliable a service provider's classification of a petitioner's alcohol/drug problem.
- 4) The use of breath alcohol ignition interlock device (BAIID) pursuant to the provisions of this Subpart D is an effective tool to prevent individuals from operating a motor vehicle after consuming alcohol. When a BAIID registers a violation showing a permittee who has been issued a monitoring device driving permit or a restricted driving permit that requires the use of a BAIID has attempted to start a vehicle after consuming alcohol, that violation is proof the permittee continues to

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require the use of a BAID. Therefore, BAID violations that indicate the consumption of alcohol should never serve as the sole basis for cancelling or revoking a permit, which would result in the removal of the BAID from the permittee's vehicle.

- 5) ~~This~~~~Finally, this~~ Subpart D is to be read, interpreted, and applied as an integrated whole. Therefore, it is insufficient to a determination of whether a petitioner's alcohol/drug problem has been resolved and whether the petitioner will be a safe and responsible driver for a petitioner to prove the successful completion or accomplishment of only some or part of the requirements of the classification of his/her alcohol/drug use. Primarily, proof of long-term abstinence from the use of alcohol/drugs is insufficient to obtain driving relief without the successful completion or accomplishment of the other requirements of the classification of a petitioner's alcohol/drug use. To do so would allow for the arbitrary application of this Subpart D.

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

Section 1001.440 Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations

- a) Documents/Evidence Required. Except as provided in subsection (a)(1), in any application for reinstatement, an RDP, or the termination of an order of cancellation at a show cause hearing, all petitioners must submit an alcohol and drug evaluation and, where required, evidence of successful completion of an alcohol and drug-related driver risk education course and/or evidence of successful completion of early intervention, treatment or proof of adequate rehabilitative progress. These requirements apply to MDDP offenders whose permits are cancelled and who apply for an RDP pursuant to IVC Section 6-206.1(l) and Section 1001.444(a) of this Part.
- 1) An alcohol and drug evaluation and the evidence of successful completion of early intervention or treatment submitted by a resident of Illinois must have been conducted by an individual or an agency licensed by DASA. An alcohol or drug-related driver risk education course completed by an Illinois resident must have been provided by an individual or agency licensed by DASA. (See 77 Ill. Adm. Code 2060.201.) Exceptions to these requirements will be allowed in the following cases:

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- A) If the petitioner is currently and has been temporarily residing outside the State of Illinois (except as provided in Section 1001.100(a)(2)), then the evaluation, early intervention, treatment, and driver risk education course may be provided by an individual or agency accredited by the state in which the individual or agency operates;
 - B) If the petitioner currently resides in Illinois but received treatment for alcohol or drug abuse or dependence from a treatment program located outside the State of Illinois that has been appropriately accredited by the state in which it operates, then the petitioner may document the successful completion of that treatment in the manner provided by subsection (m). However, the petitioner's evaluation and driver risk education course must be provided by an individual or agency licensed by DASA; or
 - C) If the petitioner successfully completed, after his or her most recent arrest for DUI, a High Risk treatment program provided by an individual or agency licensed by DASA.
- 2) Out-of-state Petitioners. If the petitioner is a resident of another state at the time he or she files a petition for reinstatement of Illinois driving privileges and is, therefore, applying as an out-of-state resident pursuant to Section 1001.100(b), he/she may submit an evaluation, evidence of successful completion of an alcohol and drug-related driver risk education course and/or evidence of successful completion of treatment or proof of adequate rehabilitative progress from the state in which he/she resides or from any other state, so long as the agency or individual therapist that provides these services has been appropriately accredited by the state in which it operates.
 - 3) Choice of Programs. The choice of these programs is within the discretion of the petitioner. The evidence submitted must be printed, although the evaluator may testify at any hearing.
 - 4) Evaluation Standards. The alcohol and drug evaluation (Uniform Report), as defined in Section 1001.410, must conform to all current standards for an evaluation set by DASA, where applicable, and/or to all current

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Secretary of State requirements set forth in this Subpart D. (See 77 Ill. Adm. Code 2060.503.) The evaluation must be signed and dated by both petitioner and evaluator. The evaluation must include a recitation of: the petitioner's alcohol/drug use history, from first use to present use; all DUI dispositions, as defined in Section 1001.410, including any out-of-state DUI disposition, regardless of whether the offense has been recorded to the offender's Illinois driving record; any arrests or implied consent suspensions for boating or snowmobiling under the influence that occurred within the last 5 years (as of the date of the hearing); a referral to early intervention or treatment, or a referral to a treatment provider for the purpose of conducting a Treatment Needs Assessment (see Section 1001.440(b)(7)); and the petitioner's alcohol/drug-related criminal convictions, as defined in Section 1001.410. The alcohol/drug use history must be recited in either the body of the evaluation or in an attachment to the evaluation. The attachment must include the evaluator's signature, the date it was composed, and the name of the agency or program that is providing the evaluation.

- 5) Driver Risk Education Course. The alcohol and drug-related driver risk education course must, at a minimum, conform to the standards for alcohol/drug driver risk education courses set by DASA. (See 77 Ill. Adm. Code 2060.505.) Any alcohol or drug related driver risk education course required by this Part must be completed after the date of the most recent arrest for DUI, BUI or SUI.
- 6) Evaluation Must Be Current. The alcohol and drug evaluation must be current, which is defined as having been completed within 6 months prior to the date of the hearing.
 - A) Update Evaluation. An update evaluation shall be conducted only by means of an in-person interview and only by the same program that conducted the original evaluation. Exceptions to the latter requirement will be allowed under the following circumstances:
 - i) Transfer of File. If the petitioner's evaluation or treatment file or copies of all evaluation or treatment file material are transferred to another evaluation or treatment program that prepares the update. The program that conducts the update evaluation should explain, either in a separate cover letter

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or in the body of the update evaluation, how, when and why the petitioner's file was transferred to it. The transfer will be considered acceptable only if the original evaluating program can no longer provide evaluation services for reasons such as a suspended or revoked license or voluntarily terminating evaluation business operations, or if an individual service provider leaves the program that conducted the original Uniform Report and the petitioner wishes to continue receiving services from that individual, or if the petitioner relocates to another part of the state. In the latter case, the petitioner carries the burden of proving that he or she relocated at least 50 miles from the original service provider's nearest location. When transferring a file, the sending program shall not allow it to be delivered by the petitioner to the receiving agency. If an update cannot be obtained by reviewing the original case file information, another original evaluation must be submitted.

- ii) Treatment Provider Who Can Perform Update Evaluations. If the petitioner completes primary treatment recommended as a result of the most recent alcohol and drug evaluation, the program providing the treatment may prepare any subsequent update evaluation from its own case file information without obtaining the information from the evaluating program that made the treatment recommendation. Furthermore, a chronological alcohol/drug use history may be prepared by the program that provided the treatment, when one is requested by the petitioner, the Secretary or a hearing officer in a decision entered as a result of a formal or informal hearing, to be submitted as part of the petitioner's evidence at his/her next hearing. A treatment provider may not conduct the update evaluation if the only service it provided was early intervention or if it waives treatment, unless the petitioner's case file has been transferred to it.

- B) Update Evaluation – Content. An Illinois and out-of-state update evaluation shall report, at a minimum and when applicable, the following: a description of alcohol/drug use and/or abuse covering

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the time since the last evaluation or update; the facts of any arrest or citation for a traffic or criminal offense that is, in any way, alcohol/drug-related; any impairment of significant life areas, any symptoms of alcohol/drug abuse or alcohol/drug-related problems since the last evaluation or update; any current significant physical, medical, emotional/mental health problem and participation in, and/or completion of, any early intervention or treatment for that problem; whether the petitioner is taking any prescription medication that, when taken alone or in combination with alcohol or other drugs, might impair driving ability; any significant life style changes since the previous evaluation; the petitioner's current peer group and most important recreational activities; the petitioner's intent regarding future of alcohol/drug use; if the petitioner is classified as High Risk-Dependent, identification of the petitioner's support group and the evaluator's assessment of its effectiveness and sufficiency; a response to the issues raised at the petitioner's most recent hearing for driving relief and an assessment of whether additional treatment is warranted; the evaluator's previous and current alcohol/drug-use classification of the petitioner; any current recommendations and the rationale for those recommendations; and an indication of whether the petitioner has completed all prior recommendations. If the petitioner's Uniform Report did not include the alcohol/drug use history required by subsection (a)(4), then it may be provided in an update evaluation. The update evaluation must be corroborated by an interview with a family member or significant other. The information obtained must be summarized and the evaluator should indicate whether it corroborates the data provided by the petitioner. The update evaluation must be printed, on a form provided by the Department, and verified by the evaluator. (See subsection (a)(1) of this Section.)

- i) Any update evaluation that reclassifies a petitioner to or within a Moderate, Significant or High Risk classification shall include a referral to a treatment provider for the purpose of determining the need, if any, for additional rehabilitative activity. Any waiver of additional rehabilitative activity by the treatment provider must be in writing and include the rationale for the waiver. Any

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recommendation for additional rehabilitative activity must be complied with before relief will be granted.

- ii) A petitioner may not submit an update evaluation if the Uniform Report being updated does not discuss the most recent DUI disposition. In such case the petitioner must submit a Uniform Report.
 - iii) An update evaluation may not reclassify a petitioner from a previous classification unless the evaluator believes that the previous classification was improper or in error and justifies and explains in detail why the previous classification was improper or in error and why the new classification is proper and appropriate.
- C) Out-of-state Evaluation – Content Requirement. An out-of-state alcohol and drug evaluation shall report, at a minimum and when applicable, the following: a complete alcohol and drug use history, from first use to present use, including a recitation of any symptoms of alcohol/drug abuse or alcohol/drug-related problems experienced by the petitioner throughout his/her alcohol/drug use history; whether there is any history of alcoholism or drug addiction in the petitioner's immediate family; whether the petitioner has a history of treatment for alcohol/drug abuse; any current significant physical, medical, emotional/mental health problem and participation in, and/or completion of, any treatment for that problem; whether the petitioner is taking any prescription medication that, when taken alone or in combination with alcohol or other drugs, might impair driving ability; a detailed discussion of the petitioner's most recent arrest for DUI; a history of any alcohol and drug-related offenses (including all DUI dispositions, regardless of where the offense occurred or whether it has been recorded to the offender's Illinois driving record); a current alcohol/drug use classification of the petitioner and the rationale for that classification; any recommendations and the rationale for such recommendations. The evaluation must be corroborated by an interview with a significant other and by the administration of an objective test. The information obtained must be summarized and the evaluator should indicate whether it corroborates the data

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provided by the petitioner. The evaluation must be verified by the evaluator. The individual or agency that completes the evaluation must be properly accredited or licensed in the state in which the individual or agency operates.

- D) Investigative Evaluation – Content. An Illinois and Out-of-State investigative alcohol and drug evaluation shall report, at a minimum and when applicable, the following: a complete alcohol and drug use history, from first use to present use, including a recitation of any symptoms of alcohol/drug abuse or alcohol/drug-related problems experienced by the petitioner throughout his/her alcohol/drug use history; whether there is any history of alcoholism or drug addiction in the petitioner's immediate family; whether the petitioner has a history of treatment for alcohol/drug abuse; any current significant physical, medical, emotional/mental health problem and participation in, and/or completion of, any treatment for that problem; whether the petitioner is taking any prescription medication that, when taken alone or in combination with alcohol or other drugs, might impair driving ability; a response to the issues raised at the petitioner's most recent hearing for driving relief and an assessment of whether additional treatment is warranted; a history of alcohol and drug-related driving, boating, snowmobiling, and criminal offenses (including all DUI dispositions, regardless of where the offense occurred or whether it has been recorded to the offender's Illinois driving record); a clinical impression of what the evaluation data indicates and the rationale for that conclusion; any recommendations and the rationale for such recommendations. The evaluation must be corroborated by an interview with a significant other and by the administration of an objective test. The information must be summarized and the evaluator should indicate whether it corroborates the data provided by the petitioner. The evaluation must be printed, on a form provided by the Department, and verified by the evaluator. The program that completes the evaluation must meet the same standards as programs qualified to prepare Uniform Reports. (See subsection (a)(1).)

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- E) Circumstances When an Update of an Investigative Evaluation is Required. If the evaluator recommends any rehabilitative activity after conducting an Investigative Evaluation, the petitioner must submit an update evaluation, as provided in this Subpart D, until the petitioner's driving privileges are reinstated. If the evaluator concludes that the petitioner does not need any rehabilitative activity (i.e., a driver risk education course, early intervention, or treatment for alcohol/drug abuse), and the Secretary accepts this conclusion, then the petitioner is not required to submit an update evaluation at future hearings (assuming that there are no intervening alcohol/drug-related arrests or incidents that might cause the Secretary to question this conclusion).
- F) Circumstances When an Update Evaluation is Not Required. Petitioners classified at High Risk Dependent who have driven successfully on a restricted driving permit for at least 3 years after submitting an original evaluation are not required to provide an update evaluation if:
- i) the petitioner files for an extension or revision of the RDP, an additional RDP, or for another hearing during the term of the current RDP; or
 - ii) the current RDP is expired for no more than 30 days at the time the petitioner files for an extension or revision of the RDP, an additional RDP, or for another hearing. All other documentation required by this Subpart D must be submitted.

For purposes of this sub-paragraph, a petitioner is not deemed to have successfully driven on a restricted driving permit if the petitioner is a BAIID permittee whose monitor reports reflect the use of alcohol.

- b) Burden of Proof. Before any driving relief will be granted, the petitioner must prove by clear and convincing evidence: that he/she does not have a current problem with alcohol or other drugs; that he/she is a low or minimal risk to repeat his/her past abusive behaviors and the operation of a motor vehicle while under the influence of alcohol or other drugs; and that he/she has complied with all other

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standards as specified in this Subpart D. If the evidence establishes that the petitioner has had an alcohol/drug problem, the petitioner must also prove that the problem has been resolved. Notwithstanding the foregoing, the renewal of a permit issued to a petitioner that is classified as a High Risk Dependent shall not be denied based on evidence including, but not limited to, BAIID violations, that indicate a petitioner is not abstinent.

- 1) Minimal Risk. Petitioners whose use of alcohol/drugs has been classified under this Section as Minimal Risk must document successful completion of a 10 hour alcohol/drug driver risk education course by submission of a document that reflects the completion of the requirements contained in 77 Ill. Adm. Code 2060.505. The driver risk education course cannot be waived, except as provided in subsection (a)(1)(C).
- 2) Moderate Risk. Petitioners whose use of alcohol/drugs has been classified under this Section as Moderate Risk must document successful completion of an alcohol/drug driver risk education course as specified in subsection (b)(1) and the early intervention and any additional treatment recommended by the evaluator or other qualified professional recommended on referral by the evaluator. The driver risk education course cannot be waived, except as provided in subsection (a)(1)(C). The early intervention and/or treatment must be provided by an individual or agency licensed to provide those services by DASA or the Department of Public Health, or an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates.
- 3) Significant Risk. Petitioners whose use of alcohol/drugs has been classified under this Section as Significant Risk must document successful completion of an alcohol/drug driver risk education course as specified in subsection (b)(1) and the treatment recommended by the evaluator or other qualified professional recommended on referral by the evaluator. The driver risk education course cannot be waived, except as provided in subsection (a)(1)(C). The treatment must be provided by an individual or agency licensed to provide those treatments by DASA or the Department of Public Health, or an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional

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Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates.

- 4) High Risk Dependent. Petitioners classified under this Section as High Risk Dependent must document abstinence as required in subsection (e); the completion of treatment provided by a facility or facilitator licensed by DASA or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates; the establishment of an ongoing support/recovery program; and compliance with any additional recommendations of his/her evaluator or treatment provider.
Notwithstanding the foregoing, the renewal of a permit issued to a petitioner that is classified as High Risk Dependent shall not be denied based on BAIID violations that indicate the petitioner is not abstinent.
- 5) High Risk Nondependent. Petitioners classified under this Section as High Risk Nondependent must document: non-problematic use as provided in subsection (f); treatment provided by a facility or facilitator licensed by DASA or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates; compliance with any additional recommendations of his/her evaluator or treatment provider, including abstinence; and a detailed explanation by the treatment provider as to why dependency was ruled out. The failure of a petitioner to submit the "detailed explanation" is sufficient grounds, in and of itself, to deny the petition for driving relief. The explanation should focus on the most recent offense.
- 6) Investigative Evaluation. Petitioners who obtain an investigative alcohol/drug evaluation must document the completion of any recommended intervention or treatment provided by a facility or facilitator licensed by DASA or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Financial and Professional Regulation-Division of

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Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates. If found to be chemically dependent, then the petitioner must prove abstinence as required in subsection (e) and the establishment of an ongoing support/recovery program, and compliance with any additional recommendations of his/her evaluator or treatment provider. Furthermore, if rehabilitative activity (i.e., a driver risk education course, intervention, or treatment for alcohol/drug abuse) is recommended, then the petitioner must submit an update evaluation, as provided in this Subpart D, until the petitioner's driving privileges are reinstated.

- 7) Treatment Waiver Required – Documentation of Most Recent Treatment. In the event that a treatment provider does not require an individual classified Moderate, Significant or High Risk to complete at least the minimum amount and type of early intervention or treatment specified by DASA, the treatment provider must supply the Department with a detailed explanation of the rationale for that decision. The driver risk education course cannot be waived, except as provided in subsection (a)(1)(C). In the course of assessing whether to waive early intervention or treatment, the treatment provider should attempt to obtain documentation of a petitioner's most recent treatment experience and incorporate the information in this assessment if: the treatment provider contends that the petitioner's alcohol/drug use classification should be changed to a lower risk classification, or the documentation states that the petitioner's prognosis at the time of discharge was guarded. The treatment provider should be prepared to explain the reasons for not obtaining this documentation and to provide written verification that the documentation is not available. The Secretary reserves the discretion to reject a waiver of treatment if the hearing officer is able to articulate specific reasons to doubt its validity.
- 8) Treatment Needs Assessment Required; Documentation of Most Recent Treatment. Whenever a service provider conducts and composes a Uniform Report, it is required to refer the petitioner to a treatment provider for an assessment of whether intervention or treatment for alcohol/drug abuse is warranted, pursuant to DASA rules at 77 Ill. Adm. Code Section 2060.503(h). The petitioner must provide a Treatment Needs Assessment whenever another Uniform Report is composed, regardless of whether the petitioner successfully completed intervention or treatment after the

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previous Uniform Report, in order to inform the Secretary whether additional intervention or treatment is warranted as a result of the information obtained during the course of the subsequent Uniform Report. The Treatment Needs Assessment shall be composed on the treatment provider's letterhead stationery or incorporated into the "Treatment Verification" form composed, published and distributed by the Department. If composed on stationery, then the Treatment Needs Assessment must be signed and dated by the counselor responsible for the assessment.

- A) The Treatment Needs Assessment must be provided by a licensed treatment provider regardless of whether the petitioner has committed any traffic or criminal offense that mandates the composition of a Uniform Report.
 - B) In the course of conducting the Treatment Needs Assessment, the treatment provider should attempt to obtain documentation of a petitioner's most recent treatment experience and incorporate the information in this assessment, along with the petitioner's conduct since that treatment experience, in the provider's findings and conclusions. The treatment provider should be prepared to explain the reasons for not obtaining this documentation and to provide written verification that the documentation is not available.
- 9) [BAIID violations. BAIID violations that indicate the consumptions of alcohol shall not serve as a sole basis for not renewing, cancelling or revoking a permit.](#)
- c) **Rebuttable Presumption.** The presence of more than one DUI disposition on a petitioner's abstract shall create a rebuttable presumption that the petitioner suffers from a current alcohol/drug problem and should, therefore, be classified at least Significant Risk.
 - d) **Evidence Considered.** Evidence which shall be considered in determining whether the petitioner has met his/her burden of proof and has overcome the presumption of a current alcohol/drug problem includes, but is not limited to, the following, where applicable:
 - 1) The factors enumerated in Section 1001.430(c);

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- 2) The similarity of circumstances between alcohol or drug-related arrests;
- 3) Any property damage or personal injury caused by the petitioner while driving under the influence;
- 4) Changes in life style and alcohol/drug use patterns following alcohol/drug-related arrest, and the reasons for the change;
- 5) The chronological relationship of alcohol/drug-related arrests;
- 6) Length of alcohol/drug abuse pattern;
- 7) Degree of self-acceptance of alcohol/drug problem;
- 8) Degree of involvement in or successful completion of prior treatment/intervention recommendations following alcohol/drug related arrests and in a support/recovery program;
- 9) Prior relapses from attempted abstinence, except that BAID violations that indicate the consumption of alcohol shall not serve as the sole basis for not renewing, cancelling or revoking a permit;
- 10) Identification, treatment and resolution of the cause of the high risk behavior of any petitioner classified High Risk Nondependent;
- 11) The problems, pressures and/or external forces alleged to have precipitated the petitioner's abuse of alcohol or other drugs on the occasion of each alcohol/drug-related arrest, and the present status of the same, particularly whether they have been satisfactorily resolved;
- 12) The petitioner's explanation for his/her multiple arrests and/or convictions for offenses involving alcohol/drugs, particularly for allowing the second and subsequent arrests/convictions to occur;
- 13) In out-of-state petitions, the evaluator's rationale for classifying a petitioner with multiple DUI dispositions as a Minimal or Moderate Risk. In these cases it is particularly important that the evaluator's classification be based on complete and accurate information;

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- 14) The petitioner's criminal history, particularly drug offenses or offenses that in any way involved alcohol/drugs;
- 15) The petitioner's chemical test results of the petitioner's blood, breath or urine from all previous arrests or all previous alcohol/drug-related offenses (not just traffic offenses) in addition to the chemical test results of the most recent arrest;
- 16) The extent to which, in terms of completeness and thoroughness, a petitioner and his/her service providers have addressed every issue raised by the hearing officers in previous hearings;
- 17) It is particularly important that the evaluator's classification be based on complete, accurate and consistent information, especially all of the petitioner's DUI arrests and BAC test results. The probative value of evaluations that deviate from this standard will be diminished. The degree to which their probative value will be diminished will depend upon the degree to which the evaluation deviates from this standard and the standards imposed by DASA;
- 18) The petitioner's record of performance while driving with an interlock device and his/her record of compliance with the terms and conditions of the breath alcohol ignition interlock device program or the monitoring device driving permit program. ~~An isolated~~ BAIID violation indicating consumption of alcohol may not be the sole basis for denying driving relief, ~~unless the petitioner is classified as High Risk Dependent, and the violation occurred less than 6 months before the date of the hearing;~~
- 19) Written or verbal statements from members of the public, including crime victims as defined in the Code of Criminal Procedure [725 ILCS 120/3] or family members of victims of offenses committed by a petitioner, so long as the statement is relevant to the issues at the hearing;
- 20) The service provider's clinical rationale or justification for changing the classification of a petitioner's alcohol/drug use, or for giving a classification that is different than that given in other evaluation or treatment documents or by other service providers;

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- 21) The treatment provider's explanation for failing to obtain, when requested, documentation of the petitioner's most recent treatment;
 - 22) Whether the petitioner has been incarcerated and was recently released after an extended period of incarceration and whether the petitioner participated in any rehabilitative activity during his or her incarceration.
- e) Documentation of Abstinence
- 1) Petitioners classified as High Risk Dependent, or any other petitioner with a recommendation of abstinence by a DASA licensed evaluator or treatment provider, must have a minimum of 12 consecutive months of documented abstinence, except as provided in subsections (e)(3), ~~(4)~~ and ~~(74)(4)~~, in regard to opiate substitution, ~~and~~ medical cannabis programs, and BAIID permittees. This means that the petitioner must be abstinent from alcohol and all controlled substances, legal and illegal, unless the drug is prescribed by a physician, and regardless of whether alcohol or another drug was the petitioner's drug of choice when using. Abstinence that occurs during a period of extended incarceration is not favored, unless petitioner took proactive steps to rehabilitate himself or herself while incarcerated, as it occurs in a controlled environment. Documentation of abstinence must be received from at least 3 independent sources. The sources should not be fellow members of a support group unless those members have regular and frequent contact with the petitioner outside the group meetings. The hearing officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Letters or witness testimony establishing abstinence should contain, at a minimum, the following:
 - A) The person's relationship to petitioner (friend, family member, fellow employee, etc.).
 - B) How long the person has known the petitioner.
 - C) How often the person sees the petitioner (daily, weekly, monthly, etc.).
 - D) How long the person knows the petitioner has abstained.

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- E) Each letter must be dated and signed by its authors. All letters must be submitted in their original form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer. The petitioner's failure to maintain strict compliance with these requirements shall not be the sole basis for withdrawing from a hearing or denying relief.
- 2) Petitioners who are classified as Significant Risk or High Risk Non-Dependent and who are required by IVC Sections 6-205(a)(1.5) and 6-206(c)(3)(F) to prove 3 years of uninterrupted abstinence in order to obtain an RDP may prove that this abstinence occurred during any period of time after the most recent arrest for driving under the influence. Petitioners who are classified as High Risk Dependent who are required to prove 3 years of uninterrupted abstinence by IVC Sections 6-205(a)(1.5) and 6-206(c)(3)(F) in order to obtain an RDP must prove that their period of abstinence began after the most recent arrest for driving under the influence. They must also prove that they have been abstinent for the 3 years immediately prior to their hearing. Proof of abstinence must comply with the requirements of subsection (e)(1).
- 3) Waivers of the rule requiring 12 months of abstinence are discretionary when considering an RDP but shall not be granted unless the petitioner proves at least 6 months continuous abstinence at the time of the hearing, except as provided by sub-paragraph (7) of this paragraph (e).
- 4) Opiate Substitution Programs. Petitioners who are able to document that they are involved in a long-term opiate substitution program, such as methadone maintenance, are not required to prove abstinence from the substitute drug that has been prescribed to them in order to obtain driving relief. Rather, they must prove that they have been stable in the program for at least one year. Their documentation must include a letter from their primary counselor and their attending physician that describes the nature of the program, the petitioner's progress and status in the program, the petitioner's prognosis for success and how much longer the petitioner will remain in the program and on the prescribed substitute drug. The

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petitioner must satisfy the other requirements of this Subpart D, including abstinence from alcohol and all other drugs, in order to obtain driving relief.

- 5) Use of Medical Cannabis. Petitioners who are able to document that they have been prescribed what is defined and authorized as "medical cannabis" in the Compassionate Use of Medical Cannabis ~~Pilot~~ Program Act are not required to prove abstinence from the cannabis that has been prescribed to them in order to obtain driving relief. Rather, they must prove that they have been stable in the program and petitioners who are classified as high Risk Dependent must prove stability in the program for at least one year. Their documentation must include a Medical Cannabis Verification form completed by the petitioner, their primary physician and primary substance abuse provider~~letter from their primary counselors and their attending physician that describes the condition or illness for which the cannabis is used, the petitioner's progress and status in the program, the petitioner's prognosis and how long the physician anticipates that the petitioner will remain in the program and on the prescribed cannabis.~~ The petitioner must satisfy the other requirements of this Subpart D, including abstinence from alcohol and all other drugs, in order to obtain driving relief.
- 6) Consumption of "Near-Alcoholic" Beverages. The consumption of "near-alcoholic" beverages does not violate the rule requiring abstinence. However, this conduct is a valid subject to be considered in determining the ultimate issue of whether the petitioner has met his/her burden of proving that he or she will be a safe and responsible driver. The Secretary will consider the petitioner's motivation for consuming near-alcoholic beverages, the circumstances under which they are consumed (when, where, why, with whom and how often), the strength of his or her support system, the petitioner's degree of acceptance of his or her alcoholism/chemical dependency, and whether near-alcoholic beverages were ever used in the past (and whether this use occurred before or after the commission of a DUI). The petitioner carries the burden of proving that the use of near-alcoholic beverages is not a matter of concern.
- 7) When considering the renewal of a RDP for a petitioner classified as High Risk Dependent who currently utilizes a BAIID, the petitioner shall not be

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denied relief solely because the petitioner has failed to maintain abstinence.

- f) Documentation of Non-Problematic Use
 - 1) Petitioners classified as High Risk Nondependent must demonstrate at least 12 consecutive months of non-problematic alcohol use, or abstinence, and abstinence from the use of illegal drugs. This evidence must be submitted from at least 3 independent sources and generally comply with the standards set forth in subsection (e).
 - 2) Waivers are discretionary when considering an RDP, but shall not be granted unless the petitioner demonstrates at least 6 months of non-problematic alcohol use, or abstinence, and abstinence from the use of illegal drugs.

- g) Documentation of Support/Recovery Program
 - 1) If the petitioner has been attending a support/recovery program, the petitioner must present at least 3 dated and signed letters or witness testimony from fellow support/recovery program members documenting at a minimum the following:
 - A) How long the person has known the petitioner;
 - B) How long the person knows that the petitioner has attended the program;
 - C) How often the petitioner attends the program.
 - 2) The hearing officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Each letter must be dated and signed by its authors. All letters must be submitted in their original form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer. The petitioner's failure to maintain strict compliance with these requirements

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shall not be the sole basis for withdrawing from a hearing or denying relief.

- h) Internet Support/Recovery Programs. A petitioner's participation in internet Alcoholics Anonymous, Narcotics Anonymous or other support/recovery program "chat rooms" or any other support/recovery program services available over the internet may be an acceptable substitute for the regular attendance of meetings in person. The factors to be considered by the hearing officer and the Secretary in evaluating the effectiveness and probative value of this form of support include, but are not limited to, the following: the petitioner's reasons for not attending meetings in person; the petitioner's alcohol/drug use history and history of relapse; the length of the petitioner's abstinence at the time of the hearing; the proximity of A.A. and N.A. meetings to the petitioner's residence and workplace; the petitioner's physical/medical condition, as it affects his/her ability to travel; the availability of public and private transportation to meetings; whether the petitioner has attended meetings in person in the past, and the length of that attendance; whether the petitioner's evaluator and treatment provider are aware and approve of the petitioner's participation in this form of support; the extent of the petitioner's knowledge of, commitment to, and involvement in the program; the extent of the petitioner's knowledge of the disease process of alcoholism/chemical dependence; the extent of the petitioner's acceptance of his/her alcoholism/chemical dependence. The participation in internet support/recovery program chat rooms is not favored by the Secretary of State. Therefore, substantial documentation and testimony regarding this method of support is required in order for the petitioner to carry his/her burden of proof on this issue, including identification of the specific websites that the petitioner uses and verification of the petitioner's participation by chat room members.
- i) Non-Traditional Support/Recovery Programs
- 1) If the petitioner's support/recovery program does not involve a structured, organized, recognized program such as A.A. or N.A., the petitioner is required to identify what that program is and explain how it works and keeps petitioner abstinent. The petitioner is required to present either witness testimony or written verification of the program from at least three independent sources involved in the program. If the verification is in the form of letters, those letters should be signed and dated. All such evidence must contain, at a minimum, the following:

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- A) The person's relationship to the petitioner (friend, family member, fellow employee, etc.);
 - B) How long the person has known the petitioner;
 - C) How often the person sees the petitioner (daily, weekly, monthly, etc.);
 - D) How the person is involved in the petitioner's recovery program and what role the person plays in helping the petitioner abstain from alcohol/drugs;
 - E) What changes the person has seen in the petitioner since petitioner's abstinence.
- 2) The hearing officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Each letter must be dated and signed by its authors. All letters must be submitted in their original form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer.
- j) **Support/Recovery Program Sponsor.** If the petitioner has a support/recovery program sponsor, a letter should be obtained (or the testimony submitted) from his/her sponsor documenting the data in subsection (g)(1). The purpose of a letter or the testimony of an A.A. sponsor is to provide the Secretary with substantial detail regarding the petitioner's progress and development in the A.A. program. However, this letter or testimony can also be used to satisfy the requirements of subsection (g). The submission of a letter from a petitioner's sponsor is not mandatory, but is strongly recommended. A petitioner's failure to submit a letter from his/her sponsor is not, by itself, a sufficient basis upon which to deny driving relief.
- k) **RDP for Support/Recovery Program – Information Required.** In cases in which a petitioner seeks an RDP to allow him/her to drive to support/recovery program meetings, he/she must provide specific information identifying, at a minimum, the following:

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- 1) The locations of the meetings he/she wishes to attend;
 - 2) The days of the week when meetings are held at these locations;
 - 3) The hours of the day when these meetings are held.
- l) Early Intervention – Information Required. If the petitioner has undergone early intervention (Moderate Risk classification), he/she must provide a narrative summary that includes, at a minimum, the following:
- 1) The name, address and telephone number of the licensed service provider;
 - 2) The dates the petitioner began and completed early intervention, as well as the number of days or hours he/she was involved in the intervention process;
 - 3) A summary discussion of the intervention provided and its outcome, specifically, those issues that were addressed or explored and the provider's perception of what the petitioner gained from the experience and his/her ability to avoid future development of alcohol problems;
 - 4) The rationale for any modification in the early intervention requirements specified by DASA;
 - 5) The dated signature of the professional staff person providing the early intervention information; and
 - 6) The narrative summary shall be composed on the treatment provider's letterhead stationery.
- m) Treatment – Information Required. If the petitioner has had alcohol or drug related treatment, he/she must provide the information listed in this subsection (m). A petitioner is required only to submit proof of his/her most recent primary treatment experience.
- 1) A narrative summary that includes, at a minimum:
 - A) The name, address and telephone number of treatment center;

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- B) The date the petitioner entered primary treatment and the date the petitioner was discharged from treatment; the number of days or hours the petitioner was involved in treatment; the admitting and discharge diagnosis;
 - C) The type of treatment received (e.g., outpatient, intensive outpatient or inpatient treatment; individual or group therapy);
 - D) A clinical impression or prognosis of either a Moderate or Significant Risk petitioner's ability to maintain a non-problematic pattern, or a High Risk petitioner's ability to maintain a stable recovery where applicable. Specifically, the treatment provider's perception of what the petitioner gained from the treatment experience and whether the experience was sufficient to substantially minimize the possibility of a recurrence of alcohol/drug related problems;
 - E) Any recommendations for continuing care or follow-up support, and an indication of the petitioner's participation, if applicable;
 - F) The rationale for any modification in the treatment requirements specified by DASA;
 - G) The dated signature of the professional staff person providing the treatment information.
- 2) Copies of the following documents required by DASA:
- A) Individualized Treatment Plan. (See 77 Ill. Adm. Code 2060.421.)
 - B) Discharge Summary and Continuing Care Plan. (See 77 Ill. Adm. Code 2060.427.)
- 3) A current status report regarding the petitioner's involvement in continuing care. The Continuing Care Status Report must discuss the petitioner's level of progress in completing follow-up activities outlined in the Continuing Care Plan. It may be composed by either the evaluator or the treatment provider, and shall be composed on the letterhead stationery of

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the agency or individual who authored the report. If continuing care has been completed, a final summary report must be provided that discusses the petitioner's progress throughout the course of completing all follow-up activities detailed in the Continuing Care Plan. If continuing care has been determined to be unnecessary, a report must be provided that discusses the clinical rationale for that decision. This waiver may be composed only by the treatment provider.

- 4) The Department reserves the discretion to require a petitioner to submit a Treatment Needs Assessment or a waiver of treatment as a consequence of a petitioner being unable to provide documentation of treatment. If the petitioner and his/her evaluator or treatment provider are unable to provide the required information or treatment documents, they must provide documentary evidence of their attempts to obtain the information and the reason for its unavailability.
- 5) The information required in subsection (m)(1) should be provided in the "Treatment Verification" form composed, published and distributed to treatment providers as a courtesy by the Department. However, a petitioner's failure to submit a Treatment Verification form is not a sufficient basis, in and of itself, to deny driving relief, so long as the information required in subsection (m)(1) is submitted in some other format or in the other documents required to be submitted.
 - n) Evaluation Written for Court. If a petitioner presents an alcohol/drug evaluation that was obtained for the purpose of being sentenced on a DUI charge or some other traffic or criminal offense, that evaluation must meet the requirements of this Section in order to be accepted by the Secretary of State.
 - o) Out-of-state Petitioners – Evaluation Not Required. An out-of-state petitioner whose last DUI disposition occurred more than 15 years prior to the filing date of the current petition for driving relief may be excused from the requirement of an evaluation if the petitioner is able to satisfy the requirements of Section 1001.430(l).

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

Section 1001.441 Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs

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- a) **BAIID Required for RDP; Fee Required**
- 1) The issuance of RDPs to a BAIID petitioner shall be conditioned upon the use of a Breath Alcohol Ignition Interlock Device (BAIID), as required by IVC Sections 6-205, 6-206 and/or 11-501.01. As provided in these Sections, a BAIID petitioner must pay a non-refundable fee of \$30 per month on an annual basis, for a total annual payment of \$360. This total annual payment must be paid in advance and prior to the issuance of any permit. Payment must be submitted in the form of a money order, check, or a credit card charge (with a pre-approved card), made payable to the Secretary of State.
 - 2) A BAIID petitioner who is renewing an RDP and who also is eligible for the reinstatement of driving privileges less than 12 months from the date of the expiration of the current RDP at the time he/she renews the permit shall not be required to make an annual payment. If the petitioner has been scheduled for a formal hearing on a petition for reinstatement at the time of renewal, then petitioner shall pay the above-referenced fee in an amount equal to the number of months between the date of renewal and date of the hearing, plus an additional 3 months (not to exceed 12 months), times \$30. If the petitioner does not have a formal hearing on a petition for reinstatement scheduled at the time of renewal, then the fee shall be paid for 9 months. If, however, the petitioner is denied reinstatement, then the petitioner must resume payment on an annual basis.
- b) **Notification of BAIID Requirements.** The Secretary shall notify any BAIID petitioner who requests a hearing of the procedures for obtaining a BAIID and the BAIID requirements. Notification may be accomplished in one of the following ways, though not limited thereto: informal hearing officer; phone contact; written notification, or by electronic mail.
- c) **Type of Hearing Required.** All hearings involving a BAIID petitioner seeking driving relief shall be formal hearings. Any renewal or modification of an RDP issued under this Section may be done at an informal hearing. Any hearing involving a BAIID petitioner shall be conducted as any other hearing under this Part and all other applicable standards shall apply.
- d) **Petitioner Must Meet Requirements of Subpart D.** The Secretary shall issue an

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RDP to a BAIID petitioner if, through the hearing process, the petitioner is determined to meet all of the requirements of this Subpart D and installs and utilizes a BAIID in all motor vehicles operated, by the BAIID petitioner and, where applicable, all motor vehicles owned by the BAIID petitioner as required by the RDP issued under this Subpart D. BAIIDs shall not be installed on, nor shall BAIID permittees operate motorcycles, motor driven cycles or commercial motor vehicles requiring a commercial driver's license.

- e) Hearing Officer's Responsibilities; Petitioner's Responsibilities. Prior to the taking of evidence at the hearing:
- 1) The hearing officer shall ensure that the BAIID petitioner understands: all of the provisions and requirements of receiving a BAIID permit; that to obtain an RDP the BAIID petitioner must minimally meet all of the requirements of Section 1001.440 and install and utilize the BAIID; that a BAIID petitioner's agreement to install a BAIID or willingness to comply with the BAIID requirements does not guarantee issuance of an RDP; and that all costs associated with the BAIID are the responsibility of the BAIID petitioner; and
 - 2) The BAIID petitioner shall advise the hearing officer that he/she understands all of the provisions and conditions of the BAIID requirements and whether he/she agrees to comply with the BAIID requirements. If the BAIID petitioner is unwilling to use the BAIID, or comply with this Section, he/she shall be advised that an RDP cannot be granted.
- f) Decision. After the hearing, the hearing officer shall consider the evidence and the relief requested and make a recommendation as in any other hearing under this Part.
- 1) If the hearing officer does not determine that the relief requested should be granted, an order denying relief shall be prepared.
 - 2) If the hearing officer determines that an RDP should be granted, an order granting an RDP shall be prepared with the additional requirement that the RDP is conditioned upon the installation and continued use of a BAIID . All RDPs issued under this Section shall require continued use of the BAIID until the driving privileges of the petitioner are reinstated.

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- g) Installation of BAIID. Upon the issuance of an RDP under this Section, the Secretary shall make available a list of certified BAIID providers to the BAIID permittee. In addition to the other requirements under this Part, the BAIID permittee may operate the vehicle for 14 days from the issuance of the RDP without a BAIID installed, solely for the purpose of taking the vehicle to a BAIID provider or installer for installation of a BAIID. The permittee must be the individual who takes the vehicle to the installer to have the BAIID installed, and must have a reference image taken by the installer at the time of installation. Within 7 days from the date of the installation of the BAIID, the installer or BAIID provider must notify the Secretary that a BAIID has been installed in the vehicles designated by the BAIID permittee. Proof of installation shall be by such means as determined by the Secretary from the installer or BAIID provider. Failure to comply with these requirements will result in the denial of driving relief and the cancellation of any RDP issued.
- h) Petitioner's Responsibilities – Driving with a BAIID. Any BAIID petitioner receiving an RDP under this Section must comply with the following requirements:
- 1) Operate only vehicles with an installed, operating BAIID certified by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the BAIID permittee as required by the RDP issued under this Section.
 - 2) Except when a BAIID has been installed that may be read remotely, take the vehicle with the BAIID installed to the BAIID provider or installer or send the appropriate portion of the BAIID to the BAIID provider or installer within the first 30 days for an initial monitor report to help the BAIID permittee learn how to correctly use the BAIID, and thereafter not longer than every 60 days for the purposes of calibration and having a monitor report of the BAIID's activity prepared and sent to the Secretary by the BAIID provider or installer.
 - 3) If a BAIID has been installed that permits the BAIID permittee to mail in a portion of the BAIID to be read and calibrated, or that allows the BAIID to be read remotely, that BAIID permittee shall be required to bring his or her vehicle into a BAIID installation site at least once every 6 months so

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that the BAIID and all wiring and connections related to the BAIID may be inspected for signs of tampering or circumvention.

- 4) Within 5 working days after any service or inspection notification, take the vehicle with the BAIID installed to the BAIID provider or installer or send the appropriate portion of the BAIID to the BAIID provider or installer, as instructed, for a monitor report.
 - 5) Maintain a journal of events recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, any problems with the BAIID and the name of the driver operating the vehicle at the time of the event. If BAIIDs have been installed on multiple vehicles pursuant to Section 1001.443, a separate journal must be kept for each vehicle, recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, any problems with the BAIID, and the name of the driver operating the vehicle at the time of the event.
 - 6) Ensure that the BAIID camera is aimed, and the person using the BAIID is situated, so that the camera captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID.
 - 7) Shall not have a BAIID removed or deinstalled from the BAIID permittee's vehicle prior to notifying the Secretary and surrendering the RDP to the Secretary or the Secretary's designee.
- i) Review of Monitor Reports; Sanctions for Failure to Comply. Upon receipt or nonreceipt of monitor reports, the Secretary shall review them and take the action specified in this subsection (i). Failure of the BAIID permittee to comply with the requirements of this Subpart D shall be made part of the BAIID permittee's record of performance to be considered at future formal hearings.
- 1) For any BAIID permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle, or a failure to successfully complete a running retest, during the initial monitor period, the Secretary shall send a warning letter to the BAIID permittee indicating that future unsuccessful attempts to start the vehicle or failure to successfully

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complete a running retest will result in the Secretary sending a letter to the BAIID permittee asking for an explanation of the unsuccessful attempts to start the vehicle or the failure to successfully complete a running retest;

- 2) For any BAIID permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle after the initial monitor report period, the Secretary shall send the BAIID permittee a letter asking for an explanation of the unsuccessful attempts to start the vehicle. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of the BAIID permittee's record of performance;
- 3) For any BAIID permittee whose monitor reports show a failure to successfully complete a running retest, after the initial monitor report period, the Secretary shall send the BAIID permittee a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of the BAIID permittee's record of performance;
- 4) For any BAIID permittee whose monitor reports show a BrAC reading of 0.05 or more or a pattern of BrAC readings consistent with the use of alcoholic beverages, regardless of any other provision contained in this Section, there shall arise a rebuttable presumption that the BAIID permittee consumed alcoholic beverages. ~~The presumption may result in the cancellation of the RDP if the BAIID permittee is required to abstain from alcohol/drugs (whose alcohol/drug use was classified at High Risk-Dependent).~~ In every case, the Secretary shall send a letter asking for an explanation of the BrAC reading or the pattern of BrAC readings consistent with the use of alcoholic beverages. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that the BAIID permittee did not consume alcoholic beverages, no further action will be taken. ~~If a response from a BAIID permittee whose alcohol/drug use was classified at High Risk-Dependent is not received within 21 days or does not reasonably assure the Secretary,~~

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~~the failure to comply will be made part of the BAIID permittee's record of performance and the Secretary shall cancel the RDP and authorize the immediate removal/deinstallation of any BAIID.~~ If a response from a BAIID permittee ~~whose alcohol/drug use was classified at something other than High Risk Dependent~~ is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of the BAIID permittee's record of performance to be considered by the hearing officer at the next hearing;

- 5) For any BAIID permittee who fails a running retest, or fails to take a running retest, the Secretary shall send the BAIID permittee a letter asking for an explanation of the incident. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of the BAIID permittee's record of performance;
- 6) For any BAIID permittee whose initial monitor report or subsequent monitor reports show any tampering with or unauthorized circumvention of the BAIID, or if physical inspection by an installer shows any tampering with or unauthorized circumvention of the BAIID, the Secretary shall send the BAIID permittee a letter asking for an explanation of the tampering or unauthorized circumvention. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, then the Secretary shall immediately cancel the RDP and authorize the immediate removal/deinstallation of the BAIID.
- 7) For any BAIID permittee required to submit a letter of explanation, if a review of the images taken at the time of the violation indicates the BAIID camera was prevented from taking clear and accurate images of the individual blowing into the mouthpiece, the explanation shall automatically be rejected and the appropriate sanction, as set forth in this subsection (i), shall be imposed.
- 8) If review of the images captured by the BAIID indicates the camera is obstructed or the BAIID permittee or other person attempting to start the

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vehicle positions himself, herself or the camera in such a manner as to prevent a clear image of the face of the person blowing into the BAIID, the Secretary shall send notification to the BAIID permittee to properly adjust the camera and/or to position himself or herself in a manner that will allow for a clear image of the operator of the BAIID, and informing the permittee that the camera must not be obstructed. If, after notification is sent, a review of images captured by the BAIID discloses that the camera is still obstructed or is not taking clear images of the operator, the RDP may be cancelled.

- 9) Failure to Submit a BAIID for Monitoring in a Timely Manner. Unless notified by a BAIID provider pursuant to subsection (j)(2), all monitor reports shall be submitted to the Secretary within 67 days after the previous monitor report. If the Secretary fails to receive a BAIID permittee's monitor reports in the 67 days, the Secretary will conduct an informal inquiry (will attempt to contact the BAIID provider and permittee by telephone or e-mail) for the purpose of determining the cause for this failure. If it is determined or if it appears that the BAIID permittee failed to take in a vehicle with the BAIID for timely monitor reports or failed to send the appropriate portion of the BAIID, utilizing a traceable package delivery service, to the BAIID provider or installer for timely monitor reports, the Secretary will send a letter to the BAIID permittee stating that, if the BAIID is not taken in for a monitor report within 10 days after the date of the letter, any permits issued to the BAIID permittee will be cancelled.
- j) Immediate Cancellation of BAIID RDP. Any one of the following shall be grounds for immediate cancellation of an RDP issued under this Section:
 - 1) Any law enforcement report showing operation of a vehicle by a BAIID permittee without a BAIID as required by the RDP issued under this Section. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it, or a copy of it, along with the report, to the Secretary;
 - 2) Notification from a BAIID provider or installer on a removal/deinstallation report form stating that the BAIID installed in a BAIID permittee's vehicle has been removed and/or is no longer being utilized by the permittee, as required by subsection (d), including a

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removal or deinstallation caused by the BAIID permittee's failure to pay lease or rental fees owed to the BAIID provider, unless the permittee has notified the Secretary that he or she is no longer utilizing the BAIID and surrendered the BAIID permit to the Secretary as required in subsection (h). This notification shall be sent to the Secretary no more than 7 days after the removal/deinstallation;

- 3) Any law enforcement report involving a DUI ~~arrest or other law enforcement report indicating use of alcohol in violation of Subpart D;~~
- k) Hearing to Contest Cancellation of BAIID RDP. Any BAIID permittee whose RDP is cancelled as provided in this Section may request a hearing to contest the cancellation within 60 days from the effective date of the cancellation. The hearing will be scheduled and held on an expedited basis. The hearing will be conducted as any other formal hearing under this Part. Any BAIID permittee whose RDP is cancelled under the provisions of this Section and who is required to abstain from alcohol/drugs (whose alcohol/drug use was classified at High Risk-Dependent) and who admits to consuming alcoholic beverages may not request a hearing to contest the cancellation.
 - 1) The purpose of a hearing to contest a BAIID cancellation is to determine whether the BAIID Division acted in accordance with its rules, procedures and guidelines in entering the cancellation of driving privileges, based upon the evidence available to it at the time of its initial decision. If it is determined at the hearing that the BAIID Division did not act in accordance with its rules, procedures and guidelines, the Department of Administrative Hearings will enter an Order rescinding the cancellation. If it is determined at the hearing that the BAIID Division acted in accordance with its rules, procedures and guidelines, the Department of Administrative Hearings will enter an Order either affirming the cancellation or an Order affirming, but terminating, the cancellation. A termination will be entered when the petitioner provides additional credible evidence at the hearing regarding the petitioner's alleged violation of the rules of the BAIID program, or that the BAIID Division was misinformed or did not have all the essential facts at the time of its initial decision. The findings of fact must articulate the additional facts and circumstances cited in the Order of Termination that support the rationale for concluding that the public safety and welfare is better served by a termination.

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- 2) Any BAIID permittee whose RDP is cancelled for any reason provided for in this Section, and whose cancellation was terminated after a formal hearing to contest the cancellation, is immediately eligible to petition for another formal hearing if the petitioner's RDP has expired by the time that the final order from the formal hearing has been entered. If the RDP has not expired, then a new RDP will be issued with the same expiration date as the cancelled RDP.
- 3) Any BAIID permittee whose RDP is cancelled for any reason provided for in this Section, and whose cancellation was rescinded after a formal hearing to contest the cancellation, will be issued a new RDP with the same expiration date as the cancelled RDP. If the RDP has expired, the petitioner is immediately eligible to petition for another formal hearing.
- l) No Hearing for 90 Days After Cancellation. Any BAIID permittee whose RDP is cancelled for any reason as provided for in this Section shall not be granted another hearing for any type of driving relief for 90 days from the date of the cancellation, except to contest the cancellation as provided in subsection (k). In the event a hearing is held pursuant to subsection (k) and the cancellation is affirmed, the BAIID permittee shall not be granted another hearing for driving relief for 30 days from the date of the order affirming the cancellation.
- m) Formal Order – Content. Any formal order entered that grants the issuance of an RDP as provided for in this Section shall, in addition to all other requirements, clearly indicate the following:
 - 1) That the RDP is issued conditioned upon BAIID installation and proper usage of the BAIID by the permittee; and
 - 2) That the BAIID permittee is aware of all conditions and terms of BAIID installation and proper usage of the BAIID, and he or she accepts those conditions and terms as conditions precedent to the issuance of the RDP.
- n) RDPs – Content. Any RDPs issued as provided for in this Section shall, in addition to all other requirements, clearly indicate:
 - 1) That the RDP is issued pursuant to the BAIID requirements of this Section, and that a vehicle operated by a BAIID permittee must be

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equipped with an installed, properly operating BAIID;

- 2) That the provisions of the RDP also allow the BAIID permittee to drive to and from the BAIID provider or installer for the purposes of installing the BAIID within 14 days after the issuance of the RDP, or obtaining monitor reports, and any necessary servicing.
- o) Use of Monitor Reports. The Secretary shall gather all available monitor reports and images and any other information relative to the permittee's performance and compliance with the BAIID requirements under this Subpart D. The reports, images and information may be used as evidence at any administrative hearing conducted by the Secretary under this Part.
 - p) Modification or Waiver of BAIID
 - 1) The Secretary may make a medical or physical BAIID modification or waiver for RDPs issued under this Section. When a BAIID permittee provides a report from a physician stating the permittee is physically unable to produce an adequate breath sample to operate the BAIID, the Secretary may allow the permittee to install a BAIID that operates with a lower breath sample requirement. The Secretary may, at his or her discretion, obtain a review of the physician's report by the Secretary's Medical Advisory Board.
 - 2) When a BAIID permittee is the owner of only one vehicle, this modification may also be granted if an immediate family member who resides with the BAIID permittee must drive the vehicle and the immediate family member is unable to provide an adequate breath sample to operate the BAIID.
 - q) Employment Exemption from BAIID Requirements. In determining whether a BAIID permittee is exempt from the BAIID requirements pursuant to the waiver provided for in IVC Sections 6-205 and 6-206, the following shall apply:
 - 1) The term "employer" shall not include an entity owned or controlled in whole or in part by the permittee or any member of the permittee's immediate family, unless the entity is a corporation and the permittee and the permittee's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall

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include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;

- 2) The exemption shall not apply where the employer's vehicle is assigned exclusively to the BAIID permittee or the BAIID permittee uses the vehicle for commuting to and from employment or for other personal use.
 - 3) Appropriate limits will be established for necessary on-the-job driving. The days, hours and mileage limits will not exceed those necessary for the accomplishment of the BAIID permittee's primary employment and shall be limited to a maximum of 12 hours per day and 6 days per week unless the request for increased limits is substantially documented, such as through an employer's verification of the BAIID permittee's work schedule.
 - 4) An exemption also may be granted to a BAIID permittee who can prove that his or her duties include test driving vehicles not owned by the permittee. The exemption will be limited to this purpose and to no more than a 5 mile radius from the permittee's place of employment.
 - 5) The Secretary will also inform a BAIID permittee whose employment exemption is terminated that he or she remains eligible to have an interlock BAIID installed in his or her personal vehicle and the employer's vehicle without a hearing. Failure to have the BAIID installed by the date designated by the Secretary will result in the termination of the BAIID permittee's RDP.
- r) Decertification of BAIID Providers and BAIID. The Secretary must notify the BAIID permittee of the decertification of a BAIID provider or the decertification of a particular type of BAIID. The BAIID permittee must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The BAIID permittee must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The BAIID permittee must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the BAIID permittee's RDP. All costs related to any change in BAIID provider or BAIID shall be paid by the BAIID permittee.

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- s) Reciprocity with Other States. The Secretary will honor the BAIID requirements imposed by other states on Illinois drivers and drivers licensed in other states, for offenses committed in other states, and will reciprocate other states' recognition of BAIID requirements imposed by Illinois on drivers licensed in Illinois, or licensed in other states for offenses committed in Illinois.
- t) Monitor Reports Received after Reinstatement. If the Secretary receives a monitor report after the BAIID permittee's driving privileges have been reinstated showing a violation that would have led to reinstatement being denied, the Secretary shall cancel the driving privileges and notify the permittee of the cancellation. The permittee shall be further notified that he or she may apply to have the permit reissued, conditioned upon reinstalling the BAIID and payment of all applicable fees, unless otherwise prohibited by this Section. The Secretary shall also notify the permittee that he or she has the right to request a hearing to contest the cancellation.

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

**Section 1001.442 BAIID Provider Certification Procedures and Responsibilities;
Certification of BAIIDs; Inspections; BAIID Installer's Responsibilities; Decertification of
a BAIID Provider**

- a) Certification Required to Provide BAIID Services. No person or entity may provide BAIID services pursuant to this Subpart D unless certified as a BAIID provider by the Secretary. All certified BAIID providers must apply for recertification on an annual, calendar year basis, with applications for recertification due in the Secretary's office no later than September 1 of each year.
- b) Who May Provide BAIID Services. BAIID providers may be a manufacturer of BAIIDs, an authorized representative of a manufacturer of BAIIDs, an installer of BAIIDs or other business entity. Without regard to the specific business operations of the BAIID provider, all certified BAIID providers under this Section shall be responsible for insuring that all of the duties and responsibilities of a BAIID provider are carried out in accordance with this Subpart D, including, but not limited to, providing, distributing, installing and servicing approved BAIIDs. BAIID providers may provide these services through their own resources, through a subsidiary, or through contractual relationships with third parties.

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- c) Information Required in Application for Certification. Persons or entities desiring to be certified as BAIID providers may submit an application for certification at any time. An application for certification or recertification as a BAIID provider shall include all of the following information:
- 1) The name, business address and telephone number of the applicant. If the applicant is a business entity other than a corporation, the application must include the names and addresses of the owners of the entity. If the applicant is a corporation, the application must include the names and addresses of any person or entity owning 10% or more of the outstanding shares of the corporation;
 - 2) The names, business addresses and telephone numbers, and titles of any officers, managers or supervisors of the applicant who will be involved in the provision of BAIID services;
 - 3) A description of each BAIID the applicant proposes to install, including the name and address of the manufacturer and the model of the unit, with a copy of all manuals and information guides made available to program participants. Unless the BAIID has been previously certified by the Secretary pursuant to this Section, the application must include the information necessary to obtain certification of the BAIID pursuant to this Section;
 - 4) If the applicant is not a BAIID manufacturer, the application must include proof of the applicant's right to distribute and install the particular types of BAIIDs the applicant is proposing to utilize. The proof may include a letter (composed on letterhead stationery), or a copy of a purchase, lease, rental or distribution agreement with the manufacturer;
 - 5) A detailed description of the applicant's plan for distribution, installation and service of BAIIDs in Illinois, including the names and addresses of all installers the applicant intends to use. This plan must demonstrate the applicant's ability to distribute and install BAIIDs and the ability to submit reports to the Secretary electronically within the time frames established by this Subpart D;

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- 6) A list of all other jurisdictions/states in which the applicant currently operates or has operated, and contact information for each jurisdiction/state;
- 7) Copies of policy and procedure manuals and training manuals used regarding installer training, calibration training, calibration equipment, installation equipment, and contracts/agreements with installers;
- 8) A signed statement that the applicant agrees to provide services to program participants who have been declared indigent by the Secretary for the purposes of the BAIID program;
- 9) Proof of liability insurance. General commercial liability and/or product liability insurance, which shall include coverage for installation services, shall be maintained with minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. If the applicant is not both the manufacturer and installer of the BAIID, proof of liability insurance must be provided showing coverage of both the manufacturer and the installer. If proof of separate policies for the manufacturer and installer is provided, each policy must have minimum liability limits of \$1 million per occurrence and \$3 million aggregate total. Other commercially acceptable insurance arrangements, in the same minimum amounts, may be accepted at the discretion of the Secretary;
- 10) A statement that the applicant shall agree to indemnify and hold the State of Illinois and the Secretary, their officers, agents and employees, harmless from and against any and all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments, including costs, attorneys' and witnesses' fees, and expenses incident to any of these actions, relating to bodily injuries to persons (including death) and for loss or damage to, or destruction of, real and/or tangible property (including property of the State) resulting from the negligence or misconduct of the applicant, its employees, agents or contractors in the manufacture, installation, service, repair, use or removal of a BAIID or performance of any other duties required by this Section;
- 11) Examples of images taken by the BAIID. If, in the opinion of the Secretary, the images are not clear and accurate, the Secretary may deny certification;

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- 12) Proof that the applicant is in good standing with the Illinois Secretary of State, Business Services Department.
- d) The Secretary shall notify the applicant, in writing, of his or her decision regarding the application for certification or recertification as a BAIID provider.
- e) If an original or amended application to be certified or recertified as a BAIID provider is denied, the applicant may not reapply until 12 months have elapsed from the date of denial or the date of the final order of the hearing officer upholding the denial if the decision is reviewed in a formal administrative hearing. Prior to denying an application based on de minimis errors, including but not limited to typographical or scrivener's errors, the Secretary shall advise the applicant of the error and provide the applicant 14 business days to correct the error.
- f) In deciding whether to grant or deny an application, the Secretary may take into consideration the applicant's past performance in Illinois and other jurisdictions in manufacturing, distributing, installing or servicing BAIIDs, whether the applicant's license or certification to manufacture, distribute, install or service BAIIDs has ever been suspended, revoked, denied, cancelled or withdrawn and whether the applicant has applied to operate as a BAIID provider in another state and was denied.
- g) An applicant that has been certified pursuant to this Section may at any time submit an amended application seeking certification to distribute and install a BAIID model in addition to or other than the models previously certified for use by the applicant.
- h) Services that Must be Provided. After certification or recertification by the Secretary, BAIID providers shall provide the following services and meet the following requirements:
 - 1) All installations of BAIIDs shall be done in a workmanlike manner and shall be in accordance with the standards set forth in this Section and with the requirements of the manufacturer. All BAIIDs installed shall be in working order and shall perform in accordance with the standards set forth in this Section. All BAIIDs must be installed and all reports to the

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Secretary must be made within the time frames established by this Subpart D;

- 2) The BAIID provider shall only install models of BAIIDs that the provider has been authorized to install pursuant to this Section and the BAIIDs shall only be installed at installation sites reported to the Secretary pursuant to this Section;
- 3) Any BAIID provider that sells, rents and/or leases BAIIDs in Illinois pursuant to this Subpart D shall report to the Secretary within 7 days all such sales, rentals, and/or leases listing the BAIID permittee's name and driver's license number, the installer, the installer's location, the make and serial number of the BAIID, and the make, model and VIN of the vehicle in which the BAIID is installed;
- 4) The BAIID provider shall provide a toll free customer service/question/complaint hotline that is answered, at a minimum, during normal business hours, Monday through Friday;
- 5) The BAIID provider shall provide a course of training and written instructions for the BAIID permittee or MDDP offender on operation, maintenance, and safeguards against improper operations, and instruct the BAIID permittee or MDDP offender to maintain a journal of events surrounding failed readings or problems with the BAIID. Copies of all materials used in this course of training shall be provided to the Secretary;
- 6) The BAIID provider shall provide service for malfunctioning or defective BAIIDs within a maximum of 48 hours after notification of a request for service. This support shall be in effect during the period the BAIID is required to be installed in a motor vehicle;
- 7) The BAIID provider shall provide, at the request of the Secretary, expert or other required testimony in any civil or criminal proceedings or administrative hearings as to issues involving BAIIDs, including the method of manufacture of the BAIID and how the BAIID functions;
- 8) If a BAIID provider requires a security deposit by a BAIID permittee or MDDP offender and the amount of the deposit required is more than an amount equal to one month's rental or lease fee, the security deposit must

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be deposited in an escrow account established at a bank, savings bank or savings and loan association located within the State of Illinois. The BAIID provider will provide the Secretary with a certified statement of the escrow account upon the Secretary's request;

- 9) BAIID providers must submit monitor reports or reports of any other service to the Secretary whenever a BAIID is brought in for monitoring, a portion of the BAIID is sent to the BAIID provider, the BAIID is read remotely, or a BAIID is brought in pursuant to a service or notification report. Except as provided in subsection (h)(10), the reports must be submitted to the Secretary no later than 7 days from the date the BAIID is brought in, an appropriate portion of the BAIID is sent to the BAIID provider, or the BAIID is read remotely;
- 10) When a vehicle is brought into a service center to have the BAIID read or calibrated, the BAIID installer shall carefully inspect the BAIID and all wiring and connections related to the BAIID for signs of tampering or circumvention. If a BAIID has been installed that permits the BAIID permittee or MDDP offender to mail in a portion of the BAIID to be read and calibrated, or allows the BAIID to be read remotely, that BAIID permittee or MDDP offender shall be required to bring his or her vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention. Within 2 business days after discovery, the BAIID provider shall report to the Secretary evidence of tampering or attempts to circumvent a BAIID. The BAIID provider shall preserve any available physical evidence of tampering or circumvention and shall make that evidence available to the Secretary. Within 2 business days after an inspection of a mail-in or remotely read BAIID vehicle, the installer shall notify the SOS that evidence of tampering or circumvention has been found;
- 11) BAIID providers shall notify the Secretary within 7 days when a BAIID has been installed, reinstalled or deinstalled, and shall provide to the Secretary, upon request, additional reports, to include but not be limited to records of calibrations, maintenance checks and usage records on BAIIDs placed in service in Illinois;

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- 12) The BAIID provider shall provide service to all BAIID permittees or MDDP offenders who request services from the BAIID provider and who have met the requirements of this Subpart D, including the payment of fees due to the provider, unless the fees are otherwise waived by rule or statute;
- 13) The BAIID provider must immediately notify the Secretary in writing if the provider or the BAIID manufacturer or installer becomes unable to produce, supply, service, repair, maintain or monitor BAIIDs in compliance with this Subpart D or if the provider has been suspended or decertified in any other jurisdiction;
- 14) With the exception of mobile installations authorized by Section 1001.442(n), the BAIID provider shall provide the Secretary a list of all locations in Illinois where BAIIDS may be purchased, rented, leased, installed, removed, serviced, repaired, calibrated, accuracy checked, inspected and monitored. The BAIID provider shall notify the Secretary within 48 hours of any new installation locations or any installation locations that are closed;
- 15) The BAIID provider shall install, monitor and deinstall authorized BAIIDs without fee to any MDDP offender determined to be indigent by the Secretary who requests services from the BAIID provider and who presents written documentation of indigency from the Secretary;
- 16) The Secretary may designate the form, format and method of delivery (e.g., facsimile, electronic transfer, etc.), for any reports, information, or data required to be filed with the Secretary pursuant to this Subpart D, including, but not limited to, installation verification forms, monitoring report forms, noncompliance report forms, notices of calibration, verification, tampering or circumvention, removal or deinstallation report forms, and information necessary to implement and monitor the indigent surcharge payments to the Indigent BAIID Fund and payment provisions from the Indigent BAIID Fund set forth in IVC Section 6-206.1 and Section 1001.444. Images taken by the BAIID must be available to the Secretary via online account access;
- 17) The Secretary shall review and approve leases or rental agreements the BAIID provider intends to utilize between the BAIID provider and the

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BAIID permittee or MDDP offender. The BAIID provider shall submit to the Secretary a copy of the schedule of all fees that will be charged to BAIID permittees or MDDP offenders, and shall submit an amended schedule of fees whenever there is a change to the BAIID provider's fees;

- 18) The BAIID providers shall agree to take assignments to unserved areas of Illinois pursuant to this Section, as those areas are defined in subsection (m)(2);
- 19) The Secretary shall have the right to conduct independent inspections of BAIID providers, manufacturers and installers, including inspection of any BAIIDs and calibration equipment present at the time of the inspection, to determine if they are in compliance with the requirements of this Subpart D. The Secretary shall notify, in writing, and require the BAIID provider to correct any noncompliance revealed during any inspections. Within 30 days after receiving a notice of noncompliance, the BAIID provider shall notify the Secretary, in writing, of any corrective action taken;
- 20) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, provide the Secretary with not more than two BAIIDs for each model that is certified under this Section. These models will be used for demonstration and training purposes;
- 21) Unless an alternative method for reading and calibrating the BAIID has been approved by the Secretary, all BAIIDs shall be recalibrated, whenever they are brought to the provider for any type of service or monitoring, using a wet bath simulator or other approved equivalent procedure, i.e., dry gas standard. Calibrations shall be done no less frequently than every 67 days, including those BAIIDS that are read remotely;
- 22) Calibration equipment shall be in good working order and maintained and operated according to the equipment manufacturer's recommendations. Solution in wet bath calibration units shall be changed according to the manufacturer's recommendations and new solution shall be stored in a cool, dry location and discarded upon the expiration date. Dry gas cylinders must be stored in an area protected from exposure to weather;

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- 23) BAIID providers shall maintain records related to a BAIID permittee or MDDP offender, including but not limited to installation, monitoring, circumvention and deinstallation, for a period of 3 years after the BAIID is deinstalled.
- i) Criteria for Certification of BAIIDs. Only BAIIDs that have been certified for use in Illinois pursuant to this Section may be installed in the vehicles of BAIID permittees and MDDP offenders. Certification of a BAIID shall be based on the following criteria:
- 1) A review and evaluation of test results from any nationally recognized and certified laboratory test facility that is accredited by the International Standards Organization (ISO). The evaluation and test results must affirm the BAIID's ability to meet the Model Safety and Utility Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs) promulgated by the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation, 78 Fed. Reg. 89, May 8, 2013, except for:
 - A) 1.4.S, Power, if the BAIID is not designed to be operated from the battery;
 - B) 1.5.2.S, Extreme Operating Range, if the BAIID is not designed to be operated below -20° C and above +70° C;
 - C) 2.3.S, Warm Up, if the BAIID is not designed to be operated below -20° C;
 - D) 2.5.S, Temperature Package, if the BAIID is not designed to be operated below -20° C and above +70° C;
 - 2) The BAIID provider must certify that the BAIID:
 - A) Does not impede the safe operation of a vehicle;
 - B) Minimizes opportunities to bypass the BAIID;
 - C) Performs accurately and reliably under normal conditions;

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- D) Prevents a BAIID permittee or MDDP offender from starting a vehicle when the BAIID permittee or MDDP offender has a prohibited BrAC, i.e., $P \geq 0.025$;
 - E) Satisfies the requirements for certification set forth in this Section;
 - F) Has a camera that takes clear and accurate images of the individual utilizing the BAIID and that has a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID;
 - G) Provides calibration stability for a period of no less than 67 days;
- 3) No BAIID shall be certified if it demonstrates an accuracy rate ≥ 0.01 in unstressed conditions or ≥ 0.02 in stressed conditions. The terms "stressed" and "unstressed" shall be defined according to the NHTSA standards referred to in subsection (i)(1);
 - 4) Any BAIID to be certified shall be designed and constructed with an alcohol setpoint of 0.025;
 - 5) Any BAIID to be certified shall require the operator of the vehicle to submit to a running retest at a random time within 5 to 15 minutes after starting the vehicle. Running retests shall continue at a rate of two per hour in random intervals not to exceed 45 minutes after the first running retest;
 - 6) Any BAIID to be certified shall be designed and constructed to immediately begin blowing the horn if:
 - A) The running retest is not performed;
 - B) The BrAC reading of the running retest is 0.05 or more; or
 - C) Tampering or circumvention attempts are detected;

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- 7) The BAIID shall be required to have permanent lockout 5 days after it gives service or inspection notification to the BAIID permittee or MDDP offender if it is not serviced or calibrated within that five day period.
- A) The BAIID shall give service or inspection notification to the BAIID permittee or MDDP offender upon the occurrence of any of the following events:
- i) Every instance in which the BAIID registers 3 BrAC readings of .05 or more within a 30 minute period;
 - ii) Any attempted tampering or circumvention;
 - iii) The time for the BAIID permittee or MDDP offender to take the vehicle for the initial monitor report;
 - iv) Every 60 days after the initial monitor report;
 - v) For MDDP offenders, 5 violations within the 60 day monitoring period;
 - vi) Every 6 months, for an inspection pursuant to Section 1001.441(h)(2) in which the type of BAIID installed allows for a portion of the BAIID to be mailed in or allows the BAIID to be read remotely;
- B) In addition, the BAIID shall record and communicate to the BAIID permittee or MDDP offender and to the Secretary's office via monitor reports all of the preceding events and all starts of the vehicle, both successful and unsuccessful;
- C) The BAIID shall record an image each time the vehicle is started, each time a test is prompted, each time a successful or unsuccessful test sample is taken, and whenever there is a failed attempt to provide a breath sample;
- 8) The BAIID shall be required to have 24 hour lockout anytime the BAIID permittee or MDDP offender registers 3 BrAC readings of 0.05 or more within a 30 minute period;

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- 9) Certification of a BAIID may be withdrawn by the Secretary, based on a field testing protocol developed by the Secretary to determine the BAIID's ability to operate in a consistently reliable manner and based upon review of field performance results; a review of BAIID usage by BAIID permittees and MDDP offenders; and BAIID monitor reports;
- 10) Upon the request of the Secretary, the BAIID provider shall, at no cost to the State of Illinois, install not more than three of each model of BAIID for which certification is sought in the vehicles provided by the Secretary for field testing. The Secretary may independently evaluate each BAIID to ensure compliance with the requirements in this Section. The evaluation criteria include, but are not limited to, repeated testing of alcohol-laden samples, filtered samples, circumvention attempts, tampering, and testing for all specifications listed in this Subpart D. An applicant or provider is limited to 3 field tests per BAIID model as part of the certification process. If a BAIID model of an applicant or provider fails 3 field tests, the applicant or provider shall not be certified unless the applicant or BAIID provider has another BAIID model that has been certified by the Secretary;
- 11) Upon the request of the Secretary, for each model of BAIID certified under this Section, the BAIID provider shall provide a total of at least 10 hours of training to the Secretary's employees at no cost to the State of Illinois. This training shall be held at the times and locations within the State designated by the Secretary. The training shall be designed to familiarize the Secretary's employees with the installation, operation, service, repair and removal of the BAIIDs and with the training and instructions that the BAIID provider will give to BAIID permittees and MDDP offenders. The BAIID provider shall also provide the Secretary, upon request, the following materials:
 - A) A detailed description of the BAIID, including complete instructions for installation, operation, service, repair and removal of the BAIID;
 - B) Complete technical specifications describing the BAIID's accuracy, reliability, security, data collection and recording,

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tamper and circumvention detection, imaging and environmental features;

- 12) Any BAIID that is not certified may be re-tested at the request of the BAIID provider but not more often than once in a calendar year;
 - 13) The Secretary shall not accept for certification any BAIID that uses Taguchi cell technology to determine BrAC;
 - 14) BAIIDs must use, as their anti-circumvention method, one of the following technologies: either a positive>negative>positive or positive>negative air pressure test requirement, or a mid-test hum tone requirement. BAIID providers may submit for approval to the Secretary new anti-circumvention technologies. Upon approval by the Secretary, pursuant to the procedures in this subsection (i), these technologies shall be included with the previously mentioned anti-circumvention technologies as acceptable for use by BAIID providers. In addition to these anti-circumvention methods, all BAIIDs installed after July 1, 2013, and all BAIIDs in use in Illinois after July 1, 2015, shall include a camera that captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID. The captured images shall be stored by the vendor while the BAIID is installed in the vehicle and for 3 years after removal and shall be made accessible to the Secretary, at the Secretary's request, either by electronic access to the vendor's system or electronic mail;
 - 15) After a BAIID has been certified by the Secretary, no firmware or software modifications shall be deployed without written authorization by the Secretary, which may include installation of the BAIID with the proposed firmware or software modifications in accordance with subsection (i)(10) and, if the Secretary determines the software or firmware modification is major or material, submission to an accredited lab in accordance with subsection (i)(1).
- j) BAIID Installers

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- 1) All installations of BAIIDs must be performed by installers identified to the Secretary as employees of or contractors of a certified BAIID provider. The provider must inform the Secretary whether installation is being done by its own employees, contractors, or both. All installations shall be performed in a workmanlike manner. BAIID providers shall be responsible for their installer's compliance with this Subpart D. A BAIID provider may be decertified by the Secretary for the noncompliance of its installer with the requirements of this Subpart D;
- 2) All service centers and mobile installation units shall have all tools, test equipment and manuals needed to install BAIIDs and screen motor vehicles for acceptable mechanical and electrical condition prior to installation;
- 3) The installer shall provide adequate security measures to prevent access to the BAIIDs (tamper seals or installation instructions);
- 4) The installer shall appropriately install BAIIDs on motor vehicles taking into account each motor vehicle's mechanical and electrical condition, following accepted trade standards and the BAIID manufacturer's instructions. All connections shall be soldered or secured with no crimp wire connectors and covered with tamper seals. It is the BAIID permittee's or MDDP offender's responsibility to repair the vehicle if any prior condition exists that would prevent the proper functioning of the BAIID. The installer shall inform the BAIID permittee or MDDP offender that a problem exists, but shall not be responsible for repairing the vehicle. The installer shall not permit the BAIID permittee or MDDP offender to observe the installation of the BAIID;
- 5) The installer shall not install BAIIDs in a manner that could adversely affect the performance of the BAIID or impede the safe operation of the motor vehicle;
- 6) After the BAIID has been installed in the motor vehicle, the installer shall verify that the BAIID is functioning properly and shall have the BAIID permittee or MDDP offender use the BAIID to start the vehicle to ensure that he or she is familiar with the operation of the BAIID. At that same time, the installer shall verify that the camera is operational and that a

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reference image of the BAIID permittee or MDDP offender has been taken;

- 7) The installer shall restore a motor vehicle to its original condition when a BAIID is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent;
 - 8) When the installer is also providing monitoring and other services for the BAIID after installation, the installer shall perform all of the duties that are associated with service after the installation and that are required by this Section of a BAIID provider. These duties shall include, but are not limited to, completing all monitoring reports and/or mailing in the appropriate portion of the BAIID to the BAIID provider, making notification of any evidence of tampering or circumvention, and recalibrating BAIIDs whenever they are brought in for service or monitoring;
 - 9) The installer shall not install a BAIID on any vehicle that does not have an operable horn, but shall advise the BAIID permittee or MDDP offender to have the vehicle's horn repaired before installation can occur.
- k) Suspension and Decertification of BAIID Providers. The Secretary may suspend or decertify a BAIID provider from providing BAIID services in Illinois. The Secretary shall provide written notification to the BAIID provider regarding any violation of this Section that may lead to suspension or decertification. The BAIID provider will be given a 30 day opportunity to come into compliance. The BAIID provider shall respond in writing to the Secretary regarding the course of corrective action. If the course of corrective action is deemed unacceptable by the Secretary, or if there are recurring instances of the violations that led to the notice following the corrective action, the Secretary may decertify the BAIID provider from providing services in Illinois or suspend the BAIID provider from performing any new installations for a period of 3 months. The following are considered actions warranting suspension or decertification:
- 1) Failure to submit monitor reports in a timely manner, as provided in subsections (h)(9) and (h)(10). If the Secretary finds, through investigation, that the BAIID permittee or MDDP offender did take the vehicle with the installed BAIID to the BAIID provider, or sent the appropriate portion of the BAIID to the BAIID provider for a monitor

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report in a timely manner, a request for the monitor report shall be sent to the BAIID provider. If the information is not received within 30 days, the BAIID provider will be given a 3 month suspension from providing new installations in Illinois. Three occurrences within a 12 month period will result in decertification;

- 2) Failure to maintain liability insurance as required;
- 3) Failure to install certified BAIIDs within the time requirements of this Subpart D;
- 4) Failure to comply with all of the duties and obligations contained in this Subpart D;
- 5) Failure to provide BAIID permittees or MDDP offenders with correct information regarding the requirements of this Subpart D;
- 6) Failure to submit a required surcharge to the Secretary or failure to submit a required surcharge in a timely manner for deposit in the Indigent BAIID Fund as required in IVC Section 6-206.1 and Section 1001.444 of this Part. If the amount in dispute is not resolved within the above 30 day period, the BAIID provider shall be decertified unless the BAIID provider submits, within the 30 day period, a written request to review the amount in dispute to the BAIID Division. The dispute will then be resolved according to the terms of the contract entered into between the BAIID provider and the Secretary;
- 7) Failure to work with BAIID permittees or MDDP offenders in a professional manner. Complaints from BAIID permittees and MDDP offenders will be recorded. Repeated complaints determined by the Secretary to be valid or clear violations of the program requirements set forth in this Section shall result in decertification;
- 8) Failure to provide installations in a workmanlike manner, as set forth in this Section, and within the requirements of the manufacturer;
- 9) Installing BAIIDs not certified by the Secretary;

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- 10) Failure to report installations and deinstallations to the Secretary within 7 days;
- 11) Failure to maintain and upgrade calibration equipment, BAIIDs and cameras;
- 12) Failure to provide services to indigent MDDP offenders;
- 13) Failure to provide trained installers or installations that are not in compliance with subsection (j)(2);
- 14) Failure to inform the Secretary of suspension or decertification from service in another jurisdiction within 30 days;
- 15) Failure to notify the Secretary of any BAIID installer or service center that is no longer installing or servicing BAIIDS for the provider;
- 16) Wiring the BAIID for circumvention or creating a circumventing apparatus for the BAIID permittee or MDDP offender;
- 17) Giving information to a BAIID permittee or MDDP offender that results in or could result in the BAIID being circumvented;
- 18) Failing to use or make secure or appropriate wiring connections as specified in this Section;
- 19) Installing a BAIID in a vehicle that does not have an operable horn;
- 20) Failing to maintain the calibration equipment and solutions as specified in this Section;
- 21) Invalidation of an installer's Illinois driver's license;
- 22) Failure to meet any of the requirements of this Section or other applicable administrative rules or statutes.
- 23) [Solicitation of a permittee for any service or product other than installation and use of a BAIID.](#)

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- l) Notification of Decertification or Decision Not to Recertify. Upon a decision not to recertify a BAIID provider, or upon decertification of a BAIID or the decertification of or the cessation of the operation of a BAIID provider, the Secretary shall notify in writing all affected BAIID permittees or MDDP offenders. The notification shall be sent not less than 30 days after the decision or, if the BAIID provider requests a formal administrative hearing within that 30 day period to review the decision, notification shall not be sent until the entry of a final order of the hearing officer upholding the decision.
- m) Designation of Installation Sites
 - 1) Each BAIID provider shall be responsible for establishing installation sites within the State to service BAIID permittees and MDDP offenders, or to provide mobile installations as provided in subsection (n);
 - 2) The Secretary shall monitor the location of installation sites throughout Illinois. If the Secretary determines that any place in Illinois is not within 75 miles of an installation site, the Secretary shall randomly select one of the certified BAIID providers and require that BAIID provider to establish an installation site or provide mobile installations in the unserved area. If a second or subsequent area of Illinois is determined not to be within 75 miles of an installation site, the Secretary shall randomly select a BAIID provider other than the one selected previously and require that BAIID provider to establish an installation site or provide mobile installations in the unserved area. As a condition of being certified by the Secretary, BAIID providers must agree to take assignments to unserved areas pursuant to this subsection (m)(2).
- n) Mobile Installation Sites
 - 1) A BAIID provider may install BAIIDs at locations other than fixed, permanent installation sites.
 - 2) All provisions in this Section, as well as Sections 1001.441 and 1001.444, are hereby made applicable to mobile installers and mobile installations, except for those provisions that by their nature can have no application to mobile installers and installations.
 - 3) At the installation location, the installer must have a copy of the

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permittee's/offender's request to have a BAIID installed and show it to the permittee/offender upon request.

- 4) A provider may, but is not required to, provide an identification card for mobile installers that includes, but is not limited to, the name of the installer and the provider for which the installer works. The identification card may also contain a photo of the installer.
 - 5) Providers shall provide the Secretary with a schedule of mobile installs 24 hours before the install occurs. The schedule shall contain the name and address of the permittee/offender and the location where the install will occur. The Secretary reserves the right to attend and inspect mobile installations.
- o) An applicant whose application for certification or recertification as a BAIID provider has been denied, or a BAIID provider who has been suspended or decertified, shall have the right to have that decision reviewed at a formal administrative hearing. In the case of a decision not to recertify or to suspend or decertify, that decision shall not be implemented until at least 30 days after the notice of the decision has been sent to the applicant or provider or, if the applicant or provider requests a hearing within that 30 day period, until the entry of a final order of the hearing officer upholding the decision. The hearings held under this Subpart D shall be conducted in accordance with all of the rights, privileges, and procedures set forth in Subpart A. A request for a hearing to contest a decision to deny certification or recertification or to decertify must be in writing and must be sent to one of the following locations:
- 1) Office of the Secretary of State, Department of Administrative Hearings, 17 North State Street, Suite 1200, Chicago, Illinois 60602, 312/793-3722;
 - 2) Office of the Secretary of State, Department of Administrative Hearings, Michael J. Howlett Building, Room 207, Springfield, Illinois 62756, 217/524-0124.
- p) Any solicitation or correspondence sent from or provided by a BAIID provider to a potential RDP or MDDP permittee must conspicuously and in bold include the following statements: "_____ (name of BAIID provider) is a privately-owned entity and is not owned, operated, or endorsed by the Illinois Secretary of State or any other Illinois government agency" and "_____ (name of

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BAIID provider) is not the sole BAIID provider authorized by the Secretary of State." The solicitation or correspondence may not be attached to or have the appearance of any official correspondence sent to a permittee by the Secretary of State; may not state or otherwise indicate that the provider is the sole or only BAIID provider in Illinois, and shall not utilize the same font as utilized by the Illinois Secretary of State (Arial, Calibri, Cambria, Garamond, and Times New Roman) when the Secretary sends correspondence to permittees. A BAIID provider or installer may not use any personal information (including the name, address, telephone number and/or email address) provided by a permittee to solicit the permittee for any service or product other than installation and use of BAIID, including, but not limited to, insurance and auto repair.

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

Section 1001.444 Monitoring Device Driving Permit (MDDP) Provisions

- a) Breath Alcohol Ignition Interlock Device (BAIID) Required for Issuance; Fee Required
 - 1) The Secretary shall notify a first offender (MDDP offender), as defined in IVC Section 11-500, that he or she will be issued an MDDP. The issuance of the MDDP shall be conditioned on the installation and use of a BAIID in any vehicle operated, as required by IVC Section 6-206.1. Only BAIIDs certified by the Secretary under Section 1001.442 of this Part may be utilized. As provided in IVC Section 6-206.1, an MDDP offender must pay a non-refundable fee in an amount equal to \$30 per month times the number of months or any portion of a month remaining on the statutory summary suspension at the time the Secretary issues the MDDP. No fee will be charged for any month in which the Secretary issues the MDDP on or after the 20th day of that month. This total, one time payment for each MDDP issued must be paid in advance and prior to the issuance of the MDDP. Payment must be submitted in the form of a money order, check or credit card charge (with a pre-approved card), made payable to the Secretary of State.
 - 2) Any MDDP holder whose summary suspension is extended or who is re-suspended as provided for in IVC Section 6-206.1 and who applies for and obtains an extension or re-issuance of an MDDP, shall likewise be required to pay the non-refundable fee for the length of the period of

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extension or re-suspension under the same terms and conditions as stated in subsection (a)(1). Any such suspension will not be terminated until payment of any and all fees due under this Section is made.

- 3) Any MDDP offender whose driving privileges are otherwise suspended, revoked, cancelled or become otherwise invalid is not eligible to receive an MDDP.
- 4) Any MDDP shall be invalid and must be surrendered to the Secretary if an MDDP holder's driving privileges subsequently are suspended, revoked, cancelled or become otherwise invalid under any provision of the IVC, during the issuance period of the MDDP. This includes a conviction and subsequent revocation of driving privileges for the DUI arrest that resulted in the issuance of the MDDP. The MDDP offender, including an MDDP holder that surrendered his or her MDDP prior to the suspension, revocation, cancellation or invalidation of driving privileges, may petition, at a formal hearing conducted pursuant to IVC Section 2-118, for a restricted driving permit during the period of suspension, revocation, cancellation or invalidation, if available pursuant to the IVC. In order to obtain a restricted driving permit pursuant to this Section, the MDDP offender must also satisfy the other provisions of this Part. Further, should a restricted driving permit be granted, the MDDP offender may only operate vehicles in which a properly working BAIID has been installed and is subject to all of the provisions of the BAIID program.
- 5) Any MDDP holder whose MDDP is invalidated as provided in subsection (a)(4), except those MDDP holders cancelled under IVC Section 6-206.1(c-1), may obtain another MDDP upon termination of the sanction that led to the invalidation as long as the offender is still eligible for an MDDP. The offender must notify the Secretary in writing and submit the statutory permit fee. Upon issuance of an MDDP, the MDDP holder is subject to all of the provisions of this Section.
- 6) The MDDP holder may voluntarily terminate participation in the MDDP program by written notification and surrender of the permit to the Secretary's BAIID Division. This voluntary termination does not in any way affect any sanction imposed under this Section. An offender may also resume participation by notifying the BAIID Division in writing, but

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may do so only once during the term of the suspension, extension or re-suspension due to a violation of the program.

- b) Compliance – Installation of BAIID/Notification to the Secretary
- 1) The MDDP Holder. Upon the issuance of an MDDP under this Section, the Secretary shall make available a list of certified BAIID providers to the MDDP holder. The MDDP holder may operate the vehicle for 14 days from the issuance date stated on the MDDP without the BAIID installed solely for the purpose of taking the vehicle to a BAIID provider or installer for installation of the BAIID. The MDDP holder must be the individual who takes the vehicle to the installer to have the BAIID installed and must have a reference image taken by the installer at the time of installation. Failure to comply with this requirement will result in the cancellation of the MDDP issued.
 - 2) The Installer/BAIID Provider. A BAIID provider or installer must:
 - A) Be qualified and comply with all of the procedures and responsibilities set forth in Section 1001.442;
 - B) Within 7 days after the date of the installation of the BAIID, notify the Secretary, in a manner and form specified by the Secretary, that a BAIID has been installed in the vehicles designated by the MDDP offender;
 - C) Upon notification from the MDDP holder, as evidenced by the written form from the Secretary that the MDDP holder has been found to be indigent, not charge the MDDP holder for any installation, monthly monitoring, deinstallation fees, or security deposit that exceeds one month's BAIID rental fee. This waiver of charges and fees is limited to one vehicle per MDDP holder;
 - D) Upon request, make records available to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.
- c) Compliance – Driving with BAIID. Any MDDP offender receiving an MDDP under this Section must comply with the following requirements:

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- 1) Operate only vehicles with an installed, operating BAIID certified by the Secretary whether the vehicle is owned, rented, leased, loaned or otherwise in the possession of the MDDP holder, as required by the MDDP issued under this Section.
- 2) Except when a BAIID has been installed that may be read remotely, either take any and all vehicles operated by the MDDP holder and with a BAIID installed or send the BAIID to the BAIID provider or installer at least every 60 days, which shall be referred to as the monitoring period, commencing with the date of installation, for the purposes of calibration and having a monitor report of the BAIID's activity prepared and sent to the Secretary by the BAIID provider or installer. The monitoring period will be 30 days for any MDDP holder whose summary suspension is extended or who is re-suspended for a violation of the MDDP program.
- 3) If a BAIID has been installed that permits the MDDP offender to mail in a portion of the BAIID to be read and calibrated, or that allows the BAIID to be read remotely, bring the vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention.
- 4) Within 5 working days after any service or inspection notification, take the vehicle with the BAIID, installed to the BAIID provider or installer or send the appropriate portion of the BAIID to the BAIID provider or installer as instructed for a monitor report.
- 5) Maintain a journal of events recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, any problems with the BAIID, and the name of the driver operating the vehicle at the time of the event. If BAIIDs have been installed on multiple vehicles, a separate journal must be kept for each vehicle, recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, any problems with the BAIID, and the name of the driver operating the vehicle at the time of the event.
- 6) Ensure that the BAIID camera is aimed, and the person using the BAIID is situated, so that the camera captures a clear and accurate image of the individual blowing into the BAIID, including a sufficiently wide angle

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that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID.

- 7) Shall not have a BAIID removed or deinstalled from a vehicle prior to notifying the Secretary and surrendering the MDDP to the Secretary or the Secretary's designee.
 - 8) Shall not commit any of the violations listed in subsection (d).
- d) Violations. Any of the following, when committed by an MDDP holder, constitutes a violation of the MDDP program:
- 1) A conviction or court supervision for any of the offenses listed in IVC Section 6-206.1(c-1);
 - 2) Tampering or attempting to tamper with, or unauthorized circumvention of, the BAIID, including the use of any product intended to prevent accurate readings by the BAIID;
 - 3) A violation of IVC Section 6-206.2;
 - 4) 10 or more unsuccessful attempts to start the vehicle with a BAIID installed within a 30 day period, excluding a BrAC reading of 0.05 or more;
 - 5) 5 or more unsuccessful attempts to start the vehicle within a 24 hour period, excluding a BrAC reading of 0.05 or more;
 - 6) A BrAC reading of 0.05 or more;
 - 7) Failing a running retest, or failing to take a running retest;
 - 8) Removing the BAIID without authorization from the Secretary;
 - 9) Failing to utilize the BAIID as required;
 - 10) Failing to submit a BAIID for a monitor report in a timely manner;

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- 11) Failing to bring a vehicle into a BAIID installation site at least once every 6 months so that the BAIID and all related wiring and connections may be inspected for signs of tampering or circumvention;
 - 12) Preventing the camera from taking clear and accurate images of the permittee blowing into the mouthpiece, including a sufficiently wide angle that it will be possible to determine whether the individual blowing into the BAIID is seated in the driver's seat and whether a circumvention device has been inserted into the mouthpiece of the BAIID.
- e) Sanctions Upon Commission of a Violation. Upon notification of any of the violations in subsection (d), the Secretary shall take the following action:
- 1) For a conviction or court supervision for any of the offenses listed in IVC Section 6-206.1(c-1), or a notification from a BAIID provider or installer that a physical inspection of any BAIID permittee's vehicle showed any tampering with or unauthorized circumvention of the BAIID, immediately cancel the MDDP, extend the suspension as provided for in IVC Section 6-206.1(1), and authorize the immediate removal/deinstallation of the BAIID. If the MDDP had expired prior to the Secretary receiving notification of the conviction, supervision or violation, the Secretary shall re-suspend the MDDP offender as provided for in IVC Section 6-206.1(1). The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the permit.
 - 2) For any MDDP holder whose monitor report or other sufficient evidence shows any tampering or unauthorized circumvention of the BAIID, or who fails to bring his or her vehicle in for an inspection pursuant to subsection (c)(3), send the MDDP holder a letter asking for an explanation of the failure to bring the vehicle in for an inspection or an explanation of the tampering or unauthorized circumvention. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall immediately cancel the MDDP, extend the suspension as provided for in IVC Section 6-206.1(1), and authorize the immediate removal/deinstallation of the BAIID. If the summary

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suspension is already terminated prior to the MDDP holder failing to bring his or her vehicle in for an inspection pursuant to subsection (c)(3), or prior to the Secretary receiving the monitor report/physical inspection showing the violation, the Secretary shall re-suspend the MDDP offender as provided for in IVC Section 6-206.1(1). The MDDP offender may then file a petition for the issuance of an RDP. The MDDP offender must have a formal hearing pursuant to IVC Section 2-118 and satisfy all the requirements of this Subpart D in order to obtain the RDP.

- 3) For any MDDP holder whose monitor report shows: 10 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 30 day period; or 5 or more unsuccessful attempts to start the vehicle with a BAIID installed, within a 24 hour period; or any single BrAC reading of 0.05 or more, send the MDDP holder a letter asking for an explanation of the unsuccessful attempts to start the vehicle or the BrAC reading. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months. Should any monitor report show multiple violations, each violation provided for in this subsection shall be a separate violation requiring a separate 3 month extension or re-suspension.
- 4) For any MDDP holder whose monitor reports show a failure to successfully complete a running retest, send the MDDP holder a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.

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- 5) For a removal/deinstallation of a BAIID without authorization, including a removal or deinstallation caused by the MDDP holder's failure to pay lease or rental fees due to the BAIID provider, the Secretary shall immediately cancel the MDDP.
- 6) For a failure to utilize the BAIID by the MDDP holder as required, the Secretary shall extend the summary suspension for 3 months. If the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary shall re-suspend for 3 months.
- 7) For a failure to submit a BAIID for a monitor report in a timely manner, the following procedure will be followed: unless notified by a BAIID provider that the BAIID has been removed, all monitor reports shall be submitted to the Secretary within 37 days after installation and within every 37 days thereafter. If the Secretary fails to receive an MDDP holder's monitor reports within the 37 days, the Secretary will conduct an informal inquiry (will attempt to contact the BAIID provider and MDDP holder by telephone or e-mail) for the purpose of determining the cause for this failure. If it is determined or if it appears that the MDDP holder failed to take in a vehicle with the BAIID or send the BAIID in for timely monitor reports, then the Secretary will send a letter to the MDDP holder stating that, if the BAIID is not taken in for a monitor report within 10 days after the date of the letter, the Secretary will extend the summary suspension for 3 months, or, if the summary suspension is already terminated prior to the Secretary receiving the monitor report showing the violation, the Secretary will re-suspend for 3 months. If the MDDP holder cannot be located or does not respond to the Secretary's request for information, the MDDP shall be cancelled or, if the MDDP has expired, the Secretary shall re-suspend the MDDP as provided for in IVC Section 6-206.1(1).
- 8) Violations detected in any one monitoring period shall not, however, result in extensions or re-suspensions totaling more than six months, except as provided in subsection (e)(10).
- 9) If the MDDP holder is re-suspended for a violation that was not reported to the Secretary until after the termination of the MDDP holder's summary

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suspension, the MDDP holder may obtain another MDDP by notifying the Secretary in writing and submitting all required fees.

- 10) When an image shows that the MDDP permittee has utilized any product that allows the permittee to avoid blowing directly into the mouthpiece of the BAIID, or when any step has been taken to prevent a clear and accurate image of the driver and mouthpiece, the Secretary shall extend the summary suspension for 3 months.
- f) Hearing to Contest Cancellation of MDDP or Extension of the Summary Suspension. Any MDDP holder whose summary suspension is extended or re-suspended, or whose MDDP is cancelled as provided for in this Section, may request a hearing to contest that action. A written request, along with the \$50 filing fee, must be received or postmarked within 30 days from the effective date of the extension, re-suspension or cancellation. The hearing will be conducted as any other formal hearing under this Part.
- g) MDDPs – Content. Any MDDPs issued as provided for in this Section shall, in addition to all other requirements, state at a minimum that:
- 1) The MDDP is issued pursuant to the BAIID requirements of this Section and that a vehicle operated by an MDDP holder must be equipped with a certified, installed, properly operating BAIID;
 - 2) The provisions of the MDDP also allow the MDDP holder to drive to and from the BAIID provider or installer for the purpose of installing the BAIID within 14 days after the issuance date on the MDDP;
 - 3) Once the BAIID is installed, the MDDP holder may drive the vehicle with the BAIID properly installed for any purpose and at any time;
 - 4) If applicable, the MDDP holder qualifies for any modification or waiver of BAIID, as provided in subsection (i), or employment exemption from BAIID, as provided in subsection (j).
- h) Use of Monitor Reports. The Secretary shall gather all available monitor reports and images, and any other information relative to the MDDP holder's performance and compliance with the BAIID requirements under this Subpart D.

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The reports, images and information may be used as evidence at any administrative hearing conducted by the Secretary under this Part.

- i) **Modification or Waiver of BAIID.** Upon request of the MDDP holder, the Secretary may consider a medical or physical BAIID modification or waiver for an MDDP issued under this Section. When an MDDP holder provides a report from a physician stating that the MDDP holder is physically unable to produce an adequate breath sample to operate the BAIID, the Secretary may allow the MDDP holder to install a BAIID that operates with a lower breath sample requirement. When an MDDP holder is the owner of only one vehicle, this modification may also be granted if an immediate family member who resides with the MDDP holder must drive the vehicle and the immediate family member is unable to provide an adequate breath sample to operate the BAIID. The Secretary may, at his or her discretion, obtain a review of the physician's report by the Secretary's Medical Advisory Board.
- j) **Employment Exemption from BAIID Requirements.** In determining whether an MDDP holder is exempt from the BAIID requirements pursuant to the waiver provided for in IVC Section 6-206.1, the following shall apply:
 - 1) The term "employer" shall not include an entity owned or controlled in whole or in part by the MDDP holder or any member of the MDDP holder's immediate family, unless the entity is a corporation and the MDDP holder and the MDDP holder's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;
 - 2) The exemption shall not apply when the employer's vehicle is assigned exclusively to the MDDP holder, or the MDDP holder uses the vehicle for commuting to and from employment or for other personal use and *no person may drive the exempted vehicle more than 12 hours per day, 6 days per week* [625 ILCS 5/6-206.1(a-2)];
 - 3) Appropriate limits will be established for necessary on-the-job driving. The days, hours and mileage limits will not exceed those necessary for the accomplishment of the MDDP holder's primary employment;

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- 4) This exemption is subject to termination if the Secretary obtains or receives credible evidence that it is being abused or violated by the MDDP holder, such as, but not limited to, driving outside the scope of his or her employment, or driving the employer's vehicle from his or her residence to the place of employment. Upon obtaining or receiving credible evidence of the abuse or violation of an exemption, the Secretary shall send the MDDP holder a letter that requests a response to the evidence. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that an abuse or a violation did not occur, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the Secretary shall immediately terminate the exemption;
 - 5) The Secretary will also inform the MDDP holder whose employment exemption is terminated that he or she remains eligible to have a BAIID installed in his or her personal vehicle and the employer's vehicle without a hearing. Failure to have the BAIID installed by the date designated by the Secretary will result in the termination of the MDDP;
 - 6) The denial of an exemption and the termination of an exemption may be contested pursuant to Section 1001.441(k);
 - 7) An exemption also will be granted to an MDDP holder who can prove that his or her duties include test driving vehicles not owned by the permittee. The exemption will be limited to this purpose, and to no more than a 5 mile radius from the permittee's place of employment.
- k) Decertification of BAIID Provider or BAIID and Denial of BAIID Provider Certification or BAIID Certification. The Secretary must notify the MDDP holder of the decertification or denial of certification of a BAIID provider or of a particular type of BAIID. The MDDP holder must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The MDDP holder must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The MDDP holder must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the MDDP holder's MDDP. All costs related to any change in a

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BAIID provider or a BAIID shall be paid by the MDDP holder, unless the Secretary has deemed the MDDP holder indigent.

- 1) Indigent BAIID Fund
 - 1) Any BAIID provider who installs a BAIID under the MDDP program must pay 5% of the total gross revenue received by each contract entered into with an MDDP holder who is not found to be indigent by the Secretary, referred to in this subsection as the surcharge.
 - A) The surcharge shall include only those fees normally charged an MDDP holder for installation, monthly rental and monitoring, and deinstallation of the BAIID during the term of the MDDP holder's statutory summary suspension.
 - B) The surcharge shall be submitted to the Secretary by the ~~8+5~~⁸⁺⁵th of each month and shall include all surcharges incurred during the previous month. The surcharge must be submitted in the form of a check, made payable to the Secretary of State, or by electronic transfer as agreed to by the Secretary and the BAIID provider.
 - C) Should the summary suspension of an MDDP holder be extended or a re-suspension issued under the MDDP program and the holder continue to participate in the program, the surcharge is due for the period of extension or re-suspension.
 - 2) Any BAIID provider who installs a BAIID under the MDDP program for an MDDP holder who has been found to be indigent by the Secretary may apply for reimbursement for any fees incurred as set out in subsection (b)(2)(C). A provider must submit an invoice to the Secretary by the ~~8+5~~⁸⁺⁵th of the month following the end of each quarter of the Secretary of State's fiscal year, which must include the name and driver's license number of each indigent client, as well as a brief description of the services provided and the date those services were rendered. The Secretary will authorize payments in accordance with IVC Section 6-206.1(o). No payment for the quarter may be authorized if the provider fails to submit an invoice within the time set forth in this subsection (1)(2) or if the provider fails to submit a check or electronic transfer for the surcharge within the time frame set forth in subsection (1)(1)(B). If a provider has submitted an invoice to the

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Secretary that under-reports the number of indigent clients served in the previous quarter, the provider may not submit a subsequent invoice seeking reimbursement for services provided to the unreported indigent clients.

- 3) The Secretary may audit the records of BAIID providers or installers to ensure compliance with the required payments to and reimbursements from the Indigent BAIID Fund.
- 4) An MDDP offender may be declared indigent by the Secretary if the MDDP offender's total monthly income is 150% or less of the federal poverty guidelines, as evidenced by a certified transcript of the United States or State of Illinois tax return for the most recently completed calendar year.
 - A) For an MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year, indigency may be declared if:
 - i) The MDDP offender is currently receiving Temporary Assistance to Needy Families (TANF) benefits, as evidenced by documentation from the Illinois Department of Human Services;
 - ii) The MDDP offender is currently receiving Supplemental Nutrition Assistance Program (SNAP) benefits, as evidenced by documentation from the Illinois Department of Human Services.
 - B) For the MDDP offender who has not filed a United States or State of Illinois tax return for the most recently completed calendar year and is not currently receiving TANF or SNAP benefits, indigency may be declared if the MDDP offender is receiving Supplemental Security Income (SSI) from the Social Security Administration and the MDDP offender completes an affidavit under penalty of perjury swearing the total amount of income received from all sources, including SSI, is 150% or less of the federal poverty guidelines.

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- 5) An MDDP holder's indigency status shall be valid for the length of the MDDP. Any MDDP holder whose summary suspension is extended beyond the length of the MDDP, who wishes to continue participation in the MDDP program and wishes to be declared indigent, must submit current documentation as set forth in subsection (1)(4).
- m) Reciprocity with Other States. The Secretary will honor the BAIID requirements imposed by other states on Illinois drivers and drivers licensed in other states, for offenses committed in other states, and will reciprocate other states' recognition of BAIID requirements imposed by Illinois on drivers licensed in Illinois, or licensed in other states for offenses committed in Illinois.

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

Section 1001.465 Cancellation of Driving Privileges; Hearing to Contest and Show Cause Hearing

- a) 14 Day Notice of Cancellation or Denial. The Secretary of State reserves the discretion to enter an order cancelling or denying the driving privileges of any person or petitioner, pursuant to IVC Sections 6-103, 6-108, 6-207 and/or 6-201(a), if the Secretary obtains specific, credible evidence that gives reasonable grounds to believe that the person or petitioner presents an imminent threat to the public safety and welfare or is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle (see Section 6-103.4), or is otherwise not in compliance with the rules of the Secretary. The cancellation or denial will be effective 14 days after a letter of notification and the Order of Cancellation or Denial is sent to the petitioner or person whose driving privileges are being cancelled. The Order of Cancellation or Denial will state the grounds for the cancellation and inform the petitioner or person of his or her right to contest the Order.
- 1) If a petition to contest is received or postmarked prior to the effective date of the Order of Cancellation or Denial, the cancellation shall be stayed pending the outcome of the hearing to contest.
- 2) If a petition is received and filed within 60 days after the effective date of the Order of Cancellation or Denial, the cancellation shall remain in effect pending the outcome of the hearing.

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- 3) If a petition to contest is received more than 60 days after the effective date of the Order of Cancellation or Denial, then the Order of Cancellation or Denial shall remain in effect and a hearing to contest shall not be granted.
- b) **Show Cause Hearing.** The Secretary of State reserves the discretion to require any person or petitioner to show cause why his or her driving privileges should not be cancelled or denied, pursuant to IVC Sections 6-103, 6-108, 6-207 and/or 6-201(a), if the Secretary obtains specific, credible evidence that gives reasonable grounds to believe that the person or petitioner may present an imminent threat to the public safety and welfare or may be a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle (see IVC Section 6-103.4), or might otherwise not be in compliance with the rules of the Secretary.
 - 1) The person or petitioner will be issued a Notice to Show Cause, at his or her last known address, in the manner provided by statute and the rules of the Secretary of State. The Notice will specify the time, date and location of the hearing at which the person or petitioner will be required to show cause.
 - 2) The failure of the person or petitioner to respond to the Notice to Show Cause will be processed as a default and will result in the entry of an Order of Cancellation.
 - c) **Alcohol/Drug Related Cases.** If the proposed cancellation or denial is based upon evidence that the person or petitioner may be a user of alcohol or any other drug to a degree that renders that person or petitioner incapable of safely driving a motor vehicle, he or she must satisfy the requirements of this Subpart D in order for the cancellation to be terminated or to be issued any further driving relief (see IVC Section 6-103.4).⁵
 - d) All hearings conducted pursuant to this Section shall be conducted as formal hearings under IVC Section 2-118.
 - e) The driving privileges of a restricted driving permit holder whose alcohol/drug use was classified as High Risk Dependent shall not be cancelled or denied based only on BAIID violations that show the permittee has failed to maintain abstinence.

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

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Number: 1040.66 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].
- 5) A Complete Description of the Subjects and Issues Involved: Revises the requirement that a Restricted Driving Permit, with a BAIID, issued to a permittee who is classified as High-Risk Dependent, be cancelled if the BAIID monitoring report reflects the permittee has not maintained abstinence, but where the BAIID prevented the vehicle from starting. Instead, the permittee will remain on the BAIID permit, as the device is protecting the public by preventing the permittee from driving after drinking.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: No expenditures by units of local government
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Pamela Wright
Office of the General Counsel
298 Howlett Building
Springfield IL 62756

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pwright@ilsos.gov
217/785-3094

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: No Impact
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because it was not anticipated at the time the agendas were filed.

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section	
1040.1	Definitions
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.28	Suspension or Revocation for Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29
1040.29	Suspension or Revocation for Two or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21
1040.30	Suspension or Revocation for Three or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
1040.34	Suspension or Revocation for Conviction for Possession/Consumption of Alcohol for Persons Under Age 21
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Suspension or Revocation for Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew or Night Time Driving Restriction Violations
1040.42	Suspension or Revocation for Fleeing and Eluding
1040.43	Suspension or Revocation for Illegal Transportation
1040.44	Suspension or Revocation for Violation of Possession of Medical Cannabis in a Motor Vehicle
1040.46	Suspension or Revocation for Personal Injury Suspensions or Revocations

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- 1040.48 Vehicle Emission Suspensions (Repealed)
- 1040.50 Occupational Driving Permit
- 1040.52 Driver Remedial Education Course
- 1040.55 Suspension or Revocation for Driver's License Classification Violations
- 1040.60 Release of Information Regarding a Disposition of Court Supervision
- 1040.65 Offenses Occurring on Military Bases
- 1040.66 Invalidation of a Restricted Driving Permit
- 1040.70 Problem Driver Pointer System
- 1040.80 Cancellation of Driver's License Upon Issuance of a Disabled Person
Identification Card
- 1040.100 Rescissions
- 1040.101 Reinstatement Fees
- 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay, Returned Check
and Dishonored Electronic Payment Actions
- 1040.105 Suspension for Five or More Tollway Violations and/or Evasions
- 1040.107 Suspension for Violation of Improperly Approaching a
Stationary Emergency Vehicle
- 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations
- 1040.109 Suspension for Two or More Convictions for Railroad Crossing Violations
- 1040.110 Bribery
- 1040.111 Suspension for Failure to Yield upon Entering a Construction or Maintenance
Zone when Workers Are Present
- 1040.115 Suspension for Theft of Motor Fuel
- 1040.116 Discretionary Suspension/Revocation; Committing Perjury; Submitting
False/Fraudulent Documents; Notification by Department of Administrative
Hearings
- 1040.117 Suspension for Concealment or Obstruction of Registration to Hinder Law
Enforcement

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

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1,

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1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008; amended at 33 Ill. Reg. 2603, effective

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January 22, 2009; amended at 33 Ill. Reg. 9801, effective June 25, 2009; amended at 33 Ill. Reg. 15073, effective October 21, 2009; amended at 34 Ill. Reg. 570, effective December 22, 2009; amended at 35 Ill. Reg. 1667, effective January 13, 2011; amended at 35 Ill. Reg. 8512, effective May 31, 2011; amended at 36 Ill. Reg. 10055, effective June 29, 2012; amended at 36 Ill. Reg. 11211, effective July 5, 2012; amended at 37 Ill. Reg. 1762, effective January 25, 2013; amended at 37 Ill. Reg. 8832, effective June 17, 2013; amended at 38 Ill. Reg. 9591, effective April 15, 2014; amended at 39 Ill. Reg. 9475, effective June 23, 2015; amended at 39 Ill. Reg. 11648, effective July 28, 2015; amended at 39 Ill. Reg. 14983, effective October 29, 2015; amended at 40 Ill. Reg. 7372, effective May 2, 2016; amended at 40 Ill. Reg. 15417, effective December 1, 2016; amended at 41 Ill. Reg. 13705, effective October 30, 2017; amended at 42 Ill. Reg. 235, effective December 19, 2017; amended at 42 Ill. Reg. 7963, effective April 30, 2018; amended at 43 Ill. Reg. 14699, effective December 6, 2019; amended at 44 Ill. Reg. _____, effective _____.

Section 1040.66 Invalidation of a Restricted Driving Permit

Upon receipt of one or more of the following documents from a circuit clerk's office or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate a Restricted Driving Permit (RDP):

- a) the RDP, when accompanied by evidence of a violation of any restrictions on the RDP, except that the RDP of the permittee whose alcohol/drug use was classified as High Risk Dependent shall not be invalidated based solely on BAID violations that show the permittee has failed to maintain abstinence; or
- b) a copy of a charging document for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code of 1961 [720 ILCS 5~~9~~-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501, or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401, drag racing in violation of IVC Section 11-504, or street racing in violation of IVC Section 11-506; or
- c) a law enforcement officer's sworn report; or
- d) a report of any disposition of court supervision or convictions for driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501, or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401,

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drag racing in violation of IVC Section 11-504, or street racing in violation of IVC Section 11-506.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
146.205	Amendment
146.215	Amendment
146.220	Amendment
146.235	Amendment
146.245	Amendment
146.265	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rules: January 15, 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*: 43 Ill. Reg. 7047; June 21, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Changes and clarifications were made by: substituting the term "SLP" or "SLP setting" for "SLF" and "registered professional nurse" for "registered nurse"; clarifying the use of the term "serious mental illness"; and inserting form titles and numbers associated with the Determination of Need assessment results.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: These proposed amendments make updates to Supportive Living Program requirements.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

HFS.Rules@Illinois.gov

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

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 146

SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section

146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

SUBPART B: SUPPORTIVE LIVING PROGRAM (SLP) SETTINGS

Section

146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLP Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records and Reporting Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Non-Compliance Action
146.285	Voluntary Surrender of Certification
146.290	Geographic Groups

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146.295	Emergency Contingency Plan
146.300	Waivers
146.305	Reporting of Suspected Abuse, Neglect and Financial Exploitation
146.310	Facility Management of Resident Funds

SUBPART C: STATE HEMOPHILIA PROGRAM

Section	
146.400	Definitions
146.410	Patient Eligibility
146.420	Hemophilia Treatment Centers
146.430	Comprehensive Care Evaluation
146.440	Home Transfusion Arrangements
146.450	Obligations of the Department

SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERS

Section	
146.500	General Description
146.510	Definitions
146.520	Participation Requirements
146.530	Records and Data Reporting Requirements
146.540	Covered Children's Community-Based Health Care Center Services
146.550	Reimbursement for Services
146.560	Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center
146.570	Prior and Post Approval of Services

SUBPART E: SUPPORTIVE LIVING PROGRAM (SLP) SETTINGS
WITH DEMENTIA CARE UNITS

Section	
146.600	General Description
146.610	Structural Requirements
146.620	Participation Requirements
146.630	Resident Participation Requirements
146.640	Services
146.650	Reimbursement for Medicaid Residents
146.660	Staffing

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146.670	Assessment and Service Plan and Quarterly Evaluation
146.680	Monitoring
146.690	Reporting Requirements
146.700	Resident Rights
146.710	Discharge

SUBPART F: BIRTH CENTERS

Section	
146.800	General Description
146.810	Participation Requirements
146.820	Record Requirements
146.830	Covered Birth Center Services
146.840	Reimbursement of Birth Center Services

SUBPART G: SPECIALIZED MENTAL HEALTH REHABILITATION FACILITIES

Section	
146.900	General Provisions
146.910	Reimbursement

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

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg.

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4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. 14127, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005; amended at 29 Ill. Reg. 14987, effective September 30, 2005; amended at 30 Ill. Reg. 8845, effective May 1, 2006; amended at 31 Ill. Reg. 5589, effective April 1, 2007; emergency amendment at 31 Ill. Reg. 5876, effective April 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11681, effective August 1, 2007; amended at 33 Ill. Reg. 11803, effective August 1, 2009; emergency amendment at 36 Ill. Reg. 6751, effective April 13, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13885, effective August 27, 2012; amended at 37 Ill. Reg. 17624, effective October 28, 2013; expedited correction at 38 Ill. Reg. 4518, effective October 28, 2013; amended at 38 Ill. Reg. 13255, effective June 11, 2014; amended at 38 Ill. Reg. 13893, effective June 23, 2014; amended at 38 Ill. Reg. 15152, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15713, effective July 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 23768, effective December 2, 2014; emergency amendment at 39 Ill. Reg. 6945, effective May 1, 2015 through June 30, 2015; emergency amendment at 42 Ill. Reg. 13733, effective July 2, 2018, for a maximum of 150 days; emergency amendment to emergency rule at 42 Ill. Reg. 16311, effective August 13, 2018, for the remainder of the 150 days; emergency expired November 28, 2018; amended at 42 Ill. Reg. 16731, effective August 28, 2018; emergency amendment at 42 Ill. Reg. 17935, effective September 24, 2018, for a maximum of 150 days; emergency expired February 20, 2019; amended at 43 Ill. Reg. 6803, effective May 28, 2019; Subpart B and Subpart E recodified at 43 Ill. Reg. 7014; amended at 44 Ill. Reg. 2331, effective January 15, 2020.

SUBPART B: SUPPORTIVE LIVING PROGRAM (SLP) SETTINGS

Section 146.205 Definitions

For purposes of this Part, the following terms shall be defined as follows:

"Abuse" means the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish (42 CFR 488.301).

"Activities of Daily Living" or "ADL" means eating, bathing, dressing, transferring, toileting, walking and grooming.

"Advance Directive" means a power of attorney that gives a designated individual decision-making powers upon a person's incompetence. The Department of Public Health is required to make available a Uniform Do Not Resuscitate Advance Directive that may be used in all settings, the Statutory Will Declaration form, the Illinois Statutory Short Form Power of Attorney for Health Care, the

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statutory Declaration of Mental Health Treatment Form, and the summary of advance directives law in Illinois (Section 2310-600 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois [20 ILCS 2310-600]).

"Bank Nursing Facility Beds" means a choice by [SLPSLF](#) providers to participate by converting a distinct part of a nursing facility. Such facilities shall be allowed to retain the Certificate of Need for nursing beds that were converted.

"Complaint" means a phone call, letter or personal contact to the Department from a resident, family member, resident representative or any other interested person expressing a concern related to the health, safety or well-being of one or more [SLPSLF](#) residents.

"Comprehensive Resident Assessment Instrument" or "RAI" means the Department designated resident assessment instrument designed for use in [SLP settingsSLFs](#).

"Declaration of Mental Health Treatment" means a document that lets a person state he or she wants to receive electroconvulsive treatment (ECT) or psychotropic medicine when the person has a mental illness and is unable to make decisions for himself or herself. It also allows a person to say whether he or she wishes to be admitted to a mental health facility if unable to make that decision.

"Department" means the Illinois Department of Healthcare and Family Services.

"Determination of Need" or "DON" means the [assessment](#) tool used by the Department or the Department's authorized representative to determine functional needs of a resident or prospective resident of the [SLP in which the resident or prospective resident has been found to be in need of a nursing facility level of careSLF](#). A minimum score of 29 is required on the DON, [which indicates a nursing facility level of care](#), before payment may be authorized for the [SLPSLF](#) resident.

"Developmental Disability" or "DD" means a disability that is attributable to a diagnosis of mental retardation or related condition such as cerebral palsy or epilepsy that results in impairment of general intellectual functioning or adaptive behavior. This condition is manifested before the age of 22 and is likely to continue indefinitely. It results in substantial functional limitations in three or

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more areas of major life activities, such as self-care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living.

"Direct Care Staff" means staff that provides professional nursing services, assistance with activities of daily living or other personal needs or maintenance, or general supervision and oversight of the physical and mental well being of an individual.

"Distinct Part" means a separate building or an entire wing or other physically identifiable space of an existing nursing facility licensed under the Nursing Home Care Act or the Hospital Licensing Act that is operated as an ~~SLF~~ [SLP setting](#) distinguishable from the rest of the facility. The distinct part of a nursing facility will not be subject to provisions of the Nursing Home Care Act. The distinct part of a hospital will be subject to provisions of the Hospital Licensing Act while complying with provisions of this Subpart B. Distinct part does not include the conversion of an entire nursing facility or hospital.

"Do Not Resuscitate" or "DNR" means a medical treatment order that says cardiopulmonary resuscitation (CPR) will not be attempted if a person's heart and/or breathing stops.

"Durable Power of Attorney" means power of attorney given to a person designated as another person's agent giving broad powers to make health care decisions, including power to require, consent to or withdraw any type of personal care or medical treatment for any physical or mental condition, and to admit or discharge a person from any hospital, home or other institution.

"Financial Exploitation" means the act of obtaining control over a resident or his or her property and/or resources through deception or intimidation to the disadvantage of the resident and/or the profit of another and/or the intent of depriving the resident of the use, benefit or possession of his or her property and/or resources.

"Follow-up Care" means the response to, and documentation of, the service plan that is discussed with, and agreed to by, the resident and/or the resident's guardian. It may include, but is not limited to, physician referrals, revision of the service plan to incorporate nursing services, health promotion counseling and teaching self care in meeting health needs.

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"Freestanding Facility" means a separate building that is not part of an existing nursing facility or hospital. Freestanding facility includes new construction, an existing building or conversion of an entire nursing facility or hospital into an [SLP setting](#)~~SLF~~.

"Immediate Jeopardy" means a situation in which a provider's noncompliance with one or more requirements of participation has caused, or is likely to cause, serious injury, harm, impairment or death to a resident (42 CFR 488.301).

"Instrumental Activities of Daily Living" or "IADL" means activities related to independent living and includes preparing meals, managing money, shopping for groceries or personal items, performing light or heavy housework, and using a telephone.

"Licensed Nurse" means a person whose services are paid for by an [SLP](#)~~SLF~~ and who is licensed as a registered nurse, registered professional nurse, practical nurse or licensed practical nurse under the Nurse Practice Act [225 ILCS 65].

"Living Will" means a document that tells a person's health care professional whether the person wants death-delaying procedures used if the person has a terminal condition, and the person is unable to state his or her wishes. A terminal condition means an incurable and irreversible condition such that death is imminent, and the application of any death delaying procedures serves only to prolong the dying process. A living will allows for the administration of medication, sustenance, or the performance of any medical procedure deemed necessary by the person's attending physician to provide the person with comfort care.

"Mandated Reporter" is anyone identified in the Elder Abuse and Neglect Act [320 ILCS 20] that shall report suspected abuse while engaged in carrying out professional duties. A mandated reporter includes, but is not limited to, a professional or professional's designee while engaged in social services and the care of an adult age 60 and over. It also includes, but is not limited to, any occupation required to be licensed under the Dietetic and Nutrition Services Practice Act [225 ILCS 30], Nurse Practice Act, and Nursing Home Administrator Licensing and Disciplinary Act [225 ILCS 70], and field personnel of the Departments of Healthcare and Family Services, Public Health and Human Services and any county or municipal health department.

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"Medicaid" means the Department's Medical Assistance Program.

"Medicaid Resident" means a person with a [physical](#) disability (as determined by the Social Security Administration) age 22 years and over or a person who is age 65 years and over, who has been determined eligible for Medicaid payment for [SLP](#) services. Eligibility for a person residing in an [SLP setting](#) shall be determined in accordance with 89 Ill. Adm. Code 120.10 and 120.61 (excluding subsection (f) of Section 120.61). Provisions for property transfers as described at 89 Ill. Adm. Code 120.387 shall apply to a person residing in an [SLP setting](#). Provisions for the prevention of spousal impoverishment as described at 89 Ill. Adm. Code 120.379 shall apply to a person residing in an [SLP setting](#).

"Medical Assistance Program" means the program administered under Article V of the Illinois Public Aid Code [305 ILCS 5/Art. V] or successor programs and Title XIX of the Social Security Act (42 USC 1396) and related federal and State rules and regulations.

"Medication Error" includes, but is not limited to, incorrect dosage, medication given at incorrect time, wrong medication given, wrong route used or missed medication.

~~"Mental Illness" or "MI" means a diagnosis of schizophrenia, delusional disorder, schizoaffective disorder, psychotic disorders not otherwise specified, bipolar disorder, and recurrent major depression resulting in substantial functional limitations.~~

"Neglect" means a failure by the [SLP provider](#) to notify the appropriate health care professional, to provide or arrange necessary services to avoid physical or psychological harm to a resident, or to terminate the residency of a resident whose needs can no longer be met by the [SLP provider](#), causing an avoidable decline in function. Neglect may be either passive (non-malicious) or willful.

"Personal Allowance" means the \$90 minimum protected monthly amount of a Medicaid-eligible resident's income that is retained by Medicaid-eligible residents for their personal use.

"Progress Notes" means notes used to document the decline or improvement in a resident's status.

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"Rehabilitated Nursing Facility" means the conversion of a distinct part of an existing nursing facility into an [SLP settingSLF](#).

"Related Parties" means affiliates of an [SLP providerSLF](#); entities for which investments are accounted for by the equity method by the entire enterprise; trusts for the benefit of employees, such as pensions and profit-sharing trusts that are managed by or under the trusteeship of management; any general partner; management of the [SLP settingSLF](#); members of the immediate families of principal owners of the [SLP settingSLF](#) or its management; and other parties with which the [SLP providerSLF](#) may deal if one party controls or can significantly influence management or operating policies of the other to an extent that one of the transacting parties might be prevented from fully pursuing its own separate interests. An entity or person shall be deemed by the Department to be a related party if it can significantly influence management or operating policies of the transacting parties or if it has an ownership interest in one of the transacting parties and can significantly influence the other to an extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests.

"Resident" means a person living in an [SLP settingSLF](#), including Medicaid residents as defined in this Section and individuals who are not eligible for Medicaid payment for [SLPSLF](#) services.

"Resident Assessment Instrument" or "RAI" or "Comprehensive Resident Assessment Instrument" means the Department designated resident assessment instrument designed for use in [SLP settingsSLFs](#).

"Room and Board" means the housing, utilities and meals provided under the resident contract. Unless otherwise specified in the resident contract, room and board does not include phone or cable charges.

"Security Deposit" means a payment used to secure the payment of rent or compensation for damage to property for residential property containing 25 units or more (see Security Deposit Interest Act [765 ILCS 715]). A security deposit may also include a pet deposit to secure payment for damage to the residential property. Damage to property shall not include normal wear and tear to an apartment or any other part of the [SLP settingSLF](#).

"Serious Mental Illness" means:

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A diagnosis of a major mental illness, such as schizophrenia, schizoaffective disorder, bipolar disorder, major depression, panic disorders, obsessive compulsive disorder, and any other disorder that could lead to a chronic disability that is not a primary diagnosis of dementia. If the person has both a dementia diagnosis and another psychiatric condition, the symptoms of dementia must be significantly more progressed than symptoms of the co-occurring psychiatric condition;

A disorder for which the duration is a significant life disruption or that required major treatment episodes within the past two years. This does not necessarily mean that the individual was hospitalized; and

That the disability or Level of Impairment is characterized by active behavioral health symptoms, within the preceding six month period, that significantly interfere with the individual's ability to interact interpersonally, concentrate, follow through with goals or needs, and/or adapt effectively to change.

"Services" means the personal and health care related services provided by an SLP provider~~SLF~~ pursuant to Section 146.230.

"Service Plan" means the written plan of care on the Department designated form that is developed for each resident based upon the initial assessment, annual comprehensive resident assessment or quarterly evaluation.

"Significant Change" means that there has been a decline or improvement in a resident's status that will not normally resolve itself without intervention by staff or by implementing standard disease-related clinical interventions, and the decline or improvement impacts more than one area of the resident's health status and requires revision of the Service Plan.

~~"SLF" or "Supportive Living Facility" means a residential setting that meets the requirements of this Subpart B.~~

"SSI" means Supplemental Security Income under Title XVI of the Social Security Act.

"Subcontractor" means any person who assumes any duties and responsibilities

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from an SLP provider~~SLF~~ for the performance of SLP~~SLF~~ services pursuant to Section 146.230.

"Supportive Living Program" or "SLP" means a residential setting that meets the requirements of this Subpart B or, for dementia care settings, the requirements of this Subpart B and Subpart E.

(Source: Amended at 44 Ill. Reg. 2331, effective January 15, 2020)

Section 146.215 SLP~~SLF~~ Participation Requirements

- a) Facilities or distinct parts of facilities that are certified in the SLP~~as SLFs~~ and are in good standing with provisions contained in this Subpart B and, when applicable, Subpart E are exempt from the provisions of the Nursing Home Care Act [210 ILCS 45], the Illinois Health Facilities Planning Act [20 ILCS 3960] and the Assisted Living and Shared Housing Act [210 ILCS 9]. Nursing facilities rehabilitating a portion of the facility to conform with this Subpart B shall be allowed to retain their Certificate of Need for the nursing facility beds that were converted until the conclusion of the project or until the facility wishes to withdraw from the project and convert the SLP setting~~SLF~~ beds back to NF beds.
- b) An SLP setting~~SLF~~ does not include:
- 1) A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;
 - 2) A "long term care facility" licensed by the Nursing Home Care Act or Hospital Licensing Act. However, a nursing facility licensed under the aforementioned Acts can convert a distinct part to an SLP setting~~SLF~~;
 - 3) Any "facility for child care" as defined in the Child Care Act of 1969 [225 ILCS 10];
 - 4) Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act [210 ILCS 35];
 - 5) Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act [405 ILCS 30];

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- 6) Any nursing home or sanitarium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed of any well recognized church or religious denomination;
 - 7) Any facility licensed by the Department of Human Services as a community-integrated living arrangement as defined in the Community Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135];
 - 8) Any "Supportive Residence" licensed under the Supportive Residences Licensing Act [210 ILCS 65];
 - 9) Any freestanding hospice facility [210 ILCS 60];
 - 10) Any "life care facility" as defined in the Life Care Facilities Act [210 ILCS 40]; or
 - 11) Any "assisted living and shared housing establishment" licensed under the Assisted Living and Shared Housing Act [210 ILCS 9].
- c) In order to participate in the Supportive Living Program, ~~the building structure~~an SLP must be certified by the Department. To become certified, an SLP provider~~SLF~~ shall:
- 1) Submit an application to proceed toward certification.
 - A) Except in the case of a rehabilitated nursing facility, the Department shall only accept applications for sites where all apartments are devoted to SLPSLF residents.
 - B) The Department shall evaluate each application according to factors including, but not limited to, geographic distribution, waiver limits, market feasibility, the needs of the population being served, the compliance histories of other facilities owned or operated in the State of Illinois by the applicant or a related party, community support from local government, environmental issues, operational experience with assisted living and financial stability. Applications that are found to be incomplete or inaccurate shall be

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returned to the applicant for completion and/or correction and must be resubmitted before the Department will evaluate them. The Department shall notify the applicant in writing that the application has been approved.

- C) Direct and indirect owners of five percent or more of the entity designated as the operator shall be disclosed to the Department.
- D) A recognized environmental condition found as the result of a Phase 1 Environmental Site Assessment (ESA) report shall result in a Phase 2 ESA to determine if significant amounts and concentrations of contaminants exist on the property. If contamination is found in Phase 2, the Department, prior to certification, may request subsequent testing, feasibility studies, and/or remediation.
- E) The Department may withdraw approval of any application if the SLP building~~SLF~~ fails to become operational (i.e., ready to admit residents) within 24 months after the Department's approval of the application. Prior to the operational deadline, the applicant may make a written request, including documentation justifying the need for an extension, that the Department grant an extension to the operational deadline. A request for an extension shall not exceed 12 months from the original operational deadline. The Department may grant an extension to the operational deadline. The Department shall not grant more than one extension to an approved SLP~~SLF~~ applicant ~~when~~where construction has not begun.
- F) A phase-in for opening may be approved upon the written request of the SLP provider~~SLF~~. The request shall include the anticipated completion date of the phase-in, a plan to ensure the safety of residents during the phase-in, and the floors and areas of the SLP setting~~SLF~~ impacted by the phase-in. Additionally, the SLP provider~~SLF~~ shall assure that all services continue to be available during the phase-in. The Department shall approve no more than a single phase-in.
- G) At any time prior to or subsequent to certification, the applicant

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shall report to the Department in writing any change to the application, as soon as such change becomes known to the applicant. These changes are subject to Department approval.

- 2) Submit a certificate of compliance signed by an architect that certifies that the project complies with applicable codes and all structural requirements found in Section 146.210.
- 3) Submit for approval prior to use a model of every type of resident contract to be used by the [SLP provider](#)~~SLF~~.
- 4) Submit for approval all policies that include, but are not limited to:
 - A) Waste removal plan pursuant to Section 146.210(t);
 - B) Participation criteria pursuant to Section 146.220;
 - C) Base rate services pursuant to Section 146.230;
 - D) Resident daily check plan pursuant to Section 146.230(n);
 - E) Employee hiring process pursuant to Section 146.235;
 - F) [SLP setting](#)~~SLF~~ manager experience pursuant to Section 146.235(b);
 - G) Staff training policy pursuant to Section 146.235(e);
 - H) Resident rights pursuant to Section 146.250;
 - I) Resident discharge policy pursuant to Section 146.255;
 - J) Grievance procedure pursuant to Section 146.260;
 - K) Quality assurance plan pursuant to Section 146.270;
 - L) Annual satisfaction survey policy pursuant to Section 146.270(a);
 - M) Emergency contingency plan pursuant to Section 146.295;

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- N) Prevention and reporting of abuse, neglect and financial exploitation policy pursuant to Section 146.305;
 - O) Staff and resident rules and responsibilities;
 - P) Infection control, including, but not limited to, hand-washing, proper handling and disposal of sharps, proper handling of linens soiled with body waste, and cleaning of floors that have been soiled;
 - Q) Water temperature plan pursuant to Section 146.210(s)(5); ~~and~~
 - R) Tuberculosis plan in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696);~~:-~~
 - S) [Potential resident inquiry and application for admission policy pursuant to Section 146.220; and](#)
 - T) [Non-discrimination policy.](#)
- 5) Pass an on-site review, conducted by the Department, that includes review of documentation that demonstrates physical plant, health and sanitation, and food preparation compliance with local and county ordinances and regulations; compliance with State building codes for the respective building type; and compliance with Section 146.210.
- 6) Enroll to participate in the Medical Assistance Program in accordance with 89 Ill. Adm. Code 140.11 and execute a provider agreement with the Department.
- d) The [SLP provider](#)~~SLF~~ shall accept the SSI rate (less the personal allowance) for room and board for Medicaid residents. If the [SLP provider](#)~~SLF~~ charges a private pay rate higher than the Medicaid rate, the [SLP provider](#)~~SLF~~ shall reserve not less than 25 percent of its apartments for Medicaid-eligible residents. Those [SLP settings](#)~~facilities~~ that set a commensurate rate for both private pay and Medicaid-eligible residents are not required to reserve apartments for Medicaid-eligible residents but must accept Medicaid-eligible residents on a first come, first served basis.

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- e) SLPSLF certification is not transferable or applicable to any location, provider, management agent or ownership other than that indicated on the provider agreement.
- 1) An SLP providerSLF shall notify the Department no fewer than 60 days prior to a change of ownership or management. The new owner shall complete an application for the Department's approval prior to the effective date of the change of ownership.
 - 2) Pursuant to 89 Ill. Adm. Code 140.11(f), an SLP providerSLF whose investor ownership has changed by 50 percent or more shall be required to submit a new application for enrollment in the Medical Assistance Program.
 - 3) Pursuant to 89 Ill. Adm. Code 140.12(k), a new owner assumes liability for repayment to the Department of any overpayment made to the SLP providerSLF, regardless of whether the overpayment was incurred by a current or previous owner or operator.
 - 4) The Department has the right to terminate the provider agreement with an SLP providerSLF if a change of ownership involves a barred Medicaid provider.
 - 5) The new owner shall comply with the applicable certification requirements found in subsection (c) ~~of this Section~~.
 - 6) The Department shall conduct an on-site certification review no later than at the date of the next annual certification review or within three months after the effective date of the change of ownership, whichever is earlier.
 - 7) SLPSLF certification shall be deemed to extend to a new owner until the Department separately certifies the SLP settingSLF under the approved new owner.
- f) SLPSLF applicants with an application approved by the Department to proceed toward certification shall not change ownership without the approval of the Department. The approved applicant shall notify the Department no fewer than 60 days prior to a change of ownership or management. Direct and indirect

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owners of five percent or more of the entity designated as the operator shall be disclosed to the Department. The new owner shall complete an application for the Department's approval prior to the effective date of the change of ownership.

- g) A request for a change in the number of apartments in an operational or approved SLP setting~~SLF site~~ shall be made with an application to the Department for approval. A change in the number of apartments includes both a decrease and increase. The Department shall conduct an on-site review prior to issuing a new certificate for the change in the number of apartments. In the case of an increase in apartments, residents shall not be admitted to the apartments until an on-site review is conducted and the Department issues a revised certificate.
- h) The certificate issued by the Department shall include:
- 1) Name and address of the SLP setting~~SLF~~;
 - 2) Maximum number of residents to be served at any time; and
 - 3) Number of apartments certified in the SLP setting~~SLF~~.
- i) Providers certified as an SLP provider~~SLF~~ shall not operate or maintain SLP~~SLF~~ housing and SLP setting services in combination with a home health, home care, nursing home, hospital, residential care setting, congregate care setting or other type of residence or service agency unless those settings and services are licensed, maintained and operated as separate and distinct entities.
- j) At least annually, the Department shall conduct an on-site review to ensure that the SLP setting~~SLF~~ is in compliance with the requirements of certification, which includes review of:
- 1) Items listed in subsection (c)(5)~~of this Section~~.
 - 2) Comprehensive Resident Assessments, service plans and the provision of services required under Section 146.230.
 - 3) Staff sufficient in number to meet the needs of residents. Staff shall demonstrate capacity, within their job responsibilities, to provide covered services and perform tasks.

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- 4) Compliance with resident contracts and the Department's provider agreement.
- 5) Protection of individual resident rights and involvement in directing their own care.
- 6) Resident satisfaction surveys as defined in Section 146.270.
- k) The SLP provider~~SLF~~ shall comply with all applicable enrollment and participation requirements set forth in Department rules, including, but not limited to, 89 Ill. Adm. Code 140.11 and 140.12.
- l) The SLP provider~~SLF~~ shall comply with the Americans With Disabilities Act of 1990.
- m) The SLP provider~~SLF~~ shall submit to the Department all marketing materials prior to their use. If the Department does not notify the SLP provider~~SLF~~ of approval or disapproval of submitted materials within 30 days after submission, the SLP provider~~SLF~~ may begin to use those materials. The Department reserves the right to disapprove any materials or require changes at any time, provided that any such changes are consistent with, or required by, applicable law.
- n) The SLP provider~~SLF~~ shall ensure that limited English speaking residents have meaningful and equal access to benefits and services. Steps to ensure access may include, but are not limited to:
 - 1) hiring bi-lingual staff;
 - 2) hiring staff interpreters;
 - 3) contracting for interpreter services;
 - 4) engaging community volunteers;
 - 5) contracting with a telephone interpreter service; and
 - 6) hiring staff proficient in American Sign Language.

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- o) The SLP provider shall encourage families of residents with impairments that limit the resident's decision-making ability to arrange to have a responsible party or guardian represent the resident's interests. The SLP provider shall provide all residents with information about advance directives, including the Durable Power of Attorney for Health Care, Statement of Illinois Law on Advance Directives, Living Will, Declaration for Mental Health Treatment and Do Not Resuscitate Advance Directive. The SLP provider shall maintain in a resident's file any of these documents authorized by the resident.
- p) Upon admission of a resident whose name appears on the United States Department of Justice Dru Sjodin National Offender Public Website, the Illinois State Police Sex Offender Registration website or the Illinois Department of Corrections registered sex offender database (see Section 146.220(a)(4)), the SLP provider shall:
- 1) inform the Department and appropriate county and local law enforcement offices of the identity of the identified offenders being admitted to the SLP setting;
 - 2) notify every SLP resident and resident's guardian or family in writing that such offenders are residents of the SLP setting facility;
 - 3) develop a service plan in accordance with Section 146.245; and
 - 4) ensure that the SLP setting has qualified staff to meet the needs of the individual and required level of supervision at all times.

(Source: Amended at 44 Ill. Reg. 2331, effective January 15, 2020)

Section 146.220 Resident Participation Requirements

- a) The SLP setting may admit or retain residents whose needs can be met through the services described in Section 146.230. The following criteria shall be met prior to admission to the SLP setting:
- 1) Be age 22 years or over with a physical disability (as determined by the Social Security Administration) or elderly (age 65 years or over); ~~and~~
 - 2) Be screened by the appropriate Department on Aging contracted Care

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Coordination Unit (DoA CCU) or the Department of Human Services Division of Rehabilitation Services (DHS-DRS) other State agency screening agency entity and found to be in need of nursing facility level of care and that SLP placement is appropriate to meet the needs of the individual. A new Determination of Need (DON), or successor tool, screen is not needed for a resident who is transferring between SLP providersSLFs or comes from a nursing facility with no break in service. It is the admitting SLP provider'sSLF's responsibility to ensure that a screening document is received from the transferring SLP settingSLF or nursing facility. If the individual is transferring directly from a nursing facility and has a history of a developmental disability or serious mental illness, as evidenced in the medical history accompanying the individual, the SLP provider must submit a referral for a specialized evaluation to be completed by the DHS Division of Developmental Disabilities (DHS-DDD) Independent Service Coordination (ISC) agency or the Division of Mental Health (DHS-DMH) Preadmission Screening Resident Review (PASRR) agency to evaluate for need for active treatment or the existence of serious functional risks and needs associated with the diagnosis to determine if they exceed the capacity of the SLP setting. Private pay individuals may choose to be admitted into the SLP settingSLF when the screening assessment does not justify nursing facility level of care; ~~and~~

- 3) If further evaluation is necessary due to the suspicion of a developmental disability or serious mental illness, the developmental disability or serious mental illness must be determined by a qualified DHS-DDD ISC agent or DHS-DMH preadmission screening (PAS) agent. The presence of a developmental disability does not automatically preclude admission to the SLP unless there is the need of continuous active treatment for which the individual should be considered for other DHS-DDD services not available through the SLP. The presence of a serious mental illness does not automatically preclude admission to the SLP unless the psychiatric symptoms, behavioral risk, and major treatment adherence/engagement problem persist at a sufficiently serious level that exceeds the service capabilities of the SLP provider. The evaluation and determination of whether the needs are within the SLP provider capability or beyond the SLP provider capacity is determined by the DHS-DDD ISC or DHS-DMH PAS agent. Be without a primary or secondary diagnosis of developmental disability or serious and persistent mental illness. The developmental disability or mental illness must be determined by a qualified Department

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~~of Human Services screening agent~~; and

- 4) Have name checked against the United States Department of Justice Dru Sjodin National Offender Public Website at www.nsopr.gov, the Illinois Sex Offender Registration website at www.isp.state.il.us and the Illinois Department of Corrections registered sex offender database at www.idoc.state.il.us. Refer to Section 146.215 for facility requirements if a person whose name appears on either registry is admitted to an SLP setting~~SLF~~.
- b) The SLP provider's assessment to determine if a potential resident's needs can be met by the SLP provider shall not occur until after the DON, or successor tool, assessment and other required PAS have been completed and determinations provided to the SLP provider.
- cb) Private pay residents seeking to convert to Medicaid while residing in an SLP setting~~SLF~~ shall be screened by the Department using the DON or successor tool, prior to the point of conversion and must be found to be in need of nursing facility level of care before Medicaid payment may be authorized.
- de) Each prospective resident shall have a tuberculin skin test in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696).
- ed) A Medicaid resident of the SLP setting~~SLF~~ shall not participate in any other federal Home and Community-Based Waiver Program.

(Source: Amended at 44 Ill. Reg. 2331, effective January 15, 2020)

Section 146.235 Staffing

- a) The SLP setting~~SLF~~ shall have a manager or a qualified designee present at the SLP~~SLF~~ during normal business hours plus whenever necessary to ensure attention to the management and administration of the resident contracts. Staff shall have access to the manager or the manager's designee at all times. The manager shall designate a qualified individual capable of acting in an emergency during his or her absence from the SLP setting~~SLF~~.
- b) The manager shall have at least five years~~years~~ experience in providing health care services to adults with physical disabilities or the elderly population either in

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an assisted living program, inpatient hospital, long term care setting, adult day care or in a Department approved health related field. The manager shall also have at least two years of management experience.

- c) The SLP setting~~SLF~~ shall have licensed and certified staff sufficient in number to meet the needs of the population being served.
- d) Licensed nurses or certified nursing assistants on duty in the SLP setting~~at the SLF~~ shall not be utilized in an adjoining or other part of the building not certified in the SLP setting~~as the SLF~~. This includes, but is not limited to, a nursing facility, assisted living facility, and independent living facility.
- e) Staff Training. All staff training materials shall be available for review by the Department. If required by the Department, the SLP setting~~SLF~~ shall make changes in the training materials.
 - 1) The SLP setting~~SLF~~ shall provide staff and subcontractors who provide direct care with:
 - A) training that takes place no later than 30 days after beginning employment and semi-annual training in areas related to their employment;
 - B) training that covers resident rights; infection control; crisis intervention; prevention and notification of abuse, neglect and financial exploitation; behavioral intervention; tuberculosis identification, prevention, control and reporting; ~~and~~ encouraging independence; potential resident inquiry and admission application policy; and non-discrimination policy (these subjects shall be trained as part of staff orientation and at least annually thereafter);
 - C) documented training performed by qualified individuals in their area or areas of responsibility;
 - D) training geared toward the manner in which services are to be performed;
 - E) training that includes techniques for working with persons with physical disabilities and the elderly populations; and

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- F) in the case of an SLP setting serving persons with physical disabilities, disability specific sensitivity training conducted by an outside entity familiar with working with persons with disabilities. The training shall occur for all staff initially prior to certification, at staff orientation for new staff, and at least annually thereafter.
- 2) In the case of subcontractors, training by the SLP provider is not required if the SLP provider can document that similar training is being provided through the subcontractor's employer.
- f) The SLP provider shall employ certified nursing assistants (CNAs) as follows:
- 1) Qualifications:
Must be 18 years of age or older and have successfully completed no later than 120 days after employment a nursing assistant training course or a Department of Public Health approved equivalent training and competency evaluation.
 - 2) Names of CNAs shall be checked against the Illinois Department of Public Health's Health Care Worker Registry prior to employment.
 - 3) Job responsibilities shall include, but not be limited to:
 - A) Follow and help carry out a resident's written service plan;
 - B) Provide personal care services for residents, including but not limited to bathing, eating, dressing, personal hygiene, grooming, toileting, ambulation and assistance with transfer;
 - C) Observe the resident's functioning, maintain written records of the observations and report any changes to the licensed nurse; and
 - D) Attend initial training, in-service training sessions and staff conferences.
- g) The SLP provider shall employ or contract with a dietitian. The dietitian shall comply with the following:

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- 1) The dietitian shall be licensed under the [Dietician Nutritionist](#)~~Dietetic and Nutrition Services~~ Practice Act [225 ILCS 30].
 - 2) Job responsibilities shall include, but not be limited to, consultation and training in all food service procedures such as menu planning and review, food preparation, food storage, food service, safety, sanitation and management of therapeutic diets.
 - 3) The dietitian shall come on-site at least twice per quarter for a period of not less than a cumulative total of eight hours.
- h) The [SLP provider](#)~~SLF~~ shall employ a minimum of one cook who shall have at least one year of experience in commercial food preparation.
 - i) Twenty-four hour response staff shall be at least 18 years of age and possess at least a high school diploma or a GED. Response staff shall be certified in emergency resuscitation. The staff shall respond to scheduled or unpredictable needs and emergency calls from residents.
 - j) Nurses on staff, or subcontracted, shall be licensed by the State of Illinois and shall be responsible for nursing services set forth in Section 146.230.
 - k) The [SLP provider](#)~~SLF~~ shall designate a trained staff person to be responsible for planning and directing social and recreational activities. This person shall be at least 18 years of age and possess at least a high school diploma or a GED.
 - l) The [SLP provider](#)~~SLF~~ shall ensure that all employees who have or may have contact with residents or have access to the living quarters or the financial, medical or personal records of residents undergo a criminal history background check that conforms to the Health Care Worker Background Check Act [225 ILCS 46]. No [SLP provider](#)~~SLF~~ shall knowingly hire, employ or retain any individual in a position, with duties involving contact with residents, access to resident living quarters or access to the financial, medical or personal records of residents, who has been convicted of committing or attempting to commit one or more of the offenses defined under the Health Care Worker Background Check Act unless that individual has obtained a waiver issued by the Department of Public Health. An [SLP provider](#)~~SLF~~ may conditionally employ an applicant for up to three months pending the results of the criminal history record check.

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- m) Each employee and volunteer shall have a tuberculin skin test in accordance with the Control of Tuberculosis Code (77 Ill. Adm. Code 696).

(Source: Amended at 44 Ill. Reg. 2331, effective January 15, 2020)

Section 146.245 Assessment and Service Plan and Quarterly Evaluation

- a) Interview: The SLP providerSLF shall conduct a standardized interview geared toward the resident's service needs at or before the time of occupancy but not before the DON, or successor tool, and other required PAS assessments are completed and determinations provided to the SLP provider.
- b) Initial Assessment: The SLP providerSLF shall complete an initial assessment and service plan within 24 hours after admission that identifies needs and potential immediate problems. Each assessment shall be completed by, or co-signed by, a licensed practical nurse or a registered professional nurse.
- c) Comprehensive Resident Assessment: The SLP providerSLF shall complete a Comprehensive Resident Assessment Instrument (RAI) within 14 days after admission, annually and upon a significant change in the resident's mental or physical status. Each RAI shall be completed by, or co-signed by, a registered professional nurse.
- d) Service Plan: Within seven days after completion of the RAI, a written service plan shall be developed by, or co-signed by, a registered professional nurse, with input from the resident and his or her designated representative. This includes coordination and inclusion of services being delivered to a resident by an outside entity. The service plan shall include a description of expected outcomes, approaches, frequency and duration of services provided and whether the services will be provided by licensed or unlicensed staff. The service plan must be individualized to address the health and behavior needs of each resident. The service plan shall document any services recommended by the SLP providerSLF that are refused by the resident. The service plan shall be reviewed and updated in conjunction with the quarterly evaluation or as dictated by changes in resident needs or preferences.
- e) Quarterly Evaluation: A quarterly evaluation of the health and behavior status of each resident using a Department designated form shall be completed by, or co-

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signed by, a registered [professional](#) nurse.

- f) Service Plan for Identified Sex Offenders: Within seven days after completion of the RAI, a written service plan shall be developed by, or co-signed by, a registered [professional](#) nurse that addresses the following:
- 1) the amount of supervision required by the individual to ensure the safety of all residents, staff and visitors; and
 - 2) determination of approaches developed in the service plan are appropriate and effective in dealing with any behaviors specific to the identified offender.
- g) Progress Notes: Progress notes shall be completed at least monthly to document decline or improvement in resident status. A progress note does not have to be completed if there is no change in resident status. Any [SLPSLF](#) staff may write progress notes.
- h) The [SLPSLF](#) manager or licensed nursing staff shall alert the resident, his or her physician and his or her designated representative when a change in a resident's mental or physical status is observed by staff. Except in life-threatening situations, [thesueh](#) reporting shall be within 24 hours after the observation. Serious or life-threatening situations should be reported to the physician and the resident's designated representative immediately. The [SLPSLF](#) staff shall be responsible for reporting only those changes that should be apparent to observers familiar with the conditions of older persons or persons with disabilities.

(Source: Amended at 44 Ill. Reg. 2331, effective January 15, 2020)

Section 146.265 Records and Reporting Requirements

- a) An [SLP providerSLF](#) shall develop and maintain confidential written records regarding each resident, which shall include, but are not limited to:
- 1) The Comprehensive Resident Assessment;
 - 2) The resident contract;
 - 3) The service plan;

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- 4) The quarterly evaluation;
 - 5) Progress notes that shall be used to document decline or improvement in resident status;
 - 6) The resident satisfaction survey;
 - 7) Written documentation of the inquiry to the sex offender databases, including the result of the inquiry; and
 - 8) Documentation of a tuberculosis test administered in accordance with Section 146.220(~~de~~).
- b) An SLP provider~~SLF~~ shall develop and maintain confidential written personnel records that shall include, but are not limited to:
- 1) Job description;
 - 2) Educational preparation and work experience;
 - 3) Current licensure or certification, if applicable;
 - 4) Documentation that employee has received personnel policies and procedures;
 - 5) Documentation of on-going staff training;
 - 6) Documentation of a tuberculosis test administered in accordance with Section 146.235(m); and
 - 7) Results from the health care worker background check conducted in accordance with Section 146.235(l).
- c) An SLP provider shall develop and maintain confidential written records regarding each potential resident, which shall include, but are not limited to:
- 1) Results of the Determination of Need assessment as indicated on the Interagency Certification of Screening (HFS 2536), Screening Verification

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Form (HFS 3864), or successor form:

- 2) OBRA-1 Initial Screen;
 - 3) Standardized interview;
 - 4) Specialized mental health evaluation, if indicated;
 - 5) Application for admission to the SLP setting;
 - 6) Documentation that supports the SLP provider's ability to meet the resident's needs.
- d) Medication Error Report: The SLP provider~~SLF~~ shall record, and retain in a facility record, all medication errors identified and reported by staff. Errors shall be recorded on a Department designated form. Any medication error resulting in a hospitalization shall be reported to the resident's physician and to the Department within 24 hours after discovery.
- e) Incident Report: Pursuant to Sections 146.295 and 146.305, the SLP~~SLF~~ shall notify the Department of suspected abuse, neglect or financial exploitation that results in contact with local law enforcement.
- f) The SLP provider~~SLF~~ shall generate and submit to the Department the following reports in a format and medium designated by the Department and with the frequencies as specified:
- 1) Resident Identification Report, which shall be due monthly. The report shall be in two parts, one for Medicaid-eligible residents and one for private pay residents. Each part shall contain an alphabetical list of residents residing in the SLP setting~~SLF~~, including their names, case identification and recipient numbers for Medicaid-eligible residents or Department designated identifying numbers for private pay residents, dates of admission and dates of discharge.
 - 2) Cost Reports, which shall be submitted at any time upon request by the Department or when a significant change occurs in the SLP provider's~~SLF's~~ financial status/solvency, and annually not later than 90 days after the end of the SLP provider's~~SLF's~~ fiscal year. One extension

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up to 30 days shall be granted for circumstances that will not allow a cost report to be properly completed before the due date of the report. The written extension must be submitted to the Department's Bureau of Long Term Care prior to the original due date. Each enrolled [SLP provider](#)~~SLF~~ shall file an annual report with the Department in accordance with the following requirements:

- A) All schedules contained in the cost report must be completed with the exception of those schedules specified in the cost report instructions as optional.
 - B) The cost report is not complete until all required schedules are filed and all inquiries to the provider are satisfactorily resolved.
 - C) If the cost report is prepared by other than the [SLP setting's facility's](#) manager or officer, the certification must be signed by the preparer as well as the officer or manager. The preparer's declaration is based upon all information of which the preparer has any knowledge.
 - D) All financial data contained in the cost report must be accounted for on the accrual basis of accounting.
 - E) Copies of all independent audits and reviews performed on the [SLP setting](#)~~SLF~~ by certified public accounting firms shall be provided to the Department with the cost report.
- 3) **Cost Report for Change of Ownership.** The new owner or lessee must file a cost report nine months after acquisition (covering the first six months of operation). A change of ownership is dated from the closing of the sale or from the date of the oldest lease agreement between the present incumbents of a lease. The facility must also file a cost report within 90 days after the close of its first complete fiscal year. A change of corporate stock ownership does not constitute a change of ownership.
 - 4) **Cost Report for New Facility.** A full cost report must be filed within nine months after opening the facility (covering at least the first six months of operation). The facility must also file a cost report within 90 days after the close of its first complete fiscal year.

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- gf) No funds shall be expended by the Department for the maintenance of any resident in an SLP setting~~SLF~~ that has failed to file an annual cost report.
- hg) The SLP provider~~An SLF~~ shall retain all records in accordance with provisions of 89 Ill. Adm. Code 140.28. The SLP provider~~SLF~~ shall provide the Department or its designee with access to financial and other records that pertain to covered services. The SLP provider~~SLF~~ shall keep fiscal records in accordance with acceptable accounting procedures.

(Source: Amended at 44 Ill. Reg. 2331, effective January 15, 2020)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.4100 Adopted Action: New Section
- 4) Statutory Authority: 35 ILCS 5/401
- 5) Effective Date of Rule: January 17, 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 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*: 43 Ill. Reg. 10387, September 20, 2019
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: All differences between the proposal and the final version are cosmetic and grammatical.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
100.2055	Amendment	43 Ill. Reg. 10682; September 27, 2019
100.2160	Amendment	43 Ill. Reg. 10682; September 27, 2019
100.2165	Amendment	43 Ill. Reg. 10682; September 27, 2019
100.2171	Amendment	43 Ill. Reg. 10682; September 27, 2019
100.2180	Amendment	43 Ill. Reg. 10682; September 27, 2019

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100.2181	New Section	43 Ill. Reg. 10682; September 27, 2019
100.2185	Amendment	43 Ill. Reg. 10682; September 27, 2019
100.2199	Amendment	43 Ill. Reg. 10682; September 27, 2019
100.2470	Amendment	43 Ill. Reg. 11073; October 11, 2019
100.2197	Amendment	44 Ill. Reg. 97; January 3, 2020
100.2590	Amendment	44 Ill. Reg. 97; January 3, 2020
100.3100	Amendment	44 Ill. Reg. 97; January 3, 2020
100.3120	Amendment	44 Ill. Reg. 97; January 3, 2020
100.7010	Amendment	44 Ill. Reg. 97; January 3, 2020

- 15) Summary and Purpose of Rulemaking: This rulemaking adopts new Section 100.4100 to provide guidance on the proper taxable years to be used for Illinois income tax purposes.
- 16) Information and questions regarding these adopted rules shall be directed to:

Brian Stocker
Staff Attorney
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield IL 62796

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

100.2000	Introduction
100.2050	Net Income (IITA Section 202)
100.2055	Standard Exemption (IITA Section 204)
100.2060	Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

SUBPART B: CREDITS

Section

100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA Section 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA Section 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone and River Edge Redevelopment Zone (IITA Section 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA Section 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2171	Angel Investment Credit (IITA 220)
100.2175	Invest in Kids Credit (IITA 224)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA Section 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193	Student-Assistance Contributions Credit (IITA 218)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)

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- 100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
- 100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
- 100.2198 Economic Development for a Growing Economy Credit (IITA 211)
- 100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or

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- After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986 (IITA Section 207)
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership
- 100.2360 Illinois Net Losses and Illinois Net Loss Deductions for Losses of Cooperatives Occurring On or After December 31, 1986 (IITA Section 203(e)(2)(F))

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
- 100.2435 Addition Modification for Student-Assistance Contribution Credit (IITA Sections 203(a)(2)(D-23), (b)(2)(E-16), (c)(2)(G-15), (d)(2)(D-10))
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2465 Claim of Right Repayments (IITA Section 203(a)(2)(P), (b)(2)(Q), (c)(2)(P) and (d)(2)(M))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone and River Edge Redevelopment Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

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Section

- 100.2510 Subtraction for Contributions to Illinois Qualified Tuition Programs (Section 529 Plans) (IITA Section 203(a)(2)(Y))
- 100.2565 Subtraction for Recovery of Itemized Deductions (IITA Section 203(a)(2)(I))
- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF CORPORATIONS

Section

- 100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
- 100.2657 Subtraction Modification for High Impact Business Interest (IITA Section 203(b)(2)(M-1))
- 100.2665 Subtraction for Payments to an Attorney-in-Fact (IITA Section 203(b)(2)(R))
- 100.2668 Subtraction for Dividends from Controlled Foreign Corporations (IITA Section 203(b)(2)(Z))

SUBPART H: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2770 Subtraction for Recovery of Itemized Deductions of a Decedent (IITA Section 203(c)(2)(W))
- 100.2775 Subtraction for Refunds of Taxes Paid to Other States for Which a Credit Was Claimed (IITA Section 203(c)(2)(X))

SUBPART I: BASE INCOME OF PARTNERSHIPS

Section

- 100.2850 Subtraction Modification for Personal Service Income or Reasonable Allowance for Compensation to Partners (IITA Section 203(d)(2)(H))

SUBPART J: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME

Section

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100.3000	Terms Used in Article 3 (IITA Section 301)
100.3010	Business and Nonbusiness Income (IITA Section 301)
100.3015	Business Income Election (IITA Section 1501)
100.3020	Resident (IITA Section 301)

SUBPART K: COMPENSATION

Section

100.3100	Compensation (IITA Section 302)
100.3110	State (IITA Section 302)
100.3120	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART L: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200	Taxability in Other State (IITA Section 303)
100.3210	Commercial Domicile (IITA Section 303)
100.3220	Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART M: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)
100.3370	Sales Factor (IITA Section 304)
100.3371	Sales Factor for Telecommunications Services
100.3373	Sales Factor for Publishing
100.3380	Special Rules (IITA Section 304)
100.3390	Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400	Apportionment of Business Income of Financial Organizations for Taxable Years

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- Ending Prior to December 31, 2008 (IITA Section 304(c))
- 100.3405 Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
- 100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
- 100.3450 Apportionment of Business Income of Transportation Companies (IITA Section 304(d))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners
- 100.3600 Combined Apportionment for Taxpayers Using Different Apportionment Formulas (IITA Section 1501(a)(27))

SUBPART N: ACCOUNTING

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100.4100Taxable Years (IITA Section 401)

100.4500

Carryovers of Tax Attributes (IITA Section 405)

SUBPART O: TIME AND PLACE FOR FILING RETURNS

Section

100.5000

Time for Filing Returns (IITA Section 505)

100.5010

Place for Filing Returns: All Taxpayers (IITA Section 505)

100.5020

Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

100.5030

Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

100.5040

Innocent Spouses

100.5050

Frivolous Returns

100.5060

Reportable Transactions (IITA Section 501(b))

100.5070

List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions

100.5080

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SUBPART P: COMPOSITE RETURNS

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Composite Returns: Eligibility (IITA Section 502(f))

100.5110

Composite Returns: Responsibilities of Authorized Agent

100.5120

Composite Returns: Individual Liability

100.5130

Composite Returns: Required forms and computation of Income (IITA Section

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	502(f))
100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credits on Separate Returns
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180	Composite Returns: Overpayments and Underpayments

SUBPART Q: COMBINED RETURNS

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100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns
100.5220	Designated Agent for the Members (IITA Section 304(e))
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax (IITA Section 304(e))
100.5280	Combined Return Issues Related to Audits

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100.6000	Payment on Due Date of Return (IITA Section 601)

SUBPART S: REQUIREMENT AND AMOUNT OF WITHHOLDING

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100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7035	Nonresident Partners, Subchapter S Corporation Shareholders, and Trust Beneficiaries (IITA Section 709.5)
100.7040	Employer Registration (IITA Section 701)

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100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART T: AMOUNT EXEMPT FROM WITHHOLDING

Section

100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART U: INFORMATION STATEMENT

Section

100.7200	Reports for Employee (IITA Section 703)
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SUBPART V: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

100.7300	Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704 and 704A)
100.7310	Returns Filed and Payments Made on Annual Basis (IITA Sections 704 and 704A)
100.7320	Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)
100.7325	Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
100.7330	Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
100.7340	Correction of Underwithholding or Overwithholding (IITA Section 704)
100.7350	Domestic Service Employment (IITA Sections 704 and 704A)
100.7360	Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
100.7370	Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
100.7380	Economic Development for a Growing Economy (EDGE) and Small Business Job

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Creation Credit (IITA Section 704A(g) and (h))

SUBPART W: ESTIMATED TAX PAYMENTS

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100.8000 Payment of Estimated Tax (IITA Section 803)
100.8010 Failure to Pay Estimated Tax (IITA Sections 804 and 806)

SUBPART X: COLLECTION AUTHORITY

Section

100.9000 General Income Tax Procedures (IITA Section 901)
100.9010 Collection Authority (IITA Section 901)
100.9020 Child Support Collection (IITA Section 901)

SUBPART Y: NOTICE AND DEMAND

Section

100.9100 Notice and Demand (IITA Section 902)

SUBPART Z: ASSESSMENT

Section

100.9200 Assessment (IITA Section 903)
100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART AA: DEFICIENCIES AND OVERPAYMENTS

Section

100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART BB: CREDITS AND REFUNDS

Section

100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

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SUBPART CC: INVESTIGATIONS AND HEARINGS

Section

100.9500	Access to Books and Records (IITA Section 913)
100.9505	Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510	Taxpayer Representation and Practice Requirements
100.9520	Conduct of Investigations and Hearings (IITA Section 914)
100.9530	Books and Records

SUBPART DD: JUDICIAL REVIEW

Section

100.9600	Administrative Review Law (IITA Section 1201)
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SUBPART EE: DEFINITIONS

Section

100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9715	Transportation Companies (IITA Section 304(d))
100.9720	Nexus
100.9730	Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

SUBPART FF: LETTER RULING PROCEDURES

Section

100.9800	Letter Ruling Procedures
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SUBPART GG: MISCELLANEOUS

Section

100.9900	Tax Shelter Voluntary Compliance Program
100.9910	State Tax Preparer Oversight Act [35 ILCS 35]

100.APPENDIX A Business Income Of Persons Other Than Residents (Repealed)

100.TABLE A Example of Unitary Business Apportionment (Repealed)

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100.TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas (Repealed)

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997;

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emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013;

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amended at 37 Ill. Reg. 20751, effective December 13, 2013; recodified at 38 Ill. Reg. 4527; amended at 38 Ill. Reg. 9550, effective April 21, 2014; amended at 38 Ill. Reg. 13941, effective June 19, 2014; amended at 38 Ill. Reg. 15994, effective July 9, 2014; amended at 38 Ill. Reg. 17043, effective July 23, 2014; amended at 38 Ill. Reg. 18568, effective August 20, 2014; amended at 38 Ill. Reg. 23158, effective November 21, 2014; emergency amendment at 39 Ill. Reg. 483, effective December 23, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 1768, effective January 7, 2015; amended at 39 Ill. Reg. 5057, effective March 17, 2015; amended at 39 Ill. Reg. 6884, effective April 29, 2015; amended at 39 Ill. Reg. 15594, effective November 18, 2015; amended at 40 Ill. Reg. 1848, effective January 5, 2016; amended at 40 Ill. Reg. 10925, effective July 29, 2016; amended at 40 Ill. Reg. 13432, effective September 7, 2016; amended at 40 Ill. Reg. 14762, effective October 12, 2016; amended at 40 Ill. Reg. 15575, effective November 2, 2016; amended at 41 Ill. Reg. 4193, effective March 27, 2017; amended at 41 Ill. Reg. 6379, effective May 22, 2017; amended at 41 Ill. Reg. 10662, effective August 3, 2017; amended at 41 Ill. Reg. 12608, effective September 21, 2017; amended at 41 Ill. Reg. 14217, effective November 7, 2017; emergency amendment at 41 Ill. Reg. 15097, effective November 30, 2017, for a maximum of 150 days; amended at 42 Ill. Reg. 4953, effective February 28, 2018; amended at 42 Ill. Reg. 6451, effective March 21, 2018; recodified Subpart H to Subpart G at 42 Ill. Reg. 7980; amended at 42 Ill. Reg. 17852, effective September 24, 2018; amended at 42 Ill. Reg. 19190, effective October 12, 2018; amended at 43 Ill. Reg. 727, effective December 18, 2018; amended at 43 Ill. Reg. 10124, effective August 27, 2019; amended at 44 Ill. Reg. 2363, effective January 17, 2020.

SUBPART N: ACCOUNTING

Section 100.4100 Taxable Years (IITA Section 401)

- a) The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the base income is computed under the IITA. "Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of the IITA, the period for which that return is made. [IITA Section 1501(a)(23)]
- b) Except as provided in this Section, for all purposes of the IITA, the taxable year of a person is the same as the taxable year used by that person for federal income tax purposes. [IITA Section 401(a)]
 - 1) The taxable year of any person required to file a return under the IITA but not under the Internal Revenue Code is the taxpayer's annual accounting period if it is a fiscal or calendar year, and in all other cases, is the

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calendar year. [IITA Section 401(a)] The taxable year of a taxpayer that keeps no books or that does not have an annual accounting period is the calendar year.

2) If the taxable year of a person is changed for federal income tax purposes, the taxable year of that person for purposes of the IITA is also changed. [IITA Section 401(b)]

c) Short Taxable Years

1) In the case of a taxable year for a period of less than 12 months, the standard exemption allowed under IITA Section 204 is prorated on the basis of the number of days in that year to 365. [IITA Section 401(b)]

2) Change in the Taxpayer's Membership in a Unitary Business Group. If a taxpayer becomes a member of a unitary business group during the taxpayer's taxable year, or if a member of a unitary business group ceases to be a member during the taxpayer's taxable year, and the taxpayer's taxable year does not terminate at the time of the change for federal income tax purposes, the taxpayer's taxable year that includes the change is not a short taxable year. However, for that taxable year, the taxpayer determines its income, deductions, apportionment factors, and other tax items separately for the portions of that taxable year before and after the change, so that these tax items may properly be reported for each portion of that taxable year.

A) If the taxpayer is a member of a combined group before the change and of a different combined group after the change, the tax items for each portion of the taxable year are combined with the tax items of the appropriate combined group for each portion. (See Section 100.5265(f).)

B) If a taxpayer is a member of a combined group for only one portion of the taxable year, the tax items for that portion of the taxable year are combined with the tax items of the combined group as provided in Section 100.5265(f) and the tax items for the other portion are reported on a separate return of the taxpayer for the taxable year.

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- C) If the taxpayer is not a member of a combined group for either portion of the taxable year, the tax items for the entire taxable year are reported on a single return of the taxpayer for the taxable year, but the business income for each portion of that taxable year is apportioned according to the taxpayer's separate or unitary status for that portion of the year.
- d) 52-53 Week Taxable Years
- 1) 26 USC 441(f)(1) permits a taxpayer to elect to use a 52-53 week taxable year; that is, an annual period that varies from 52 to 53 weeks and ends always on the same day of the week and ends always:
- A) on whatever date that same day of the week last occurs in a calendar month; or
- B) on whatever date that same day of the week falls that is nearest to the last day of a calendar month.
- 2) In any case in which the effective date or the applicability of any provision of the IITA or a regulation under this Part is expressed in terms of taxable years beginning, including, or ending with reference to a specified date that is the first or last day of a month, then, for purposes of that provision, a 52-53 week taxable year is treated:
- A) as beginning with the first day of the calendar month beginning nearest to the first day of that taxable year; or
- B) as ending with the last day of the calendar month ending nearest to the last day of that taxable year, as the case may be. (See 26 USC 441(f)(2)(A).)

(Source: Added at 44 Ill. Reg. 2363, effective January 17, 2020)

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- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.Appendix A Table S Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table S to reflect the rate tables initialed and dated December 16, 2019 by the Laborers' International Union of North America – Illinois State Employees Association, Local 2002 and the Southern and Central Illinois Laborers' District Council and the State of Illinois Department of Central Management Services. Section 310.Appendix A Table S was amended at 43 Ill. Reg. 12119 to reflect the language in the Agreement Between the Laborers' International Union of North America – Illinois State Employees Association, Local 2002 and the Southern and Central Illinois Laborers' District Council and the State of Illinois Department of Central Management Services July 1, 2015 – June 30, 2023 Public Service Administrator (PSA) Option 7 – VR-704 was signed September 20, 2019.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].
- 6) Effective Date: January 15, 2020
- 7) A Complete Description of the Subjects and Issues Involved: In the Section 310.Appendix A Table S, the title table has several titles updated as the classification title as approved by the Civil Service Commission is now contained in a decision issued by the Illinois Labor Relations Board or a consolidation of descriptions clarifies the pay grade assigned. For employees hired before or on March 31, 2013 and those hired on or after April 1, 2013, rate tables effective January 1, 2020, July 1, 2020, July 1, 2021 and July 1, 2022 are added.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: January 15, 2020

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10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
310.47	Amendment	43 Ill. Reg. 13835; December 6, 2019
310.50	Amendment	43 Ill. Reg. 13835; December 6, 2019
310.100	Amendment	43 Ill. Reg. 13835; December 6, 2019
310.260	Amendment	43 Ill. Reg. 13835; December 6, 2019
310.460	Amendment	43 Ill. Reg. 13835; December 6, 2019
310.490	Amendment	43 Ill. Reg. 13835; December 6, 2019
310.500	Amendment	43 Ill. Reg. 13835; December 6, 2019
310.530	Amendment	43 Ill. Reg. 13835; December 6, 2019
310.550	New Section	43 Ill. Reg. 13835; December 6, 2019
310.560	Repealed	43 Ill. Reg. 13835; December 6, 2019
310.570	Repealed	43 Ill. Reg. 13835; December 6, 2019
310.APPENDIX D	Amendment	43 Ill. Reg. 13835; December 6, 2019
310.APPENDIX G	Amendment	43 Ill. Reg. 13835; December 6, 2019

13) Statement of Statewide Policy Objective: The amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding this preemptory rule shall be directed to:

Ms. Lisa Fendrich
Compensation Section
Division of Technical Services
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7976

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fax: 217/524-4570

CMS.PayPlan@Illinois.gov

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

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hire Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes (Repealed)
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

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310.270	Legislated Rate (Repealed)
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.560	Merit Incentive Program
310.570	Gain Sharing Program

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN
COLLECTIVE BARGAINING UNIT AGREEMENTS

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Section

310.600	Jurisdiction (Repealed)
310.610	Pay Schedules (Repealed)
310.620	In-Hiring Rate (Repealed)
310.630	Definitions (Repealed)
310.640	Increases in Pay (Repealed)
310.650	Other Pay Provisions (Repealed)
310.660	Effective Date (Repealed)
310.670	Negotiated Rate (Repealed)
310.680	Trainee Rate (Repealed)
310.690	Educator Schedule for Frozen RC-063 and Frozen HR-010 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #700)
310.TABLE E	RC-020 (Teamsters Locals #330 and #705)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge) (Repealed)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, Meat and Poultry Inspectors and Meat and Poultry Inspector Trainees, IFPE)
310.TABLE Q	RC-061 (Conservation Police Officer Trainees and Conservation Police Officer I's and II's, Illinois Fraternal Order of Police Labor Council)

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310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Supervisory Employees in Corrections and Juvenile Justice, AFSCME)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, Juvenile Justice School Counselors and Special Education Resources Coordinators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay (Repealed)
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE) (Repealed)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME) (Repealed)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME) (Repealed)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME) (Repealed)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA) (Repealed)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge) (Repealed)

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310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME) (Repealed)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)
310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) (Repealed)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME) (Repealed)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT) (Repealed)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees) (Repealed)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)
310.APPENDIX C	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.ILLUSTRATION A	Classification Comparison Flow Chart: Both Classes are Whole
310.ILLUSTRATION B	Classification Comparison Flow Chart: One Class is Whole and One is Divided
310.ILLUSTRATION C	Classification Comparison Flow Chart: Both Classes are Divided
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919,

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effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26,

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1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg.

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10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective

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July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September

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27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28,

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2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; preemptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; preemptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; preemptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; preemptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; preemptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; preemptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; preemptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; preemptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; preemptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; preemptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; preemptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; preemptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; preemptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; preemptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; preemptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; preemptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; preemptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; preemptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; preemptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; preemptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; preemptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; preemptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; preemptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; preemptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; preemptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; preemptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; preemptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; preemptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; preemptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; preemptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill.

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Reg. 7645, effective May 24, 2010; preemptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; preemptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; preemptory amendment at 34 Ill. Reg. 10536, effective July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days;

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peremptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; peremptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; peremptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; peremptory amendment at 37 Ill. Reg. 14219, effective August 23, 2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; peremptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; peremptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; peremptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; peremptory amendment at 38 Ill. Reg. 6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; peremptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; peremptory amendment at 38 Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; peremptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; peremptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014; amended at 38 Ill. Reg. 17556, effective August 6, 2014; peremptory amendment at 38 Ill. Reg. 18791, effective August 26, 2014; peremptory amendment at 38 Ill. Reg. 19806, effective September 26, 2014; amended at 38 Ill. Reg. 20695, effective October 14, 2014; amended at 38 Ill. Reg. 24005, effective December 9, 2014; peremptory amendment at 39 Ill. Reg. 728, effective December 23, 2014; emergency amendment at 39 Ill. Reg. 708, effective December 26, 2014, for a maximum of 150 days; peremptory amendment at 39 Ill. Reg. 6964, effective April 29, 2015; amended at 39 Ill. Reg. 7878, effective May 22, 2015; amended at 39 Ill. Reg. 11220, effective July 28, 2015; peremptory amendment at 39 Ill. Reg. 12004, effective August 13, 2015; peremptory amendment at 39 Ill. Reg. 15807, effective November 25, 2015; amended at 40 Ill. Reg. 5893, effective March 28, 2016; peremptory amendment at 40 Ill. Reg. 8462, effective June 1, 2016; peremptory amendment at 40 Ill. Reg. 9658, effective June 30, 2016; amended at 40 Ill. Reg. 9356, effective July 1, 2016; peremptory amendment at 40 Ill. Reg. 11207, effective August 5, 2016; peremptory amendment at 41 Ill. Reg. 1210, effective January 19, 2017; amended at 41 Ill. Reg. 1695, effective January 25, 2017; peremptory amendment at 41 Ill. Reg. 2078, effective February 2, 2017; amended at 41 Ill. Reg. 3191, effective March 6, 2017; amended at 41 Ill. Reg. 4615, effective April 24, 2017; peremptory amendment at 41 Ill. Reg. 5822, effective May 15, 2017; peremptory amendment at 41 Ill. Reg. 6695, effective May 24, 2017; peremptory amendment at 41 Ill. Reg. 7227, effective June 9, 2017; amended at 41 Ill. Reg. 8314, effective July 1, 2017; peremptory amendment at 41 Ill. Reg. 10974, effective August 10, 2017; peremptory amendment at 41 Ill. Reg. 11447, effective August 25, 2017; peremptory amendment at 41 Ill. Reg. 12179, effective September 13, 2017; peremptory amendment at 41 Ill. Reg. 15837, effective December 12, 2017; amended at 42 Ill. Reg. 712, effective December 28, 2017; amended at 42 Ill. Reg. 5357, effective March 9, 2018; peremptory amendment at 42 Ill. Reg. 8967, effective May 16, 2018; amended at 42 Ill. Reg. 13464, effective July 1, 2018; amended at 42 Ill. Reg. 16651, effective September 4, 2018; peremptory amendment at 43 Ill. Reg. 3999, effective March 15, 2019; amended at 43 Ill. Reg. 8746, effective July 31, 2019; peremptory amendment at 43 Ill. Reg. 9886, effective August 21,

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2019; preemptory amendment at 43 Ill. Reg. 10811, effective September 20, 2019; preemptory amendment at 43 Ill. Reg. 11734, effective September 27, 2019; preemptory amendment at 43 Ill. Reg. 12119, effective October 8, 2019; preemptory amendment at 43 Ill. Reg. 13031, effective October 25, 2019; emergency amendment at 43 Ill. Reg. 14216, effective November 22, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 1819, effective January 1, 2020; preemptory amendment at 44 Ill. Reg. 2380, effective January 15, 2020.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE S VR-704 (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Clinical Services Supervisor (Public Service Administrator (PSA) Option 7 Clinical Service Supervisor function Department of Corrections (DOC) and Department of Juvenile Justice (DJJ))	08260	VR-704	24
Computer Evidence Recovery Specialist (formerly PSA Option 7 Computer Evidence Recovery Specialist function Department of State Police (ISP), non-sworn)	08980	VR-704	25
Corrections Command Center Supervisor (formerly PSA Option 7 Operations Center Supervisor function DOC and DJJ)	09500	VR-704	25
Corrections Family Services Coordinator (formerly PSA Option 7 Women and Family Services Coordinator function DOC)	09600	VR-704	25
Corrections Intelligence Program Unit Manager	09798	VR-704	24
Corrections Placement Resources Regional Supervisor (formerly PSA Option 7 District Supervisor function DOC)	09839	VR-704	24
Corrections Program Administrator (formerly PSA Option 7 Staff Assistant function DOC)	09849	VR-704	24
Corrections Psychologist Administrator (formerly PSA Option 8K Mental Health Professional function DOC)	09855	VR-704	25
Corrections Regional Mental Health Services Administrator (formerly PSA Option 8K Mental Health Professional function DOC)	09857	VR-704	25
Corrections Training Program Supervisor (formerly PSA Option 7 Training Supervisor function DOC and DJJ)	09860	VR-704	25
Corrections Unit Superintendent (formerly PSA Option 7 Superintendent function DOC)	09868	VR-704	25

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Criminal Intelligence Analyst Supervisor (formerly PSA Option 7 Criminal Intelligence Analyst Supervisor function ISP, non-sworn)	10169	VR-704	25
Developmental Psychological Services Administrator (formerly PSA Option 8K Mental Health Professional function Department of Human Services (DHS) position)	12380	VR-704	25
Firearms Eligibility Administrator	15280	VR-704	25
Food Services Program Manager (DOC)	15800	VR-704	24
Forensic Science Administrator I (formerly PSA Option 7 Forensic Science Administrator function Forensic Bureau ISP)	15911	VR-704	24
Forensic Science Administrator II (formerly PSA Option 7 Forensic Science Administrator function Forensic Bureau ISP)	15912	VR-704	25
Forensic Science Administrator III	15913	VR-704	26
Internal Investigations Principal Evaluation Supervisor (formerly PSA Option 7 Office of Inspector General Investigator function DHS)	21735	VR-704	24
Internal Investigations Supervisor (formerly PSA Option 7 Office of Inspector General Investigator function DHS)	21740	VR-704	24
Juvenile Justice Chief of Security (formerly PSA Option 7 Chief of Security DJJ)	21965	VR-704	24
Juvenile Justice Psychologist Administrator (formerly PSA Option 8K Mental Health Professional function DOC and DJJ)	21967	VR-704	25
Juvenile Justice Unit Superintendent (formerly PSA Option 7 Superintendent function DJJ)	21985	VR-704	25
Law Enforcement Training Administrator (formerly PSA Option 7 Firearms Specialist function ISP, non-sworn)	23260	VR-704	25
Licensing Investigations Supervisor (formerly PSA Option 7 Chief of Medical Investigations, Chief of Health Related Investigations, Chief of Detective/Design Investigations, Chief of Probation Compliance and Chief of General Investigations functions Department of Financial and Professional Regulation (DFPR))	23577	VR-704	25

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Narcotics and Currency Unit Supervisor (formerly PSA Option 7 Narcotics and Currency Unit Supervisor ISP, non-sworn)	28750	VR-704	25
Police Lieutenant (formerly PSA Option 7 Police Lieutenant function ISP)	32977	VR-704	24
Public Service Administrator, Option 8L (DOC)	37015	VR-704	24
Sex Offender Registration Unit Supervisor (formerly PSA Option 7 Sex Offender Registry Supervisor ISP, non-sworn)	40700	VR-704	26
Shift Supervisor at Department of Corrections <u>at Correctional Facilities or at Correctional Work Camps</u> – Hired before or on June 30, 2014 (formerly PSA Option 7 Shift Commander function DOC and DJJ)	40800	VR-704	24
Shift Supervisor at Department of Corrections Correctional Work Camps – Hired on or after July 1, 2014 (formerly PSA Option 7 Shift Commander function DOC and DJJ)	40800	VR-704	22
Shift Supervisor not at Department of Corrections Correctional Work Camps – Hired before August 1, 2010 and on or after April 1, 2013 prior to December 31, 2014; all effective December 31, 2014 (formerly PSA Option 7 Shift Commander function DOC and DJJ)	40800	VR-704	24
Shift Supervisor not at Department of Corrections Correctional Work Camps – Hired on or after August 1, 2010 through and including March 31, 2013 prior to December 31, 2014 (formerly PSA Option 7 Shift Commander function DOC and DJJ)	40800	VR-704	23
State Police Inspector (formerly PSA Option 7 Inspector function ISP, sworn)	42100	VR-704	26

NOTES: Employer – "Employer" refers to the Illinois Departments of Central Management Services or Department of Corrections, or Department of Juvenile Justice or Department of Financial and Professional Regulation or the Department of Human Services or Illinois Emergency Management Agency as the context may require.

New Classification Pay Grade Determination – The Employer agrees to negotiate with the Union as to the appropriate pay grade to be assigned to job classifications determined to be in the VR-704 bargaining unit. If no agreement is reached between

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the parties, the Union shall be allowed to file a grievance in accordance with Article 11 of the Agreement signed September 20, 2019. The grievance shall be filed at step 4 of the grievance procedure. In the event that an appropriate resolution is not reached at step 4, then the issue may be submitted to an arbitrator. The arbitrator shall determine the reasonableness of the proposed salary grade in relationship to:

- a) The job content and responsibilities attached thereto in comparison with the job content and responsibilities of other position classifications in the classification series and in the bargaining unit; and
- b) Like positions with similar job content and responsibilities within the labor market generally. The pay grade originally assigned by the Employer shall remain in effect pending the arbitrator's decision.

DOC/DJJ Only Rest Period - Employees shall not be required to work more than two (2) consecutive shifts except in very extreme emergencies and then only after a minimum period of four (4) hours of paid time for sleep and rest.

General Increases – The pay scale for bargaining unit employees accepting a position after April 1, 2013, shall be 5% lower than the agreed upon salary grade as set forth except for Step 6 and Step 7 should be established at a difference of 3.5% and 2%, respectively. That upon reaching Step 8, an employee shall be equivalent to Step 8 of the full rate. Effective January 1, 2020, the pay rates for all bargaining unit classifications and steps shall be increased by 1.50%. Effective July 1, 2020, the pay rates for all bargaining unit classifications and steps shall be increased by 2.10%. Effective July 1, 2021, the pay rates for all bargaining unit classifications and steps shall be increased by 3.95%. Effective July 1, 2022, the pay rates for all bargaining unit classifications and steps shall be increased by 3.95%.

Step Increases – Upon satisfactory completion of twelve (12) months creditable service in a step, employees shall receive a step increase to the next higher step. Other Pay Plan provisions under the Personnel Rules shall apply.

Overtime – Employees authorized to work in excess of their work week shall be paid overtime as straight time. Payment shall be in cash or comp time at the discretion of the Employer. For DOC/DJJ only, if comp time is requested and granted by the Employer, employees may accumulate up to sixty (60) hours per fiscal quarter. Any unused comp time shall be liquidated within the fiscal quarter it was earned. Time not taken at the end of the fiscal year shall be liquidated.

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Holiday - Payment Upon Separation – Upon separation for any reason, the employee shall be paid for all accrued holidays.

Shift Differential Pay – Employees shall be paid a shift differential of 75 cents per hour in addition to their base salary rate for all hours worked if their normal work schedule for that day provides that they are scheduled to work and they work half or more of such work hours before 7 a.m. or after 3 p.m. Effective July 1, 2009, employees shall be paid a shift differential of 80 cents per hour in addition to their base salary based on the above criteria. This Section shall not apply to employees who because of "flex-time" scheduling made at their request are scheduled and work hours which would otherwise qualify them for premium pay hereunder.

Shift Preparation/Roll Call Pay – Only the Primary Shift Supervisors on each shift who conducts roll call on the scheduled work days shall be compensated for fifteen (15) minutes for the roll call period at the appropriate rate. Unless specified below, the Primary Shift Supervisors shall receive one-half (1/2) hour compensation for shift preparation at the appropriate rate. The Primary Shift Supervisors at facilities which are medium level security or higher, shall receive forty-five (45) minutes of shift preparation at the appropriate rate.

Severance Pay – Where a facility closes permanently or a separately appropriated and funded program is permanently terminated, employees affected thereby with two (2) or more years seniority and on the agency's payroll at the time of such closure or termination, or who were previously laid off as a direct result of such closure or termination, not offered another bargaining unit position as defined below within sixty (60) days of such closure or termination and within fifty (50) miles of the employee's work location, shall be offered severance pay in the amount of one (1) month's compensation at their monthly rate of pay in effect at the time of such closure or termination. Provided, however, that an employee who elects to remain on the layoff list for a period in excess of six (6) months, or who obtains another bargaining unit position, or who refuses an appropriate position offered by the Employer within his/her position classification series (or if his/her classification is the only one in its series, within a comparable classification) shall forfeit any severance pay which is due under this Section. If an employee accepts severance pay he/she shall be considered terminated.

Attendance in Court – Any employee called for jury duty or subpoenaed by any legislative, judicial, or administrative tribunal, shall be allowed time away from work

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without loss of pay during his/her working hours for such purposes. An employee subpoenaed by any legislative, judicial or administrative tribunal for non-work-related personal litigation shall be granted benefit time, if such time is available or authorized dock time at the employee's choice however, either must be consistent with operational needs. Upon receiving the sum paid for jury service or witness fee, the employee shall submit the warrant, or its equivalent, to the agency to be returned to the fund in the State Treasury from which the original payroll warrant was drawn. Provided, however, an employee may elect to fulfill such call or subpoena on accrued time off and personal leave and retain the full amount received for such service.

Maternity/Paternity/Adoption Leave – All employees who provide proof of their pregnancy or that of their female partner at least 30 days prior to the expected due date will be eligible for 10 weeks (50 work days) of paid maternity/paternity leave for each pregnancy resulting in birth or multiple births. Should both parents be employees, each be eligible for 10 weeks of paid maternity/paternity leave which may be taken consecutively or concurrently. No employee will be allowed to take less than a full work week (5 consecutive days). Regardless of the number of pregnancies in a year, no employee shall receive more than 10 weeks (50 work days) of paid leave under this Section per year. The State shall require proof of the birth. In addition, non-married male employees may be required to provide proof of paternity such as a birth certificate or other appropriate documentation confirming paternity. Leaves under this Section shall also be granted in cases of a full term still born child, for a maximum of five (5) weeks. All bargaining unit members are eligible for ten (10) weeks (50 days) of paid leave with a new adoption, with the leave to commence when physical custody of the child has been granted to the member, provided that the member can show that the formal adoption process is underway. In the event the child was in foster care immediately preceding the adoption process the leave will commence once a court order has been issued for permanent placement and the foster parent has been notified of their right to adopt as long as the foster child has not resided in the home for more than three (3) years. The agency personnel office must be notified, and the member must submit proof that the adoption has been initiated. Should both parents be employees, they shall each be eligible for 10 weeks of paid maternity/paternity leave which may be taken consecutively or concurrently. No employee will be allowed to take less than a full work week (5 consecutive work days). Regardless of the number of adoptions in a year no individual shall receive more than 10 weeks (50 work days) of said leave under this Section per year. Maternity/Paternity leave is for the purpose of bonding with the new member of the household. Employees are not eligible for the above referenced leave in the event the adoption is for a step-child or relative with

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whom the employee has previously established residency, for a period of one (1) year or more.

Bereavement Leave – Upon request, employees shall be granted paid leave of up to two (2) scheduled work days to attend the funeral or similar service, for related travel, and bereavement time, upon the death of a member of the employee's immediate family. Leave shall be limited one instance per calendar year. Documentation of the reason for the funeral/bereavement leave, attendance at the funeral or similar service, and relationship to the deceased may be required. Immediate family is defined pursuant to this Section as: father, mother, sister, brother, spouse, children, grandparent and grandchildren including relationships established by marriage. For purposes of application of Bereavement Leave, relationships existing due to marriage will terminate upon death or divorce of the relative through whom the marriage relationship exists. Current marital status will be defined in accordance with State law.

Vacation Payment – If due to operational needs, the Employer cannot grant an employee's request for vacation time within the 24 month period after the expiration of the calendar year such time was earned, such vacation time shall be liquidated in cash at straight time provided the employee has made at least three (3) separate requests with at least five (5) days between each requested time period, for such time within the calendar year preceding liquidation. No salary payment shall be made in lieu of vacation earned but not taken except as provided in this Section and on termination of employment for eligible employees with at least six (6) months of continuous service in which case the effective date of termination shall not be extended by the number of days represented by said salary payment.

Temporary Assignment Outside the Bargaining Unit – The Employer may temporarily assign a qualified employee to perform the duties of another position classification. To be eligible for temporary assignment pay, the employee must:

- A. Be assigned and be held accountable, by the Employer, to assume the duties and responsibilities of a higher position classification.
- B. Perform a preponderance of duties and responsibilities which distinguish the higher level position.
- C. Perform duties and responsibilities not provided for in their regular position classification.

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An employee temporarily assigned to the duties of a position classification in an equal or lower pay grade than his/her permanent position classification shall be paid his/her permanent position classification rate. If the employee is temporarily assigned to a position classification having a higher pay grade than his/her permanent position classification the employee shall be paid as if he/she had receiving a promotion into such higher pay grade. The Employer agrees to pay the employees the higher rate so set forth above for the time of such assignment. For the purpose of calculation, any increments of fifteen minutes (15) or more in a temporary assignment, shall be rounded up to the nearest hour. When the Employer makes a temporary assignment, for extended period of time, which is defined as thirty (30) calendar days or more, it will give notice to the employee and the Union of the anticipated length of assignment, the location, the position being assigned, and the operational need for the assignment. Temporary assignments shall not be made for more than six (6) months unless the incumbent is on extended sick, military, or paid administrative leave or has been reassigned due to an investigation, which are beyond the Employer's control. Upon request of the Union, the parties shall meet and discuss the extension of the temporary assignment. The parties shall meet to reach an agreement regarding an extension; however any extension shall not be unreasonably denied. If the Employer desires any further extension the same process shall be used for each extension. No employee shall be required to work in a temporary position in excess of six (6) months without the employee's consent. An employee's refusal to take a temporary assignment which is anticipated to last more than six (6) months will not subject the employee to discipline.

Temporary Assignments Into the Bargaining Unit – For DOC and DJJ only, when the Employer makes a temporary assignment, for extended periods, which is defined as thirty (30) calendar days or more, it will give notice to the employee and the Union of the anticipated length of assignment, the location, the position being assigned, and the operational need for the assignment. Temporary assignments shall not be made for more than six (6) months unless the incumbent is on extended sick, military, or paid administrative leave or has been reassigned due to an investigation, which are beyond the Employer's control. If the Employer, due to an operational need, requires an extension, beyond six (6), months it shall meet with the Union to request an extension. Such extension shall not be unreasonably denied.

Clothing and Equipment – The Employer shall provide any special clothing, and/or equipment or the equivalent by reimbursement which is required by the Employer and/or is determined by the Employer as being necessary for such employees to

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perform their work. The Employer shall provide for the maintenance of all clothing and equipment determined by the Employer as being necessary.

For ISP Police Lieutenants, Uniform Allowance – A \$400 annual uniform allowance for dry cleaning ISP provided uniforms shall be given at the beginning of each fiscal year.

Attendance at the Annual Meeting – The Employer shall allow up to three (3) bargaining unit employees per title to attend the annual labor management meetings without loss of pay for their normal work hours. Attendance at such meetings shall not be unreasonably denied but shall not interfere with the agency's operations. Travel expenses associated with these meetings shall be the responsibility of the employee.

Attendance at Occasional Meeting – The Employer shall allow up to two (2) bargaining unit employees per title in the Agency with whom the Union is meeting to attend the "occasional" labor management meetings without loss of pay for their normal work hours. Attendance at such meetings shall not be unreasonably denied but shall not interfere with the agency's operations. Determination of attendees and numbers shall be based on discussion with the union and the issues for the meeting. Travel expenses associated with these meetings shall be the responsibility of the employee.

Union Activity During Work Hours – A Union representative may leave his/her work location to investigate, file, process grievances, or attend grievance hearings, labor-management meetings, or meetings called or agreed to by the Employer, after first notifying and receiving prior approval from his/her supervisor or designee. Approval of such attendance shall be consistent with the Employer's operating needs. The Employer reserves the right to require reasonable documentation in time spent in the aforementioned activities. The Union steward at each facility or work location shall be allowed time off to attend certified stewards training one (1) work day for the term of this agreement. Approval to attend such meeting shall be consistent with the Employer's operating needs. The employee shall provide proof of attendance.

Fitness for Duty – When the Employer has reason to suspect that an employee is not fit for duty, the Employer may send the employee for a fitness for duty examination. Such examination shall be paid for by the Employer. When the Employer has requested a fitness for duty evaluation which determines the employee is unfit for duty and the employee's physician certifies the employee is fit for duty, the Employer may rely upon the decision of an impartial physician from SERS (State Employee Retirement System)

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for the employee's fitness for duty. Such examination shall be paid for by the Employer.

Annual License Renewal – The Employer shall reimburse the Public Service Administrator Option 8L's (Attorneys) at DOC for their annual license renewal with the State of Illinois Attorney Registration and Disciplinary Commission. Food Service Program Managers (formerly PSA Option 8Js) shall be reimbursed for the annual license renewal for the licensure required by the Department of Corrections and the Department of Juvenile Justice. Juvenile Justice Psychologist Administrator, Corrections Psychologist Administrator, Corrections Regional Mental Health Services Administrator, and Developmental Psychological Services Administrator (formerly PSA Option 8K Mental Health Professionals) shall be reimburse for the biennial license renewal for the licensure required by their respective Departments.

Continuing Legal Education Requirement – The Employer shall provide and subscribe to West's Legal Education Center or other like services, on behalf of each Public Service Administrator Option 8L's (Attorneys) at DOC for the purposes of the employees' compliance with the State of Illinois Continuing Legal Education Requirements. Each employee shall have the capability of tracking credit hours and taking online courses through the program.

Continuing Education Requirement - Juvenile Justice Psychologist Administrator, Corrections Psychologist Administrator, and Corrections Regional Mental Health Services Administrator (formerly PSA Option 8K Mental Health Professional function at DOC and DJJ) – The Employer shall provide and subscribe (if applicable) to an online service on behalf of each Juvenile Justice Psychologist Administrator, Corrections Psychologist Administrator and Corrections Regional Mental Health Services Administrator, (formerly Public Service Administrator Option 8K Mental Health Professional function at DOC and DJJ) for the purposes of the employees' compliance with the State of Illinois continuing education requirements. Each employee shall have the capability of tracking credit hours and taking online courses through the program.

Shift Supervisor Correctional Work/Boot Camp – The Shift Supervisor Correctional Work/Boot Camp positions shall be utilized at the following facilities: Southwestern Correctional Center, Green County, Dixon Springs, Pittsfield, Clayton, and DuQuoin.

Transfer to Non-Work/Boot Camp – If a Shift Supervisor at a Work/Boot Camp accepts a transfer to a non-Work/Boot Camp he/she shall be placed on the nearest step

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that shows an increase on the "facility" pay scale utilized upon their original date of hire into the Shift Supervisor position. The pay scales utilized are as follows: Shift Supervisors Hired After April 1, 2013, Shift Supervisors Hired Between August 1, 2010 and April 1, 2013, and the Original Shift Supervisor Pay Scale.

2015-2019 Backpay – The Employer will pay bargaining unit members for all backpay owed from the wage freeze from 2015 to 2019, including any pay from missed steps or longevity adjustments.

2015-2019 Stipend – All bargaining unit employees on active payroll on the date of effectuation shall receive a one (1) time stipend of \$2500 prorated by 25% for each year the employee was employed from July 1, 2015 through June 30, 2019. The stipend shall be paid as soon as practicable after the effectuation of the Agreement.

Option Clarification – The positions allocated to the Public Service Administrator title that are assigned to the negotiated VR-704 pay grade have the Option 8L. See the definition of option in Section 310.50.

Longevity Pay – Effective July 1, 2010, the Step 8 rate shall be increased by \$50 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010. For those employees who attain 15 years continuous service and have three or more years of creditable service on Step 8 in the same or higher pay grade on or before July 1, 2010, the Step 8 rate shall be increased by \$75 per month. Effective July 1, 2013, an employee on Step 8, having 10 years of continuous service and three years creditable service at Step 8, shall be paid an additional \$75 per month. An employee with 15 years continuous service and three years of creditable service at Step 8 shall receive an additional \$100 per month.

Hired Before or On March 31, 2013

Effective December 31, 2014

Bargaining Unit: VR-704

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
22	Q	5871	6058	6245	6573	6896	7219	7552	7870

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22	S	5957	6146	6336	6656	6982	7304	7641	7960
24	B	6745	7103	7478	7834	8197	8566	9104	9467
24	Q	7051	7427	7812	8189	8564	8952	9515	9894
24	S	7139	7509	7898	8273	8653	9041	9599	9984
25	B	7190	7583	7982	8380	8779	9178	9768	10159
25	Q	7510	7923	8337	8761	9177	9592	10208	10617
25	S	7599	8012	8426	8844	9262	9676	10295	10708
26	B	7671	8092	8522	8953	9370	9790	10424	10840
26	Q	8042	8479	8928	9378	9816	10255	10920	11356
27	B	8190	8635	9092	9552	9999	10448	11123	11568

Effective January 1, 2020
Bargaining Unit: VR-704

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>22</u>	<u>Q</u>	<u>5959</u>	<u>6149</u>	<u>6339</u>	<u>6672</u>	<u>6999</u>	<u>7327</u>	<u>7665</u>	<u>7988</u>
<u>22</u>	<u>S</u>	<u>6046</u>	<u>6238</u>	<u>6431</u>	<u>6756</u>	<u>7087</u>	<u>7414</u>	<u>7756</u>	<u>8079</u>
<u>24</u>	<u>B</u>	<u>6846</u>	<u>7210</u>	<u>7590</u>	<u>7952</u>	<u>8320</u>	<u>8694</u>	<u>9241</u>	<u>9609</u>
<u>24</u>	<u>Q</u>	<u>7157</u>	<u>7538</u>	<u>7929</u>	<u>8312</u>	<u>8692</u>	<u>9086</u>	<u>9658</u>	<u>10042</u>
<u>24</u>	<u>S</u>	<u>7246</u>	<u>7622</u>	<u>8016</u>	<u>8397</u>	<u>8783</u>	<u>9177</u>	<u>9743</u>	<u>10134</u>
<u>25</u>	<u>B</u>	<u>7298</u>	<u>7697</u>	<u>8102</u>	<u>8506</u>	<u>8911</u>	<u>9316</u>	<u>9915</u>	<u>10311</u>
<u>25</u>	<u>Q</u>	<u>7623</u>	<u>8042</u>	<u>8462</u>	<u>8892</u>	<u>9315</u>	<u>9736</u>	<u>10361</u>	<u>10776</u>
<u>25</u>	<u>S</u>	<u>7713</u>	<u>8132</u>	<u>8552</u>	<u>8977</u>	<u>9401</u>	<u>9821</u>	<u>10449</u>	<u>10869</u>
<u>26</u>	<u>B</u>	<u>7786</u>	<u>8213</u>	<u>8650</u>	<u>9087</u>	<u>9511</u>	<u>9937</u>	<u>10580</u>	<u>11003</u>
<u>26</u>	<u>Q</u>	<u>8163</u>	<u>8606</u>	<u>9062</u>	<u>9519</u>	<u>9963</u>	<u>10409</u>	<u>11084</u>	<u>11526</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Effective July 1, 2020
Bargaining Unit: VR-704

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>22</u>	<u>Q</u>	<u>6084</u>	<u>6278</u>	<u>6472</u>	<u>6812</u>	<u>7146</u>	<u>7481</u>	<u>7826</u>	<u>8156</u>
<u>22</u>	<u>S</u>	<u>6173</u>	<u>6369</u>	<u>6566</u>	<u>6898</u>	<u>7236</u>	<u>7570</u>	<u>7919</u>	<u>8249</u>
<u>24</u>	<u>B</u>	<u>6990</u>	<u>7361</u>	<u>7749</u>	<u>8119</u>	<u>8495</u>	<u>8877</u>	<u>9435</u>	<u>9811</u>
<u>24</u>	<u>Q</u>	<u>7307</u>	<u>7696</u>	<u>8096</u>	<u>8487</u>	<u>8875</u>	<u>9277</u>	<u>9861</u>	<u>10253</u>
<u>24</u>	<u>S</u>	<u>7398</u>	<u>7782</u>	<u>8184</u>	<u>8573</u>	<u>8967</u>	<u>9370</u>	<u>9948</u>	<u>10347</u>
<u>25</u>	<u>B</u>	<u>7451</u>	<u>7859</u>	<u>8272</u>	<u>8685</u>	<u>9098</u>	<u>9512</u>	<u>10123</u>	<u>10528</u>
<u>25</u>	<u>Q</u>	<u>7783</u>	<u>8211</u>	<u>8640</u>	<u>9079</u>	<u>9511</u>	<u>9940</u>	<u>10579</u>	<u>11002</u>
<u>25</u>	<u>S</u>	<u>7875</u>	<u>8303</u>	<u>8732</u>	<u>9166</u>	<u>9598</u>	<u>10027</u>	<u>10668</u>	<u>11097</u>
<u>26</u>	<u>B</u>	<u>7950</u>	<u>8385</u>	<u>8832</u>	<u>9278</u>	<u>9711</u>	<u>10146</u>	<u>10802</u>	<u>11234</u>
<u>26</u>	<u>Q</u>	<u>8334</u>	<u>8787</u>	<u>9252</u>	<u>9719</u>	<u>10172</u>	<u>10628</u>	<u>11317</u>	<u>11768</u>

Effective July 1, 2021
Bargaining Unit: VR-704

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>22</u>	<u>Q</u>	<u>6324</u>	<u>6526</u>	<u>6728</u>	<u>7081</u>	<u>7428</u>	<u>7776</u>	<u>8135</u>	<u>8478</u>
<u>22</u>	<u>S</u>	<u>6417</u>	<u>6621</u>	<u>6825</u>	<u>7170</u>	<u>7522</u>	<u>7869</u>	<u>8232</u>	<u>8575</u>
<u>24</u>	<u>B</u>	<u>7266</u>	<u>7652</u>	<u>8055</u>	<u>8440</u>	<u>8831</u>	<u>9228</u>	<u>9808</u>	<u>10199</u>
<u>24</u>	<u>Q</u>	<u>7596</u>	<u>8000</u>	<u>8416</u>	<u>8822</u>	<u>9226</u>	<u>9643</u>	<u>10251</u>	<u>10658</u>
<u>24</u>	<u>S</u>	<u>7690</u>	<u>8089</u>	<u>8507</u>	<u>8912</u>	<u>9321</u>	<u>9740</u>	<u>10341</u>	<u>10756</u>
<u>25</u>	<u>B</u>	<u>7745</u>	<u>8169</u>	<u>8599</u>	<u>9028</u>	<u>9457</u>	<u>9888</u>	<u>10523</u>	<u>10944</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

<u>25</u>	<u>Q</u>	<u>8090</u>	<u>8535</u>	<u>8981</u>	<u>9438</u>	<u>9887</u>	<u>10333</u>	<u>10997</u>	<u>11437</u>
<u>25</u>	<u>S</u>	<u>8186</u>	<u>8631</u>	<u>9077</u>	<u>9528</u>	<u>9977</u>	<u>10423</u>	<u>11089</u>	<u>11535</u>
<u>26</u>	<u>B</u>	<u>8264</u>	<u>8716</u>	<u>9181</u>	<u>9644</u>	<u>10095</u>	<u>10547</u>	<u>11229</u>	<u>11678</u>
<u>26</u>	<u>Q</u>	<u>8663</u>	<u>9134</u>	<u>9617</u>	<u>10103</u>	<u>10574</u>	<u>11048</u>	<u>11764</u>	<u>12233</u>

Effective July 1, 2022
Bargaining Unit: VR-704

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>22</u>	<u>Q</u>	<u>6574</u>	<u>6784</u>	<u>6994</u>	<u>7361</u>	<u>7721</u>	<u>8083</u>	<u>8456</u>	<u>8813</u>
<u>22</u>	<u>S</u>	<u>6670</u>	<u>6883</u>	<u>7095</u>	<u>7453</u>	<u>7819</u>	<u>8180</u>	<u>8557</u>	<u>8914</u>
<u>24</u>	<u>B</u>	<u>7553</u>	<u>7954</u>	<u>8373</u>	<u>8773</u>	<u>9180</u>	<u>9593</u>	<u>10195</u>	<u>10602</u>
<u>24</u>	<u>Q</u>	<u>7896</u>	<u>8316</u>	<u>8748</u>	<u>9170</u>	<u>9590</u>	<u>10024</u>	<u>10656</u>	<u>11079</u>
<u>24</u>	<u>S</u>	<u>7994</u>	<u>8409</u>	<u>8843</u>	<u>9264</u>	<u>9689</u>	<u>10125</u>	<u>10749</u>	<u>11181</u>
<u>25</u>	<u>B</u>	<u>8051</u>	<u>8492</u>	<u>8939</u>	<u>9385</u>	<u>9831</u>	<u>10279</u>	<u>10939</u>	<u>11376</u>
<u>25</u>	<u>Q</u>	<u>8410</u>	<u>8872</u>	<u>9336</u>	<u>9811</u>	<u>10278</u>	<u>10741</u>	<u>11431</u>	<u>11889</u>
<u>25</u>	<u>S</u>	<u>8509</u>	<u>8972</u>	<u>9436</u>	<u>9904</u>	<u>10371</u>	<u>10835</u>	<u>11527</u>	<u>11991</u>
<u>26</u>	<u>B</u>	<u>8590</u>	<u>9060</u>	<u>9544</u>	<u>10025</u>	<u>10494</u>	<u>10964</u>	<u>11673</u>	<u>12139</u>
<u>26</u>	<u>Q</u>	<u>9005</u>	<u>9495</u>	<u>9997</u>	<u>10502</u>	<u>10992</u>	<u>11484</u>	<u>12229</u>	<u>12716</u>

Hired On or After April 1, 2013

Effective July 1, 2014
Bargaining Unit: VR-704

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

22	Q	5871	6058	6245	6573	6896	7219	7552	7870
22	S	5957	6146	6336	6656	6982	7304	7641	7960
24	B	6408	6748	7104	7442	7787	8266	8922	9467
24	Q	6698	7056	7421	7780	8136	8639	9325	9894
24	S	6782	7134	7503	7859	8220	8725	9407	9984
25	B	6831	7204	7583	7961	8340	8857	9573	10159
25	Q	7135	7527	7920	8323	8718	9256	10004	10617
25	S	7219	7611	8005	8402	8799	9337	10089	10708
26	B	7287	7687	8096	8505	8902	9447	10216	10840
26	Q	7640	8055	8482	8909	9325	9896	10702	11356
27	B	7781	8203	8637	9074	9499	10082	10901	11568

Effective January 1, 2020
Bargaining Unit: VR-704

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>S T E P S</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>22</u>	<u>Q</u>	<u>5959</u>	<u>6149</u>	<u>6339</u>	<u>6672</u>	<u>6999</u>	<u>7327</u>	<u>7665</u>	<u>7988</u>
<u>22</u>	<u>S</u>	<u>6046</u>	<u>6238</u>	<u>6431</u>	<u>6756</u>	<u>7087</u>	<u>7414</u>	<u>7756</u>	<u>8079</u>
<u>24</u>	<u>B</u>	<u>6504</u>	<u>6849</u>	<u>7211</u>	<u>7554</u>	<u>7904</u>	<u>8390</u>	<u>9056</u>	<u>9609</u>
<u>24</u>	<u>Q</u>	<u>6798</u>	<u>7162</u>	<u>7532</u>	<u>7897</u>	<u>8258</u>	<u>8769</u>	<u>9465</u>	<u>10042</u>
<u>24</u>	<u>S</u>	<u>6884</u>	<u>7241</u>	<u>7616</u>	<u>7977</u>	<u>8343</u>	<u>8856</u>	<u>9548</u>	<u>10134</u>
<u>25</u>	<u>B</u>	<u>6933</u>	<u>7312</u>	<u>7697</u>	<u>8080</u>	<u>8465</u>	<u>8990</u>	<u>9717</u>	<u>10311</u>
<u>25</u>	<u>Q</u>	<u>7242</u>	<u>7640</u>	<u>8039</u>	<u>8448</u>	<u>8849</u>	<u>9395</u>	<u>10154</u>	<u>10776</u>
<u>25</u>	<u>S</u>	<u>7327</u>	<u>7725</u>	<u>8125</u>	<u>8528</u>	<u>8931</u>	<u>9477</u>	<u>10240</u>	<u>10869</u>
<u>26</u>	<u>B</u>	<u>7396</u>	<u>7802</u>	<u>8217</u>	<u>8633</u>	<u>9036</u>	<u>9589</u>	<u>10369</u>	<u>11003</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

<u>26</u>	<u>Q</u>	<u>7755</u>	<u>8176</u>	<u>8609</u>	<u>9043</u>	<u>9465</u>	<u>10044</u>	<u>10863</u>	<u>11526</u>
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Effective July 1, 2020
Bargaining Unit: VR-704

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>22</u>	<u>Q</u>	<u>6084</u>	<u>6278</u>	<u>6472</u>	<u>6812</u>	<u>7146</u>	<u>7481</u>	<u>7826</u>	<u>8156</u>
<u>22</u>	<u>S</u>	<u>6173</u>	<u>6369</u>	<u>6566</u>	<u>6898</u>	<u>7236</u>	<u>7570</u>	<u>7919</u>	<u>8249</u>
<u>24</u>	<u>B</u>	<u>6641</u>	<u>6993</u>	<u>7362</u>	<u>7713</u>	<u>8070</u>	<u>8566</u>	<u>9246</u>	<u>9811</u>
<u>24</u>	<u>Q</u>	<u>6941</u>	<u>7312</u>	<u>7690</u>	<u>8063</u>	<u>8431</u>	<u>8953</u>	<u>9664</u>	<u>10253</u>
<u>24</u>	<u>S</u>	<u>7029</u>	<u>7393</u>	<u>7776</u>	<u>8145</u>	<u>8518</u>	<u>9042</u>	<u>9749</u>	<u>10347</u>
<u>25</u>	<u>B</u>	<u>7079</u>	<u>7466</u>	<u>7859</u>	<u>8250</u>	<u>8643</u>	<u>9179</u>	<u>9921</u>	<u>10528</u>
<u>25</u>	<u>Q</u>	<u>7394</u>	<u>7800</u>	<u>8208</u>	<u>8625</u>	<u>9035</u>	<u>9592</u>	<u>10367</u>	<u>11002</u>
<u>25</u>	<u>S</u>	<u>7481</u>	<u>7887</u>	<u>8296</u>	<u>8707</u>	<u>9119</u>	<u>9676</u>	<u>10455</u>	<u>11097</u>
<u>26</u>	<u>B</u>	<u>7551</u>	<u>7966</u>	<u>8390</u>	<u>8814</u>	<u>9226</u>	<u>9790</u>	<u>10587</u>	<u>11234</u>
<u>26</u>	<u>Q</u>	<u>7918</u>	<u>8348</u>	<u>8790</u>	<u>9233</u>	<u>9664</u>	<u>10255</u>	<u>11091</u>	<u>11768</u>

Effective July 1, 2021
Bargaining Unit: VR-704

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>22</u>	<u>Q</u>	<u>6324</u>	<u>6526</u>	<u>6728</u>	<u>7081</u>	<u>7428</u>	<u>7776</u>	<u>8135</u>	<u>8478</u>
<u>22</u>	<u>S</u>	<u>6417</u>	<u>6621</u>	<u>6825</u>	<u>7170</u>	<u>7522</u>	<u>7869</u>	<u>8232</u>	<u>8575</u>
<u>24</u>	<u>B</u>	<u>6903</u>	<u>7269</u>	<u>7653</u>	<u>8018</u>	<u>8389</u>	<u>8904</u>	<u>9611</u>	<u>10199</u>
<u>24</u>	<u>Q</u>	<u>7215</u>	<u>7601</u>	<u>7994</u>	<u>8381</u>	<u>8764</u>	<u>9307</u>	<u>10046</u>	<u>10658</u>
<u>24</u>	<u>S</u>	<u>7307</u>	<u>7685</u>	<u>8083</u>	<u>8467</u>	<u>8854</u>	<u>9399</u>	<u>10134</u>	<u>10756</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

<u>25</u>	<u>B</u>	<u>7359</u>	<u>7761</u>	<u>8169</u>	<u>8576</u>	<u>8984</u>	<u>9542</u>	<u>10313</u>	<u>10944</u>
<u>25</u>	<u>Q</u>	<u>7686</u>	<u>8108</u>	<u>8532</u>	<u>8966</u>	<u>9392</u>	<u>9971</u>	<u>10776</u>	<u>11437</u>
<u>25</u>	<u>S</u>	<u>7776</u>	<u>8199</u>	<u>8624</u>	<u>9051</u>	<u>9479</u>	<u>10058</u>	<u>10868</u>	<u>11535</u>
<u>26</u>	<u>B</u>	<u>7849</u>	<u>8281</u>	<u>8721</u>	<u>9162</u>	<u>9590</u>	<u>10177</u>	<u>11005</u>	<u>11678</u>
<u>26</u>	<u>Q</u>	<u>8231</u>	<u>8678</u>	<u>9137</u>	<u>9598</u>	<u>10046</u>	<u>10660</u>	<u>11529</u>	<u>12233</u>

Effective July 1, 2022
Bargaining Unit: VR-704

<u>Pay</u> <u>Grade</u>	<u>Pay Plan</u> <u>Code</u>	<u>STEPS</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>22</u>	<u>Q</u>	<u>6574</u>	<u>6784</u>	<u>6994</u>	<u>7361</u>	<u>7721</u>	<u>8083</u>	<u>8456</u>	<u>8813</u>
<u>22</u>	<u>S</u>	<u>6670</u>	<u>6883</u>	<u>7095</u>	<u>7453</u>	<u>7819</u>	<u>8180</u>	<u>8557</u>	<u>8914</u>
<u>24</u>	<u>B</u>	<u>7176</u>	<u>7556</u>	<u>7955</u>	<u>8335</u>	<u>8720</u>	<u>9256</u>	<u>9991</u>	<u>10602</u>
<u>24</u>	<u>Q</u>	<u>7500</u>	<u>7901</u>	<u>8310</u>	<u>8712</u>	<u>9110</u>	<u>9675</u>	<u>10443</u>	<u>11079</u>
<u>24</u>	<u>S</u>	<u>7596</u>	<u>7989</u>	<u>8402</u>	<u>8801</u>	<u>9204</u>	<u>9770</u>	<u>10534</u>	<u>11181</u>
<u>25</u>	<u>B</u>	<u>7650</u>	<u>8068</u>	<u>8492</u>	<u>8915</u>	<u>9339</u>	<u>9919</u>	<u>10720</u>	<u>11376</u>
<u>25</u>	<u>Q</u>	<u>7990</u>	<u>8428</u>	<u>8869</u>	<u>9320</u>	<u>9763</u>	<u>10365</u>	<u>11202</u>	<u>11889</u>
<u>25</u>	<u>S</u>	<u>8083</u>	<u>8523</u>	<u>8965</u>	<u>9409</u>	<u>9853</u>	<u>10455</u>	<u>11297</u>	<u>11991</u>
<u>26</u>	<u>B</u>	<u>8159</u>	<u>8608</u>	<u>9065</u>	<u>9524</u>	<u>9969</u>	<u>10579</u>	<u>11440</u>	<u>12139</u>
<u>26</u>	<u>Q</u>	<u>8556</u>	<u>9021</u>	<u>9498</u>	<u>9977</u>	<u>10443</u>	<u>11081</u>	<u>11984</u>	<u>12716</u>

(Source: Amended by peremptory rulemaking at 44 Ill. Reg. 2380, effective January 15, 2020)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring Agency to publish information concerning Private Letter Rulings and General Information Letters in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue Sales and Miscellaneous Tax Private Letter Rulings and General Information Letters Annual listing for 2019. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agents	Manufacturing Machinery & Equipment
Computer Software	Nexus
Construction Contractors	Retailers' Occupation Tax
Enterprise Zones	Rolling Stock Exemption
Exempt Organizations	Sale at Retail
Farm Machinery & Equipment	Telecommunications Excise Tax
Food, Drugs & Medical Appliances	Use Tax
Leasing	Vehicle Use Tax

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

the ruling letters may be downloaded free of charge from the Department's web site at www.tax.illinois.gov/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Rachel Neal
Legal Services Office
101 West Jefferson Street
Springfield IL 62794

217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2019 ANNUAL SALES & MISCELLANEOUS TAX SUNSHINE INDEX

AGENTS

ST 19-0003-PLR 07/08/2019 An auctioneer acting on behalf of an unknown or undisclosed principal is responsible for Retailers' Occupation Tax on the gross receipts from the sale. However, if the auctioneer is acting on behalf of a known or disclosed principal, the sale of tangible personal property is taxable to the principal and not the auctioneer if the principal is a retailer of the tangible personal property being sold at the auction. See 86 Ill. Adm. Code 130.1915. (This is a PLR.)

COMPUTER SOFTWARE

ST 19-0006-GIL 03/06/2019 This letter discusses computer software. See 86 Ill. Adm. Code 130.1935.

ST 19-0007-GIL 03/20/2019 This letter discusses computer software. See 86 Ill. Adm. Code 130.1935.

ST 19-0009-GIL 04/29/2019 This letter discusses computer software. See 86 Ill. Adm. Code 130.1935.

ST 19-0021-GIL 12/04/2019 This letter discusses computer software. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 19-0031-GIL 12/06/2019 If the transfer of computer software is made pursuant to a perpetual license that contains the 5 elements of a non-taxable license of computer software set forth in Section 130.1935(a)(1), the transaction is not a rental or lease. It is considered a non-taxable license of computer software. (This is a GIL.)

ST 19-0035-GIL 12/10/2019 A provider of software as a service is acting as a serviceman. If the provider does not transfer any tangible personal property to the customer, then the transaction generally would not be subject to Retailers' Occupation Tax, Use Tax, Service Occupation Tax, or Service Use Tax. If the provider transfers to the customer an API, applet, desktop agent, or a remote access agent to enable the customer to access the provider's network and services, it appears the subscriber is receiving

DEPARTMENT OF REVENUE

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computer software that is subject to tax. See 86 Ill. Adm. Code Parts 130 and 140. (This is a GIL.)

CONSTRUCTION CONTRACTORS

ST 19-0012-GIL 07/08/2019 Persons who sell signs may incur a Retailers' Occupation Tax, Service Occupation Tax or Use Tax liability, depending upon the circumstances of the particular sale. See 86 Ill. Adm. Code 130.2155 (Tax Liability of Sign Vendors); 86 Ill. Adm. Code 140.101 (Basis and Rate of the Service Occupation Tax); 86 Ill. Adm. Code 130.1940 (Construction Contractors and Real Estate Developers) and 86 Ill. Adm. Code 130.2075 (Sales To Construction Contractors, Real Estate Developers and Speculative Builders). (This is a GIL.)

ST 19-0029-GIL 12/06/2019 Persons who sell signs may incur a Retailers' Occupation Tax, Service Occupation Tax or Use Tax liability, depending upon the circumstances of the particular sale. See 86 Ill. Adm. Code 130.2155 (Tax Liability of Sign Vendors); 86 Ill. Adm. Code 140.101 (Basis and Rate of the Service Occupation Tax); 86 Ill. Adm. Code 130.1940 (Construction Contractors and Real Estate Developers) and 86 Ill. Adm. Code 130.2075 (Sales To Construction Contractors, Real Estate Developers and Speculative Builders). (This is a GIL.)

ENTERPRISE ZONES

ST 19-0003-GIL 02/27/2019 Under the Enterprise Zone building materials exemption, a deduction from Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of materials that will be incorporated, by remodeling, rehabilitation, or new construction, into real estate located in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act. (See 35 ILCS 120/5k and 86 Ill. Adm. Code 130.1951(e).)

ST 19-0002-PLR 07/08/2019 Under the Enterprise Zone building materials exemption, a deduction from Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of materials that will be incorporated, by remodeling, rehabilitation, or new construction, into real estate located in an enterprise zone established by a county or municipality under the

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Illinois Enterprise Zone Act. (See 35 ILCS 120/5k and 86 Ill. Adm. Code 130.1951(e).) (This is a PLR.)

EXEMPT ORGANIZATIONS

ST 19-0001-GIL 01/08/2019 Exclusively religious, educational, or charitable organizations are allowed to engage in a very limited amount of retail selling without incurring Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.2005.

FARM MACHINERY & EQUIPMENT

ST 19-0028-GIL 12/05/2019 The sale of certain types of tangible personal property used in production agriculture is not subject to Illinois Retailers' Occupation Tax and Use Tax. See 35 ILCS 120/2-5(2) and 86 Ill. Adm. Code 130.305. (This is a GIL.)

FOOD

ST 19-0004-GIL 02/28/2019 Food items for immediate consumption are subject to the higher tax rate. See 86 Ill. Adm. Code 130.310.

ST 19-0024-GIL 12/04/2019 Alcoholic beverages, soft drinks, candy, and food that is prepared for immediate consumption are taxed at the regular sales tax rate of 6.25%, plus any applicable local taxes. Generally, a 1% sales tax rate, plus any applicable local taxes, is applied to food for human consumption that is to be consumed off the premises where it is sold. (This is a GIL.)

FOOD, DRUGS & MEDICAL APPLIANCES

ST 19-0010-GIL 04/29/2019 CBD products sold primarily for internal human consumption may qualify for the low State rate of tax. 86 Ill. Adm. Code 130.310.

LEASING

ST 19-0030-GIL 12/06/2019 Information regarding the tax liabilities in lease situations may be found at 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 130.2010. (This is a GIL.)

DEPARTMENT OF REVENUE

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MANUFACTURING MACHINERY & EQUIPMENT

- ST 19-0019-GIL 09/27/2019 Beginning on July 1, 2019, the manufacturing and assembling machinery and equipment exemption includes production related tangible personal property purchased on or after July 1, 2019. See 86 Ill. Adm. Code 130.330. (This is a GIL).
- ST 19-0023-GIL 12/04/2019 Beginning on July 1, 2019, the manufacturing and assembling machinery and equipment exemption includes production related tangible personal property purchased on or after July 1, 2019. See 86 Ill. Adm. Code 130.330. (This is a GIL.)
- ST 19-0025-GIL 12/04/2019 Beginning on July 1, 2019, the manufacturing and assembling machinery and equipment exemption includes production related tangible personal property purchased on or after July 1, 2019. See 86 Ill. Adm. Code 130.330. (This is a GIL.)
- ST 19-0032-GIL 12/09/2019 The Manufacturing Machinery and Equipment exemption ("MM&E"), beginning July 1, 2019, includes production related tangible personal property. Consumables used in a manufacturing process in a manufacturing facility are considered production related tangible personal property. Oxygen is often used as a consumable supply in a production-related manufacturing process. If this is the case, it would qualify for the expanded manufacturing and assembling machinery and equipment exemption. See 86 Ill. Adm. Code 130.330. (This is a GIL.)
- ST 19-0033-GIL 12/09/2019 Beginning on July 1, 2019, the manufacturing and assembling machinery and equipment exemption includes production related tangible personal property purchased on or after July 1, 2019. See 86 Ill. Adm. Code 130.330. (This is a GIL.)
- ST 19-0034-GIL 12/09/2019 Beginning on July 1, 2019, the manufacturing and assembling machinery and equipment exemption includes production related tangible personal property purchased on or after July 1, 2019. See 86 Ill. Adm. Code 130.330. (This is a GIL.)
- ST 19-0008-GIL 04/04/2019 This letter discusses the Prepaid Wireless 9-1-1 Surcharge Act. 50 ILCS 753.

DEPARTMENT OF REVENUE

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- ST-19-0013-GIL 07/15/2019 This letter discusses the Parking Excise Tax Act. 35 ILCS 525/ (This is a GIL.)
- ST 19-0015-GIL 07/15/2019 A person purchasing a motor vehicle from the federal government should file a RUT-50, Private Party Vehicle Use Tax Transaction. 625 ILCS 5/3-1001. (This is a GIL.)
- ST 19-0016-GIL 08/09/2019 This letter discusses the Parking Excise Tax Act. 35 ILCS 525/. (This is a GIL.)
- ST 19-0004-PLR 12/04/2019 This letter discusses the Prepaid Wireless 9-1-1 Surcharge Act. 50 ILCS 753. (This is a PLR.)
- ST 19-0026-GIL 12/04/2019 Generally, membership fees are not part of the gross receipts that are subject to Retailers' Occupation Tax liability. The Retailers' Occupation Tax does not apply to sales of intangibles. (This is a GIL.)

NEXUS

- ST 19-0005-GIL 02/28/2019 This letter responds to a questionnaire regarding nexus. See *South Dakota v. Wayfair, Inc.*, 138 S. Ct. 2080 (2018). (This is a GIL.)

RETAILERS' OCCUPATION TAX

- ST 19-0002-GIL 02/27/2019 Illinois Retailers' Occupation and Use Taxes do not apply to sales of service that do not involve the transfer of tangible personal property to customers. See 86 Ill. Adm. Code 130.101 and 150.101.

ROLLING STOCK EXEMPTION

- ST 19-0014-GIL 07/11/2019 Under the rolling stock exemption, the Retailers' Occupation Tax does not apply to sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce. See 35 ILCS 120/2-5(13). (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 19-0020-GIL 10/04/2019 Flights in foreign commerce qualify as flights in interstate commerce for the purpose of the rolling stock exemption. See 35 ILCS 120/2-5(13) and 35 ILCS 120/2-51(e). (This is a GIL.)

SALE AT RETAIL

ST 19-0001-PLR 01/10/2019 The sale of comic books which are published at least bi-annually is exempt from Retailers' Occupation Tax under the newsprint and ink exemption. However, a comic book sold as a collector item rather than as newsprint and ink in its initial sale, will be subject to Retailers' Occupation Tax based upon the gross receipts from the sale. See 86 Ill. Adm. Code 130.1910.

TELECOMMUNICATIONS EXCISE TAX

ST-19-0011-GIL 06/06/2019 The state government exemption in the Telecommunications Excise Tax Act applies to the 50 states. 35 ILCS 630/2.

ST 19-0017-GIL 08/27/2019 This letter discusses the taxability of telecommunications services provided to inmates. 35 ILCS 630/5. (This is a GIL.)

ST 19-0027-GIL 12/04/2019 The state government exemption in the Telecommunications Excise Tax Act applies to the 50 states. 35 ILCS 630/2. (This is a GIL.)

ST 19-0037-GIL 12/13/2019 Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. See 35 ILCS 630/1 et seq. (This is a GIL.)

USE TAX

ST 19-0018-GIL 09/05/2019 This provides information regarding Use Tax Collection operation of Marketplace facilitators under PA 101-9. (This is a GIL.)

VEHICLE USE TAX

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ST 19-0036

11/05/2019 Article X of Chapter 3 of the Illinois Vehicle Code imposes a tax on the privilege of using a motor vehicle in this State that is acquired by gift, transfer, or purchase. 625 ILCS 5/3-1001. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1

2. Summary of information:

Index of Department of Revenue Sales and Miscellaneous Tax Private Letter Rulings and General Information Letters issued for the Fourth Quarter of 2019. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Computer Software	Leasing
Construction Contractors	Manufacturing Machinery & Equipment
Delivery Charges	Rolling Stock Exemption
Farm Machinery & Equipment	Telecommunications Excise Tax
Food	Vehicle Use Tax

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's web site at www.tax.illinois.gov/.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Rachel Neal
Legal Services Office
101 West Jefferson Street
Springfield IL 62794

217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2019 FOURTH QUARTER SALES & MISCELLANEOUS TAX SUNSHINE INDEX

COMPUTER SOFTWARE

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- ST 19-0035-GIL 12/10/2019 A provider of software as a service is acting as a serviceman. If the provider does not transfer any tangible personal property to the customer, then the transaction generally would not be subject to Retailers' Occupation Tax, Use Tax, Service Occupation Tax, or Service Use Tax. If the provider transfers to the customer an API, applet, desktop agent, or a remote access agent to enable the customer to access the provider's network and services, it appears the subscriber is receiving computer software that is subject to tax. See 86 Ill. Adm. Code Parts 130 and 140. (This is a GIL.)

CONSTRUCTION CONTRACTORS

- ST 19-0029-GIL 12/06/2019 Persons who sell signs may incur a Retailers' Occupation Tax, Service Occupation Tax or Use Tax liability, depending upon the circumstances of the particular sale. See 86 Ill. Adm. Code 130.2155 (Tax Liability of Sign Vendors); 86 Ill. Adm. Code 140.101 (Basis and Rate of the Service Occupation Tax); 86 Ill. Adm. Code 130.1940 (Construction Contractors and Real Estate Developers) and 86 Ill. Adm. Code 130.2075 (Sales To Construction Contractors, Real Estate Developers and Speculative Builders). (This is a GIL.)

DELIVERY CHARGES

- ST 19-0022-GIL 12/04/2019 This letter discusses transportation and delivery charges. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

FARM MACHINERY & EQUIPMENT

ST 19-0028-GIL 12/05/2019 The sale of certain types of tangible personal property used in production agriculture is not subject to Illinois Retailers' Occupation Tax and Use Tax. See 35 ILCS 120/2-5(2) and 86 Ill. Adm. Code 130.305. (This is a GIL.)

FOOD

ST 19-0024-GIL 12/04/2019 Alcoholic beverages, soft drinks, candy, and food that is prepared for immediate consumption are taxed at the regular sales tax rate of 6.25%, plus any applicable local taxes. Generally, a 1% sales tax rate, plus any applicable local taxes, is applied to food for human consumption that is to be consumed off the premises where it is sold. (This is a GIL.)

LEASING

ST 19-0030-GIL 12/06/2019 Information regarding the tax liabilities in lease situations may be found at 86 Ill. Adm. Code 130.220 and 86 Ill. Adm. Code 130.210. (This is a GIL.)

MANUFACTURING MACHINERY & EQUIPMENT

ST 19-0023-GIL 12/04/2019 Beginning on July 1, 2019, the manufacturing and assembling machinery and equipment exemption includes production related tangible personal property purchased on or after July 1, 2019. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 19-0025-GIL 12/04/2019 Beginning on July 1, 2019, the manufacturing and assembling machinery and equipment exemption includes production related tangible personal property purchased on or after July 1, 2019. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

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DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

expanded manufacturing and assembling machinery and equipment exemption. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

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ST 19-0034-GIL 12/09/2019 Beginning on July 1, 2019, the manufacturing and assembling machinery and equipment exemption includes production related tangible personal property purchased on or after July 1, 2019. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

MISCELLANEOUS

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ST 19-0026-GIL 12/04/2019 Generally, membership fees are not part of the gross receipts that are subject to Retailers' Occupation Tax liability. The Retailers' Occupation Tax does not apply to sales of intangibles. (This is a GIL.)

ROLLING STOCK EXEMPTION

ST 19-0020-GIL 10/04/2019 Flights in foreign commerce qualify as flights in interstate commerce for the purpose of the rolling stock exemption. See 35 ILCS 120/2-5(13) and 35 ILCS 120/2-51(e). (This is a GIL.)

TELECOMMUNICATIONS EXCISE TAX

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ST 19-0037-GIL 12/13/2019 Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

such telecommunications purchased at retail from retailers. See 35 ILCS 630/1 et seq. (This is a GIL.)

VEHICLE USE TAX

ST 19-0036 11/05/2019 Article X of Chapter 3 of the Illinois Vehicle Code imposes a tax on the privilege of using a motor vehicle in this State that is acquired by gift, transfer, or purchase. 625 ILCS 5/3-1001. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act

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2. Summary of information:

Index of Department of Revenue Income Tax Private Letter Rulings and General Information Letters 2019 Annual Listing. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Allocation	Education Expense Credit
Alternative Apportionment	Partnerships-Pass-Through Withholding
Apportionment-Sales Factor	Residency/Non-residency
Base Income	Returns
Credits	Subtraction Modifications-Retirement Income
Deferred Compensation	Withholding

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov/.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Rachel Neal
Legal Services Office
101 West Jefferson Street
Springfield IL 62794

217782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2019 ANNUAL INCOME TAX SUNSHINE INDEX

ALLOCATION

IT-19-0012-GIL 06/24/2019 Deferred compensation is "paid in this State" to the extent paid for services for which the ordinary compensation was "paid in this State."

ALTERNATIVE APPORTIONMENT

IT 19-0004-PLR 12/17/2019 Alternative Method of Apportionment

APPORTIONMENT – SALES FACTOR

IT-19-0003-PLR 08/12/2019 Private Letter Ruling: Receipts from deemed sale of assets comprising entire business are excluded from the sales factor as being from an occasional sale.

BASE INCOME

IT 19-0004-GIL 04/05/2019 Group-term life insurance coverage over \$50,000 is considered part of AGI for purposes of calculating Illinois base income. (This is a GIL.)

IT-19-0011-GIL 05/30/2019 Absent express subtraction modification, medical cannabis dispensing organization operating costs that would be considered trafficking in marijuana under federal law cannot be deducted from AGI and must be included in the calculation of base income for purposes of calculating income tax due under the IITA.

IT 19-0014-GIL 07/09/2019 Unrelated business taxable income - IRAs with unrelated business taxable income are subject to the requirements of Section 205 of the Illinois Income Tax Act. (This is a GIL.)

IT 19-0016-GIL 08/07/2019 Shareholder of PFIC Includes in Base Income PFIC Income Included in Federal AGI. (This is a GIL.)

CREDITS

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

- IT 19-0001-GIL 01/14/2019 Credit Equals Lesser of Real Property Taxes Paid or Cost of Free or Discounted Services
- IT 19-0006-GIL 05/01/2019 Various issues related to the credits for costs of remediating properties in a River Edge Redevelopment Zone addressed.
- IT 19-0007-GIL 05/10/2019 Regulation 100.9400 requires Department to credit overpayments to liability for tax imposed under the IITA.
- IT-19-0010-GIL 05/23/2019 Gambling winnings are sourced to the state of residence of the individual winner, so are not included in the computation of the cap on the credit allowed under IITA Section 601(b)(3).

DEFERRED COMPENSATION

- IT 19-0020-GIL 12/13/2019 Nonqualified, nongovernmental deferred compensation plans are not eligible for subtraction modification in Section 203(a)(2)(F). (This is a GIL.)
- IT 19-0021-GIL 12/17/2019 No withholding of Illinois income tax is required from employee compensation paid to a nonresident, if his or her state of residence has entered a reciprocal agreement with Illinois. (This is a GIL.)

EDUCATION EXPENSE CREDIT

- IT-19-0009-GIL 05/23/2019 Explanation of how education expense credit applies to various items used for home schooling purposes.
- IT 19-0013-GIL 07/09/2019 Explanation of how education expense credit applies to various items used for home schooling purposes. (This is a GIL.)

PARTNERSHIPS – PASS-THROUGH WITHHOLDING

- IT 19-0002-GIL 01/30/2019 Pass-through entity may not claim refund or credit for overpayment of withholding. (This is a GIL.)

RESIDENCY/NONRESIDENCY

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

IT 19-0005-GIL 04/15/2019 Individuals domiciled in Illinois who are on short-term assignments overseas generally remain liable for Illinois income tax.

RETURNS

IT 19-0015-GIL 07/12/2019 Requirements to - Executor is not required to file a return on behalf of deceased if deceased individual was not required by IITA to file a return. (This is a GIL.)

SALES FACTOR

IT 19-0001-PLR 08/14/2019 Gross receipts from investment advisory services are sourced to billing address of customer.

IT 19-0002-PLR 08/14/2019 Gross receipts from investment advisory services are sourced to billing address of customer.

SUBTRACTION MODIFICATIONS - RETIREMENT INCOME

IIT 19-0003-GIL 02/11/2019 Dividends from Taxable Brokerage Account may not be Subtracted. (This is a GIL.)

WITHHOLDING

IT-19-0008-GIL 05/10/2019 A general explanation is provided of the principles for determining when compensation paid to an employee providing services within and without Illinois is subject to withholding.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

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The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Alternative Apportionment
Deferred Compensation

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217/782-2844

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2019 FOURTH QUARTER INCOME TAX SUNSHINE INDEX

ALTERNATIVE APPORTIONMENT

IT 19-0004-PLR 12/17/2019 Alternative Method of Apportionment. (This is a PLR.)

DEFERRED COMPENSATION

IT 19-0020-GIL 12/13/2019 Nonqualified, nongovernmental deferred compensation plans are not eligible for subtraction modification in Section 203(a)(2)(F). (This is a GIL.)

IT 19-0021-GIL 12/17/2019 No withholding of Illinois income tax is required from employee compensation paid to a nonresident, if his or her state of residence has entered a reciprocal agreement with Illinois. (This is a GIL.)

ILLINOIS STATE POLICE

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) Heading of the Part: Firearm Dealer License Certification
- 2) Code Citation: 20 Ill. Adm. Code 1232
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1232.10	New Section
1232.20	New Section
1232.30	New Section
1232.40	New Section
1232.50	New Section
1232.60	New Section
1232.70	New Section
1232.80	New Section
1232.90	New Section
1232.100	New Section
1232.110	New Section
1232.120	New Section
1232.130	New Section
1232.140	New Section
1232.150	New Section
1232.160	New Section
1232.170	New Section
1232.180	New Section
1232.190	New Section
1232.200	New Section
1232.210	New Section
1232.220	New Section
1232.230	New Section
1232.EXHIBIT A	New Section
- 4) Date Notice of Proposed Rules published in the *Illinois Register*: 34 Ill. Reg. 9084;
August 23, 2019
- 5) Reason for Withdrawal: After considering written and oral public comments regarding the Rules and meeting with representative parties of the impacted groups, ISP determined that a significant rewrite was appropriate. In light of extensive revisions and to avoid confusion for citizens navigating these rules, ISP determined it would be more efficient to withdraw its initial draft.

PROCLAMATIONS

2019-249**40th Anniversary of the Illinois Human Rights Act and Human Rights Day**

WHEREAS, the Illinois Human Rights Act created the most expansive civil rights coverage in the history of the state of Illinois; and,

WHEREAS, on December 10, 1950 the United Nations General Assembly proclaimed December 10th as International Human Rights Day to bring attention to the Universal Declaration of Human Rights as the common standard of human rights achievement for all peoples and all nations; and,

WHEREAS, the Universal Declaration of Human Rights identified 30 inalienable human and civil rights and promoted the protection of these fundamental freedoms; and,

WHEREAS, on December 6, 1979, Illinois signed into law the Illinois Human Rights Act; and,

WHEREAS, on this day, we celebrate our state's commitment to inclusive human and civil rights and affirm our global history of progress;

THEREFORE, I, JB Pritzker, Governor of the State of Illinois, in conjunction with International Human Rights Day, do hereby proclaim December 10, 2019, as the **40th Anniversary of the Illinois Human Rights Act and Human Rights Day** in Illinois and urge all Illinois residents to reflect on our country's and world's history of civil and human rights and importance of equality and equity for all.

Issued by the Governor December 3, 2019

Filed by the Secretary of State January 16, 2020

2019-250**Dr. Billie Morris Wright Adams Day**

WHEREAS, Billie Morris Wright Adams was born in Bluefield, West Virginia, the youngest of two children to Francis and Billie Wright, and named after her father, William Morris Wright, MD, a family practitioner who accepted chickens and vegetables from those who could not pay for services; and,

WHEREAS, Billie Morris Wright Adams received her education and training at Fisk University, 1950, A.B., Indiana University 1951, M.A., Zoology, and Howard University, 1960, M.D.; and,

PROCLAMATIONS

WHEREAS, Billie Morris Wright Adams, MD is licensed and board certified in Pediatrics and has specialty board eligibility in Pediatric Hematology/Oncology. She did her internship, residency, and fellowship at Cook County Hospital in Chicago; and,

WHEREAS, Billie Morris Wright Adams, MD is recognized for her distinguished career as a pediatrician and the many years of service she has rendered to her patients and their families, medical students at University of Illinois in Chicago, resident physicians at Cook County Hospital, and the citizens of Illinois; and,

WHEREAS, Billie Morris Wight Adams, MD gave her time, talents, and treasures to the children served through her tenure as a board member of the Illinois Children's Healthcare Foundation from 2007-2019; and,

WHEREAS, Billie Morris Wright Adams, MD in her role as a board member has been a vital member of the Illinois Children's Healthcare Foundation Grants Committee and a consistent and articulate advocate for the health and well being of the children of Illinois;

THEREFORE, I, JB Pritzker, Governor of the State of Illinois, do hereby proclaim December 12, 2019 as **Dr. Billie Morris Wright Adams Day** in Illinois.

Issued by the Governor December 4, 2019

Filed by the Secretary of State January 16, 2020

2019-251**Intestinal Malrotation and Volvulus Awareness Day**

WHEREAS, intestinal malrotation is a congenital birth defect occurring when the intestine fails to rotate correctly during embryonic development - this can lead to volvulus, a life threatening surgical emergency where the intestine twists, restricting blood flow to vital organs; and,

WHEREAS, malrotation may affect one in 500 births, with one in 3500 becoming symptomatic - 58 percent will be diagnosed as infants and 42 percent diagnosed after infancy; and,

WHEREAS, to decrease the mortality and morbidity associated with malrotation it is vital for healthcare providers and the community to be aware of signs and symptoms; and,

WHEREAS, the cardinal symptom of volvulus is vomiting bile - a green or bright yellow fluid - reported in 80 percent of pediatric cases; other symptoms include abdominal pain, dehydration, and lethargy, which may be missed by healthcare providers, leading to misdiagnosis such as reflux or stomach flu;

PROCLAMATIONS

THEREFORE, I, JB Pritzker, Governor of the State of Illinois, do hereby proclaim January 15, 2020 as **Intestinal Malrotation and Volvulus Awareness Day** to highlight the urgency of this condition and the Intestinal Malrotation Foundation's mission to raise awareness, increase research, educate healthcare professionals, and provide support to those affected by intestinal malrotation.

Issued by the Governor December 4, 2019

Filed by the Secretary of State January 16, 2020

2019-252**Pressure Injury Prevention Day**

WHEREAS, pressure injuries (bedsores) claim the lives of over 60,000 people each year and cost the United States healthcare system over \$11 billion annually; and,

WHEREAS, 2.5 million Americans get pressure injuries every year, but over the past five years there has been a disturbing trend of more severe pressure injuries; and,

WHEREAS, prevention will reduce the heightened occurrence of pressure injuries and the substantial pain associated with pressure-related injuries that may develop into pressure injuries; and,

WHEREAS, healthcare costs between 2007 and 2012 increased by 17.64 percent as a direct result of pressure injuries; prevention of pressure injures reduces the financial burden to the state of Illinois for unnecessary healthcare costs given that many pressure injuries are preventable; and,

WHEREAS, the Centers for Medicare and Medicaid Services noted that no other preventable event occurs as frequently as pressure-related injuries;

THEREFORE, I, JB Pritzker, Governor of the State of Illinois, do hereby proclaim November 21, 2019 as **Pressure Injury Prevention Day** throughout Illinois and encourage all of our citizens to recognize that pressure Injuries are preventable.

Issued by the Governor December 4, 2019

Filed by the Secretary of State January 16, 2020

2019-253**Jesse White Day**

PROCLAMATIONS

WHEREAS, Jesse White has served as Illinois' 37th Secretary of State since 1999, making him both the longest tenured Secretary and the state's first African-American man elected to the position; and,

WHEREAS, his storied career in public service began in 1958 as a paratrooper in the US Army's 101st Airborne Division, from which he launched a 33-year career with Chicago Public Schools; and,

WHEREAS, in 1974, White was first elected to public office, where he served 16 years in the Illinois General Assembly, including a tenure as Chair of the Committee on Human Services; in 1992, he was elected as the Cook County Recorder of Deeds, where he served for two terms before his inaugural campaign for Secretary of State; and,

WHEREAS, in his six terms as Secretary of State, White has overseen massive improvements in customer service, drastically reducing wait times and streamlining application processes so that Illinoisans can quickly receive important identification and driving documents; and,

WHEREAS, White has been a leader in promoting road safety, championing stronger DUI laws, revamping truck driver license requirements, and redeveloping the teen driving program; he has also advanced strict rules against distracted driving that have helped to reduce drunk driving and teen driving deaths by almost 50 percent over the last two decades; and,

WHEREAS, as State Librarian, White promoted literacy programs across the state; as State Archivist, he has helped to preserve our state's public records for future generations to review and study; and,

WHEREAS, through the Jesse White Tumblers program, he has helped to provide over 18,000 children with a positive outlet outside of school; his tumblers perform more than 1,500 annually and have travelled around the country and world to share their talents;

THEREFORE, I, JB Pritzker, Governor of the State of Illinois, do hereby proclaim December 12, 2019, as **JESSE WHITE DAY** to honor and celebrate his ethical leadership and tremendous lifetime of contributions to our state's communities.

Issued by the Governor December 11, 2019

Filed by the Secretary of State January 16, 2020

2019-254
Cindy Pritzker Day

PROCLAMATIONS

WHEREAS, Marian "Cindy" Pritzker has been a driving force in the cultural life of Chicago and the state of Illinois through her philanthropy and dedicated volunteer leadership; and,

WHEREAS, Cindy Pritzker was born December 15, 1923, in Chicago to Judge Hugo M. Friend and Sadie (Cohn) Friend, was married to the late Jay Pritzker for 51 years, and earned the nickname "Cindy" after a childhood reference to "Cinderella" took hold; and,

WHEREAS, Cindy and Jay founded the Pritzker Architecture Prize in 1978 to honor and recognize the work of outstanding contemporary architects, an award today considered the field's equivalent of the Nobel Prize; and,

WHEREAS, Cindy Pritzker founded and served as President of the Chicago Public Library Foundation; and,

WHEREAS, Cindy Pritzker worked with three Chicago Mayors to improve the lives of the city's children and families; and led the fundraising to build the \$175 million Harold Washington Library; and,

WHEREAS, Cindy Pritzker served as a board member of the Museum of Science and Industry and founded the museum's annual fundraising ball; and,

WHEREAS, Cindy Pritzker has been a dedicated and loving daughter, wife, mother, grandmother, and aunt whose humor, selflessness and civic dedication has enriched the quality of life for tens of thousands of Illinoisans,

THEREFORE, I, Governor JB Pritzker, hereby proclaim Sunday, December 15, 2019 **Cindy Pritzker Day** and ask all to join me in wishing my Aunt Cindy a wonderful birthday and many more to come.

Issued by the Governor December 11, 2019

Filed by the Secretary of State January 16, 2020

2019-255**First Responders Children's Foundation Day**

WHEREAS, since its founding in 2002, First Responders Children's Foundation has provided assistance to families of New York's first responders lost during 9/11; and,

WHEREAS, the First Responders Children's Foundation has spent over \$3 million in its efforts to ensure that children and families of first responders receive the resources necessary to help them thrive; and,

PROCLAMATIONS

WHEREAS, the First Responders Children's Foundation also supports, promotes, and facilitates educational activities and programs that benefit children or the community at large; and,

WHEREAS, in conjunction with the Chicago Police Department, Chicago Police Memorial Foundation, CSX, and Macy's, the First Responders Children's Foundation is launching Operation Santa, which visits the families of fallen and injured Chicago Police officers to deliver personally-selected gifts of holiday cheer; and,

WHEREAS, Operation Santa also visits and delivers presents to twenty Gold Star families and families of Chicago Police officers who are currently deployed overseas;

THEREFORE, I, JB Pritzker, Governor of the State of Illinois, express my sincerest gratitude to First Responders Children's Foundation, the Chicago Police Department, Chicago Police Memorial Foundation, CSX, and Macy's for organizing Operation Santa to show our families of fallen heroes that they are cared for and their sacrifices will never be forgotten.

Issued by the Governor December 18, 2019

Filed by the Secretary of State January 16, 2020

2020-1**Flag Lowering – SPC Henry Mayfield Jr.**

WHEREAS, Specialist Henry Jarrett "Mitch" Mayfield, Jr., bravely served our country in the United States Army, selflessly dedicating his time on earth to protecting our lives and keeping our families safe; and,

WHEREAS, SPC Mayfield, 23, Hazel Crest, was killed in action on January 5, 2020, from injuries sustained during a terror attack on Manda Bay Airfield, Kenya; and,

WHEREAS, after attending Northern Illinois University SPC Mayfield enlisted in the Army; SPC Mayfield joined the U.S. Army August 21, 2017, and was assigned to the 1st Battalion, 58th Aviation Regiment, 164th Theater Airfield Operations Group, Fort Rucker, Alabama; and,

WHEREAS, SPC Mayfield inspired as a soldier, described by the commander of Air Traffic Services Command as an individual who encouraged those he served with to excel both on and off duty; he received the following Awards and Commendations: Bronze Star Medal, Posthumous; Purple Heart, Posthumous; Army Achievement Medal; National Defense Service Medal; Global War on Terrorism Expeditionary Medal; Global War on Terrorism Service Medal; Army Service Ribbon; Overseas Service Ribbon; Combat Action Badge, Posthumous;

PROCLAMATIONS

Combat and Special Skill Badge Basic Marksmanship Qual Badge; Bar, Weapon: Rifle (Inscription:Rifle); Sharpshooter; and Overseas Service Bar; and,

WHEREAS, SPC Mayfield is survived by his father and step-mother, Henry J. Mayfield, Sr., and Carmoneta Horton-Mayfield; and eight siblings. He graduated from Hillcrest High School in Country Club Hills, where he enjoyed playing sports, especially basketball, and spending time with family; and,

WHEREAS, the Purple Heart Ceremony, funeral service and internment ceremony at Abraham Lincoln National Cemetery for SPC Henry Jarrett Mayfield, Jr. will be held on Saturday, January 18, 2020;

THEREFORE, I, JB Pritzker, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to fly their flags at half-staff from sunrise on Thursday, January 16th, until sunset on Saturday, January 18, 2020, in honor and remembrance of SPC Henry "Mitch" Mayfield, Jr. whose selfless service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor: January 16, 2020

Filed by the Secretary of State: January 16, 2020

ILLINOIS ADMINISTRATIVE CODE
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