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## INTRODUCTION

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

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

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

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

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2020

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

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

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## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Firearm Dealer License Certification Act
- 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) Statutory Authority: Implementing and authorized by the Firearm Dealer License Certification Act [430 ILCS 68] and authorized by the Department of State Police Law [20 ILCS 2605/2605].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed regulations implement the Firearm Dealer License Certification Act by establishing an application process for individuals and entities subject to regulation under the Act, describing enforcement mechanisms by law-enforcement agencies, and identifying licensee obligations relating to security and storage plans, record-keeping requirements, and

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training mandates. Additionally, the proposed regulations set forth the fee schedule for license applicants and disciplinary fines and sanctions for violations of the Act. Finally, the proposed regulations create administrative processes for investigating alleged violations of the Act and establish an appeal process for licensees and applicants to formally challenge determinations of the Illinois State Police.

- 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? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: These rules will not require a local government to establish, expend, 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: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:  
  
Ms. Yvette Loizon  
Chief Legal Counsel  
Illinois State Police  
801 South 7th Street, Suite 1000-S  
Springfield IL 62703  
  
217/782-7658
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any small business or not-for-profit corporation engaging the sale of firearms may be affected.

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- B) Reporting, bookkeeping or other procedures required for compliance: Affected entities will be required to maintain and report documentation as appropriate relating to any Federal Firearm License, sales of affected items, training records, storage records and logs, electronic monitoring information, and other necessary documentation demonstrating their compliance with the Firearm Dealers License Certification Act [430 ILCS 68].
- C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis:
- A) Types of businesses subject to the proposed rule:
- 42 Wholesale Trade  
44-45 Retail Trade
- B) Categories that the Agency reasonably believes the rulemaking will impact, including:
- i. hiring and additional staffing;
  - ii. regulatory requirements;
  - iii. purchasing;
  - v. licensing fees;
  - vi. equipment and material needs;
  - vii. training requirements;
  - viii. record keeping;
- 15) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized in a regulatory agenda because it was not anticipated when the original version of proposed rules were filed in August of 2019, nor in its current version when those rules were withdrawn in January of 2020.

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

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER II: ILLINOIS STATE POLICEPART 1232  
FIREARM DEALER LICENSE CERTIFICATION ACT

## Section

1232.10	Definitions
1232.20	Application Procedures
1232.30	Measuring Distances
1232.40	Exemptions
1232.50	Inspection of Certified Licensees' Places of Business
1232.60	Security System
1232.70	Alarm Monitoring System
1232.80	Safe Storage By Certified Licensees
1232.90	Training; Statewide Compliance Standards
1232.100	Electronic-based Recordkeeping
1232.110	Fees and Fines
1232.120	Term of License
1232.130	Retention of Records
1232.140	Return of Suspended or Revoked Certificate of License
1232.150	Disciplinary Sanctions; Restoration
1232.160	Complaints; Investigations; Hearings
1232.170	Order of the Director
1232.180	Filing
1232.190	Form of Documents
1232.200	Motion and Answer
1232.210	Rehearings
1232.220	Administrative Review
1232.230	Mandatory Signage

## 1232.EXHIBIT A Warning Signage

**AUTHORITY:** Implementing and authorized by the Firearm Dealer License Certification Act [430 ILCS 68] and authorized by Section 2605-15 of the Department of State Police Law [20 ILCS 2605].

**SOURCE:** Emergency rules adopted at 44 Ill. Reg. 1681, effective January 3, 2020, for a maximum of 150 days; adopted at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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**Section 1232.10 Definitions**

The following additional definitions also apply to this Part unless the context clearly requires a different meaning:

"Act" means Firearm Dealer License Certification Act [430 ILCS 68].

"Applicant" means a person who has submitted an application for a certified license.

"ATF" means the federal Bureau of Alcohol, Tobacco, Firearms and Explosives within the U.S. Department of Justice.

"Certified Licensee" or "CL" means a licensee who has certified its FFL under the Act and this Part.

"Dealer" means any person or entity engaged in the business of selling firearms at wholesale or retail; any person or entity engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; or any person who is a pawnbroker engaged in the business of selling firearms.

"Dealer License" means a Federal Firearms License authorizing a person or entity to engage in the business of dealing firearms.

*"Director" means the Director of State Police.*

"Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including, but not limited to, fire, flood, earthquake, wind, storm, hazardous materials spill, or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, or acts of domestic or cyber terrorism.

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"Electronic Record" means a record generated, communicated, received or stored by electronic means for use in an information system or for transmission from one information system to another.

"Engage in the Business of Dealing Firearms", as used in Section 5-5 of the Act, and "Engage in the Business of Selling, Leasing, or Otherwise Transferring Firearms" as used in Section 5-15 of the Act, mean a person or entity that devotes time, attention and labor to the selling, leasing or transferring of firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale, lease or transfer of firearms. These terms apply to any person or entity who engages in the business on a full or part-time basis. The terms shall not apply to the following:

a person or entity that only engages in gunsmithing services in which it accepts a firearm for service, services the firearm, and returns it only to the customer who gave it the firearm to service;

a person or entity that engages only in the manufacture or import of firearms but does not sell, lease or transfer firearms at wholesale or retail to individual purchasers;

a person or entity that is a collector of firearms who acquires, holds or disposes of firearms as curios or relics;

pawnshops that acquire firearms only for purposes of bailment as defined in Section 5-25(11) of the Act;

a person or entity that only engages in transactions that do not require the completion of a Form 4473 and background check under State or federal law; or

any activity otherwise exempt under Section 5-25 of the Act.

"Entity" means any person, firm, corporation, group of individuals, or other legal entity.

"FFL" means Federal Firearms License.

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"FFL Holder" means a person, firm, corporation, or other entity that has been given, and currently possesses, a valid Federal Firearms License.

"FOID Act" means the Firearm Owners Identification Card Act [430 ILCS 65].

"Gunsmith" means a person who devotes time, attention and labor to servicing firearms as a regular course of trade or business with the principal objective of livelihood and profit, including a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

"Importer" means any person or entity engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution.

"Inspection of Licensee's Place of Business" means review of all records and documents involving the selling, leasing or transferring of firearms present in a retail location, as well as all firearms subject to sale, lease or transfer in a retail location.

"Inventory" means firearms in the possession of an individual or entity for the purpose of sale or transfer.

"ISP" means the Illinois State Police.

"Law Enforcement Agency" means a federal or State government agency that:

is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law;

has statutory powers of arrest or custodial detention; and

allows its members to carry a firearm while on duty.

"License" means a Federal Firearms License authorizing a person or entity to engage in the business of dealing firearms.

"Limited Access Area" means a room or rooms on the premises of, and under the control of, the certified licensee to which only the CL, the CL's agents and other

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authorized personnel (e.g., ISP or law enforcement personnel) have access. "Limited access area" includes places where weapons are stored when not on display, surveillance equipment is maintained, and other areas that are not generally accessible by the public or nonauthorized employees.

"Manufacturer" means any person or entity engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution.

"Open to the Public" means that a certified licensee sells, leases or transfers firearms to the general public during regular business hours or by appointment only.

"Pawnbroker" means any person or entity whose business or occupation includes the taking of, or receiving of, by way of pledge or pawn, any firearm as security for the payment or repayment of money.

"Person" means any individual, corporation, company, association, firm, partnership, or any other entity, including any governmental entity.

*"Retail Location" means a location open to the public from which a certified licensee engages in the business of selling, leasing, transferring, or facilitating the sale or transfer of a firearm. For purposes of the Act, a gun show or similar event at which a certified licensee engages in business from time to time is not a retail location. (Section 5-5 of the Act)*

"Secure Gun Storage or Safety Device" means:

a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device;

a device incorporated in the design of the firearm to prevent the operation of the firearm by anyone not having access to the device; or

a safe, gun safe, gun case, lock box, or other locked receptacle that is designed to be, or can be, used to store a firearm and that is designed to be unlocked only by use of a key, combination, or other similar means.

"Straw Purchase" means:

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the unlawful purchase of a firearm by a person who knowingly purchases or attempts to purchase a firearm with the intent to deliver that firearm to another person who is prohibited by federal or State law from possessing a firearm; or

the unlawful purchase of a firearm by a person who intentionally provides false or misleading information on an ATF firearms transaction record form to purchase a firearm with the intent to deliver that firearm to another person.

"Valid" means current and not suspended, revoked, expired, canceled, invalidated, denied or disqualified.

"Valid Photo Identification Card" means a current, and not suspended, revoked, expired, canceled, invalidated, denied or disqualified, driver's license or identification card issued by the federal government or any state. It does not include a temporary visitor's driver's license (TVDL).

"With the Principal Objective of Livelihood and Profit" means that the intent underlying the sale, lease or transfer of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal collection, and is not intended to apply to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes.

**Section 1232.20 Application Procedures**

- a) Application for a certificate of license shall be made by completing an application form provided by ISP. The application will be made available through ISP's website ([www.isp.state.il.us](http://www.isp.state.il.us)) or in a form and manner prescribed by ISP as directed on its website.
- b) All applications and related documents shall be completed accurately and in their entirety, accompanied by the correct fee (see Section 1232.110), and submitted as indicated on the application or ISP's website.
- c) Federal Firearms License Required

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- 1) The applicant shall submit a copy of its FFL, with a sworn affidavit verifying that the FFL presented was issued to the applicant and that the FFL is valid at the time of submission of the application.
  - 2) In lieu of requiring an affidavit, ISP may verify the validity of an FFL via any system or website approved by ATF and designed to allow an FFL holder or other authorized entity to verify or authenticate the FFL submitted under subsection (c)(1). The system or website will verify the information shown on the FFL to determine if the FFL is valid.
  - 3) ISP will advise applicants on its website or the application itself if an FFL affidavit is not required to be submitted.
- d) The applicant shall submit an affidavit identifying the name and Firearm Owner's Identification Card number of each owner, employee, or other agent who sells or transfers firearms for the applicant. The affidavit shall declare that each owner, employee, or other agent of the applicant who sells or transfers firearms is at least 21 years of age, has a valid FOID Card, and, for a renewal, has completed the training required under Section 5-30 of the Act. The affidavit form will be available through ISP's website.
- e) Incomplete Submissions
- 1) Any application that is not completed accurately and in its entirety, or does not include the correct fee (see Section 1232.110), will be rejected.
  - 2) ISP will provide written notice to any applicant whose application is rejected stating the reasons for the rejection. The notice will also inform the applicant that a Notice of Intent to Deny will be filed 30 days after notice of the rejection if the applicant fails to provide all required information, complete the application in its entirety, and submit the correct fee.
  - 3) If an applicant has not provided the required information or fee within 30 days after notice of the rejection, ISP will file a Notice of Intent to Deny, unless it elects to grant the applicant an extension of time to complete the application.

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- f) ISP will, as part of the application process, ask any questions necessary to determine eligibility for a certificate of license.
- g) All certificates issued shall remain the property of ISP.

**Section 1232.30 Measuring Distances**

For purposes of Section 5-20(c) of the Act, the distance between a retail location and a school, pre-school, or day care facility shall be measured linearly and shall be the shortest distance between the nearest corner of the building holding the retail location to the corner of the school, pre-school, or day care facility building nearest the retail location at the time the retail location seeks licensure.

**Section 1232.40 Exemptions**

FFL holders are not required to obtain a certificate of license if they do not engage in the business of selling, leasing, or otherwise transferring firearms, or if they only engage in any of the transfers described in Section 5-25 of the Act. However, if an FFL holder engages in the business of selling, leasing, or otherwise transferring firearms in any manner not described in Section 5-25, a valid certificate of license issued under the Act is required.

**Section 1232.50 Inspection of Certified Licensees' Places of Business**

- a) *Certified licensees shall have their places of business available for inspection by ISP and law enforcement agencies assisting ISP during all hours of operation involving the sale, leasing or transfer of firearms, provided that ISP, acting on its own or with an assisting law enforcement agency, may conduct no more than one unannounced inspection per year without good cause. Nothing in this subsection shall be construed to interfere with any federal agency or any federal agency investigation.*
- b) Any certified licensee that is not open to the public, does not keep regular business hours, or operates by appointment only shall immediately advise ISP, in writing, of its hours of operation, including that it does not maintain regular business hours, when so requested by ISP.
- c) *During an inspection, certified licensees shall make all records, documents related to the sale, lease, transfer, and/or destruction of firearms, and all firearms accessible for inspection, upon the request of ISP or assisting law enforcement*

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*agency.* (Section 5-35 of the Act)

- d) Failure to fully cooperate with an inspection could result in the imposition of discipline and/or a fine in accordance with the Act.

**Section 1232.60 Security System**

On or before January 2, 2021, a certified licensee operating a retail location shall be required to operate and maintain in good working order a video security system with video surveillance of critical areas of the business premises, including, but not limited to, all places where firearms in inventory are stored, handled, sold or transferred, and each entrance and exit. The video security system must not include video surveillance of the bathroom of a retail location and may not monitor inside the bathroom.

**Section 1232.70 Alarm Monitoring System**

- a) *Beginning January 2, 2020, a certified licensee maintaining an inventory of firearms for sale, lease or transfer must be connected to an alarm monitoring system or service that will notify the local law enforcement agency having primary jurisdiction for the licensee's retail location of an unauthorized intrusion into the premises of the certified licensee where firearms in inventory are maintained.* (Section 5-50(c) of the Act)
- b) Each alarm monitoring system or service shall meet the following minimum requirements:
  - 1) Coverage of critical areas of the retail location, including all entrances, exits, exterior windows, roof hatches, skylights, window or wall mounted air conditioning units, and rooms where firearms in inventory are stored.
  - 2) Monitoring of interior motion detection, glass breakage detection, and/or any failure in the alarm system.
  - 3) A notification system that will provide an alert to the certified licensee, by telephone, email or text message or a combination thereof, within five minutes after any interior motion detection, glass breakage, or system failure.

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- 4) The ability to remain operational during a power outage and ensure all access doors are not solely controlled by an electronic access panel so that locks are not released during a power outage.
  - 5) Duress alarm; i.e., a silent security alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system.
- c) The system shall be:
- 1) tested on a regular basis, but in no event less than once quarterly, to ensure it is functioning properly; and
  - 2) inspected annually, with all devices being tested by a qualified alarm vendor.

**Section 1232.80 Safe Storage By Certified Licensees**

- a) *Certified licensees maintaining a retail location shall develop a written plan that addresses the safe storage of firearms and ammunition in a secure gun storage or safety devise. Safe storage plans shall address the following areas:*
- 1) Storage of firearms and ammunition during retail hours and after closing;
  - 2) Access to firearms and ammunition during retail hours (business practices);
  - 3) Procedures for removing or replacing firearms to show to customers;
  - 4) Loss or theft reporting;
  - 5) Description of anti-theft measures and practices;
  - 6) Disaster plan;
  - 7) Structural Security;
  - 8) Employee Screening; and

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- 9) Employee training and education regarding certified licensee's policy and procedures and loss prevention measures.
- b) *Safe storage plans shall be submitted to ISP for approval* in an electronic format that will be provided by ISP on its website. (Section 5-55 of the Act)
  - c) A certified licensee maintaining a retail location shall ensure the following practices are implemented:
    - 1) Store all inventory in a secure gun storage or safety device to prevent diversion, theft or loss;
    - 2) Keep all locks and security equipment in good working order;
    - 3) Prohibit keys from being left in the locks and do not store or place keys in a location accessible to persons other than specifically authorized personnel;
    - 4) Require authorized personnel to keep a log documenting the date, time and name of the person possessing and/or using keys related to secure gun storage or safety devices;
    - 5) Prohibit other security measures, such as combination numbers, codes, passwords or electronic or biometric security systems, from being accessible to persons other than specifically authorized personnel;
    - 6) Keep the retail location securely locked and protected from unauthorized entry at all times when closed for business or unoccupied by authorized personnel;
    - 7) Keep ammunition stored securely and out of the reach of customers;
    - 8) Ensure inventory records are protected by securing the records after business hours in a locked location. Only authorized or law enforcement personnel shall be permitted to view or handle the inventory records;
    - 9) Complete an audit on a regular basis, but in no event less than once quarterly. Audits shall be conducted by at least two persons and shall be memorialized in writing and made available to ISP upon request;

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- 10) Keep current and accurate inventory acquisition and disposition records. These records shall be made available to ISP upon request;
  - 11) Maintain a plan that adequately ensures the timely securing of inventory in the event of a disaster. The plan shall be made available to ISP upon request; and
  - 12) Ensure employees with access to inventory, or who otherwise handle inventory, are not prohibited from possessing firearms under State or federal law.
- d) If a retail location presents special security issues, such as an extremely large inventory, exposed handling, or unusual vulnerability to diversion, theft or loss, ISP may require additional safeguards.
  - e) If a loss, theft or diversion of inventory has occurred from a retail location, the certified licensee shall notify ATF and the local law enforcement agency having primary jurisdiction for the licensee's retail location within 48 hours after the loss or theft is discovered, pursuant to the notification requirements of 18 USC 923(g)(6). The certified licensee shall provide a copy of any such notification to ISP. If any firearms previously reported as lost or stolen are subsequently recovered by the CL, the CL shall notify ATF and the appropriate local law enforcement agency of the recovery.
  - f) Any CL whose certification is revoked or not current shall dispose of its inventory in a manner that comports with State law and procedures approved by ATF, and provide notice to ISP of its plan to transfer or otherwise dispose of inventory.

**Section 1232.90 Training; Statewide Compliance Standards**

- a) The annual training shall consist, at minimum, of the review of materials made available to certified licensees by ISP. Those materials will be made available on ISP's website or through other publicly available means.
- b) A certified licensee shall:
  - 1) Ensure the CL and all employees who sell, facilitate leases, or otherwise transfer firearms attend the training required by Section 5-30 of the Act.

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The required training shall be completed before certification by ISP and yearly thereafter.

- 2) Ensure training required by Section 5-30 of the Act is completed by all newly hired employees who will be selling, facilitating leases, or otherwise transferring firearms prior to the new employee participating in the sale, lease or transfer of any firearms or ammunition.
- 3) Verify completion of the required annual training by the CL and all applicable employees by submitting an affidavit to ISP indicating the CL and all applicable employees have completed the training required by Section 5-30 of the Act. A copy of the affidavit will be available through ISP's website. The affidavit shall be submitted with each application for certification or renewal.

**Section 1232.100 Electronic-based Recordkeeping**

- a) *On or before January 2, 2020, each certified licensee operating a retail location shall implement a searchable electronic record system to track its changing inventory by updating the date a firearm was received or sold, the name and address or the name and license number of the person from whom the firearm was received or sold, the name of the manufacturer and importer (if any), make, model, caliber or gauge, and serial number of each firearm that it receives or sells.* (Section 5-65 of the Act)
- b) The electronic record system must permit inventory queries by firearm serial number, acquisition date of the firearm, name of the manufacturer or importer, name of the purchaser, address of the purchaser or other transferee, and ATF Form 4473 transferor's transaction serial number. Use of commonly recognized trade names or abbreviations are acceptable when denoting manufacturer or importer.
- c) The electronic record system must denote original entries and be able to track any edits, corrections or amendments.
- d) The electronic record system must have a daily memory backup system.
- e) The electronic record system may be stored on a computer server or physical storage device owned and operated by the licensee, or contracted/leased by the

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licensee through a host facility such as a remote server or cloud storage provider. The electronic record system must be readily accessible through a computer server or device owned and operated by the licensee at the licensed premises during regular business hours. If a host facility is used, that facility must have a business premises within the United States and its territories and be subject to U.S. legal process.

- f) The electronic record system must have the capacity to provide a periodic printout of all records:
  - 1) at least semiannually;
  - 2) upon request by ISP when required by law;
  - 3) when the system memory is purged;
  - 4) when the license is terminated; and
  - 5) sequentially by date of acquisition for all inventory and indicating the date of all sales of inventory conducted during the period covered.
- g) The electronic record system must be able to record both the manufacturer and the importer for foreign-made firearms.
- h) Each licensee operating as a licensed dealer must maintain its firearms acquisition and disposition records on a separate/partitioned database that cannot be intermingled with the records associated with any other license.
- i) The electronic record system must be self-contained, without reliance upon invoices or other paper/manual systems to provide any of the above information.
- j) *Retail sales and purchases shall be recorded within 24 hours after the transaction. Shipments of firearms from manufacturers or wholesalers shall be recorded upon the earlier of five business days or within 24 hours after the shipment is unpacked and the firearm placed in inventory. (Section 5-65 of the Act)*
- k) *A certified licensee shall make a legible copy of a buyer's or transferee's valid photo identification card whenever a firearm sale transaction takes place. The*

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*photocopy shall be attached to the documentation detailing the record of sale.*  
(Section 5-20(a) of the Act)

- l) *Each certified licensee shall maintain these records for a period of no less than the time period under 27 CFR 478.129 or any subsequent law that regulates the retention of records.* (Section 5-65 of the Act)
- m) Any electronic record keeping system approved by ATF that accurately records the information required to be maintained by this Section is sufficient for satisfying the requirements of Section 5-65 of the Act.
- n) Alternate Method of Record Keeping
  - 1) Certified licensees may seek ISP approval to use an alternate method or procedure to record the acquisition and disposition of firearms when it is shown by the licensee that the alternate records will accurately and readily disclose the information required to be maintained. The alternate records must be legible even if scanned and must be easily uploaded to a PDF format. The amount of transactions recorded must assure that review of the alternate records will not impose an undue burden on ISP.
  - 2) The Director may approve an alternate method or procedure when he or she finds that:
    - A) good cause is shown for the use of the alternate method or procedure;
    - B) the alternate method or procedure comports with the purpose and is consistent with the effect intended by the specifically prescribed method or procedure, and that the alternate method or procedure is substantially equivalent to that specifically prescribed method or procedure; and
    - C) the alternate method or procedure will not be contrary to any provision of law and will not result in an increase in cost to the State or hinder the effective administration of the Act.

**Section 1232.110 Fees and Fines**

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- a) An applicant for license certification shall submit the following fees with each application, submitted in the form of a certified check or money order payable to the "Illinois State Police", or by such other means as approved by ISP. Checks or money orders shall be delivered to ISP as provided in Section 1232.180.
- 1) The fee for initial certification of an FFL held by a person *operating without a retail location*, as defined by Section 5-5 of the Act, shall be \$300 for each application submitted.
  - 2) The fee for initial certification of an FFL held by a person operating with a retail location shall be \$1,200 for each application submitted.
  - 3) The fee for each certification of a renewed FFL shall be \$100 for a certified licensee operating without a retail location and \$500 for a CL operating with a retail location.
  - 4) For new CL applicants who are current FFL holders as of January 18, 2019, the fee for the initial certification shall be prorated on a monthly basis from the date of the initial FFL application and shall be effective for the duration of the current FFL in the applicant's possession. The prorated fee shall be based on the number of months remaining on the applicant's current valid FFL.
  - 5) For CLs who submitted a full fee prior to the effective date of this Part, and who are eligible for proration of their fees under subsection (a)(4), ISP will credit any overpayment towards the cost of the CL's next renewal or, upon written request by the CL to ISP, will issue a refund of any overpayment.
- b) *ISP may not charge a certified licensee, operating under the same or different business name in this State, fees exceeding \$40,000 for the certification of multiple licenses. (Section 5-70 of the Act)*
- c) *ISP may impose a fine not to exceed \$10,000 for each violation of the Act (see Sections 5-15 and 5-85 of the Act and Section 1232.150). (Section 5-85 of the Act)*
- d) *All civil penalties or fines imposed under the Act shall be paid within 90 days after the effective date of the final order issued imposing the fine. (Section 5-*

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15(g) of the Act) All civil penalties or fines shall be paid by certified check or money order payable to the "Illinois State Police" or by such other means as approved by ISP. Checks or money orders shall be delivered to ISP as provided in Section 1232.180.

- e) *All monies (fees and fines) collected under the Act shall be deposited in the Firearm Dealer License Certification Fund in the State treasury. (Section 70 of the Act)*

**Section 1232.120 Term of License**

- a) *Each certification shall be valid for the term of the FFL being certified. An FFL holder shall certify each new or renewed FFL. However, ISP is not required to renew a certification if a prior certification has been revoked or suspended. (Section 5-75 of the Act)*
- b) If a certified licensee submits an application for certification of a renewed FFL prior to the expiration of the current FFL, the current certification shall remain valid while the application is pending.

**Section 1232.130 Retention of Records**

- a) *Each certified licensee shall keep, either in electronic form or hard copy, all acquisition and disposition records for a period of time no less than the time required under 27 CFR 478.129 or any subsequent law that regulates the retention of records. Electronic-based recordkeeping will be required for certified licensees operating a retail location on or after January 2, 2020, pursuant to Section 5-65 of the Act.*
- b) *All video surveillance records, along with any sound recordings obtained from them, shall be retained by the certified licensee for a minimum of 90 days and in accordance with Section 1232.60. (Section 5-80 of the Act)*

**Section 1232.140 Return of Suspended or Revoked Certificate of License**

- a) *Upon the suspension or revocation of a certification of license, the certified licensee shall surrender the certificate to ISP in accordance with Section 1232.180. Upon failure to do so, ISP will seize the certificate.*

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- b) *When the certification is suspended, the certified licensee shall not operate as a CL during the period in which the certificate is suspended and, if operating during that period, shall be operating in violation of Section 5-15(a) of the Act. (Section 5-100(e) of the Act)*

**Section 1232.150 Disciplinary Sanctions; Restoration**

- a) *For violations of the Act not penalized under Section 5-15 of the Act, ISP may refuse to renew or restore, or may reprimand, place on probation, suspend, revoke, or take other disciplinary or nondisciplinary action against any certified licensee, and may impose a fine commensurate with the severity of the violation not to exceed \$10,000 for each violation. (Section 5-85(a) of the Act)*
- b) The following factors shall be weighed by the Director or hearing officer appointed by the Director when determining the severity of the violation and the resulting fine:
- 1) Whether the violation constitutes a criminal offense under the Criminal Code of 2012 or any federal law and, if so, whether the violation would be considered a petty or business offense, misdemeanor, or felony under Illinois law;
  - 2) Whether the certified licensee cooperated with ISP in its investigation;
  - 3) Whether the CL refused to cooperate with ISP in its investigation, including, but not limited to, providing false or misleading information;
  - 4) Whether the violation is the first violation or a subsequent violation of the Act;
  - 5) Whether the CL has received prior discipline for the violation in question (i.e., 1<sup>st</sup> violation, 2<sup>nd</sup> or subsequent violation);
  - 6) The number of violations committed by the CL;
  - 7) Whether the violation involves fraudulent activity, deception or misrepresentation;

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- 8) Whether the violation directly resulted in the death or injury to any person or damage to any property; and
  - 9) Whether the violation constitutes a petty, minor, or major violation as those terms are defined in subsections (c), (d) and (e).
- c) Petty violations of the Act shall be subject to a civil penalty or fine not to exceed \$200 for a 1<sup>st</sup> violation and \$500 for a 2<sup>nd</sup> or subsequent violation. For purposes of this Section, "petty violation" means any violation of the Act listed in Section 5-85 of the Act that is not a criminal offense, or that constitutes a petty or business offense or a Class B or C misdemeanor, under the Criminal Code of 2012.
- d) Minor violations of the Act shall be subject to a civil penalty or fine not to exceed \$2,500 for a 1<sup>st</sup> violation and \$5,000 for a 2<sup>nd</sup> or subsequent violation. For the purposes of this Section, "minor violation" means:
- 1) any violation of Section 5-15 of the Act that would constitute a Class A misdemeanor; and
  - 2) a violation of Section 5-85 of the Act:
    - A) (a)(1), (a)(3), (a)(5) or (a)(8), if the violation would constitute a Class A misdemeanor;
    - B) (a)(2), if due to negligence or carelessness;
    - C) (a)(6)(A), if a misdemeanor;
    - D) (a)(7), if the person did not have knowledge the firearms were sold or transferred illegally, but should have known; and
    - E) (a)(9).
- e) Major violations of the Act shall be subject to a civil penalty or fine not to exceed \$5,000 for a 1<sup>st</sup> violation and \$10,000 for a 2<sup>nd</sup> or subsequent violation. For the purposes of this Section, "major violation" means:
- 1) any violation of Section 5-15 of the Act that would constitute a Class 4 felony; and

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- 2) a violation of Section 5-85 of the Act:
  - A) (a)(1), (a)(3), (a)(5), (a)(6)(A), or (a)(8), if the violation would constitute a felony;
  - B) (a)(2), if due to intentional or willful and wanton behavior;
  - C) (a)(7), if the person had knowledge the firearms were sold or transferred illegally;
  - D) (a)(10); and
  - E) (a)(11).
- f) *The civil penalties or fines shall only be assessed by ISP after a hearing is held in accordance with Sections 5-95 and 5-100 of the Act. (Section 5-15(e) of the Act)*
- g) *All civil penalties or fines imposed under the Act shall be paid within 90 days after the effective date of the final order imposing the fine. The order shall constitute a judgment and may be filed and executed in the same manner as any judgment from any court of record. (Sections 5-15(g) and 85(b) of the Act) All civil penalties or fines shall be paid via certified check or money order payable to the "Illinois State Police" or by such other means as approved by ISP. Checks or money orders shall be delivered to ISP as provided in Section 1232.180.*
- h) *Any certificate of license obtained under the Act by material misstatement or fraudulent misrepresentation shall be automatically revoked.*
- i) *At any time after the successful completion of a term of probation, suspension or revocation of a certificate of license, ISP may restore it to the certified licensee, unless, after an investigation and a hearing, the Director determines that restoration is not in the public interest. (Section 5-105 of the Act)*

**Section 1232.160 Complaints; Investigations; Hearings**

- a) Notice of Intent to Deny

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- 1) A refusal to issue a certificate of license shall be initiated by the filing of a Notice of Intent to Deny and issuance of a written Notice of Hearing. A Notice of Intent to Deny shall clearly state the facts that inform the applicant of the particular acts or circumstances complained of by ISP and the statutes or rules upon which the allegations in the Notice of Intent to Deny are based.
  - 2) A Notice of Intent to Deny and Notice of Hearing shall be served upon the applicant, by certified mail to the applicant's address of record, at least 30 days prior to the date set for hearing. The Notices shall advise the applicant of the following:
    - A) a written answer to the charges must be filed under oath within 20 days after service;
    - B) failure to answer will result in a default being entered against the applicant; and
    - C) the time and place for the hearing on the charges.
  - 3) Answers to the Notice of Intent to Deny shall be filed with ISP in the form and manner as provided for in Sections 1232.180, 1232.190 and 1232.200.
- b) Complaint for Discipline
- 1) An action for discipline shall be initiated by the filing of a written Complaint and issuance of a written Notice of Hearing. The Complaint shall clearly state the charges made and facts that inform the certified licensee of rules upon which the allegations in the Complaint and Notice are based.
  - 2) A copy of the Complaint and Notice shall be served upon the CL, by certified mail to the CL's address of record, at least 30 days prior to the date set for hearing and shall advise the CL of the following:
    - A) a written answer to the charges must be filed under oath within 20 days after service;

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- B) failure to answer will result in a default being entered against the CL; and
  - C) the time and place for the hearing on the charges.
- 3) Answers to the Complaint and Notice shall be filed with ISP as provided for in Sections 1232.180, 1232.190 and 1232.200.
- c) Investigations
- 1) *ISP may, as necessary, coordinate efforts with relevant State and federal law enforcement agencies to enforce the Act. (Section 5-120 of the Act)*
  - 2) Investigations may be prompted by citizen complaints made directly to ISP through ISP's website in a form and manner prescribed by ISP as directed on its website or forwarded to ISP by other law enforcement entities.
  - 3) Authority to Continue Operations
    - A) *Certified Licensees. A certified licensee may continue to operate during the course of an investigation or hearing unless the Director finds that the public interest, safety, or welfare requires emergency action. (Section 5-100(d) of the Act)*
    - B) *Certification Applicants. An applicant who is served with a Notice of Intent to Deny, due to a determination by ISP that the applicant does not possess a currently valid FFL, shall be prohibited from operating during the course of the investigation or hearing, or unless and until ISP determines that the applicant possesses a currently valid FFL.*
  - 4) Each certified licensee shall respond immediately to, and in no event later than 24 hours after the receipt of, a request by ISP for information contained in the records required to be kept by the Act as may be required for determining the disposition of one or more firearms in the course of a criminal investigation. The requested information shall be provided orally or in writing as ISP may require.

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- d) Issuance of Subpoenas
- 1) Upon application to a hearing officer appointed by the Director, the hearing officer *may* issue a *subpoena* requiring *any person or entity* to attend a hearing to *give written or oral testimony*. The subpoena *may include* an order to *produce books, papers, electronic records, or any other documents* or tangible things designated in those materials that *ISP deems directly relevant or material to an investigation or hearing* and reasonably necessary to resolve the matter under consideration, *subject to the same fees and in the same manner prescribed in civil cases in the courts of this State*.
  - 2) Every subpoena shall state the title of the action and shall command each person to whom it is directed to attend and give testimony or produce documents, records or tangible things at the time and place specified in the subpoena. Notice of the request for subpoena shall be served on all parties.
  - 3) *The certified licensee may file an emergency motion with the Director or a hearing officer authorized by ISP to quash a subpoena issued by ISP.*
  - 4) *The Hearing Officer or the Director, upon timely made written motion, and, in any event, at or before the time specified in the subpoena for compliance, may quash or modify the subpoena if it is unreasonable and oppressive. (Section 5-45 of the Act)*
  - 5) Any application for subpoena must be submitted to the Hearing Office at least 10 days before the hearing.
- e) Hearings
- 1) The hearing officer for contested hearings shall be an attorney licensed to practice law in Illinois appointed by the Director. The hearing officer may be disqualified for bias or conflict of interest.
  - 2) The procedures for the hearing shall be as described in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100], unless other procedures are specifically described in this Section or as ordered by the hearing officer.

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- 3) A hearing may be postponed or continued for due cause by the hearing officer upon his or her own motion or upon motion of a party to the hearing. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date, when feasible. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.
- 4) Failure of a CL to appear on the date set for hearing, or failure to proceed as ordered by the hearing officer, shall constitute a default. The hearing officer shall thereupon enter such Findings, Conclusions of Law, and Recommendations as is appropriate under the pleadings and the evidence received into the record.
- 5) The hearing officer's Findings, Conclusions of Law, and Recommendations shall be in writing and shall include Findings of Fact and Conclusions of Law, and Recommendations or Opinions separately stated when possible. Findings of Fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed. Findings of Fact shall be accompanied by a statement of the underlying supporting facts. If a party submits proposed Findings of Fact that may control the decision or order, the decision or order shall include a ruling upon each proposed finding. Each Conclusion of Law shall be supported by authority or reasoned opinion. A hearing officer's Recommendation shall not be made except upon consideration of the record as a whole or such portion of the record as may be supported by competent material and substantial evidence.
- 6) The hearing officer shall submit his or her Findings, Conclusions of Law, and Recommendations to the Director within 45 days after the conclusion of the hearing.
- 7) All hearings shall be conducted at a location determined by the Director.

**Section 1232.170 Order of the Director**

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- a) The Director shall review the hearing officer's Findings, Conclusions of Law, and Recommendations and shall issue an order either adopting or declining to adopt the hearing officer's Findings of Fact, Conclusions of Law, and Recommendations, in whole or in part, within a reasonable time. *The order shall also contain a finding of whether the accused licensee violated the Act or failed to comply with the conditions required in the Act.* (Section 5-100(a) of the Act)
- b) The decision in the case will become effective immediately upon the execution of a written order, or as otherwise specified by either the order or applicable statute. The order is final and subject to judicial review under Section 5-10 of the Act.
- c) A certified licensee shall be immediately notified of the order, either personally or by certified mail, addressed to the last known address of the CL. A copy of the order shall be delivered or mailed to the CL or to his or her attorney of record.

**Section 1232.180 Filing**

- a) Documents and motions permitted or required to be filed with ISP in connection with a hearing or response to a subpoena issued by ISP shall be addressed to and mailed to, or filed in person with, the Illinois State Police, 801 South Seventh Street, Springfield IL 62703, in duplicate or as otherwise directed by a hearing officer if one has been appointed by the Director. The offices of ISP are open for filing from 8:30 a.m. to 5:00 p.m., Monday through Friday, except on National and State legal holidays.
- b) By agreement of the parties or by order of the hearing officer, filing of these documents may also be accomplished by email to ISP and opposing party (or opposing party's counsel). Any filings by email must be received by the recipient no later than 5:00 p.m. on the date filing is due.

**Section 1232.190 Form of Documents**

- a) Documents shall clearly show the file Hearing Number and the title of the proceedings in connection with which they are filed.
- b) Except as otherwise provided, 2 copies of all documents, including notices, motions, and petitions, shall be filed with ISP.

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- c) Except as otherwise provided, documents shall be typewritten or reproduced from typewritten copy on letter or legal size white paper.
- d) One copy of each document filed shall be signed by the certified licensee or by his or her authorized representative or attorney.

**Section 1232.200 Motion and Answer**

- a) Any CL receiving a Complaint or Notice of Intent to Deny shall file an answer within 20 calendar days after service and not later than 10 calendar days prior to the date of hearing. All answers or motions preliminary to a hearing shall be presented to ISP and to the hearing officer at least 10 calendar days prior to the date of hearing, or on such other date as the hearing officer shall designate, and shall be served personally or by certified mail.
- b) Unless made orally on the record during a hearing, or unless the hearing officer directs otherwise, an answer or motion shall be in writing and shall be accompanied by any other evidence relied upon and, as appropriate, by a proposed order. At least two copies of all such motions shall be filed with ISP (one for the ISP attorney and one for the hearing officer) and at least one copy served on each additional party, if any, to the hearing.
- c) Every answer shall contain an explicit admission or denial of each allegation of the Complaint, Notice of Intent to Deny, or motion to which it relates. Every allegation not explicitly denied shall be deemed admitted unless the party states in his or her answer that he or she has no knowledge of the allegation sufficient to form a belief, and attaches an affidavit of the truth of the statement of want of knowledge, or unless the party has had no opportunity to deny. Denials must not be evasive, but must fairly answer the substance of the allegation denied.
- d) Within 10 calendar days after service of a written motion, or such other period as the hearing officer may prescribe, a party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence. If no response is filed, the parties shall be deemed to have waived objection to the granting of the motion. The moving party shall have no right to reply, except as permitted by the hearing officer.

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- e) No oral argument will be heard on a motion unless the hearing officer directs otherwise. A written brief may be filed with a motion or a response to a motion, stating the arguments and authorities relied upon.
- f) The hearing officer shall rule upon all motions, except that he or she shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record.
- g) A party may participate in the proceedings without forfeiting any jurisdictional objection, if that objection is raised at or before the time the party files his or her answer or motion, or, if no answer or motion is made, before the commencement of the hearing.

**Section 1232.210 Rehearings**

- a) Except as otherwise provided by law, and for good cause shown, the Director may, in his or her discretion, order a rehearing on written motion of the certified licensee. The motion shall specify the particular grounds for rehearing.
- b) When the record of testimony made at the hearing is found by the Director to be inadequate for purposes of judicial review, the Director may order a reopening of the hearing.
- c) A motion for a rehearing or a motion for the reopening of a hearing shall be filed within 20 calendar days after service of the Director's order. ISP may respond to the motion for rehearing if it is determined that a response is necessary to address issues raised in the rehearing motion. ISP's response shall be filed within 20 calendar days after its service on ISP. A rehearing shall be noticed and conducted in the same manner as an original hearing. The evidence received at the rehearing shall be included in the record for the director's reconsideration and for judicial review. A decision or order may be amended or vacated after rehearing.

**Section 1232.220 Administrative Review**

- a) *All final administrative decisions of ISP shall be subject to judicial review under the Administrative Review Law [735 ILCS 5/Art. III]. (Section 5-110 of the Act)* The term "administrative decision" is defined in Section 3-101 of the Administrative Review Law.

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- b) If any final ISP action is appealed in circuit court pursuant to this Section, the record on review shall include the following:
- 1) The application and any other related documents submitted;
  - 2) Any written documentation considered by ISP in making its final decision with respect to the application;
  - 3) Any written correspondence between ISP and the person or entity submitting the application, provided that the correspondence played a material role in the final decision rendered by ISP, made a material argument to ISP with respect to the application or petition, or would be helpful to the circuit court in reviewing the matter because the correspondence provides helpful procedural background; and
  - 4) The transcript of any administrative hearing and any documents or other evidence submitted at the hearing.

**Section 1232.230 Mandatory Signage**

Sections 5-20 and 5-50 of the Act specify warning language that must be posted.

- a) Signage shall be posted as required under Sections 5-20 and 5-50 of the Act.
- b) Templates for signs required pursuant to Sections 5-20 and 5-50 of the Act are provided in Appendix A and are available on ISP's website.
- c) If a larger sign is warranted, ISP's image must be incorporated into the sign, and the required warning language must still be in block letters not less than one inch in height.
- d) The required signs shall be clearly and conspicuously posted, as required by Sections 5-20 and 5-50 of the Act, on the premises where the certified licensee conducts business.
  - 1) The sign required by Section 5-20 of the Act shall advise persons that it is unlawful:

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- A) *to store or leave an unsecured firearm in a place where a child can obtain access to it;*
  - B) *to sell or transfer a firearm to someone else without receiving an approval for the transfer from ISP; and*
  - C) *to fail to report the loss or theft of a firearm to local law enforcement within 72 hours. (Section 5-20 of the Act)*
- 2) The sign required by Section 5-50 of the Act shall provide persons entering the property notice that *the premises are under video surveillance and their image may be recorded* pursuant to Section 5-50 of the Act. (Section 5-50 of the Act)

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**Section 1232.EXHIBIT A Warning Signage**

Pursuant to Sections 5-20 and 5-50 of the Act, the warning language on the signs must be in BLOCK LETTERS at least one inch in height.

The images are available on ISP's website for download. Image prints to 25" x 32".

**WITH FEW EXCEPTIONS ENUMERATED IN THE FIREARM OWNERS IDENTIFICATION CARD ACT, IT IS UNLAWFUL FOR YOU TO:**

- (A) STORE OR LEAVE AN UNSECURED FIREARM IN A PLACE WHERE A CHILD CAN OBTAIN ACCESS TO IT;**
- (B) SELL OR TRANSFER YOUR FIREARM TO SOMEONE ELSE WITHOUT RECEIVING APPROVAL FOR THE TRANSFER FROM THE ILLINOIS STATE POLICE; OR**
- (C) FAIL TO REPORT THE LOSS OR THEFT OF YOUR FIREARM TO LOCAL LAW ENFORCEMENT WITHIN 72 HOURS.**



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Image prints to 8.5" x 14".



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of Part: Fairs Operating Under the Agricultural Fair Act
- 2) Code Citation: 8 Ill. Adm. Code 260
- 3) Section Number: 260.100                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by the Agricultural Fair Act [30 ILCS 120].
- 5) Effective Date of Rule: January 27, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: 43 Ill. Reg. 11800; October 18, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendment updates the policy of when grand summary reports are due by setting a due date of December 31.
- 16) Information and questions regarding the adopted rule shall be directed to:

Albert A. Coll  
Assistant General Counsel

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENT

Illinois Department of Agriculture  
P.O. Box 19281, State Fairgrounds  
Springfield IL 62794-9281

217/782-5051  
fax: 217/785-4505

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

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

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

## PART 260

## FAIRS OPERATING UNDER THE AGRICULTURAL FAIR ACT

SUBPART A: FAIRS OPERATING UNDER THE  
AGRICULTURAL PREMIUM FUND

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

## SUBPART B: FAIRS

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT

## PARTICIPATING IN THE REHABILITATION FUND

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

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

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

SUBPART D: PROCEDURES FOR PARTICIPATION  
IN THE VOCATIONAL AGRICULTURE FUND

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

SUBPART E: FAIRS OPERATING UNDER THE  
FAIR AND EXPOSITION FUND

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

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

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

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

SUBPART A: FAIRS OPERATING UNDER THE  
AGRICULTURAL PREMIUM FUND

**Section 260.100 Premium Grand Summary Report**

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

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

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

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

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

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

(Source: Amended at 44 Ill. Reg. 2480, effective January 27, 2020)

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- 1) Heading of the Part: Accrediting Persons in the Practice of Medical Radiation Technology
- 2) Code Citation: 32 Ill. Adm. Code 401
- 3) 

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
401.10	Amendment
401.20	Amendment
401.30	Amendment
401.40	Repealed
401.70	Amendment
401.90	Amendment
401.100	Amendment
401.120	Amendment
401.130	Amendment
401.140	Amendment
401.170	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection act of 1990 [420 ILCS 40/5, 6 7 and 36].
- 5) Effective Date of Rules: January 22, 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 at the Agency's headquarters located at 1035 Outer Park Drive, Springfield IL and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 12939; November 8, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version:  

Section 401.130, change "\$125" to "\$140".

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Section 401.130, strike "Effective January 1," delete "2020" and strike ", the examination fee".

Section 401.130, change "shall be \$125." to "shall be \$140".

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: IEMA is adopting these amendments to Part 401 to delete references to the Radiologic Technologist Accreditation Advisory Board which was statutorily dissolved; update definitions to eliminate those not in use in Part 401 and clarify the definition of licensed practitioner to make the language consistent with the Radiation Protection Act of 1990 and other agency regulations; add certification from the Nuclear Medication Technology Certification Board to the exemption for performance of CT radiographic exams; delete duplicative language in Section 401.40 and add remaining relevant language to Section 401.100; update examination and student-in-training requirements to be consistent with current practice; add criteria for the review of applications for felony convictions to be consistent with other Agency programs; update the process for reinstatement of accreditation to current practice; and update Section 401.130 to reflect the increase in cost for examinations provided by ARRT and provide the process for payment.
- 16) Information and questions regarding these adopted rules shall be directed to:
- Traci Burton  
Paralegal Assistant  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield IL 62704  
  
217/785-9860  
217/524-3698

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

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## TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY  
SUBCHAPTER b: RADIATION PROTECTION

## PART 401

ACCREDITING PERSONS IN THE PRACTICE OF  
MEDICAL RADIATION TECHNOLOGY

## Section

401.10	Policy and Scope
401.20	Definitions
401.30	Exemptions
401.40	Application for Accreditation ( <a href="#">Repealed</a> )
401.50	Categories of Accreditation
401.60	Examination Requirements (Repealed)
401.70	Examination Requirements
401.80	Approved Program (Repealed)
401.90	Student-in-Training in Limited Diagnostic Radiography
401.100	<a href="#">Application and</a> <del>Initial</del> Issuance of Accreditation
401.110	Duration of Accreditation (Repealed)
401.120	Suspension, Revocation and Denial of Accreditation
401.130	Fees
401.140	<a href="#">Requirements for</a> Renewal of Accreditation
401.150	Reciprocity (Repealed)
401.160	Additional Requirements for Radiographers Performing Mammography (Repealed)
401.170	Civil Penalties
401.APPENDIX A	Limited Diagnostic Radiography Procedures by Type of Limited Accreditation
401.APPENDIX B	Example Topics Directly Related to Radiologic Sciences (Repealed)
401.APPENDIX C	Minimum Training Requirements for Radiographers Performing Mammography (Repealed)
401.APPENDIX D	Example Letter of Agreement for Radiologist Assistant
401.APPENDIX E	Example Letter of Agreement for Nuclear Medicine Advanced Associate

AUTHORITY: Implementing and authorized by Sections 5, 6, 7 and 36 of the Radiation Protection Act of 1990 [420 ILCS 40].

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SOURCE: Adopted at 7 Ill. Reg. 17318, effective January 1, 1984; emergency amendment at 8 Ill. Reg. 17584, effective September 12, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2499, effective February 13, 1985; amended at 10 Ill. Reg. 13259, effective July 28, 1986; amended at 10 Ill. Reg. 21086, effective January 1, 1987; amended at 11 Ill. Reg. 15623, effective September 11, 1987; emergency amendment at 11 Ill. Reg. 19797, effective November 24, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 7603, effective April 18, 1988; amended at 12 Ill. Reg. 18164, effective January 1, 1989; amended at 13 Ill. Reg. 15005, effective September 11, 1989; amended at 14 Ill. Reg. 15341, effective September 4, 1990; amended at 15 Ill. Reg. 7054, effective April 29, 1991; amended at 16 Ill. Reg. 9115, effective June 2, 1992; amended at 20 Ill. Reg. 12595, effective September 6, 1996; amended at 21 Ill. Reg. 13587, effective September 25, 1997; amended at 23 Ill. Reg. 324, effective January 1, 1999; amended at 24 Ill. Reg. 18239, effective December 1, 2000; amended at 27 Ill. Reg. 3471, effective February 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 31 Ill. Reg. 11622, effective July 26, 2007; amended at 37 Ill. Reg. 14008, effective August 22, 2013; amended at 38 Ill. Reg. 16871, effective July 25, 2014; amended at 44 Ill. Reg. 2488, effective January 22, 2020.

**Section 401.10 Policy and Scope**

- a) This Part establishes educational standards and an accreditation program applicable to persons who apply ionizing radiation to human beings. Specifically, this Part provides:
  - 1) Minimum standards of preparatory education and experience for persons who apply ionizing radiation to human beings in the disciplines of medical radiography, nuclear medicine technology, radiation therapy technology and chiropractic radiography.
  - 2) Examination requirements for certain categories of accreditation.
  - 3) Continuing education requirements for renewal of accreditation.
- b) This Part shall apply to any person who applies ionizing radiation to human beings for diagnostic, therapeutic or human research purposes in this State or who otherwise engages in the practice of medical radiation technology in this State unless specifically exempted by the Act or under Section 401.30 ~~of this Part~~. This Part shall also apply to persons who are not appropriately licensed under other statutes or regulations and who supervise students for purposes of instructing them while applying ionizing radiation to human beings.

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- e) ~~The Board may propose to the Illinois Emergency Management Agency such regulations as it deems to be appropriate for purposes of fulfilling the policy and scope of the accreditation program.~~

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

**Section 401.20 Definitions**

As used in this Part, the following definitions shall apply:

*"Accreditation" – The process by which the ~~Illinois Emergency Management Agency~~ grants permission to persons meeting the requirements of the Act and the Agency's rules and regulations to engage in the practice of administering radiation to human beings. [420 ILCS 40/4]*

"ACRRT" – American Chiropractic Registry of Radiologic Technologists, 52 W Colfax Street, Palatine, Illinois 60067-5048, Phone (847) 705-1178, website: [www.acrrt.com](http://www.acrrt.com).

"Act" – The Radiation Protection Act of 1990 [420 ILCS 40].

~~"Advanced Practice Nurse" – A person who practices in accordance with the provisions set forth for advanced practice nurses in the Nurse Practice Act [225 ILCS 65].~~

"Agency" – The Illinois Emergency Management Agency.

"Applies Ionizing Radiation" or "Administers ~~Ionizing~~ Radiation" – The acts of using ionizing radiation for diagnostic or therapeutic purposes. Specifically included are those tasks that have a direct impact on the radiation burden of the patient, which if performed improperly would result in the re-administration of radiation.

"Approved Program" – A formal education program in the respective discipline of radiography, nuclear medicine technology or radiation therapy that is accredited by one or more of the following:

Joint Review Committee on Education in Radiologic Technology

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Joint Review Committee on Educational Programs in Nuclear Medicine  
Technology

Regional ~~Institutional~~ Accrediting Agencies

Conjoint Accreditation Services of~~Secretariat on~~ the Canadian Medical  
Association

Australian Institute of Radiography

Medical Radiation Practice Board of Australia

National faith related accrediting agencies

National accrediting agencies.

"ARRT" – The American Registry of Radiologic Technologists, 1255 Northland  
Drive, St. Paul MN 55120-1155, Phone (651) 687-0048, website: www.arrt.org.

"Authorized User" – A licensed practitioner who is identified as an authorized  
user on a license or equivalent permit issued by the Agency, Nuclear Regulatory  
Commission or Agreement State that is authorized to permit the medical use of  
radioactive material.

~~"Board" – The Radiologic Technologist Accreditation Advisory Board (RTAAB).~~

~~"Bone Densitometer" – An x-radiation producing device that is manufactured  
specifically for, and limited to, bone densitometry.~~

"Bone Densitometry" – The science and art of applying x-radiation to human  
beings for determination of site specific bone density.

~~"Category A Credit" – An activity that qualifies as a continuing education activity  
as defined in this Part.~~

"CBRPA" – Certification Board for Radiology Practitioner Assistants, P.O. Box  
469, Plaistow NH 03865, Phone (603) 421-2020~~225 Dupont Street, P.O. Box  
1626, Lander WY 82520, Phone (307) 335-5201~~, website: www.cbrpa.org.

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"Chiropractic Radiographer" – A person other than a licensed practitioner who performs medical radiation procedures and applies x-radiation to the human body for diagnostic evaluation of skeletal anatomy, while under the general supervision of a licensed chiropractor.

"Chiropractic Radiography" – The science and art of applying x-radiation to human beings for diagnostic purposes in Chiropractic.

"Continuing Education Activity" – A learning activity that is planned, organized and administered to enhance the professional knowledge and skills underlying professional performance that a technologist uses to provide services for patients, the public or the medical profession. In order to qualify as continuing education, the activity must be planned, be organized and provide sufficient depth and scope of a subject area.

"Continuing Education Credit" or "CE Credit" – Unit of measurement for continuing education activities. One continuing education credit is awarded for one contact hour (50 minutes). Activities longer than one hour are assigned whole or partial credits based on the 50-minute hour. Educational activities of 30-49 minutes of duration will be awarded one-half of one CE credit. Activities that last less than 30 minutes will receive no credit.

~~"Credentialing" – Any process whereby a State government or non-governmental agency or association grants recognition to an individual who meets certain predetermined qualifications.~~

"CT" or "Computed Tomography" – The production of a tomogram by the acquisition and computer processing of x-ray transmission data.

"Director" – The Director of the Illinois Emergency Management Agency.

"Ionizing Radiation" – Gamma rays, and x-rays, alpha and beta particles, high speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared or ultraviolet light.

"In vitro" – Isolated from the living organism.

"In vivo" – Occurring within the living organism.

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"Licensed Practitioner" – A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25], or the Podiatric Medical Practice Act of 1987 [225 ILCS 100], who may use radiation for therapeutic, diagnostic or other medical purposes within the limits of the individual's licensure~~or otherwise authorized by law to practice medicine, dentistry, osteopathy, chiropractic or podiatry.~~

"Limited Diagnostic Radiographer" – A person, other than a licensed practitioner, who, while under the general supervision of a licensed practitioner, applies x-radiation for diagnostic purposes. Radiographic procedures are limited to one or more of the following anatomical regions: chest, extremities, skull/sinus or spine. However, a limited diagnostic radiographer may not perform any radiographic exam for a portable x-ray service provider.

AGENCY NOTE: Specific radiographic examinations appropriate to each type of limited radiography accreditation may be found in Appendix A.

"Medical Radiation Technology" – The science and art of performing medical radiation procedures involving the application of ionizing radiation to human beings for diagnostic and therapeutic purposes. ~~The five specialized disciplines of Medical Radiation Technology are Medical Radiography, Nuclear Medicine Technology, Radiation Therapy Technology, Chiropractic Radiography, and Radiologist Assistant.~~

"Medical Radiographer" – A person, other than a licensed practitioner, who, while under general supervision of a licensed practitioner, applies x-radiation to any part of the human body and who, in conjunction with radiation studies, may administer contrast agents and related drugs for diagnostic purposes.

"Medical Radiography" – The science and art of applying x-radiation to human beings for diagnostic purposes.

"NMTCB" – Nuclear Medicine Technology Certification Board, 3558 Habersham At Northlake, Building I, Tucker, GA 30084-4009, Phone (404) 315-1739, website: [www.nmtcb.org](http://www.nmtcb.org).

"Nuclear Medicine Advanced Associate" – A person, other than a licensed practitioner, who, as a nuclear medicine technologist with advanced training and

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certifications, performs a variety of activities under the direct, general or personal supervision of a licensed practitioner, who is also an authorized user of radioactive materials, in the areas of patient care, patient management, clinical imagine and invasive or therapeutic procedures. A Nuclear Medicine Advanced Associate may not make diagnoses or prescribe medications or therapies.

"Nuclear Medicine Technologist" – A person, other than a licensed practitioner, who administers radiopharmaceuticals and related drugs to human beings for diagnostic purposes, performs in vivo and in vitro detection and measurement of radioactivity and administers radiopharmaceuticals to human beings for therapeutic purposes. A nuclear medicine technologist may perform such procedures only while under the general supervision of a licensed practitioner who is licensed to possess and use radioactive materials.

"Nuclear Medicine Technology" – The science and art of in vivo and in vitro detection and measurement of radioactivity and the administration of radiopharmaceuticals to human beings for diagnostic and therapeutic purposes.

"PET" or "Positron Emission Tomography" – A nuclear medicine imaging technique that produces a three-dimensional image of functional processes in the body by detecting pairs of gamma rays emitted indirectly by a positron-emitting radionuclide.

~~"Physician Assistant" – A person who practices in accordance with the provisions set forth in the Physician Assistant Practice Act of 1987.~~

"Portable X-Ray Service Provider" – A registrant who, under a physician's authorization, provides diagnostic x-ray procedures with hand-held or mobile radiographic equipment in a patient's place of residence.

"Radiation Therapist" – A person, other than a licensed practitioner, who performs procedures and applies ionizing radiation emitted from x-ray machines, particle accelerators, or sealed radioactive sources to human beings for therapeutic purposes while under the general supervision of a licensed practitioner who is licensed, as required, to possess and use radioactive materials.

"Radiation Therapy Technology" – The science and art of applying ionizing radiation emitted from x-ray machines, particle accelerators and sealed radioactive sources to human beings for therapeutic purposes.

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"Radiologist Assistant" – A person, other than a licensed practitioner, who, as a medical radiographer with advanced-level training and certification, performs a variety of activities under the direct, general or personal supervision of a radiologist, certified by the American Board of Radiology or the American Osteopathic Board of Radiology, in the areas of patient care, patient management, clinical imaging and interventional procedures. The Radiologist Assistant may not interpret images, make diagnoses or prescribe medications or therapies.

"Recognized Continuing Education Evaluation Mechanism" or "RCEEM" – A mechanism for evaluating the content, quality and integrity of an educational activity. The evaluation shall include a review of educational objectives, content selection, faculty qualifications, and educational methods and materials. Among the requirements for qualification as an RCEEM, an organization shall be national in scope, non-profit, radiology based and willing to evaluate the CE activity developed by any technologist within a given discipline. [Organizations with current RCEEM status may be found at https://www.arrt.org/partners/rceems.](https://www.arrt.org/partners/rceems) ~~Organizations with current RCEEM status include:~~

~~American College of Radiology~~

~~American Healthcare Radiology Administrators~~

~~American Institute of Ultrasound in Medicine~~

~~American Roentgen Ray Society~~

~~American Society of Nuclear Cardiology~~

~~American Society of Radiologic Technologists~~

~~Association of Vascular and Interventional Radiographers~~

~~Canadian Association of Medical Radiation Technologists~~

~~Medical Dosimetrist Certification Board~~

~~Radiological Society of North America~~

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~~Society of Diagnostic Medical Sonography~~

~~Section for Magnetic Resonance Technologist of the International Society for Magnetic Resonance in Medicine~~

~~Society of Nuclear Medicine Technologist Section~~

~~Society of Vascular Ultrasound.~~

"SPECT" or "Single Photon Emission Computed Tomography" – A nuclear medicine tomographic imaging technique using gamma rays.

"Supervision" – Responsibility for, and control of, quality, radiation safety and protection, and technical aspects of the application of ionizing radiation to human beings for diagnostic and/or therapeutic purposes. For purposes of this Part, supervision shall consist of one of the following:

Personal – The required individual must be in attendance in the room during the performance of the procedure.

Direct – The required individual must be present in at least an adjacent area and immediately available to furnish assistance and direction throughout the performance of the procedure.

General – The procedure is furnished under the overall direction and control of a licensed practitioner whose presence is not required during the performance of the procedure.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

**Section 401.30 Exemptions**

- a) Nothing in the Act or this Part shall be construed to limit or affect in any respect, the practice of persons properly licensed under other statutes or regulations with respect to their professions.
- b) The Agency shall, upon application therefor or upon its own initiative, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety.

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- c) Exemptions shall include:
- 1) A student enrolled in an approved program applicable to his/her profession who, as a part of his/her course of study, applies ionizing radiation to human beings while under the direct supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation.
  - 2) A person registered with the Agency as a student-in-training in limited diagnostic radiography pursuant to Section 401.90 who, as a student, applies ionizing radiation to human beings while under the personal supervision of a licensed practitioner or an accredited medical, chiropractic, or appropriately qualified limited diagnostic radiographer. The procedures performed shall be limited to the procedures listed in Appendix A and applicable to the particular status condition of limited diagnostic radiography for which the student is registered. This exemption shall only apply to individuals who are registered with the Agency and shall only apply for 16 months.
  - 3) A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987, the Illinois Dental Practice Act, or the Podiatric Medical Practice Act of 1987. ~~A person licensed to practice a treatment of human ailments by virtue of the Medical Practice Act of 1987 [225 ILCS 60], the Illinois Dental Practice Act [225 ILCS 25], or the Podiatric Medical Practice Act of 1987 [225 ILCS 100]. [420 ILCS 40/5]~~
  - 4) A person employed as a dental assistant who performs dental radiography for a licensed dentist.
  - 5) A technician, nurse or other assistant who performs radiography under the general supervision of a person licensed under the Podiatric Medical Practice Act of 1987.
  - 6) A person who holds Conditional Accreditation Type II issued in accordance with Section 401.100(a~~d~~) during such time as that person is under the personal supervision of a licensed practitioner or medical radiation technologist who holds active status accreditation for purposes of being instructed in the use of equipment and/or procedures other than those for which the person is currently accredited. This exemption is

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specific to the facility at which the accreditation is valid.

- 7) A nurse, technician, or other assistant who, under the general supervision of a person licensed under the Medical Practice Act of 1987, administers radiation to human beings, but only when such administration is performed on employees of a business at a medical facility owned and operated by that business.
- 8) A nurse, technician, or other assistant who, under the general supervision of a person licensed under the Medical Practice Act of 1987, performs bone densitometry.
- 9) An accredited nuclear medicine technologist who performs CT radiographic exams as part of a PET/CT or SPECT/CT combination exam.
- 10) An accredited nuclear medicine technologist or radiation therapist who, certified in CT by the ARRT or NMTCB, performs CT radiographic exams.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

**Section 401.40 Application for Accreditation (Repealed)**

- a) ~~Any person applying to the Agency for initial accreditation or renewal of accreditation shall:~~
  - 1) ~~submit a complete and legible application form;~~
  - 2) ~~pay the appropriate application fee in accordance with Section 401.130; and~~
  - 3) ~~provide evidence that he/she has met the requirements for the given category and status of accreditation that is sought.~~
- b) ~~Persons applying for Active Status Accreditation shall submit evidence of registration, Board certification, or other examination as appropriate pursuant to Section 401.70.~~
- e) ~~Persons applying for accreditation in Limited Diagnostic Radiography (i.e.,~~

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~~limited chest, limited extremities, limited skull and sinuses and limited spine) shall submit evidence that they have passed the required examinations as specified in Section 401.70(b)(6).~~

- ~~d) Persons applying for Temporary Accreditation shall submit evidence of graduation from an approved program.~~
- ~~e) Persons applying for accreditation as a radiologist assistant shall submit a letter of agreement/delegation from a radiologist certified by the American Board of Radiology or the American Osteopathic Board of Radiology. An example letter may be found in Appendix D.~~
- ~~f) Persons applying for accreditation as a nuclear medicine advanced associate shall submit a letter of agreement/delegation from a licensed practitioner who is also an authorized user. An example letter may be found in Appendix E.~~
- ~~g) Application fees required by this Part are nonrefundable.~~
- ~~h) Accreditation shall be valid for a specified period of time and shall entitle the individual to privileges consistent with the category and status of accreditation indicated unless the accreditation is suspended or revoked in accordance with Section 401.120.~~
- ~~i) The Agency shall refuse to issue or renew accreditation to any individual if the Agency has evidence that the applicant is delinquent in the repayment of an educational loan guaranteed by the Illinois Student Assistance Commission, as set forth in Section 80 of the Nuclear Safety Law of 2004 [20 ILCS 3310/80].~~
- ~~j) The Agency shall refuse to issue or renew accreditation to any individual if the Agency has evidence that the applicant is delinquent in the payment of child support orders pursuant to the provisions and procedures set forth in Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].~~

(Source: Repealed at 44 Ill. Reg. 2488, effective January 22, 2020)

**Section 401.70 Examination Requirements**

- a) Persons who seek active or limited accreditation in medical radiation technology shall pass the appropriate examination as specified in subsection (b).

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- b) Examinations appropriate to category of accreditation are as follows:
- 1) Medical Radiography  
The American Registry of Radiologic Technologists (R) (ARRT)
  - 2) Nuclear Medicine Technology
    - A) The American Registry of Radiologic Technologists (N) (ARRT)
    - B) The Nuclear Medicine Technology Certification Board (NMTCB)
    - ~~C) The American Society of Clinical Pathologists (NM) (ASCP)~~
  - 3) Radiation Therapy Technology  
The American Registry of Radiologic Technologists (T) (ARRT)
  - 4) Chiropractic Radiography  
American Chiropractic Registry of Radiologic Technologists (ACRRT),  
provided that the examination was administered after June 30, 1984
  - 5) Radiologist Assistant
    - A) The American Registry of Radiologic Technologists (RRA)  
(ARRT)
    - B) Certification Board for Radiology Practitioner Assistants (RPA)  
(CBRPA)
  - 6) Nuclear Medicine Advanced Associate  
The Nuclear Medicine Technologist Certification Board (NMAA)  
(NMTCB)
  - 7) Limited Diagnostic Radiography

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The American Registry of Radiologic Technologists (ARRT) Examination for the Limited Scope of Practice in Radiography

- A) The exam will cover general radiography topics and, depending on the type of limited radiography sought, specific questions related to radiography of the chest, extremities, skull/sinus or spine.
- B) Applicants shall follow all rules established by ARRT for the examination, including ARRT's right to bar applicants from the exam for misconduct or irregular behavior.
- ~~CB~~) All exams shall be scheduled through the Agency.
- ~~DC~~) The passing score shall be 65 percent for any combination of sections of the exam.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

**Section 401.90 Student-in-Training in Limited Diagnostic Radiography**

- a) A Student-in-Training in Limited Diagnostic Radiography shall be registered with the Agency on forms provided by the Agency. ~~Registration with the Agency shall include application and payment of applicable fees for examination. Application fees required by this Part are nonrefundable.~~
- b) A Student-in-Training in Limited Diagnostic Radiography shall not begin application of ionizing radiation to humans prior to the Agency's approval of the student's proposed training as identified through the Student-in-Training registration process.
- c) A Student-in-Training in Limited Diagnostic Radiography may only perform those procedures listed in Appendix A ~~of this Part~~ that are applicable to the particular type of limited diagnostic radiography for which the student is registered, but only while under the personal supervision of a licensed practitioner or an accredited medical, chiropractic, or appropriately qualified limited diagnostic radiographer.

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- d) Students shall register for the examination to become accredited on a form prescribed by the Agency and shall pay the fee in accordance with Section 401.130(b).
- ~~ee)~~ Students shall not perform radiographic procedures beyond the 16 month registration period.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

**Section 401.100 Application andInitial Issuance of Accreditation**

- a) Any person applying to the Agency for initial accreditation or renewal of accreditation shall submit the appropriate application and pay the appropriate application fee in accordance with Section 401.130.
- ~~ba)~~ The Agency shall issue and recognize the following types of accreditation:
- 1) Active Status Accreditation for persons who have passed an examination as indicated in Section 401.70(b).
    - A) A Radiologist Assistant shall also submit a letter of agreement/delegation from a radiologist certified by the American Board of Radiology or the American Osteopathic Board of Radiology. An example letter may be found in Appendix D.
    - B) A Nuclear Medicine Advanced Associate shall also submit a letter of agreement/delegation from a licensed practitioner who is also an authorized user. An example letter may be found in Appendix E.
  - 2) Temporary accreditation for persons who have completed an approved program in medical radiography, nuclear medicine technology or radiation therapy technology and are eligible for the examination specified in Section 401.70(b). Temporary Accreditation shall convey the same rights as the Active Status Accreditation for which the individual is awaiting examination.
  - 3) Conditional Accreditation Type I for persons in a category of medical radiation technology upon determining that community hardship exists. When making a determination of the existence of community hardship, the

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Agency will consult ~~with State, county Health Systems Agencies or County or local health departments~~Local Health Departments and will evaluate the availability of alternative radiology services and trained personnel.

- 4) Conditional Accreditation Type II ~~for persons who, 24 months prior to July 1, 1989, were employed in medical radiation technology and who otherwise did not meet the qualifications for accreditation. Issuance shall be contingent upon submission of a written Statement of Assurance that the person is competent to apply ionizing radiation to human beings. A Statement of Assurance submitted to the Agency in accordance with this Section shall specify the nature of the equipment and procedures the individual is competent to utilize. The Statement of Assurance shall be provided by a licensed practitioner under whose general supervision the individual is employed or has been employed. Conditional accreditation issued pursuant to this Section shall be specific to the procedures and equipment indicated in the Statement of Assurance. The Agency will~~shall not issue Conditional Accreditation Type II ~~as provided by this Section~~ after September 7, 1990. However, Conditional Accreditation Type II issued on or before September 7, 1990, is renewable in accordance with Section 401.140.
  - 5) Limited Diagnostic Radiography Accreditation for persons who have passed examinations as indicated in Section 401.70(b)(7).
- cb) All persons who have received accreditation from the Agency, ~~pursuant to the terms of this Section,~~ shall promptly notify the Agency of any permanent or temporary change in their designated mailing address and of any change in name ~~within 30 days after that change due to marriage or for any other reason. Notification to the Agency shall be made in writing, by telephone or electronically through the Agency's Internet Web Site.~~ Failure of the accredited individual to ~~notify forward such information to the Agency of any change, as required by this subsection (b),~~ shall not be considered ~~to be~~ a valid cause for delaying any subsequent administrative proceeding involving the particular accredited individual nor excuse the accredited individual from complying with any other legal obligations from the laws and rules administered by the Agency.

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- de) The duration of issuance of Active Status, Temporary ~~(nonrenewable)~~, Conditional Type I, Conditional Type II or Limited Diagnostic Radiography Accreditation shall be 2 years. Temporary accreditation is nonrenewable.
- ed) The expiration date of a renewed accreditation that has been renewed on or before the expiration of the previous accreditation shall be 2 years from the expiration date of the previous accreditation. For renewal of accreditation that has lapsed, the expiration shall be 2 years from the last day of the month in which the application for renewal is processed.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

**Section 401.120 Suspension, Revocation and Denial of Accreditation**

- a) The Agency may act to suspend or revoke an individual's accreditation, or refuse to issue or renew accreditation, for any one or a combination of the following causes:
- 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial accreditation or renewal of accreditation if such misstatement or misrepresentation would impair the Agency's ability to assess and evaluate the applicant's qualifications for accreditation under this Part;
  - 2) Knowingly making a false material statement to an Agency employee during the course of official Agency business;
  - 3) Willfully evading the statute or regulations pertaining to accreditation, or willfully aiding another person in evading ~~thesueh~~ statute or regulations pertaining to accreditation;
  - 4) Performing procedures under or representing as valid to any person either a certificate of accreditation not issued by the Agency, or a certificate of accreditation containing on its face unauthorized alterations or changes that are inconsistent with Agency records regarding the issuance of ~~thatsueh~~ certificate;
  - 5) Having been convicted of a crime that is a felony under the laws of this State or conviction of a felony in a federal court, unless ~~thesueh~~ individual

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demonstrates to the Agency that he/she has been sufficiently rehabilitated to warrant the public trust ([see subsection \(b\)](#));

- 6) Exhibiting significant or repeated incompetence in the performance of professional duties;
- 7) Having a physical or mental illness or disability that results in the individual's inability to perform professional duties with reasonable judgment, skill and safety;
- 8) Continuing to practice medical radiation technology when knowingly having a potentially serious disease, such as those listed in 77 Ill. Adm. Code 690.100, which could be transmitted to patients;
- 9) Having an actual or potential inability to practice radiologic technology with reasonable skill and safety on patients or other individuals due to use of alcohol, narcotics or stimulants;
- 10) Having had a similar credential by another state or the District of Columbia suspended or revoked if the grounds for that suspension or revocation are the same as or equivalent to one or more grounds for suspension or revocation set forth in this Section;
- ~~11)~~ [Failing to repay an educational loan guaranteed by the Illinois Student Assistance Commission as provided in 20 ILCS 3310/80;](#)
- ~~11~~2) Failing to meet child support orders as provided in 5 ILCS 100/10-65. The action will be based solely upon the certification of delinquency made by the Department of Healthcare and Family Services, Division of Child Support Enforcement, [or its successor agency](#), or the certification of violation made by the court. Further process, hearing, or redetermination of the delinquency or violation by the Agency shall not be required (see 5 ILCS 100/10-65(c));
- ~~12~~3) Failing to pay a fee or civil penalty properly assessed by the Agency;
- ~~13~~4) Failing to respond to an audit request by the Agency for documentation of continuing education;

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- ~~1415~~) Applying ionizing radiation to a human being when not operating in each particular case under the direction of a duly licensed practitioner or to any person or part of the human body other than specified in the law under which the practitioner is licensed;
- ~~1516~~) Interpreting a diagnostic image for a physician, a patient, the patient's family or the public;
- ~~1617~~) Performing in a way that deviates from accepted professional conduct; and
- ~~1718~~) Engaging in conduct with a patient or another individual that is sexual, in any verbal behavior that is sexually demeaning to a patient, or in sexual exploitation of a patient or former patient. This applies to any unwanted sexual behavior, verbal or otherwise.

b) Applicant Convictions

- 1) The Agency shall not consider the following criminal history records in connection with an application for accreditation:
  - A) Juvenile adjudications of delinquent minors as defined in Section 5-105 of the Juvenile Court Act of 1987, subject to the restrictions set forth in Section 5-130 of the Juvenile Court Act of 1987 [705 ILCS 405];
  - B) Law enforcement records, court records, and conviction records of an individual who was 17 years old at the time of the offense and before January 1, 2014, unless the nature of the offense required the individual to be tried as an adult;
  - C) Records of arrest not followed by a conviction;
  - D) Convictions overturned by a higher court; or
  - E) Convictions or arrests that have been sealed or expunged.
- 2) The Agency, upon a finding that an applicant for accreditation was convicted of a felony, shall consider any evidence of rehabilitation and mitigating factors contained in the applicant's record, including any of the

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following factors and evidence, to determine if the conviction will impair the ability of the applicant to engage in the position for which accreditation is sought:

- A) The lack of direct relation of the offense for which the applicant was previously convicted to the duties, functions and responsibilities of the position for which a license is sought;
  - B) Whether 5 years since a felony conviction, or 3 years since release from confinement for the conviction, whichever is later, have passed without a subsequent conviction;
  - C) If the applicant was previously licensed or employed in this State or other states or jurisdictions, then the lack of prior misconduct arising from or related to the licensed position or position of employment;
  - D) The age of the person at the time of the criminal offense;
  - E) Successful completion of sentence and, for applicants serving a term of parole or probation, a progress report provided by the applicant's probation or parole officer that documents the applicant's compliance with conditions of supervision;
  - F) Evidence of the applicant's present fitness and professional character;
  - G) Evidence of rehabilitation or rehabilitative effort during or after incarceration, or during or after a term of supervision, including, but not limited to, a certificate of good conduct under Section 5-5.5-25 of the Unified Code of Corrections or a certificate of relief from disabilities under Section 5-5.5-10 of the Unified Code of Corrections; and
  - H) Any other mitigating factors that contribute to the person's potential and current ability to perform the duties and responsibilities of the position for which accreditation is sought.
- 3) If the Agency refuses to issue accreditation to an applicant, then the

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Agency shall notify the applicant of the denial in writing, with the following included in the notice of denial:

- A) A statement about the decision to refuse to grant the accreditation;
- B) A list of the convictions that the Agency determined will impair the applicant's ability to engage in the position for which accreditation is sought;
- C) A list of convictions that formed the sole or partial basis for the refusal to issue accreditation; and
- D) A summary of the appeal process or the earliest the applicant may reapply for accreditation, whichever is applicable.

- cb) If, based upon any of the grounds in subsection (a) ~~of this Section~~, the Agency determines that action to suspend or revoke accreditation, or refusal to issue or renew accreditation, is warranted, the Agency shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200. An opportunity for a hearing shall be provided before the Agency takes action to suspend or revoke an individual's accreditation unless the Agency finds that an immediate suspension of accreditation is required to protect against immediate danger to the public health or safety (see 420 ILCS 40/38), in which case the Agency shall suspend an individual's accreditation pending a hearing.
- de) If the Agency finds that removal or refusal to issue or renew accreditation is warranted, the usual action shall be a suspension or denial of accreditation for up to one year. The term of suspension or denial may be reduced by the Director, based upon evidence presented, if the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. In the case of frequent child support arrearages, the Agency may also impose conditions, restrictions or disciplinary action upon the accreditation. However, if the Agency finds that the causes are of a serious or continuous nature, such as past actions that posed an immediate threat to public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the Agency shall revoke the individual's accreditation or deny the application.
- ed) When an individual's accreditation is suspended or revoked, the individual shall surrender his/her credential to the Agency until the termination of the suspension

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period or until reissuance of the accreditation.

- fe) An individual whose accreditation has been revoked may seek reinstatement of accreditation by submitting to the Agency an application with the appropriate fee filing a petition for reinstatement with the Agency. The application petition may be filed one year or more after the beginning of the revocation period. ~~The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the accreditation should be reinstated due to rehabilitation or other just cause.~~

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

**Section 401.130 Fees**

- a) The fees for initial or renewal of accreditation in all categories – Active, Conditional, Temporary or Limited Status shall be \$120 per application.
- b) The examination fee for Limited Diagnostic Radiography Accreditation shall be \$140~~\$100~~ for the categories of Chest, Extremities, Spine, Skull and Sinuses, or any combination thereof. ~~Effective January 1, 2015, the examination fee shall be \$125.~~ The fee amount is set by ARRT to cover the costs of providing the examination. The required fee shall be paid by:
- 1) Cashier's check or money order made payable to ARRT (personal and business checks will not be accepted). The Agency will submit the payment to ARRT; or
  - 2) Credit card. Instructions for paying by credit card will be provided by the Agency upon receipt of the application. Failure to pay after instructions are provided will delay scheduling of the examination.
- e) ~~The fee for registration as a limited Student in Training shall be \$100, which includes the required examination fee. Effective January 1, 2015, this fee shall be \$125.~~
- cd) The appropriate fees are to accompany the application when filing with the Agency, except as provided in subsection (b)(2). All fees under this Section are nonrefundable and nontransferable~~non-refundable~~. An application is filed on the date that it is received and stamped by the Agency.

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(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

**Section 401.140 ~~Requirements for~~ Renewal of Accreditation**

## a) Prerequisites

- 1) An individual shall make application for renewal of accreditation on or before the expiration date of the accreditation. Accreditation shall lapse if not renewed within this time period ~~and an~~. ~~An~~ individual may not legally perform medical radiation technology without valid accreditation, or without the expressed approval of the Agency during ~~thesuch~~ time ~~as an~~ application ~~ismay be~~ pending. ~~TheSuch~~ approval shall be limited to the applicant who meets all requirements for accreditation and requires additional time for the filing of continuing education records, or is undergoing an Agency audit of continuing education records.
- 2) Each applicant shall submit a complete and legible application with the fee for renewal of accreditation in accordance with Section 401.130. Submission of a ~~completetimely and sufficient~~ application for renewal on or before the expiration date of the accreditation shall hold the prior accreditation valid until ~~such time as~~ the Agency acts to grant or deny renewal of accreditation. The Agency will grant or deny renewal of accreditation within 90 days after receipt of application for renewal or the expiration date of the current accreditation, whichever is later.
- 3) For those individuals who have Conditional Accreditation Type II that was issued on or before September 7, 1990, issuance of the renewal is contingent upon submission of a written Statement of Assurance that the individual is competent to apply ionizing radiation to human beings. The Statement of Assurance submitted to the Agency shall specify the nature of the equipment and procedures the individual is competent to utilize. The Statement of Assurance shall be on file or a new Statement shall be provided by a licensed practitioner under whose general supervision the individual is employed or has been employed. Conditional accreditation issued pursuant to this Section shall be specific to the procedures and equipment indicated in the Statement of Assurance. Renewal shall be for a two-year period.

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- b) **Continuing Education Requirements**  
All applicants for renewal of accreditation shall have participated in an approved program that includes the amount of continuing education as indicated in subsection (b)(1):
- 1) The required effort in continuing education credits for each category of medical radiation technology is as follows:
    - A) Medical Radiology 24 CE credits
    - B) Nuclear Medicine Technology 24 CE credits
    - C) Radiation Therapy Technology 24 CE credits
    - D) Chiropractic Radiology 24 CE credits
    - E) Limited Diagnostic Radiography 12 CE credits
    - F) Radiologist Assistant 50 CE credits
    - G) Nuclear Medicine Advanced Associate 48 CE credits
  - 2) The options for meeting the CE requirements are:
    - A) A continuing education activity approved by the Agency. Relevant CE activities will be approved if submitted 30 days in advance, with appropriate documentation consisting of:
      - i) The Agency's CE approved request form;
      - ii) Course Outline;
      - iii) Course Objectives; and
      - iv) Instructor's curriculum vitae.
    - B) Category A Activities – A continuing education activity that meets one of the following criteria:
      - i) Activities approved by an RCEEM.

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- ii) Approved academic courses offered by a post-secondary educational institution that are relevant to the radiologic sciences and/or patient care. Courses in the biologic sciences, physical sciences, communication (verbal and written), mathematics, computers, management or education methodology are considered relevant. Credit will be awarded at the rate of 12 CE credits for each academic quarter or 16 CE credits for each academic semester credit.
- iii) Advanced Life Support, or Instructor or Instructor Trainer CPR certification through the Heart Association or the Red Cross will be awarded 6 CE credits.

AGENCY NOTE: Illinois is currently approved as meeting ARRT CE criteria. As such, technologists accredited by the Agency may count all Agency approved CE activities as Category A.

~~C) Technologists may also meet CE requirements (24 credits) by passing an additional primary or post-primary (advance level) exam, approved or acceptable to ARRT. A listing of approved or acceptable exams is available from ARRT or the Agency.—~~

- 3) Individual courses may be applicable to more than one category of accreditation.
- 4) All technologists accredited by the Agency are required to maintain proof of participation in CE activities. This proof may be in the form of a certificate or an itemized list from an ARRT approved record keeping mechanism. All documentation shall include:
  - A) ~~Name~~name of participant;<sub>5</sub>
  - B) ~~Dates~~dates of attendance;<sub>5</sub>
  - C) ~~Title~~title and content of the activity;<sub>5</sub>
  - D) ~~Number~~number of contact hours for the activity;<sub>5</sub>

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- E) Name of the sponsor;
  - F) Signature of the instructor or an authorized representative of the sponsor issuing the documentation; and
  - G) A reference number if the activity has been approved by an RCEEM or the Agency.
- 5) Technologists seeking renewal will be required to attest that they have acquired the required number of CE credits. Within 30 days after receipt of this attestation, the Agency may perform an audit in which the individual will be asked to provide copies of documentation of CE. Failure to respond to the Agency's audit request and/or failure to provide acceptable documentation may result in a refusal to renew accreditation as provided in Section 401.120(a)(~~13~~4).
- 6) Technologists who are registered with ARRT, NMTCB, or CBRPA and who are in compliance with CE requirements or on CE probation at the time of renewal with the Agency will be considered in compliance with the CE requirements of this Part.
- c) Nonrenewal of Accreditation
- 1) The Agency shall not renew an individual's accreditation if he/she fails to present satisfactory evidence that he/she possesses the necessary qualifications for accreditation, and that he/she has participated in an approved continuing education program in accordance with this Part.
  - 2) If the Agency does not find satisfactory evidence that the individual meets these requirements, the Agency shall, within 90 days after receipt of the application for renewal of accreditation or the expiration date of the current accreditation, whichever is later, send the individual a Notice of Intent Not to Renew Accreditation. This notice shall include the areas of deficiency and the individual's rights as set forth in this Section.
  - 3) The individual, at any time while an application is pending, may submit additional information to the Agency in order to establish that the identified areas of deficiency have been met or corrected.

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- 4) If the applicant does not provide additional information to the Agency within the time frame specified in the Notice of Intent Not to Renew Accreditation, the Agency shall issue a Notice of Accreditation Denied.
- 5) An individual's current credential shall be invalid as of the date of his/her receipt of a Notice of Accreditation Denied pursuant to subsection (c)(4). After the Agency has sent the Notice of Accreditation Denied, the individual may request a hearing within 30 days in accordance with 32 Ill. Adm. Code 200.70. ~~The individual shall have the burden of proof in accordance with 32 Ill. Adm. Code 200.150.~~
- 6) If an individual's accreditation is not renewed, he/she shall have the right at any time to submit an application for renewal of accreditation. The application shall be reviewed and processed in accordance with the requirements of this Section, except that an individual may not legally apply ionizing radiation to human beings until and unless the Agency has acted to grant the application for renewal of accreditation.

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

**Section 401.170 Civil Penalties**

- a) The Agency shall assess civil penalties, in accordance with subsections (c) and (d) ~~of this Section~~, against any person who performs, and against the operator of the radiation installation where a person performs, medical radiation procedures without valid accreditation, unless the person performing the medical radiation procedures is specifically exempt from the accreditation requirements as specified in Section 401.30 ~~of this Part~~.
- b) Prior to assessing civil penalties, the Agency shall confirm the violation of the accreditation requirements by:
  - 1) Observation of the violation;
  - 2) Obtaining records, documents, or other physical evidence;
  - 3) Obtaining statements from either the employer, or the employee ~~that~~ which confirm the existence of the violation; or

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- 4) Obtaining statements from third parties, e.g., patients or co-workers, that corroborate the allegation that a violation has occurred.
- c) Civil penalties shall be assessed against persons who perform medical radiation procedures without valid accreditation as follows:
- 1) First violation by an individual who is fully qualified for accreditation but has failed to apply for initial, or renewal of, accreditation at the time the violation is discovered:
    - A) In violation 30 days or less \$100
    - B) In violation 31 through 90 days \$150
    - C) In violation greater than 90 days \$250
  - 2) First violation by a person who is not qualified for accreditation at the time the violation is discovered is \$500.
  - 3) Second and subsequent violations by an individual, whether qualified or not, shall be assessed civil penalties using the factors set out in 32 Ill. Adm. Code 310.81(c). The Agency may ~~assess~~ a civil penalty not to exceed \$10,000 per violation for each day the violation continues.
  - 4) Any violation involving presentation of falsified accreditation certificates or any other documents used to meet accreditation qualifications ~~may~~ be assessed civil penalties using the factors set out in 32 Ill. Adm. Code 310.81(c). The Agency may ~~assess~~ a civil penalty not to exceed \$10,000 per violation for each day the violation continues.
- d) Civil penalties shall be assessed against the operators of a radiation installation where an individual performs medical radiation procedures without valid accreditation as follows:
- 1) First violation by an operator shall be double the fine assessed against the individual performing radiography without accreditation.
  - 2) Second and subsequent violations by an operator shall be assessed a civil

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penalty using the factors set out in 32 Ill. Adm. Code 310.81(c). The Agency may ~~assess~~ assess a civil penalty not to exceed \$10,000 per violation for each day the violation continues.

- e) The Agency may commence administrative proceedings for the assessment and collection of civil penalties by sending a Notice of Violation. The Notice shall give the individual/operator of a radiation installation an opportunity to pay the penalty without further action from the Agency.
- f) Failure of an individual/operator of a radiation installation to abate an accreditation violation or to pay the civil penalty as directed shall cause the Agency to issue a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.60. ~~The Preliminary Order may contain a provision prohibiting the use of any source of radiation at the installation until such time as the violation has been abated and all assessed civil penalties have been paid.~~

(Source: Amended at 44 Ill. Reg. 2488, effective January 22, 2020)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Physician Assistant Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1350
- 3) 

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
1350.20	Amendment
1350.25	Amendment
1350.30	Amendment
1350.40	Amendment
1350.55	Amendment
1350.60	Amendment
1350.80	Amendment
1350.90	Amendment
1350.100	Amendment
1350.110	Amendment
1350.112	New Section
1350.115	Amendment
1350.116	Renumbered/New Section
1350.117	Renumbered/Amendment
1350.118	Renumbered/Amendment
1350.120	Amendment
1350.130	New Section
- 4) Statutory Authority: Physician Assistant Practice Act of 1987 [225 ILCS 95]
- 5) Effective Date of Rules: January 31, 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. 7335; July 5, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

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- 11) Differences between Proposal and Final Version: The Department had originally agreed to a suggested change to the proposed language (Section 1350.55(d)) during 1st Notice that a copy of the written guidelines delegating prescriptive authority must be maintained at each location where the physician assistant (PA) practices. However, the physician assistants objected to this change as they believed that it exceeded the provisions in the statute and would be unnecessarily burdensome on physicians, practices, and PAs to harbor a written agreement at every single location.

The Department agreed to amend the suggested language to read, "A copy of the written prescriptive guidelines shall be made immediately available upon request."

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: PA 100-453, which was the sunset reauthorization of the Physician Assistant Practice Act of 1987, replaced references to "supervising physician" and "supervision agreement" with references to "collaborating physician" and "collaborative agreement" throughout the Act. It also granted physician assistants the authority to prescribe Schedule II through V controlled substances when the authority is recommended by the appropriate physician committee of the hospital affiliate and granted by the hospital affiliate. PA 100-453 also authorized the Department to promulgate rules regarding continuing education requirements for renewal applications. The proposed changes detail the specific requirements and acceptable programs that can provide CE credits which mimic the CE requirements listed by the National Commission on Certified Physician Assistants.
- 16) Information and questions regarding these adopted rules shall be directed to:

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

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

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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1350

## PHYSICIAN ASSISTANT PRACTICE ACT OF 1987

## Section

1350.10	Statutory Authority (Repealed)
1350.20	Definitions
1350.25	Fees
1350.30	Approved Programs
1350.40	Application for Licensure
1350.50	Temporary Certificate (Repealed)
1350.55	Prescriptive Authority
1350.60	Identification
1350.70	Permitted Tasks (Repealed)
1350.80	<del>Supervision of</del> Performance <u>of Collaborative Agreement</u>
1350.90	Scope and Function
1350.100	Notification of <u>Collaborative Agreement</u> <del>Employment</del>
1350.110	Employment by a Professional Corporation or Partnership
<u>1350.112</u>	<u>Employment by a Hospital or by Hospital Affiliates or Ambulatory Surgical Treatment Centers</u>
1350.115	Renewals
<u>1350.116</u>	<u>Continuing Education</u>
<del>1350.117</del> <u>1350.116</u>	Restoration
<del>1350.118</del> <u>1350.117</u>	Endorsement
1350.120	Granting Variances
<u>1350.130</u>	<u>Dishonorable, Unethical or Unprofessional Conduct</u>

AUTHORITY: Implementing Section 9 of the Physician Assistant Practice Act of 1987 [225 ILCS 95] and authorized by Section 2105-15(a)(7) of the Civil Administrative Code of Illinois [20 ILCS 2105].

SOURCE: Adopted at 4 Ill. Reg. 34, p. 200, effective August 13, 1980; codified at 5 Ill. Reg. 11051; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 8 Ill. Reg. 3027, effective February 29, 1984; transferred from Chapter I, 68 Ill. Adm. Code 350 (Department of Registration and Education) to

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Chapter VII, 68 Ill. Adm. Code 1350 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2960; amended at 18 Ill. Reg. 18046, effective December 12, 1994; amended at 22 Ill. Reg. 3891, effective February 5, 1998; amended at 23 Ill. Reg. 3999, effective March 19, 1999; amended at 24 Ill. Reg. 16680, effective October 27, 2000; amended at 33 Ill. Reg. 1484, effective January 8, 2009; amended at 44 Ill. Reg. 2519, effective January 31, 2020.

**Section 1350.20 Definitions**

"Act" means the Physician Assistant Practice Act of 1987 [225 ILCS 95].

"Advisory Committee" means the Physician Assistant Advisory Committee to the Medical Licensing Board.

~~"Alternate Supervising Physician" means a physician designated by the supervising physician in accordance with Section 4(8) of the Act. The alternate supervising physician shall maintain all the same responsibilities as the supervising physician. Nothing in this Part shall be construed as to limit the reasonable number of alternate supervising physicians provided they are designated by the supervising physician. (Section 4 of the Act [225 ILCS 95/4])~~

"Collaborating Physician" means a physician licensed to practice medicine in all of its branches under the Medical Practice Act and who is the collaborating physician of the physician assistant in accordance with Section 4(7) of the Act. A collaborating physician may collaborate with a maximum of 7 full-time equivalent physician assistants; except that, a collaborating physician may collaborate with more than 7 physician assistants when the services are provided in a federal primary care health professional shortage area with a Health Professional Shortage Area score greater than or equal to 12, as determined by the U.S. Department of Health and Human Services. The collaborating physician must keep appropriate documentation of meeting this exemption and make it available to the Department upon request. (See Section 54.5(a-5) of the Medical Practice Act.)

"Department" means the Department of Financial and Professional Regulation of the State of Illinois.

"Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.

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"Disciplinary Board" means the Medical Disciplinary Board established pursuant to Section 7 of the Medical Practice Act ~~[225 ILCS 60].~~

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Licensing Board" means the Medical Licensing Board established pursuant to Section 8 of the Medical Practice Act.

"Medical Practice Act" means the Medical Practice Act of 1987 [225 ILCS 60].

"Mid-level Practitioner Controlled Substances License" means a license issued by the Division pursuant to the Illinois Controlled Substances Act [720 ILCS 570] to a licensed physician assistant who has been delegated prescriptive authority by a collaboratingsupervising physician for Schedule II, III, IV and/or V controlled substances.

"Physician Assistant" means a person licensed by the Division and who practices in accordance with the provisions set forth in the ~~Physician Assistant Practice Act of 1987~~. A physician assistant is only authorized to practice within the current scope of practice of the collaboratingsupervising physician/~~alternate supervising physician~~ and is further limited by his/her education, training and experience.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

~~"Supervising Physician" means a physician licensed to practice medicine in all of its branches under the Medical Practice Act and who is the primary supervising physician of the physician assistant in accordance with Section 4(7) of the Act. No more than two physician assistants shall be supervised by the supervising physician, although a physician assistant shall be able to hold more than one professional position. (Section 7 of the Act)~~

(Source: Amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.25 Fees**

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

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## a) Application Fees.

The fee for application for a license as a physician assistant is \$50.

## b) Renewal Fees.

The fee for the renewal of a license shall be calculated at the rate of \$40 per year.

## c) General Fees.

1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.

~~2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.~~

~~2)3) The fee for a certification of a licensee's record for any purpose is \$20.~~

~~4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.~~

~~3)5) The fee for a roster of persons licensed as physician assistants in this State shall be the actual cost of producing ~~the~~such a roster.~~

(Source: Amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.30 Approved Programs**

A program approved by the Division shall consist of one of the following:

- a) A program that has been approved by the Accreditation Review Commission on Education for the Physician Assistant~~Committee on Allied Health Education and Accreditation of the American Medical Association~~, or its successor agency as approved by the Division, for the training of physician assistants; or

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- b) Educational programs that meet the criteria specified by the National Commission on Certification of Physician Assistants, or its successor agency as approved by the Division, for eligibility to the Certifying Examination.

(Source: Amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.40 Application for Licensure**

- a) An applicant for licensure as a physician assistant shall file an application on forms provided by the Division. The application shall include:
- 1) Current valid certification issued by the National Commission on Certification of Physician Assistants (NCCPA) or its successor agency as approved by the Division. If the applicant is unable to provide proof of current valid certification, the applicant shall provide:
    - ~~A)1)~~ Certification of graduation from an approved program that meets the requirements set forth in Section 1350.30 ~~of this Part~~ or certification from the National Commission on Certification of Physician Assistants, or its successor agency as approved by the Division, that the applicant has substantially equivalent training and experience; and
    - ~~B)2)~~ Certification of successful completion of the Physician Assistant National Certifying Examination. The certification shall be forwarded to the Division from the National Commission on Certification of Physician Assistants, or its successor agency as approved by the Division;
  - ~~3)~~ ~~Current valid certification issued by the National Commission on Certification of Physician Assistants (NCCPA) or its successor agency;~~
  - ~~2)4)~~ A certification from the jurisdiction of original licensure and current licensure stating (if applicable):
    - A) The date of issuance and status of the license; and
    - B) Whether the records of the licensing authority contain any record of disciplinary actions taken or pending;

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- ~~3)5)~~ The fee required in Section 1350.25 ~~of this Part.~~
- b) A physician assistant license will be issued when the applicant meets the requirements set forth above. However, a physician assistant may not practice until a notice of ~~collaboration~~employment has been filed in accordance with Section 1350.100 ~~of this Part.~~
- c) The ~~collaborating~~supervising physician shall submit a notice of prescriptive authority indicating the physician assistant has been delegated prescriptive authority. If the physician assistant ~~has a written collaborative agreement with~~supervised by more than one physician, a separate notice of prescriptive authority shall be submitted by each ~~collaborating~~supervising physician. In addition, if prescriptive authority includes Schedule II, III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

(Source: Amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.55 Prescriptive Authority**

- a) *A ~~collaborating~~supervising physician may, but is not required to, delegate limited prescriptive authority to a physician assistant. This authority may, but is not required to, include prescription and dispensing of legend drugs and ~~legend~~ controlled substances categorized as Schedule II, III, IV, or V controlled substances, as defined in Article II of the Illinois Controlled Substances Act and other preparations, including but not limited to, botanical and herbal remedies, as delegated in the written guidelines required by the ~~Physician Assistant Practice Act of 1987.~~ ~~To prescribe Schedule III, IV, or V controlled substances under this Section, a physician assistant must obtain a mid-level practitioner controlled substances license. Medication orders issued by a physician assistant shall be reviewed periodically by the supervising physician. The supervising physician shall file with the Division notice of delegation of prescriptive authority to a physician assistant and termination of delegation, specifying the authority delegated or terminated. Upon receipt of this notice delegating authority to prescribe Schedule III, IV, or V controlled substances, the physician assistant shall be eligible to register for a mid-level practitioner controlled substances license under Section 303.05 of the Illinois Controlled Substances Act. Nothing in this Act shall be construed to limit the delegation of tasks or duties by the~~*

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~~supervising physician to a nurse or other appropriately trained personnel.~~  
(Section 7.5 of the Act) The collaborating physician must have a valid, current Illinois controlled substance license and federal registration with the Drug Enforcement Agency to delegate the authority to prescribe controlled substances.

- b) Pursuant to Section 7.5(b)(3) of the Act, a collaborating physician may, but is not required to, delegate authority to a physician assistant to prescribe Schedule II controlled substances by oral dosage or topical or transdermal application, if all of the following conditions apply:~~Written Guidelines.~~
- 1) The delegated Schedule II controlled substance is specially identified by either brand name or generic name. Schedule II controlled substances to be delivered by injection or other route of administration may not be delegated.~~If the supervising physician has delegated prescriptive authority to the physician assistant, the written guidelines shall include a statement indicating that the supervising physician has delegated prescriptive authority for legend drugs and any schedule of controlled substances. The delegation must be appropriate to the physician's practice and within the scope of the physician assistant's training.~~
  - 2) The delegated Schedule II controlled substances are routinely prescribed by the collaborating physician or podiatric physician.~~The written guidelines shall be signed by both the physician and the physician assistant and a copy maintained at each location where the physician assistant practices along with the physician assistant's state controlled substance license number and the Drug Enforcement Administration (DEA) registration number.~~
  - 3) Any prescription must be limited to no more than a 30-day supply, with any continuation authorized only after prior approval of the collaborating physician.
  - 4) The physician assistant must discuss the condition of any patients for whom a controlled substance is prescribed monthly with the collaborating physician.
  - 5) The physician assistant meets the education requirements of Section 303.05 of the Illinois Controlled Substances Act.

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- c) A physician assistant who has been delegated prescriptive authority shall be required to obtain a mid-level practitioner-controlled substances license under Section 303.05 of the Illinois Controlled Substances Act. The collaborating physician shall file with the Department notice of delegation of prescriptive authority to a physician assistant and termination of delegation, specifying the authority delegated or terminated.
- d) A collaborating physician and physician assistant shall have written guidelines that govern the physician assistant delegated prescriptive authority. The written guidelines shall include a statement indicating that the collaborating physician has delegated prescriptive authority for legend drugs and/or any schedule of controlled substances. The delegation must be appropriate to the physician's practice and within the scope of the physician assistant's training. The written guidelines shall be signed by both the physician and the physician assistant. The physician assistant's state-controlled substance license number and the Drug Enforcement Administration (DEA) registration number shall be maintained at each location where the physician assistant practices. A copy of the written prescriptive guidelines shall be made immediately available upon request.
- e)e) A physician assistant may only prescribe or dispense prescriptions or orders for drugs and medical supplies within the scope of practice of the ~~collaborating supervising physician or alternate supervising physician.~~
- d) ~~The name of the supervising physician shall appear on any prescription written by the physician assistant.~~
- f) Medication orders issued by a physician assistant shall be reviewed periodically by the collaborating physician.

(Source: Amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.60 Identification**

- a) When rendering medical services, a physician assistant shall at all times wear on his or her person a visible identification indicating that he or she is a certified physician assistant~~an identification badge on an outer garment and in plain view, which shall state the physician assistant's name and title.~~
- b) A physician assistant shall verbally identify himself or herself as a physician

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~~assistant to each patient. Each person shall be informed that he/she is being treated by a physician assistant and shall be provided with the name of the supervising physician or alternate supervising physician.~~

(Source: Amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.80 ~~Supervision of Performance~~ of Collaborative Agreement**

- a) The ~~collaborating~~supervising physician/~~alternate supervising physician~~ shall maintain the final responsibility for the care of the patient and the performance of the physician assistant.
- b) Delegated procedures and tasks performed by the physician assistant shall be within the current scope of practice of the ~~collaborating~~supervising physician ~~or designated alternate supervising physician~~ with whom the physician assistant is working at the time.
- c) The ~~collaborating~~supervising physician may collaborate with a maximum of 7 full-time equivalent physician assistants as described in Section 54.5 of the ~~Medical Practice Act~~supervise no more than two physician assistants. However, a physician assistant shall be able to hold more than one professional position.
- d) ~~The physician may collaborate with more than 7 physician assistants when the services are provided in a federal primary care health professional shortage area with a Health Professional Shortage Area score greater than or equal to 12, as determined by the U.S. Department of Health and Human Services. The collaborating physician must keep appropriate documentation of meeting this exemption and make it available to the Department upon request. (See Section 54.5(a-5) of the Medical Practice Act.) Any time the supervising physician is unable to provide the appropriate supervision to the physician assistant, he/she shall designate an alternate supervising physician to provide the supervision. The name of the alternate supervising physician shall be identified in the guidelines established by the supervising physician. It is the responsibility of the supervising physician to maintain documentation each time he or she has designated an alternative supervising physician. This documentation shall include the date alternate supervisory control began, the date alternate supervisory control ended, and any other changes. A supervising physician shall provide a copy of this documentation to the Division, upon request. (Section 7 of the Act)~~

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- e) ~~When under supervision of an alternate supervising physician, the physician assistant may carry out those duties that are contained within the established guidelines of the physician/physician assistant team. An alternate supervising physician shall be subject to the same supervision responsibilities as the supervising physician.~~
- e)f) It is the responsibility of the collaborating supervising physician to direct and review the work, records and practice of the physician assistant at least once a month ~~on a timely basis~~ to ensure that appropriate directions are given and understood and that appropriate treatment is being rendered.
- f)g) In the event that the collaborating supervising physician is not present in the same facility as the physician assistant, the collaborating supervising physician should be available for consultation by telecommunication or electronic communication as set forth in their collaborative agreement ~~within reasonable travel distance from the facility so that the supervising physician can personally assure the proper care of his/her patients.~~
- g)h) The collaborating supervising physician shall have full authority and responsibility to direct, supervise and limit the role of a physician assistant. Nothing contained herein shall be deemed to alter the fact that a physician assistant shall continue to bear responsibility for his/her actions to the extent that the physician assistant fails to comply with physician directives or is not carrying out those directives in a professional and appropriate manner in conformance with his/her training.
- h)i) The physician assistant shall only work under the direction of the current collaborating physicians supervising physician or alternate supervising physician and may undertake patient care responsibilities only for the patients of the collaborating physicians supervising physician or alternate supervising physician.

(Source: Amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.90 Scope and Function**

- a) A physician assistant may provide medical/surgical services delegated to him/her by the collaborating physicians supervising physician(s) when ~~those such~~ services are within his/her education, training and experiences ~~skills~~ and within the current scope of practice of the collaborating supervising physician/alternate supervising physician and are provided under the collaboration supervision and direction of the

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~~collaborating supervising physician/alternate supervising~~ physician.

- b) The physician/physician assistant team shall establish a written ~~collaborative agreement~~guidelines that ~~is~~are individual to the physician assistant in the practice setting and keep ~~that agreement~~those guidelines current and available in the ~~collaborating supervising~~ physician's office or location where the physician assistant is practicing.

(Source: Amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.100 Notification of Collaborative Agreement~~Employment~~**

- a) ~~Prior to a~~A physician assistant ~~performing~~shall not perform any medical procedure or other task delegated by a ~~collaborating supervising~~ physician, ~~the collaborating physician must file with the Division notice of employment or collaboration until written notice of the employment and the assumption of supervisory control of the physician assistant by the supervising physician is received and acknowledged by the Division. In addition, if an alternate supervising physician will be supervising a physician assistant in the absence of the primary supervising physician, documentation shall be maintained by the primary supervising physician. The documentation shall include the date alternate supervisory control began, the date alternate supervisory control ended, and any other changes.~~
- b) ~~At the termination of a collaborative agreement or employment of a physician assistant, the collaborating physician shall give~~ If a physician assistant ceases to be in the supervisory control of the supervising physician whose notice of employment is currently on file with the Division, the supervising physician shall give written notice to the Division within 10 days after the termination of employment or ~~agreement~~supervisory control.

(Source: Amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.110 Employment by a Professional Corporation or Partnership**

- a) Whenever a physician assistant is employed by a ~~collaborating supervising~~ physician who is a member of a professional corporation or partnership or whenever the ~~collaborating supervising~~ physician or the physician assistant is an employee of a professional corporation or partnership, the

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~~collaborating supervising~~ physician shall maintain the responsibility for ~~supervision of~~ the physician assistant and for the care and treatment of the persons attended by the physician assistant. Responsibility for ~~the physician assistant's~~ ~~such~~ ~~supervision~~ cannot be transferred to such corporation or partnership.

- b) Whenever a physician assistant is employed by a practice group or other entity that employs multiple physicians, one physician at that location shall be designated as the collaborating physician. A physician assistant may collaborate with another physician at the practice group who practices in the same general type of practice or specialty as the physician assistant's collaborating physician.

(Source: Amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.112 Employment by a Hospital or by Hospital Affiliates or Ambulatory Surgical Treatment Centers**

- a) A physician assistant may provide services in a hospital, a hospital affiliate, or a licensed ambulatory surgical treatment center (ASTC) without a written collaborative agreement pursuant to Section 7.5 of the Act. The physician assistant employed by a hospital, hospital affiliate or ASTC is not required to file a notice of employment or collaborative agreement with the Division.
- b) A physician assistant must possess clinical privileges recommended by the hospital medical staff and granted by the hospital or the consulting medical staff committee and ASTC in order to provide services. The medical staff or consulting medical staff committee shall periodically review the services of physician assistants granted clinical privileges, including any care provided in a hospital affiliate.
- c) The attending physician shall determine a physician assistant's role in providing care for his or her patients, except as otherwise provided in the medical staff bylaws or consulting committee policies.
- d) A physician assistant practicing in a hospital affiliate may be, but is not required to be, granted authority to prescribe Schedule II through V controlled substances when that authority is recommended by the appropriate physician committee of the hospital affiliate and granted by the hospital affiliate. To prescribe controlled substances, the physician assistant must obtain a mid-level practitioner controlled substance license.

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- e) A hospital affiliate shall file with the Department notice of a grant of prescriptive authority and termination of that grant of authority in accordance with Section 1350.100.
- f) A physician assistant practicing in a hospital, hospital affiliate or ASTC is not required to apply for a mid-level license in accordance with the Illinois Controlled Substances Act to order controlled substances under Section 303.05 of the Illinois Controlled Substances Act.

(Source: Added at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.115 Renewals**

- a) All licenses issued under the Act shall expire on March 1 of each even-numbered year. The holder of a license may renew the license during the month preceding the expiration date by paying the required fee. ~~If the supervising physician indicated on the renewal application is different from that on file with the Division, a current Notification of Employment shall be filed pursuant to Section 1350.100.~~
- b) It is the responsibility of each physician assistant to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee.
- c) Practice on an expired license shall be considered unlicensed practice and shall be grounds for discipline pursuant to Section 21 of the Act.
- d) Physician assistants must provide the Division with an email address of record.

(Source: Amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.116 Continuing Education**

- a) Continuing Education (CE) Requirements
  - 1) Beginning with the March 2, 2020 renewal period, all licensed physician assistants shall complete 50 hours of approved CE per 2-year license renewal cycle.

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- 2) All CE must be completed in the 24 months preceding expiration of the license.
  - 3) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
  - 4) Physician assistants licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
  - 5) CE hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois pursuant to subsection (e).
- b) CE hours shall be earned by, but not limited to, verified attendance (e.g., certificate of attendance or certificate of completion) at, or participation in, a program or course (program) as follows:
- 1) CE hours shall be earned as follows:
    - A) A minimum of 25 hours of required CEs must be earned in Category 1 CMEs as determined by the National Commission on Certification of Physician Assistants; and
    - B) 25 credit hours of required CEs can be Category 1, Category 2 or a combination of both.
  - 2) Category 1 CME
    - A) Regular. Programs offered by sponsors set forth in subsection (c)(1);
    - B) Certifications Programs. Certification and recertification programs that are preapproved (sponsored) by the American Academy of Physician Assistants (AAPA) for a maximum number of Category 1 credits.



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- B) Foster the enhancement the physician assistant profession and values;
  - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - D) Specify the course objectives, course content and teaching methods to be used; and
  - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 3) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program/presentation, or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 4) A sponsor approved pursuant to subsection (c)(1) may subcontract with individuals or organizations to provide approved programs. All advertising, promotional materials and certificates of attendance must identify the approved sponsor. The presenter of the program may also be identified but should be identified as a presenter. When an approved sponsor subcontracts with a presenter, the sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 5) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
- A) The sponsor's name and, if applicable, sponsor approval number;
  - B) The name of the participant;
  - C) A brief statement of the subject matter;

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- D) The number of hours attended in each program;
  - E) The date and place of the program; and
  - F) The signature of the sponsor.
- 6) The sponsor shall maintain attendance records for not less than 5 years.
  - 7) The sponsor shall be responsible for assuring that no renewal applicant will receive CE credit for time not actually spent attending the program.
  - 8) Upon the failure of a sponsor to comply with any of the requirements of this subsection (c), the Division, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE attendance at or participation in any of that sponsor's CE programs until the Division receives assurances of compliance with this Section.
  - 9) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b).
  - 2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificates of attendance). This additional evidence shall be required in the context of the Division's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
  - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100].

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e) Continuing Education Earned in Other Jurisdictions

- 1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3).
- 2) If a licensee fails to submit an out-of-state CE approval form within the required time frame, late approval may be obtained by submitting the approval request with the \$25 processing fee plus a late fee of \$50 per CE hour, not to exceed \$300. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3).

f) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application, along with the required fee set forth in Section 1350.25(b), an affidavit setting forth the facts concerning noncompliance and a request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Division, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Division will waive enforcement of CE requirements for the renewal period for which the applicant has applied.
- 2) Good cause shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
  - A) Full-time service in the Armed Forces of the United States during a substantial part of the prerenewal period;

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- B) An incapacitating illness documented by a statement from a currently licensed health care provider;
  - C) A physical inability to access the sites of approved programs documented by a currently licensed health care provider; or
  - D) Any other similar extenuating circumstances.
- 3) When the licensee is requesting a waiver due to physical or mental illness or incapacity, the licensee shall provide a current fitness to practice statement from a currently licensed health care provider familiar with the licensee's medical history.
  - 4) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Division.

(Source: Former Section 1350.116 renumbered to Section 1350.117; new Section 1350.116 adopted at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.~~117~~116 Restoration**

- a) A person seeking restoration of a license that has expired for 3 years or less shall have the license restored upon payment of all lapsed renewal fees required by Section 1350.25 and proof of completion of the CE required under Section 1350.116~~of this Part.~~
- b) A person seeking restoration of a license that has been placed on inactive status for 3 years or less shall have the license restored upon payment of the current renewal fee and proof of completion of the CE required under Section 1350.116.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the Division, proof of completion of the CE required under Section 1350.116, and the fee required by Section 1350.25 ~~of this Part.~~ The person shall also submit either:
  - 1) Sworn evidence of active practice in another jurisdiction. The evidence

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shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant was authorized to practice during the term of ~~said~~ active practice; or

- 2) An affidavit attesting to military service as provided in Section ~~1615~~ of the Act; or
  - 3) Successful completion of the examination administered by 2 and proof of current certification from 2 the National Commission on the Certification of Physician Assistants or its successor agency.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be requested to:
- 1) Provide information as may be necessary; and/or
  - 2) Appear for an interview before the Advisory Committee to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflict in information. Upon the recommendation of the Licensing Board and approval by the Director, an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.
- e) A physician assistant license will be issued when the applicant meets the requirements set forth ~~in this Section above~~. However, a physician assistant may not practice until a notice of ~~collaboration~~employment has been filed in accordance with Section 1350.100 ~~of this Part~~.
- f) The ~~collaborating~~supervising physician shall submit a notice of prescriptive authority indicating the physician assistant has been delegated prescriptive authority. If the physician assistant ~~has a written collaborative agreement with~~is supervised by more than one physician, a separate notice of prescriptive authority shall be submitted by each ~~collaborating~~supervising physician. In addition, if prescriptive authority includes Schedule II, III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

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(Source: Renumbered from Section 1350.116 and amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.~~118~~117 Endorsement**

- a) An applicant for licensure as a physician assistant who is licensed under the laws of another state shall file an application with the Division that shall include:
- 1) A certification from the ~~jurisdiction~~jurisdiction of original licensure and current licensure stating:
    - A) The date of issuance and status of the license; and
    - B) Whether the records of the licensing authority contain any record of any disciplinary actions taken or pending;
  - 2) Proof of one of the following:
    - ~~A)2)~~ Current valid certification issued by the National Commission on Certification of Physician Assistants (NCCPA) or its successor agency; or
    - ~~B)3)~~ Certification of successful completion of the Physician Assistant National Certifying Examination given by the National Commission on Certification of Physician Assistants, or its successor agency;
  - ~~3)4)~~ The required fee set forth in Section 1350.25 ~~of this Part~~.
- b) The Division shall examine each endorsement application to determine whether the requirements in the other state at the date of licensing were substantially equivalent to the requirements then in force in this State or equivalent to the requirements of the Act. The Division shall either issue a license by endorsement or notify the applicant of the reasons for the denial of the application.
- c) A physician assistant license will be issued when the applicant meets the requirements set forth in this Section~~above~~. However, a physician assistant may not practice until a notice of collaboration~~employment~~ has been filed in

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accordance with Section 1350.100 ~~of this Part~~.

- d) The ~~collaborating supervising~~ physician shall submit a notice of prescriptive authority indicating the physician assistant has been delegated prescriptive authority. If the physician assistant ~~has a written collaborative agreement with~~ ~~supervised by~~ more than one physician, a separate notice of prescriptive authority shall be submitted by each ~~collaborating supervising~~ physician. In addition, if prescriptive authority includes Schedule II, III, IV and/or V controlled substances, the physician assistant will be required to apply for a mid-level practitioner license in accordance with the Illinois Controlled Substances Act.

(Source: Renumbered from Section 1350.117 and amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.120 Granting Variances**

~~a)~~ The Director may grant variances from this Part in individual cases when he/she finds that:

- ~~a)1)~~ The provision from which the variance is granted is not statutorily mandated;
- ~~b)2)~~ No party will be injured by the granting of the variance; and
- ~~c)3)~~ The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- ~~b)~~ ~~The Director shall notify the Medical Licensing Board and the Advisory Committee of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Licensing Board.~~

(Source: Amended at 44 Ill. Reg. 2519, effective January 31, 2020)

**Section 1350.130 Dishonorable, Unethical or Unprofessional Conduct**

- a) The Division may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its findings of dishonorable, unethical or unprofessional conduct (see Section 21(a)(8) of the Act), which includes but is not limited to, the following acts or practices:

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- 1) Engaging in conduct likely to deceive, defraud or harm the public, or demonstrating a willful disregard for the health, welfare or safety of a patient. Actual injury need not be established.
  - 2) A departure from or failure to conform to the standards of practice as set forth in the Act or this Part. Actual injury to a patient need not be established.
  - 3) Engaging in behavior that violates professional boundaries (such as signing wills or other documents not related to client health care).
  - 4) Engaging in sexual conduct with a patient or conduct that may reasonably be interpreted by a patient as sexual, or behavior that is sexually harassing to a patient, including any verbal behavior that is sexual harassing.
  - 5) Demonstrating actual or potential inability to practice with reasonable skill, safety or judgment by reason of illness, use of alcohol, drugs, chemicals or any other material or as a result of any mental or physical condition.
  - 6) Misrepresenting educational background, training, credentials, competence or medical staff memberships.
  - 7) Committing any other act or omission that breaches the physician assistant's responsibility to a patient according to accepted medical standards of practice.
- b) The Division hereby incorporates by reference the "Guidelines for Ethical Conduct for the PA Profession", 2013, American Academy of PAs, 2318 Mill Road, Suite 13600, Alexandria VA 22314, with no later amendments or editions.
- c) The Division hereby incorporates by reference the "Guidelines for the Chronic Use of Opioid Analgesics", Federation of State Medical Boards, April 2017, 400 Fuller Wiser Road, Suite 300, Euless TX 76039. No later amendments or editions are included.

(Source: Added at 44 Ill. Reg. 2519, effective January 31, 2020)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.140                      Adopted Action:  
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: January 22, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any 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 the *Illinois Register*: 43 Ill. Reg. 9318; September 6, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Capitalization and grammatical clarifications were made at the request of JCAR.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This amendment adjusts the outpatient services statewide-standardized amount for hospitals by a uniform percentage as directed by PA 100-1181.
- 16) Information and questions regarding this adopted rule shall be directed to:

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

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 148

## HOSPITAL SERVICES

## SUBPART A: GENERAL PROVISIONS

## Section

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

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

## Section

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

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

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

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

## SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section	
148.500	Definitions
148.510	Reimbursement

## SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

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

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

Section	
148.700	General Provisions

## SUBPART F: EMERGENCY PSYCHIATRIC DEMONSTRATION PROGRAM

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## Section

148.800	General Provisions
148.810	Definitions
148.820	Individual Eligibility for the Program
148.830	Providers Participating in the Program
148.840	Stabilization and Discharge Practices
148.850	Medication Management
148.860	Community Connect IMD Hospital Payment
148.870	Community Connect TCM Agency Payment
148.880	Program Reporting

148.TABLE A	Renal Participation Fee Worksheet
148.TABLE B	Bureau of Labor Statistics Equivalence
148.TABLE C	List of Metropolitan Counties by SMSA Definition

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

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

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

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

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

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

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

**Section 148.140 Hospital Outpatient and Clinic Services**

Effective for dates of service on or after July 1, 2014:

- a) Fee-For-Service Reimbursement
  - 1) Reimbursement for hospital outpatient services shall be made on a fee-for-service basis, except for:
    - A) Services described in subsection (b)(1).
    - B) End stage renal disease treatment (ESRDT) services, as described in subsection (g).
  - 2) Except for the services reimbursed under the EAPG PPS, described in subsection (b)(1), fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will

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be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.

- 3) Hospitals are required to bill the Department utilizing specific service codes. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) that pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee-for-service.
  - 4) Payments under Section 148.140(a)(4) shall cease as of June 30, 2014 for Maternal and Child Health Program Clinics.
- b) EAPG PPS Reimbursement. Reimbursement under EAPG PPS, described in subsection (c), shall be all-inclusive for all services provided by the hospital, without regard to the amount charged by a hospital. Except as provided in subsection (b)(3), no separate reimbursement will be made for ancillary services or the services of hospital personnel.
- 1) Outpatient hospital services reimbursed through the EAPG PPS shall include:
    - A) Surgical services.
    - B) Diagnostic and therapeutic services.
    - C) Emergency department services.
    - D) Observation services.
    - E) Psychiatric treatment services.
  - 2) Excluded from reimbursement under the EAPG PPS are outpatient hospital services reimbursed pursuant to 59 Ill. Adm. Code 131 and 132, 77 Ill. Adm. Code 2090, and Section 148.330 of this Part.
  - 3) Exceptions to All-inclusive EAPG PPS Rate

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- A) A hospital may bill separately for:
  - i) Professional services of a physician who provided direct patient care.
  - ii) Chemotherapy services provided in conjunction with radiation therapy services.
  - iii) Physical rehabilitation, occupational or speech therapy services provided in conjunction with an APG PPS reimbursed service.
  
- B) For the purposes of subsection (b)(3)(A), a physician means:
  - i) A physician salaried by the hospital. Physicians salaried by the hospital do not include radiologists, pathologists, nurse practitioners, or certified registered nurse anesthetists; no separate reimbursement will be allowed for those providers.
  - ii) A physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care.
  - iii) A group of physicians with a financial contract to provide emergency department care.
  
- c) EAPG PPS Payment. The reimbursement to hospitals for outpatient services provided on the same day shall be the product, rounded to the nearest hundredth, of the following:
  - 1) The EAPG weighting factor of the EAPG to which the service was assigned by the EAPG grouper.
  - 2) The EAPG conversion factor, based on the sum of:
    - A) The product, rounded to the nearest hundredth, of:
      - i) the labor-related share;

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- ii) the Medicare IPPS wage index; and
      - iii) the applicable EAPG standardized amount.
    - B) The product, rounded to the nearest hundredth, of:
      - i) non-labor share; and
      - ii) the applicable EAPG standardized amount.
  - 3) The applicable consolidation factor.
  - 4) The applicable packaging factor.
  - 5) The applicable discounting factor.
  - 6) The applicable policy adjustment factors, as defined in subsection (f), for which the service qualifies.
- d) EAPG Standardized Amount. The standardized amount established by the Department as the basis for EAPG conversion factor differs based on the provider type:
- 1) County-operated Large Public Hospital EAPG Standardized Amount. For a large public hospital, as defined in Section 148.25(a)(1), the EAPG standardized amount is determined in Section 148.160.
  - 2) University-operated Large Public Hospital EAPG Standardized Amount. For a large public hospital, as defined in Section 148.25(a)(2), the EAPG standardized amount is determined in Section 148.170.
  - 3) Critical Access Hospital EAPG Standardized Amount. For critical access hospitals, as defined in Section 148.25(g), the EAPG standardized amounts are determined separately for each critical access hospital such that simulated EAPG payments using outpatient base period paid claim data plus payments as defined in Section 148.456 net of tax costs are equal to the estimated costs of outpatient base period claims data with a rate year cost inflation factor applied.

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- A) Effective July 1, 2018 through March 8, 2019, simulated EAPG payments are determined using outpatient base period paid claim data plus payments as defined in Section 148.404, net of tax costs equal to estimated costs of outpatient base period claims dataas described in subsection (d)(3)(A).
- B) Effective March 9, 2019, simulated EAPG payments are determined using outpatient base period paid claim data results in a 23% increase compared to the sum of the hospital outpatient base period claims allowed amount.
- 4) Acute EAPG Standardized Amount
- A) Qualifying Criteria. General acute hospitals and freestanding emergency centers as defined in 148.25(e) excluding providers in subsections (d)(1) through (d)(3), freestanding psychiatric hospitals, psychiatric distinct part units, freestanding rehabilitation hospitals, and rehabilitation distinct part units.
- B) The acute EAPG standardized amount is based on a single statewide amount determined such that:
- i) Simulated EAPG payments, without P.A. 97-0689 reductions or policy adjustments defined in subsection (f), using general acute hospital outpatient base period paid claims data, result in approximately a \$75 million increase compared to the amount derived in subsection (d)(4)(B)(ii).
- ii) The sum of general acute hospital base period paid claims data reported payments and allocated outpatient static payments.
- iii) Effective July 1, 2018, in-state hospital simulated EAPG payment using general acute hospital outpatient base period claims data less the rate reductions defined in P.A. 97-0689 results in approximately a \$238 million increase inclusive of add-on payments as defined in Section 148.402, compared to the sum of the acute hospital outpatient based period claims allowed amount.

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- 5) Psychiatric EAPG Standardized Amount
  - A) Qualifying Criteria. Freestanding psychiatric hospitals and psychiatric distinct part units.
  - B) The psychiatric EAPG standardized amount is based on a single statewide amount, determined such that:
    - i) Simulated EAPG payments, without policy adjustments defined in subsection (f), using freestanding psychiatric hospitals and psychiatric distinct part units outpatient base period paid claims data, results in payments approximately equal to the amount derived in subsection (d)(5)(B)(ii).
    - ii) The sum of freestanding psychiatric hospitals and psychiatric distinct part units outpatient base period paid claims data reported payments and allocated outpatient static payments.
    - iii) Effective July 1, 2018, in-state hospital simulated EAPG payment using freestanding psychiatric hospitals and psychiatric distinct part units outpatient base period claims data less the rate reductions defined in P.A. 97-0689 results in approximately a \$3,870,000 increase compared to the sum of psychiatric hospital outpatient based period claims allowed amount.
- 6) Rehabilitation EAPG Standardized Amount
  - A) Qualifying Criteria. Freestanding rehabilitation hospitals and rehabilitation distinct part units.
  - B) The rehabilitation EAPG standardized amount is based on a single statewide amount, determined such that:
    - i) Simulated EAPG payments, without P.A. 97-0689 reductions or policy adjustments defined in subsection (f), using freestanding rehabilitation hospitals and

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rehabilitation distinct part units outpatient base period paid claims data, results in payments approximately equal to the annual derived in subsection (d)(6)(B)(ii).

- ii) The sum of freestanding rehabilitation hospitals and rehabilitation distinct part units outpatient base period paid claims data reported payments and allocated outpatient static payments.
  - iii) Effective July 1, 2018, in-state hospital simulated EAPG payments using freestanding rehabilitation hospitals and rehabilitation distinct part units outpatient base period claims data less the rate reductions defined in P.A. 97-0689 results in approximately a \$57,400 increase compared to the sum of rehabilitation hospital outpatient base period claims allowed amount.
- 7) Ambulatory Surgical Treatment Center (ASTC) EAPG Standardized Amount. For ASTC's, as defined in 89 Ill. Adm. Code 146.105, the EAPG standardized amount is determined such that simulated EAPG payments using outpatient base period paid claims data are equal to reported payments of outpatient base period paid claims data as contained in the Department's claims data warehouse.
- 8) ~~Out-of-State Non-Cost Reporting Hospital~~~~state non-cost reporting hospital~~ EAPG ~~Standardized Amount~~~~standardized amount~~. For non-cost reporting hospitals, the EAPG standardized amount is \$362.32, and is not wage adjusted.
- e) Discounting ~~Factor~~~~factor~~. The applicable discounting factor is based on the discounting flags designated by the EAPG grouper under default EAPG settings:
- 1) The discounting factor will be 1.0000, if the following criteria are met:
    - A) The service has not been designated with a Bilateral Procedure Discounting flag, Multiple Procedure Discounting flag, Repeat Ancillary Discounting flag or Terminated Procedure Discounting flag by the EAPG grouper under default EAPG settings; or

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- B) The service has not been designated with a Bilateral Procedure Discounting flag and has been designated with a Multiple Procedure Discounting flag by the EAPG grouper under default EAPG settings and the service has the highest EAPG weighting factor among other services with a Multiple Procedure Discounting flag provided on the same day.
- 2) The discounting factor will be 0.5000 if the following criteria are met:
- A) The service has been designated with a Multiple Procedure Discounting flag, Repeat Ancillary Discounting flag or Terminated Procedure Discounting flag by the EAPG grouper under default EAPG settings; and if the Multiple Procedure Discounting flag is present, the service does not have the highest EAPG weighting factor among other services with a Multiple Procedure Discounting flag provided on the same day; and
  - B) The service has not been designated with a Bilateral Procedure Discounting flag by the EAPG grouper under default EAPG settings.
- 3) The discounting factor will be 0.7500 if the following criteria are met:
- A) The service has been designated with a Bilateral Procedure Discounting flag by the EAPG grouper under default EAPG settings; and
  - B) The service has been designated with a Multiple Procedure Discounting flag, the Repeat Ancillary Discounting flag or Terminated Procedure Discounting flag by the EAPG grouper under default EAPG settings; and if the Multiple Procedure Discounting flag is present, the service does not have the highest EAPG weighting factor among other services with a Multiple Procedure Discounting flag provided on the same day.
- 4) The discounting factor will be 1.5000 if the following criteria are met:

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- A) The service has been designated with a Bilateral Procedure Discounting flag by the EAPG grouper under default EAPG settings; and
  - B) The service has not been designated with a Multiple Procedure Discounting flag, the Repeat Ancillary Discounting flag or Terminated Procedure Discounting flag by the EAPG grouper under default EAPG settings; or if the Multiple Procedure Discounting flag is present, the service has the highest EAPG weighting factor among other services with a Multiple Procedure Discounting flag provided on the same day.
- f) Policy Adjustments. Claims for services by providers that meet certain criteria shall qualify for further adjustments to payment. If a claim qualifies for more than one policy adjustment, then the EAPG PPS payment will be multiplied by both factors.
- 1) Prior to July 1, 2018 Safety Net Hospital Qualifying Criteria
    - A) The service is described in subsection (b)(1), excluding Medicare crossover claims.
    - B) The hospital is a Safety Net hospital, as defined in Section 5-5e.1 of the Illinois Public Aid Code that is not:
      - i) A critical access hospital, as defined in Section 148.25(g).
      - ii) A large public hospital, as defined in Section 148.25(a).
    - C) Policy adjustment factor effective SFY 2015 and 2016 is 1.3218.
  - 2) Prior to July 1, 2018 High Outpatient Volume Hospital Qualifying Criteria
    - A) The service is described in subsection (b)(1), excluding Medicare crossover claims.
    - B) The hospital is a High Outpatient Volume hospital, as defined in subsection (f)(2)(C) that is not:

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- i) A critical access hospital, as defined in Section 148.25(g).
  - ii) A large public hospital, as defined in Section 148.25(a).
  - iii) A Safety Net hospital, as defined in Section 5-5e.1 of the Illinois Public Aid Code.
- C) A High Outpatient Volume hospital for which the high outpatient volume is at least:
- i) 1.5 standard deviations above the mean regional high outpatient volume; or
  - ii) 1.5 standard deviations above the mean statewide high outpatient volume.
- D) Policy adjustment factor effective SFY 2015 and 2016 is 1.3218.
- 3) Crossover Adjustment Factor
- A) Acute EAPG standardized amounts, as defined in subsection (d)(4), shall be reduced by a Crossover Adjustment factor such that:
- i) The absolute value of the total simulated payment reduction that occurs when applying the Crossover Adjustment Factor to simulated EAPG payments, including Policy Adjustments, using general acute hospital outpatient base period paid claims data, is equal to the amount derived in subsection (f)(3)(A)(ii):
  - ii) The difference of total simulated EAPG payments using general acute hospital outpatient crossover paid claims data, and general acute hospital outpatient crossover paid claims data total reported Medicaid net liability.
- B) Crossover Adjustment Factor effective SFY 2015 and 2016 is 0.98912. Effective July 1, 2018, the Crossover Adjustment Factor is defined in (f)(3)(A)(i).

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- 4) If a claim does not qualify for a Policy Adjustment described in subsections (f)(1) through (f)(3), the policy adjustment factor is 1.0.
- 5) High Outpatient Volume Hospital ~~Effective~~effective July 1, 2018:
  - A) High Outpatient Volume Hospital is defined as:
    - i) an Illinois hospital for which the high outpatient volume is at least one and one-half standard deviations above the mean regional high outpatient volume;
    - ii) an Illinois hospital for which the high outpatient volume is at least one and one-half standard deviations above the mean statewide high outpatient volume;
    - iii) an Illinois Safety-Net Hospital as defined in Section 149.100; or
    - iv) an Illinois Small Public Hospital as defined in Section 148.409.
  - B) Policy adjustment factor is set:
    - i) For acute care claims such that total expenditures on qualifying claims less the rate reductions defined in P.A. 97-0689 is increased by \$79.2 million more than base period qualifying claims allowed amount.
    - ii) For non-acute care claims to equal the factor in place prior to July 1, 2018.
- 6) The policy adjustment criteria found in subsections (f)(1) and (f)(2) are no longer in effect as of July 1, 2018.
- g) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(b) shall be made at the Department's payment rates, as follows:

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- 1) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate that will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2124 and 413.170 (2010). This rate will be the rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (2010).
  - 2) Payment for Non-routine Services. For services that are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (c)(3), but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.50, and 140.75 through 140.481, respectively.
  - 3) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.
  - 4) Effective with dates of service July 1, 2013, hospital and freestanding chronic dialysis centers will receive an add-on payment of \$60 per treatment day to the rate described in subsection (g)(1) for outpatient renal dialysis treatments or home dialysis treatments provided to Medicaid recipients under Title XIX of the Social Security Act, excluding services for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossovers) and excluding services provided under Subpart D: State Chronic Renal Disease Program, as defined in Sections 148.600 through 148.640.
- h) Updates to EAPG PPS Reimbursement. The Department may annually review the components listed in subsection (c) and make adjustments as needed. Grouper shall be updated at least triennially and no more frequently than annually.
- i) Definitions, as used in this Section:
- "Aggregate ancillary cost-to-charge ratio" means the ratio of each hospital's total ancillary costs and charges reported in the Medicare cost report, excluding special purpose cost centers and the ambulance cost center, for the cost reporting period matching the outpatient base period claims data. Aggregate ancillary cost-to-

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charge ratios applied to SFY 2011 outpatient base period claims data will be based on fiscal year ending 2011 Medicare cost report data.

"Allowed amounts" means the calculated fee schedule amount prior to any adjustment for secondary payer amounts for fiscal year 2015 MCO encounter data adjusted with a completion factor and fee-for-service claims data, excluding Medicare dual eligible claims, renal dialysis claims, and therapy claims.

"Consolidation factor" means a factor of 0 percent applicable for services designated with a Same Procedure Consolidation flag or Clinical Procedure Consolidation flag by the EAPG grouper under default EAPG settings.

"Default EAPG settings" means the default EAPG grouper options in 3M's Core Grouping Software for each EAPG grouper version.

"Detailed ancillary cost-to-charge ratios" means for each standardized ancillary Medicare cost-center cost-to-charge ratios for each hospital calculated by dividing total costs in Worksheet C, Part 1, Column 5 and Worksheet B, Part 1, Columns 21 and 22 by total charges for each standardized ancillary Medicare cost center in Worksheet C, Part 1, Columns 6 and 7. For all hospitals missing Worksheet C, Part 1, Column 5 data, use Worksheet C, Part 1, Column 3 data. Use aggregate ancillary cost-to-charge ratios as a default when a cost-center specific cost-to-charge ratio is not available or the claim revenue code is all-inclusive ancillary.

"EAPG" means Enhanced Ambulatory Patient Groups, as defined in the EAPG grouper, which is a patient classification system designed to explain the amount and type of resources used in an ambulatory visit. Services provided in each EAPG have similar clinical characteristics and similar resource use and cost.

"EAPG grouper" means the most recently released version of the EAPG software, distributed by 3M Health Information Systems, available to the Department as of January 1 of the calendar year during with the discharge occurred; except, for the calendar year beginning January 1, 2014, EAPG grouper means version 3.7 of the EAPG software. Effective July 1, 2018, "EAPG grouper" means the EAPG grouper version 3.11 of the Enhanced Ambulatory Patient Group (EAPG) software, distributed by 3M Health Information Systems.

"EAPG PPS" means the EAPG prospective payment system as described in this Section.

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"EAPG weighting factor" means, for each EAPG, the product, rounded to the nearest ten-thousandth, of:

the national weighting factor, as published by 3M Health Information Systems for the EAPG grouper; and

the Illinois experience adjustment.

"Estimated cost of outpatient base period claims data" means:

Prior to July 1, 2018, the product of:

outpatient base period paid claims data total covered charges;

the critical access hospital's aggregate ancillary cost-to-charge ratio; and

a rate year cost inflation factor.

Effective July 1, 2018, the product of:

Outpatient base period claims data total covered charges;

The critical access hospital's detailed ancillary cost-to-charge ratios; and

A rate year cost inflation factor.

"High outpatient volume" means the number paid outpatient claims described in subsection (b)(1) provided during the high volume outpatient base period paid claims data.

"High volume outpatient base period paid claims data" means:

Prior to July 1, 2018, SFY 2011 outpatient Medicaid fee-for-service paid claims data, excluding Medicare dual eligible claims, renal dialysis claims, and therapy claims, for EAPG PPS payment for services provided in SFY 2015 and 2016. For subsequent dates of service, the term means the SFY

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ending 30 months prior to the beginning of the calendar year during which the service is provided.

Effective July 1, 2018, SFY 2015 outpatient Medicaid fee-for-service paid claims data and completed MCO encounter claims data, excluding Medicare dual eligible claims, renal dialysis claims, and therapy claims, for EAPG PPS payment for services provided in SFY 2019 and 2020; for subsequent dates of service, the most recently available adjudicated 12 months of outpatient paid claims data to be identified by the Department.

"Illinois experience adjustment" means, for the calendar year beginning January 1, 2014, a factor of 1.0; for subsequent calendar years, means the factor applied to 3M EAPG national weighting factors when updating EAPG grouper versions determined such that the arithmetic mean EAPG weighting factor under the new EAPG grouper version is equal to the arithmetic mean EAPG weighting factor under the prior EAPG grouper version using outpatient base period claims data.

"In-state" means all:

Illinois hospitals; and

out-of-state hospitals that are designated a level I pediatric trauma center or a level I trauma center by the Illinois Department of Public Health as of December 1, 2017.

"Labor-related share" means that portion of the statewide standardized amount that is allocated in the EAPG PPS methodology to reimburse the costs associated with personnel. The labor-related share for a hospital is 0.60.

"Mean regional high outpatient volume" means the quotient, rounded to the nearest tenth, resulting from the number of paid outpatient services described in subsections (b)(1)(A) through (D), provided by hospitals within a region, based on outpatient base period paid claims data.

"Mean statewide high outpatient volume" means the quotient, rounded to the nearest tenth, resulting from the number of paid outpatient services described in subsections (b)(1)(A) through (D), provided by hospitals within the state, based on outpatient base period paid claims data.

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"Medicare IPPS wage index" means for in-state providers and out-of-state Illinois Medicaid cost reporting providers, the wage index used for inpatient reimbursement as described in 89 Ill. Adm. Code 149.100. For out-of-state non-cost reporting providers, the wage index used to adjust the EAPG standardized amount shall be a factor of 1.0.

"Non-labor share" means the difference resulting from the labor-related share being subtracted from 1.0.

"Outpatient base period paid claims data" means:

Prior to July 1, 2018, SFY 2011 outpatient Medicaid fee-for-service paid claims data, excluding Medicare dual eligible claims, renal dialysis claims, and therapy claims, for EAPG PPS payment for services provided in SFY 2015, 2016 and 2017;

Effective July 1, 2018, for in-state SFY 2015 outpatient Medicaid fee-for-service paid claims data and completed MCO encounter claims data, excluding Medicare dual eligible claims, renal dialysis claims, and therapy claims, for EAPG PPS payment for services provided in SFY 2019 and 2020; for subsequent dates of service, the most recently available adjudicated 12 months of outpatient paid claims data to be identified by the Department.

"Outpatient crossover paid claims data" means:

Prior to July 1, 2018, SFY 2011 outpatient Medicaid/Medicare dual eligible fee-for-service paid claims data, excluding renal dialysis claims and therapy claims, for EAPG PPS payment for services provided in SFY 2015, 2016 and 2017; for subsequent dates of service, the term means most recently available adjudicated 12-months of outpatient paid claims data to be identified by the Department.

Effective July 1, 2018, SFY 2015 outpatient Medicaid/Medicare dual eligible fee-for-service paid claims data, excluding renal dialysis claims and therapy claims, for EAPG PPS payment for services provided in SFY 2019 and 2020; for subsequent dates of service, the most recently available adjudicated 12 months of outpatient paid claims data to be identified by the Department.

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"Packaging factor" means a factor of 0 percent applicable for services designated with a Packaging flag by the EAPG grouper under default EAPG settings plus EAPG 430 (CLASS I CHEMOTHERAPY DRUGS), EAPG 435 (CLASS I PHARMACOTHERAPY), EAPG 495 (MINOR CHEMOTHERAPY DRUGS), EAPG 496 (MINOR PHARMACOTHERAPY), and EAPGs 1001-1020 (DURABLE MEDICAL EQUIPMENT LEVEL 1-20), and non-covered revenue codes defined in the Handbook for Hospital Services.

"Rate year cost inflation factor" means the cost inflation from the midpoint of the outpatient base period paid claims data to the midpoint of the rate year based on changes in Centers for Medicare and Medicaid Services (CMMS) input price index levels. For critical access hospital rates effective SFY 2015, the rate year cost inflation factor will be based on changes in CMMS input price index levels from the midpoint of SFY 2011 to SFY 2015.

"Region" means, for a given hospital, the rate region, as defined in 89 Ill. Adm. Code 140. Table J, within which the hospital is located.

"Total covered charges" means the amount entered for revenue code 001 in column 53 (Total Charges) on the Uniform Billing Form (form CMMS 1450), or one of its electronic transaction equivalents.

- j) Supplemental Payment. A one-time supplemental payment will be made to a critical access hospital (which is an Illinois hospital designated by the Illinois Department of Public Health in accordance with 42 CFR 485 Subpart F) for outpatient discharges occurring in SFY 2019 for which the outpatient claims were priced and paid under the methodology in subsection (d)(3)(A). The amount of the supplemental payment will be equal to the difference of:
- 1) The payment amount of each claim calculated using the critical access hospital EAPG standardized amount set to equal a 23% increase in simulated EAPG payments using base period paid claims data set forth in subsection (d)(3)(B); and
  - 2) The payment amount of each claim calculated using the critical access hospital EAPG standardized amount in effect on July 1, 2018.

(Source: Amended at 44 Ill. Reg. 2545, effective January 22, 2020)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Accident and Health Reserves
- 2) Code Citation: 50 Ill. Adm. Code 2004
- 3) Section Number: 2004.10                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing Sections 223 and 353a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223, 353a and 401].
- 5) Effective Date of Rule: January 21, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the principal office of the Department of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 12066; October 25, 2019
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Section 2004.10(b)(E) currently incorporates by reference a 2016 edition of the "Valuation Manual" published by the National Association of Insurance Commissioners. That publication has been superseded by the January 1, 2019 edition. The incorporation by reference is being revised to reflect the current publication.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

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

Eric Anderson  
Chief Health Actuary  
Department of Insurance  
320 West Washington Street, 4th Fl.  
Springfield IL 62767-0001

217/782-6284

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

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER z: ACCIDENT AND HEALTH INSURANCEPART 2004  
ACCIDENT AND HEALTH RESERVES

## Section

2004.5	Authority
2004.7	Definitions
2004.10	Application, Effective Dates and Incorporations by Reference
2004.20	Active Life Reserves – Individual Policies
2004.30	Active Life Reserves – Group Policies
2004.40	Claim Reserves – Present Value of Amounts Not Yet Due on Claims
2004.50	Policies Issued Prior to Operative Date of Section 353a

**AUTHORITY:** Implementing Sections 223 and 353a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5].

**SOURCE:** Filed December 14, 1965, effective December 28, 1965; codified at 7 Ill. Reg. 4219; amended at 26 Ill. Reg. 3074, effective February 19, 2002; transferred from the Department of Insurance to the Department of Financial and Professional Regulation pursuant to Executive Order 2004-6 on July 1, 2004; amended at 30 Ill. Reg. 19360, effective November 29, 2006; amended at 32 Ill. Reg. 13191, effective July 25, 2008; recodified from the Department of Financial and Professional Regulation to the Department of Insurance pursuant to Executive Order 2009-04 at 39 Ill. Reg. 2804; amended at 40 Ill. Reg. 211, effective December 31, 2015; amended at 40 Ill. Reg. 10471, effective July 22, 2016; amended at 41 Ill. Reg. 6920, effective May 31, 2017; amended at 44 Ill. Reg. 2572, effective January 21, 2020.

**Section 2004.10 Application, Effective Dates and Incorporations by Reference**

- a) This Part applies to all companies transacting in this State the kinds of business enumerated in clause (b) of Class 1 and clause (a) of Class 2 of Section 4 of the Code, and it applies to all accident and health policies for which reserve standards are prescribed under Section 353a of the Code. The original standards created in this Part applied through 2001. From 2002 through 2016, the applicable standards were those prescribed by the National Association of Insurance Commissioners (NAIC) in the Accounting Practices and Procedures Manual (APPM). Pursuant to Section 223 of the Code, starting in 2017, the applicable standards are those

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENT

prescribed by the NAIC in the Valuation Manual (VM).

- b) Incorporations by Reference
  - 1) National Association of Insurance Commissioners, 1100 Walnut Street, Suite 1500, Kansas City MO 64106-2277
    - A) Policies issued and claims incurred on or after January 1, 2002 and before November 29, 2006 are subject to the standards prescribed in the March 2001 APPM.
    - B) Policies issued and claims incurred on or after November 29, 2006 and before July 25, 2008 are subject to the standards prescribed in the March 2006 APPM.
    - C) Policies issued and claims incurred on or after July 25, 2008 and before December 31, 2015 are subject to the standards prescribed in the March 2008 APPM.
    - D) Policies issued and claims incurred on or after December 31, 2015 and before January 1, 2017 are subject to the standards prescribed in the March 2016 APPM.
    - E) Policies issued and claims incurred on or after January 1, 2017 are subject to the standards prescribed in the [January 1, 2019](#)~~August 29, 2016~~ [edition of the](#) VM as directed in Section 223 of the Code.
  - 2) The incorporations by reference stated in subsection (b)(1) include no later amendments or editions.
- c) For claims incurred on or after January 1, 2002 and before January 1, 2017, the insurer may elect to calculate reserves for all open claims using a more recent standard required by subsection (b), but once a more recent standard is elected, all future valuations must be on that basis.

(Source: Amended at 44 Ill. Reg. 2572, effective January 21, 2020)

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Procedures for the Department of State Police Merit Board
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3) Section Number: 150.210                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 9 of the Illinois State Police Act [20 ILCS 2610/9].
- 5) Effective Date of Rule: January 24, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 12971; November 8, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Adopted Amendment changes the age requirement and education requirement for applicants to the Illinois State Police. The age requirement states persons age 20 or older may be certified if they have completed an Associate's Degree or 60 credit hours at an accredited college or university. The education requirement states applicants must have completed an Associate's Degree or

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENT

60 credit hours from an accredited college or university. The purpose of the Adopted Amendment is to comply with the statutory changes enacted by PA 101-374.

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

Daniel Dykstra  
Chief Legal Counsel  
Illinois State Police Merit Board  
531 Sangamon Avenue East  
Springfield IL 62702

fax: 217/786-0181  
ddykstra@ispmeritboard.org

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

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150  
PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section  
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section  
150.210 Qualifications  
150.220 Selection Procedures  
150.230 Recertification  
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section  
150.310 Ranks  
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section  
150.410 Board Responsibilities  
150.420 Eligibility  
150.430 Procedures  
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section  
150.510 Merit Board Jurisdiction  
150.520 Discipline Afforded the Deputy Director

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENT

150.530	Notification to Suspended Officer
150.540	Petition for Review
150.550	Form and Content of Petition for Review
150.560	Filing Procedures
150.565	Procedure for Processing Petition for Review
150.570	Director's Review
150.575	Discipline Afforded the Director
150.580	Complaint Procedures
150.585	Scheduling the Hearing
150.590	Notification to Officer

## SUBPART F: HEARINGS

Section	
150.610	Board Docket
150.620	Hearing Officer
150.630	Pre-hearing Conferences
150.640	Motions
150.650	Subpoenas
150.655	Request for Witnesses or Documents
150.660	Evidence Depositions
150.665	Hearing Procedures
150.670	Continuances and Extensions of Time
150.675	Computation of Time
150.680	Decisions of the Board
150.685	Service and Form of Papers

150.APPENDIX A Vision Standards (Repealed)

150.APPENDIX B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill.

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENT

Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13663, effective October 3, 1996; amended at 20 Ill. Reg. 14640, effective October 25, 1996; amended at 21 Ill. Reg. 14262, effective October 17, 1997; amended at 22 Ill. Reg. 5092, effective February 26, 1998; amended 22 Ill. Reg. 18076, effective September 28, 1998; amended at 24 Ill. Reg. 1276, effective January 5, 2000; emergency amendment at 24 Ill. Reg. 16103, effective October 12, 2000, for a maximum of 150 days; emergency expired March 11, 2001; amended at 25 Ill. Reg. 10853, effective August 10, 2001; amended at 26 Ill. Reg. 9968, effective June 19, 2002; amended at 26 Ill. Reg. 14694, effective September 23, 2002; amended at 27 Ill. Reg. 19038, effective December 3, 2003; amended at 29 Ill. Reg. 6084, effective April 15, 2005; amended at 30 Ill. Reg. 10609, effective June 2, 2006; amended at 30 Ill. Reg. 19727, effective December 15, 2006; amended at 31 Ill. Reg. 15296, effective November 5, 2007; amended at 36 Ill. Reg. 4419, effective March 12, 2012; emergency amendment at 43 Ill. Reg. 14462, effective December 2, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 2576, effective January 24, 2020.

## SUBPART B: CERTIFICATION FOR APPOINTMENT

**Section 150.210 Qualifications**

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENT

- a) The Board shall certify to the Director in writing qualified applicants for appointment as sworn officers to the Department. Qualified applicants shall:
- 1) Be at least 21 years of age. Persons 20 years of age may be certified if they have successfully completed an associate's degree or 60 credit hours ~~2 years (60 semester hours, 90 quarter hours) of law enforcement studies~~ at an accredited college or university.
  - 2) Have completed an associate's degree or 60 credit hours, ~~one of the education options listed below~~, with an average grade of C or better, from an accredited college or university, as certified by the registrar of the college or university. ~~A) Option i) Option 1: An Associate of Arts Degree or equivalent general education course work (see subsection (a)(2)(B) of this Section) and meet one of the following two job experience requirements: 3 years of continuous, full time service as a police officer with the same police agency or 3 years of active military duty. ii) Option 2: An Associate of Science Degree or equivalent general education course work (see subsection (a)(2)(B) of this Section) and meet one of the following two job experience requirements: 3 years of continuous, full time service as a police officer with the same police agency or 3 years of active military duty. iii) Option 3: An Associate of Applied Science Degree, only if the degree is in Law Enforcement, and meet one of the following two job experience requirements: 3 years of continuous, full time service as a police officer with the same police agency or 3 years of active military duty. iv) Option 4: A Bachelor's Degree. B) General Education Course Work consists of: i) 9 semester hours in Communication studies; ii) 9 semester hours in Social Science studies; iii) 6 semester hours in Natural Science studies; iv) 3 semester hours in Math studies; v) 9 semester hours in Humanity studies; vi) 24 semester hours in any other elective. C) The college or university must be accredited by one of the following associations:~~
    - Ai) Middle States Commission on Higher Education ~~Association of Colleges and Schools~~;
    - Bii) Higher Learning Commission ~~North Central Association of Colleges and Schools~~;
    - Ciii) New England Commission of Higher Education ~~Association of~~

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENT

~~Schools and Colleges;~~

~~Div)~~ Northwest Commission on Colleges and Universities~~Association of Schools and Colleges;~~

~~Eiv)~~ Southern Association of Colleges and Schools Commission on Colleges;

~~Fvi)~~ WASC Senior College and University Commission; and ~~Western Association of Schools and Colleges.~~

G) Accrediting Commission for Community and Junior Colleges.

- 3) Be a citizen of the United States with no felony convictions.
  - 4) Accept assignment anywhere in the State.
  - 5) Possess a valid driver's license.
  - 6) Successfully complete mental and physical tests and a background investigation as prescribed by the Board. (See ~~Section 150~~. Appendix A and B ~~of this Part~~.)
- b) The Board may certify more applicants than there are vacant positions at the time of certification. Certified~~Such certified~~ applicants shall be eligible for appointment for a period of time designated by the Board.

(Source: Amended at 44 Ill. Reg. 2576, effective January 24, 2020)

## WORKERS' COMPENSATION COMMISSION

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Miscellaneous
- 2) Code Citation: 50 Ill. Adm. Code 9110
- 3) Section Number: 9110.100                      Adopted Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by Section 8.2(d) of the Illinois Workers' Compensation Act [820 ILCS 305].
- 5) Effective Date of Rule: January 24, 2020
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Agency's principal office located at 100 W Randolph Street, Suite 8-200, Chicago, IL and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 9945; September 13, 2019
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Various non-substantive changes throughout to Section 9110.100, subsection (c).
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The rules are designed to implement the rulemaking mandate placed on the Illinois Workers' Compensation Commission by PA 100-1117 to set the standard for necessary data elements to be included in a payor's Explanation of Benefits to be issued upon denial of a bill.

WORKERS' COMPENSATION COMMISSION

NOTICE OF ADOPTED AMENDMENT

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

Cole D. Garrett  
Deputy General Counsel  
Illinois Workers' Compensation Commission  
100 W. Randolph St., Suite 8-200  
Chicago IL 60601

email: [IWCC.Rules@illinois.gov](mailto:IWCC.Rules@illinois.gov)

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

## WORKERS' COMPENSATION COMMISSION

## NOTICE OF ADOPTED AMENDMENT

## TITLE 50: INSURANCE

## CHAPTER VI: WORKERS' COMPENSATION COMMISSION

## PART 9110

## MISCELLANEOUS

Section	
9110.5	Definitions
9110.10	Vocational Rehabilitation
9110.20	Petitions under Sections 19(h), 8(a), and 7(a) of the Act (Repealed)
9110.30	Commission Meetings: Minutes
9110.40	Petition to Suspend Compensation for Failure to Submit to Proper Medical Treatment
9110.50	Petitions under Section 19(o) of the Act
9110.60	Commission Handbook
9110.70	Explanation of Basis of Non-Payment, Termination or Suspension of Temporary Total Compensation or Denial of Liability or Further Responsibility for Medical Care
9110.80	Rate Adjustment Fund and Second Injury Fund Contributions: Compliance
9110.90	Illinois Workers' Compensation Commission Medical Fee Schedule
<a href="#">9110.100</a>	<a href="#">Explanations of Benefits</a>

**AUTHORITY:** Implementing and authorized by the Illinois Workers' Compensation Act [820 ILCS 305].

**SOURCE:** Filed and effective March 1, 1977; amended at 5 Ill. Reg. 5533, effective May 12, 1981; amended at 6 Ill. Reg. 8040, effective July 1, 1982; codified at 7 Ill. Reg. 2352; emergency amendment at 14 Ill. Reg. 4929, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13161, effective August 1, 1990; emergency amendment at 30 Ill. Reg. 1912, effective February 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 11743, effective June 22, 2006; amended at 33 Ill. Reg. 2850, effective February 1, 2009; emergency amendment at 34 Ill. Reg. 10222, effective July 6, 2010, for a maximum of 150 days; emergency rule repealed by emergency amendment at 34 Ill. Reg. 17471, effective October 28, 2010, for the remainder of the 150 days; amended at 36 Ill. Reg. 16349, effective November 5, 2012; amended at 36 Ill. Reg. 17108, effective November 20, 2012; recodified from 50 Ill. Adm. Code 7110 to 50 Ill. Adm. Code 9110 at 39 Ill. Reg. 9616; amended at 40 Ill. Reg. 15823, effective November 9, 2016; amended at 44 Ill. Reg. 2583, effective January 24, 2020.

**[Section 9110.100 Explanations of Benefits](#)**

## WORKERS' COMPENSATION COMMISSION

## NOTICE OF ADOPTED AMENDMENT

- a) In Section 8.2(d) of the Act, the term "explanation of benefits explaining the basis for the denial and describing any additional necessary data elements" means an Electronic Remittance Advice (ERA) or Standard Paper Remittance (SPR) that contains all the relevant data elements denoting the reason for payment, adjustment or denial, including the following:
- 1) The appropriate Group Claim Adjustment Reason Codes, Claim Adjustment Reason Codes (CARC), and associated Remittance Advice Remark Codes (RARC), as specified in the following Accredited Standards Committee X12 (ASC X12) Standards, available for a fee from Accredited Standards Committee X12 at 8300 Greensboro Drive, Suite 800, McLean VA 22102 (703/970-4480; Fax 703/970-4488), [store.x12.org](http://store.x12.org):
    - A) ASC X12 Standards for Electronic Data Interchange Technical Report Type 3, Health Care Claim Payment/Advice (835) (ASC X12N/005010X221) (April 2006);
    - B) Type 3 Errata to Health Care Claim Payment/Advice (835) (ASC X12/005010X221A1) (June 2010); and
    - C) Code Value Usage in Health Care Claim Payments and Subsequent Claims, ASC X12N Technical Report Type 2 (TR2) (January 2015); and
  - 2) National Council for Prescription Drug Programs reject codes from the External Code List (ECL), available from the National Council for Prescription Drug Programs, 9240 East Raintree Drive, Scottsdale AZ 85260 (<https://www.ncdp.org/home>) (July 2012).
- b) All incorporations by reference in subsection (a) are as of the date specified and include no later amendments or editions.
- c) A paper explanation of benefits or SPR must also prominently contain all information necessary to match the explanation of benefits with the associated Medical Bill. A list of any relevant data elements listed in subsection (a) that are required for the paper explanation of benefits or SPR is available at no cost via a link on the Commission's website at [www.iwcc.il.gov](http://www.iwcc.il.gov).

## WORKERS' COMPENSATION COMMISSION

## NOTICE OF ADOPTED AMENDMENT

- d) No party shall reject a standard paper or electronic transaction on the basis that it contains data elements not needed or used by the party or its agent or that the paper or electronic transaction includes data elements that exceed those required for a complete bill.
- e) Employers or payers and health care providers may exchange data for medical bills and explanations of benefits in a nonprescribed format by mutual agreement. All data elements required pursuant to this Section shall be present in a mutually agreed upon format.

(Source: Added at 44 Ill. Reg. 2583, effective January 24, 2020)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.Appendix A Table L                      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 L to reflect three prior agreements and two Negotiated Prevailing Wage Certification Forms for the Boiler Safety Specialist title's positions in the Central and Southern Regions received by CMS from the Locals 60 (Central) and 363 (Southern) on December 19, 2019. The first prior agreement is the Agreement between CMS and the International Brotherhood of Boiler Makers - Iron Shipbuilders, Blacksmiths, Forgers, and Helpers was signed March 12, 2014 and effective July 1, 2012 through June 30, 2015. The agreement states that the Illinois Department of Labor shall notify CMS of the certified prevailing rate. The agreement states that, effective January 1, 2006, the Boiler Safety Specialist title shall be paid an additional 4% above the prevailing rate for the employees on the standard pension formula or an additional 5.5% above the prevailing rate established for the employees on the alternative pension formula. The agreement states that effective December 1, 2013, newly hired employees shall be paid the appropriate prevailing rate, which means paid without the additional 4% above the prevailing rate for the employees on the standard pension formula or the additional 5.5% above the prevailing rate for the employees on the alternative pension formula. The agreement states that, while in positions in maximum security institutions, the employee who has seven or more years of continuous service with the Department of Corrections receives a \$50.00 adjustment a month that is applied as an additional \$0.29 per hour.

The second prior agreement is the Agreement between the Department of Central Management Services of the State of Illinois and the International Brotherhood of Boilermakers - Iron Shipbuilders, Blacksmiths, Forgers, and Helpers effective July 1, 2015 through June 30, 2019 with an unknown signing date. The agreement contained the first agreement's above provisions except that the rate certification process changed, no longer involving the Department of Labor.

The third prior agreement is the Memorandum of Agreement between the State of Illinois and the International Brotherhood of Boilermakers - Iron Shipbuilders, Blacksmiths, Forgers, and Helpers signed June 22, 2016. The agreement establishes each rate for the

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

Boiler Safety Audit Specialist title at 4.5% above that of the corresponding rate for the Boiler Safety Specialist title. Corresponding refers to the rate's region, Pay Plan Code and when the employee was hired.

- 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 of Rule: January 17, 2020
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table L, the Boiler Safety Audit Specialist and Boiler Safety Specialist titles' Central and Southern regional rates effective January 1, 2020 are added. The Central and Southern regional rates effective January 1, 2019 are removed.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: January 17, 2020
- 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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

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 peremptory 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  
fax: 217/524-4570  
CMS.PayPlan@Illinois.gov

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

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

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PAY PLAN

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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; peremptory 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; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory 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; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory 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; peremptory 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; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory 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; peremptory 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; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory 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; peremptory 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; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory 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; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory 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; peremptory 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; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory 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; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory 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; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory 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; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory 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; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory 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; preemptory amendment at 44 Ill. Reg. 2588, effective January 17, 2020.

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## NOTICE OF PEREMPTORY AMENDMENT

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE L RC-008 (Boilermakers)**

<b>Title</b>	<b>Title Code</b>	<b>Region</b>	<b>Pay Plan Code</b>	<b>Hired</b>	<b>Effective Date</b>	<b>Monthly Salary</b>
Boiler Safety Audit Specialist	04900	Northern	B	Prior to December 1, 2013	May 1, 2019	9550.86
Boiler Safety Audit Specialist	04900	Northern	Q	Prior to December 1, 2013	May 1, 2019	9688.32
Boiler Safety Audit Specialist	04900	Northern	S	Prior to December 1, 2013	May 1, 2019	9738.78
Boiler Safety Audit Specialist	04900	Northern	B	On or after December 1, 2013	May 1, 2019	9183.72
Boiler Safety Audit Specialist	04900	Central	B	Prior to December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7753.44</a> <del>7657.74</del>
Boiler Safety Audit Specialist	04900	Central	Q	Prior to December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7866.54</a> <del>7769.10</del>
Boiler Safety Audit Specialist	04900	Central	S	Prior to December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7917.00</a> <del>7819.56</del>
Boiler Safety Audit Specialist	04900	Central	B	On or after December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7455.90</a> <del>7363.68</del>
Boiler Safety Audit Specialist	04900	Southern	B	Prior to December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7375.86</a> <del>7193.16</del>
Boiler Safety Audit Specialist	04900	Southern	Q	Prior to December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7482.00</a> <del>7297.56</del>
Boiler Safety Audit Specialist	04900	Southern	S	Prior to December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7532.46</a> <del>7348.02</del>
Boiler Safety Audit Specialist	04900	Southern	B	On or after December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7092.24</a> <del>6916.50</del>
Boiler Safety Specialist	04910	Northern	B	Prior to December 1, 2013	May 1, 2019	9140.22

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Boiler Safety Specialist	04910	Northern	Q	Prior to December 1, 2013	May 1, 2019	9272.46
Boiler Safety Specialist	04910	Northern	S	Prior to December 1, 2013	May 1, 2019	9322.92
Boiler Safety Specialist	04910	Northern	B	On or after December 1, 2013	May 1, 2019	8788.74
Boiler Safety Specialist	04910	Central	B	Prior to December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7419.36</a> <del>7328.88</del>
Boiler Safety Specialist	04910	Central	Q	Prior to December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7527.24</a> <del>7435.02</del>
Boiler Safety Specialist	04910	Central	S	Prior to December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7577.70</a> <del>7485.48</del>
Boiler Safety Specialist	04910	Central	B	On or after December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7134.00</a> <del>7047.00</del>
Boiler Safety Specialist	04910	Southern	B	Prior to December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7057.44</a> <del>6883.44</del>
Boiler Safety Specialist	04910	Southern	Q	Prior to December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7160.10</a> <del>6982.62</del>
Boiler Safety Specialist	04910	Southern	S	Prior to December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">7210.56</a> <del>7033.08</del>
Boiler Safety Specialist	04910	Southern	B	On or after December 1, 2013	<a href="#">January 1, 2020</a> <del><a href="#">January 1, 2019</a></del>	<a href="#">6786.00</a> <del>6618.96</del>

NOTES: Regions – The counties in the regions are:

**Northern Region:** Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

**Central Region:** Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

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**Southern Region:** Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

Additional Provisions – Section 310.210 shall apply to employees occupying positions in the Boiler Safety Specialist class that are represented by the RC-008 bargaining unit.

(Source: Amended by peremptory rulemaking at 44 Ill. Reg. 2588, effective January 17, 2020)

## ILLINOIS STATE POLICE

## NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Firearm Dealer License Certification Act
- 2) Code Citation: 20 Ill. Adm. Code 1232
- 3) Register Citation to Notice of Proposed Rules: 44 Ill. Reg. 2446; February 7, 2020
- 4) Date, Time and Location of Public Hearing:  
  
Thursday February 20, 2020  
1:30 p.m.  
Illinois Office of the Secretary of State, Howlett Building  
501 South Second Street  
Auditorium  
Springfield IL 62703
- 5) Other Pertinent Information: We request all those interested in speaking to RSVP your name and organization to [ISP.Rulemaking@illinois.gov](mailto:ISP.Rulemaking@illinois.gov). One (1) member from each group may speak for a maximum of three (3) minutes.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received during the period of January 21, 2020 through January 27, 2020. The rulemakings are scheduled for the February 18, 2020 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/6/20	<u>Revenue</u> , Retailers' Occupation Tax (86 Ill. Adm. Code 130)	11/15/19 43 Ill.Reg. 13190	2/18/20
3/6/20	<u>Revenue</u> , Cigarette Tax Act (86 Ill. Adm. Code 440)	11/22/19 43 Ill.Reg. 13376	2/18/20
3/6/20	<u>Revenue</u> , Cigarette Use Tax Act (86 Ill. Adm. Code 450)	11/15/19 43 Ill. Reg 13266	2/18/20
3/6/20	<u>Revenue</u> , Tobacco Products Tax Act of 1995 (86 Ill. Adm. Code 660)	12/2/19 43 Ill.Reg. 13687	2/18/20
3/8/20	<u>Treasurer</u> , Secure Choice Savings Program (74 Ill. Adm. Code 721)	12/6/19 43 Ill.Reg. 14069	2/18/20

## EXECUTIVE ORDER

**2020-1**  
**AMENDMENT TO EXECUTIVE ORDER 2019-10 CEMENTING ILLINOIS'**  
**COMPREHENSIVE 2020 CENSUS EFFORT**

**WHEREAS**, Executive Order 2019-10 established the Census Office within the Illinois Department of Human Services ("Census Office") and the Census Advisory Panel (the "Panel");

**WHEREAS**, the Census Office and the Panel were established to help ensure a complete and accurate 2020 Census count for the State of Illinois;

**THEREFORE**, I, JB Pritzker, Governor of Illinois, by virtue of the executive authority vested in me by Article V of the Constitution of the State of Illinois, hereby amend Executive Order 2019-10 as follows:

#### **I. Co-Directors of the Census Office**

All references in Executive Order 2019-10 to "Census Co-Coordiators" shall be replaced with "Census Co-Directors." The Census Co-Directors shall lead the work of the Census Office as specified in Executive Order 2019-10.

#### **II. Additional Panel Members**

The Panel shall consist of 13, rather than 12, members. The Governor shall appoint three members; the President of the Senate or his or her designee shall appoint three members; the Speaker of the House of Representatives or his or her designee shall appoint three members; the Minority leader of the Senate or his or her designee shall appoint two members; and the Minority Leader of the House of Representatives or his or her designee shall appoint two members. The individuals appointed by the Governor and the legislative leaders shall represent a broad cross-section of the state's population.

#### **III. Savings Clause**

Nothing in this Executive Order shall be construed to contravene any federal or State law or regulation. Nothing in this Executive Order shall affect or alter the existing statutory powers of any State agency or be construed as a reassignment or reorganization of any State agency.

#### **IV. Prior Executive Orders**

This Executive Order supersedes any contrary provision of any other prior Executive Order. Any provisions that are not contrary to those in this Executive Order shall remain in full force and effect.

## EXECUTIVE ORDER

**V. Severability Clause**

If any part of this Executive Order is found to be invalid by a court of competent jurisdiction the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

**VI. Effective Date**

The Executive Order shall take effect immediately upon its filing with the Secretary of State.

Issued by Governor: January 21, 2020

Filed with Secretary of State: January 21, 2020

**2020-2****EXECUTIVE ORDER STRENGTHENING THE STATE'S COMMITMENT TO  
ENDING THE OPIOID EPIDEMIC**

**WHEREAS**, the State of Illinois must continue to act to reduce opioid overdose deaths, end the opioid epidemic, and recognize that substance use disorder is a chronic disease; and

**WHEREAS**, recovery belongs in our communities, recovery is possible, and we are all part of the solution to end the opioid epidemic; and

**WHEREAS**, to save lives, the State of Illinois needs to ensure that efforts are made to reach out to and engage individuals in all stages of recovery, including those who are at risk for both fatal and non-fatal overdoses, and thereby demonstrate that recovery belongs in Illinois; and

**WHEREAS**, 2018 data from the Illinois Department of Public Health (IDPH) shows a 21.6% reduction from the 2020 projected number of fatal opioid overdoses but also shows that non-fatal overdoses have increased, suggesting that this public health crisis has not subsided and that the State needs new efforts to address the changing nature of the crisis and to build on our progress in stopping overdoses and saving lives; and

**WHEREAS**, as IDPH's Opioid Data Dashboard reveals growing social and racial disparities in the crisis and shows that certain communities in Illinois have been disproportionately impacted, the State finds and declares that programs and policies must be put into place to address these disparities and to promote equitable prevention and treatment access for these individuals and communities; and

## EXECUTIVE ORDER

**WHEREAS**, certain communities have disproportionately suffered the harms of enforcement of drug laws and their residents face greater difficulties accessing opioid use disorder (OUD) treatment and recovery support services; and

**WHEREAS**, individuals who have been arrested or incarcerated due to drug laws suffer long-lasting negative consequences, including greater risk of fatal and non-fatal overdoses and impacts to employment, housing, health, and recovery; and

**WHEREAS**, evidenced-based policies and programs need to be prioritized in order to increase access to treatment and to reduce risk of overdose for this high-risk population; and

**WHEREAS**, people who inject drugs are at a high risk for HIV, HCV, and Hepatitis A, and harm reduction strategies that promote safer use of opioids and other substances can save lives by reducing both the risks of these infectious diseases and fatal overdoses; and

**WHEREAS**, heavily-advertised services offering OUD treatment that do not provide evidence-based treatment, including residential programs that fail to provide access to medication assisted treatment (MAT), may increase the risk of a fatal overdose, policies are needed that ensure treatment and intervention programs, including residential programs and recovery homes, provide access to MAT and other evidence-based treatment; and

**WHEREAS**, executive actions completed by the Task Force established under Executive Order 2017-05 created several online resources across State agencies, there is no website that serves as a single repository for this information; and

**WHEREAS**, a comprehensive single State website that houses this information and that is routinely updated is needed to ensure that the public has accurate, real-time access to online OUD prevention, treatment, recovery, and response resources; and

**WHEREAS**, additional features need to be added to the Illinois Helpline for Opioids and Other Substances to provide equitable access and utilization among youth and communities disproportionately impacted by the crisis; and

**WHEREAS**, the State recognizes the important contributions of the Illinois Opioid Crisis Response Advisory Council (Council), which has been actively engaged in efforts that address the opioid crisis, including providing input on the Statewide Opioid Action Plan (SOAP) and developing implementation report goals and metrics;

**THEREFORE**, I, JB Pritzker, Governor of Illinois, by virtue of the executive authority vested in me by Article V of the Constitution of the State of Illinois, do hereby order as follows:

## EXECUTIVE ORDER

**I. CREATION**

There is hereby established the Governor's Opioid Overdose Prevention and Recovery Steering Committee (Steering Committee).

**II. PURPOSE**

The purpose of the Steering Committee is to guide the work of the Council, serving as the liaison between its stakeholders and the Governor's Office and overseeing the ongoing implementation of the SOAP. The Steering Committee shall:

1. Formulate a detailed implementation plan, including specific activities and metrics, for the execution of the strategies set forth in the SOAP;
2. Conduct a process evaluation of the implementation of the SOAP; and
3. Use the results of the process evaluation to inform the development and implementation of a new, three-year SOAP.

**III. DUTIES**

The Steering Committee shall work in conjunction with State agencies and other stakeholders through the Council to establish the following policies and programs:

1. Establish local recovery-oriented systems of care (ROSC) councils in communities that have been disproportionately impacted by the opioid crisis in order to reach out to and engage individuals in all stages of recovery;
2. Evaluate and release a report on existing harm reduction programs and policies that encourage safer use of opioids and other substances and recommend new harm reduction strategies that should be included in a new SOAP;
3. Collaborate with law enforcement agencies and compile recommendations for curtailing illegal drug trafficking activities that are increasing fatal and non-fatal overdose risks;
4. Coordinate with the appropriate State agencies and work with the Council's newly-created Opioid Social Equity Committee to address the social and racial disparities of the crisis. At the Council's direction, the Opioid Social Equity Committee will develop a social equity statement that will guide its work and that of the Council, and make policy recommendations regarding how to begin to address how the opioid crisis has affected different communities in different ways;
5. Compile recommendations for policies to ensure that residential programs provide access to MAT and other evidence-based treatment. These should include recommendations on whether the Illinois Department of Human Services Division of Substance Use Prevention and Recovery should revoke the licenses of residential programs that do not provide access to MAT and other evidence-based treatment;

## EXECUTIVE ORDER

6. Create a comprehensive single, State website that includes links to all State agencies' online OUD prevention, treatment, and recovery resources;
7. Add research-based information to the Helpline and the comprehensive single website to increase the use of evidence-based levels of care for OUD;
8. Add age-appropriate platforms, appeals, and public communication tools to the Helpline to expand access to youth and young adults seeking OUD treatment and communities disproportionately impacted by the crisis; and
9. Launch a public awareness campaign through social media and other channels that (a) increases the use of the Helpline by individuals seeking treatment or information about treatment and (b) increases the visibility of the Helpline across Illinois.

**IV. COMPOSITION AND FUNCTION**

1. The Steering Committee shall be formed from the membership of the Council and shall consist of the following:
  - a. The Lieutenant Governor or their designee;
  - b. The Secretary of the Illinois Department of Human Services or their designee;
  - c. The Director of the Illinois Department of Public Health or their designee;
  - d. The Director of the Illinois Department of Healthcare and Family Services or their designee;
  - e. The Director of the Illinois State Police or their designee;
  - f. One of the Council Committee Chairs, to serve as the Council representative, elected by the Council; and
  - g. A person with lived experience of OUD, to be appointed by the Governor and compensated appropriately for their time devoted to the work of the Steering Committee by the Illinois Department of Human Services, as determined by the Secretary of the Illinois Department of Human Services in keeping with all applicable State hiring and contracting laws and rules.
2. The Lieutenant Governor, the Secretary of the Illinois Department of Human Services, and the Director of the Illinois Department of Public Health shall serve as Co-Chairs of the Steering Committee.
3. The Steering Committee shall meet on at least a quarterly basis.
4. The Illinois Department of Human Services shall provide administrative support to the Steering Committee as needed, including assistance in compliance with State ethics laws, the Open Meetings Act, and the Freedom of Information Act.
5. Other State agencies and stakeholders may be asked to participate at the invitation of the Steering Committee.
6. The Steering Committee shall report to the Governor's Office and shall be a liaison between the Governor's Office and the Council.
7. The Steering Committee may adopt whatever policies and procedures necessary to carry out its duties and functions.

## EXECUTIVE ORDER

**V. TRANSPARENCY**

In addition to whatever policies or procedures it may adopt, the Steering Committee shall be subject to the provisions of the Freedom of Information Act (5 ILCS 140) and the Open Meetings Act (5 ILCS 120). This section shall not be construed as to preclude other statutes from applying to the Steering Committee, the Council, and their activities.

**VI. SAVINGS CLAUSE**

This Executive Order does not contravene, and shall not be construed to contravene, any federal law, state statute, or collective bargaining agreement.

**VII. PRIOR EXECUTIVE ORDERS**

This Executive Order supersedes any contrary provision of any other prior Executive Order. This Executive Order supersedes Executive Order 2017-05 in its entirety. The Task Force created by Executive Order 2017-05 is dissolved upon this Executive Order becoming effective.

**VIII. TERM**

The Steering Committee shall be dissolved on September 30, 2023, subject to renewal by a succeeding Executive Order.

**IX. SEVERABILITY CLAUSE**

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

**X. EFFECTIVE DATE**

This Executive Order shall take effect immediately upon its filing with the Secretary of State.

Issued by Governor: January 27, 2020

Filed with the Secretary of State: January 27, 2020

## PROCLAMATION

**2020-2****Flag Lowering – SPC Miguel Villalon**

**WHEREAS**, Specialist Miguel Angel Villalon bravely served our nation in the United States Army, courageously dedicating his time on earth to protecting our lives and keeping our families safe; and,

**WHEREAS**, SPC Villalon, 21, Aurora, was killed in action on January 11, 2020, in Kandahar province, Afghanistan, in support of Operation Freedom's Sentinel from injuries sustained when his vehicle struck an improvised explosive device during his first deployment; and,

**WHEREAS**, SPC Villalon joined the Army in 2018 and, after completing Basic Combat Training and Advanced Individual Training in 2019 at Fort Leonard Wood, Missouri, was assigned to the 307th Airborne Engineer Battalion, 3rd Brigade Combat Team, 82nd Airborne Division at Fort Bragg, North Carolina, where he served as a Combat Engineer. This was his first combat deployment; and,

**WHEREAS**, SPC Villalon, who attended East Aurora High School and was described by his naval science instructor in the Navy Junior ROTC as a selfless, confident, and disciplined leader, was awarded the Purple Heart, the Bronze Star Medal, the Army Achievement Medal with 'C' device, the Army Commendation Medal, the Army Good Conduct Medal, and the Combat Action Badge; and,

**WHEREAS**, SPC Villalon was born December 31, 1998, and is survived by his father, Jesus G. Villalon of Brownsville, Texas, and mother, Olivia S. Villalon of Chicago; and,

**WHEREAS**, the funeral service and internment ceremony for SPC Miguel Angel Villalon will be held on Saturday, January 25, 2020, in Brownsville, Texas;

**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 Friday, January 24th, until sunset on Saturday, January 25th, 2020, in honor and remembrance of SPC Miguel Angel Villalon whose service and sacrifice is an inspiration to the residents of the Land of Lincoln.

Issued by the Governor: January 24, 2020

Filed by the Secretary of State: January 24, 2020

**ILLINOIS ADMINISTRATIVE CODE**  
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