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REGISTER

Rules of
Governmental Agencies

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2020

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

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

1) Heading of the Part: Prior Notification of Dividends or Distributions

2) Code Citation: 50 Ill. Adm. Code 1305

3)

Section Numbers:	Proposed Actions:
1305.10	New Section
1305.20	New Section
1305.30	New Section
1305.40	New Section

4) Statutory Authority: Implementing and authorized by Section 123C-26 and Article XXIV of the Illinois Insurance Code [215 ILCS 5/123C-26 and Article XXIV].

5) A Complete Description of the Subjects and Issues Involved: PA 100-1118, effective November 27, 2018, added a new Section to Article VIIC of the Illinois Insurance Code, Domestic Insurance Companies, namely, Section 123C-26 [215 ILCS 5/123C-26] which mandates that captive insurance companies shall notify the Director when issuing dividends or distributions to policyholders [215 ILCS 5/123C-26.A] and which mandates that the Director approve that issuance and adopt rules to implement the approval process [215 ILCS 5/123C-26.B].

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

Mark Thielen	or	Susan Anders
Assistant General Counsel		Rules Coordinator
Department of Insurance		Department of Insurance
320 West Washington, 4th Floor		320 West Washington, 4th Floor
Springfield IL 62767-0001		Springfield IL 62767-0001
217/558-4542		217/558-0957

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: Use of form for notification of Department prior to dividend or distribution

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

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

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER r: DOMESTIC CAPTIVE INSURANCE COMPANIES

PART 1305
PRIOR NOTIFICATION OF DIVIDENDS OR DISTRIBUTIONS

Section
1305.10 Purpose
1305.20 Definitions
1305.30 Prior Notification of Dividends and Other Distributions
1305.40 Penalties

AUTHORITY: Implementing and authorized by Section 123C-26 and Article XXIV of the Illinois Insurance Code [215 ILCS 5].

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

Section 1305.10 Purpose

The purpose of this Part is to describe the information that shall be provided to the Director by a domestic captive insurance company to notify the Director to seek approval of all dividends and other distributions under Section 123C-26 of the Illinois Insurance Code and provide penalties for the failure to comply with this Part.

Section 1305.20 Definitions

"Code" means the Illinois Insurance Code [215 ILCS 5].

"Department" means the Illinois Department of Insurance.

"Director" means the Director of the Illinois Department of Insurance.

Section 1305.30 Prior Notification of Dividends and Other Distributions

a) Notice

1) Any domestic captive insurance company required by Section 123C-26 of the Code to notify the Director of a dividend or other distribution to

holders of an equity interest in the captive insurance company shall notify the Director of the proposed dividend or distribution in writing within 5 business days following the declaration and no less than 10 business days prior to payment. The 10-day period shall begin the day the notice is received by the Department. The notice shall be deemed incomplete unless all the information required by this Part has been included.

2) Proof of Receipt. Certified mail confirmation, confirmation from a commercial delivery service, or the date stamped upon the notice by the Department acknowledging receipt of the filing required by this Part shall serve as proof of the date of receipt of the filing.

b) The domestic captive insurance company shall provide to the Director the information required in this Part on Form D-2 (see 50 Ill. Adm. Code 655.Illustration A) or on a similar form from and via the website of the Department.

c) The notification shall be directed to the Deputy Director of the Financial-Corporate Regulatory Division of the Illinois Department of Insurance, 320 W. Washington Street, Springfield, Illinois 62767.

d) The notification shall contain the following information:

1) name and addresses of the company sending the notification and of any companies on whose behalf the notification is being sent;

2) date of mailing;

3) name, title, address and telephone number or email address for the person to whom notices should be sent regarding this notification;

4) the amount of the dividend or other distribution and the date established for payment;

5) a statement as to whether the dividend or other distribution is to be in cash or other property, and, if in property, a description of the property, its cost, statutory carrying value, and the fair market value of the property, together with an explanation of the basis for valuation;

6) the amounts and payment dates of all dividends paid within the period of 12 consecutive months ending on the date fixed for payment of the proposed dividend for which notification is being given or approval is being sought;

7) a balance sheet and statement of income, for the period intervening from the last annual statement filed with the Director and the end of the month preceding the month in which the prior notification of the dividend is submitted, indicating the amount of all unrealized capital gains included in unassigned funds;

8) a brief statement of:

A) the effect of the proposed dividend upon the insurer's surplus;

B) the reasonableness of surplus in relation to the insurer's outstanding liabilities; and

C) the adequacy of surplus relative to the insurer's financial position;

9) a calculation of the insurer's risk based capital level as of the most recently filed financial statement (quarterly or annual), adjusted to show the effect of the proposed dividend or other distribution; and

10) date, name and signature of the individual sending the notification, attested to by an officer of the company.

e) In determining whether to approve the issuance of the dividends or other distributions, the Director shall review the notification, information included in the notification, and any other relevant information to determine if the issuance or other distribution may materially impair the domestic captive insurance company or companies.

Section 1305.40 Penalties

Failure of a domestic captive insurance company to timely file the report required by this Part or Section 123C-26 of the Code or to issue dividends or other distributions without the approval of the Director shall subject the domestic captive insurance company or companies to Article XXIV of the Code or any other remedy available to the Director.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Illinois List of Endangered and Threatened Fauna

2) Code Citation: 17 Ill. Adm. Code 1010

3) Section Number: 1010.30 — Proposed Action: Amendment

4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update the list of endangered and threatened fauna.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Illinois Endangered Species Protection Board reviews and revises this list at least every five years. These amendments have been reviewed and approved by the Board.

7) Will this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Nicole Thomas, Legal Counsel
Department of Natural Resources
One Natural Resources
Springfield IL 62702

217/524-2408

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER c: ENDANGERED SPECIES

PART 1010
ILLINOIS LIST OF ENDANGERED AND THREATENED FAUNA

Section
1010.10 Official List
1010.20 Definitions (Repealed)
1010.25 Criteria Used for Listing
1010.30 List
1010.40 Effective Date (Repealed)

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10].

SOURCE: Filed December 21, 1977, effective December 31, 1977; codified at 5 Ill. Reg. 10653; amended at 8 Ill. Reg. 13705, effective July 25, 1984; amended at 13 Ill. Reg. 4179, effective March 17, 1989; amended at 16 Ill. Reg. 103, effective December 20, 1991; amended at 18 Ill. Reg. 1134, effective January 18, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3118, effective March 3, 1997; amended at 23 Ill. Reg. 5556, effective April 26, 1999; amended at 28 Ill. Reg. 12895, effective September 1, 2004; amended at 33 Ill. Reg. 14739, effective October 30, 2009; amended at 34 Ill. Reg. 12866, effective August 20, 2010; emergency amendment at 34 Ill. Reg. 15892, effective October 1, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 4196, effective February 22, 2011; amended at 39 Ill. Reg. 7982, effective May 19, 2015; amended at 44 Ill. Reg. _____, effective _____.

Section 1010.30 List

All federally designated endangered or threatened animal species and subspecies have been automatically listed as endangered or threatened under the Illinois Endangered Species Protection Act and placed on the Illinois List by the Board and are protected under the Act even though their names do not appear in this Section. Only those federally designated endangered or threatened animal species and subspecies known to occur in Illinois are designated as Illinois-endangered or Illinois-threatened by the Board and their names appear in this Section. Users should refer to the US Fish and Wildlife Service website at http://www.fws.gov/ endangered/ for a complete listing of all federally designated endangered and threatened species

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

and subspecies.

a) ENDANGERED FISHES OF ILLINOIS

~~Northern Brook Lamprey~~	~~Ichthyomyzon fossor~~
Lake Sturgeon	Acipenser fulvescens
Western Sand Darter~~Pallid Sturgeon**~~	Ammocrypta clara~~Scaphirhynchus albus~~
Cisco~~River Chub~~	Coregonus artedi~~Nocomis micropogon~~
Crystal Darter~~Sturgeon Chub~~	Crystallaria asprella~~Macrhybopsis gelida~~
Bluebreast Darter~~Bigeye Chub~~	Etheostoma camurum~~Hybopsis amblops~~
Harlequin Darter~~Pallid Shiner~~	Etheostoma histrio~~Hybopsis amnis~~
Cypress Minnow~~Pugnose Shiner~~	Hybognathus hayi~~Notropis anogenus~~
Pallid~~Bigeye~~ Shiner	Hybopsis amnis~~Notropis boops~~
Northern Brook Lamprey~~Blacknose Shiner~~	Ichthyomyzon fossor~~Notropis heterolepis~~
Sturgeon Chub~~Taillight Shiner~~	Macrhybopsis gelida~~Notropis maculatus~~
Greater Redhorse~~Weed Shiner~~	Moxostoma valenciennesi~~Notropis texanus~~
River Chub~~Cypress Minnow~~	Nocomis micropogon~~Hybognathus hayi~~
Pugnose Shiner~~Greater Redhorse~~	Notropis anogenus~~Moxostoma valenciennesi~~
Bigeye Shiner~~Northern Madtom~~	Notropis boops~~Noturus stigmosus~~
Blacknose Shiner~~Redspotted Sunfish~~	Notropis heterolepis~~Lepomis miniatus~~
Taillight Shiner~~Bluebreast Darter~~	Notropis maculatus~~Etheostoma camurum~~
Weed Shiner~~Western Sand Darter~~	Notropis texanus~~Ammocrypta clarum~~

Northern Madtom~~Harlequin Darter~~	Noturus stigmosus~~Etheostoma histrio~~
Pallid Sturgeon**	Scaphirhynchus albus

b) THREATENED FISHES OF ILLINOIS

Eastern Sand Darter~~Least Brook Lamprey~~	Ammocrypta pellucida~~Lampetra aepyptera~~
Longnose Sucker~~American Brook Lamprey~~	Catostomus catostomus~~Lethenteron appendix~~
Mottled Sculpin~~American Eel~~	Cottus bairdii~~Anguilla rostrata~~
Gravel Chub~~Brassy Minnow~~	Erimystax x-punctatus~~Hybognathus hankinsoni~~
Spring Cavefish~~Cisco~~	Forbesichthys agassizii~~Coregonus artedi~~
Western Banded Killifish~~Gravel Chub~~	Fundulus diaphanus subsp. menona~~Erimystax x-punctatus~~
Starhead Topminnow~~Ironcolor Shiner~~	Fundulus dispar~~Notropis chalybaeus~~
Brassy Minnow~~Blackchin Shiner~~	Hybognathus hankinsoni~~Notropis heterodon~~
Bigeye Chub~~River Redhorse~~	Hybopsis amblops~~Moxostoma carinatum~~
Least Brook Lamprey~~Crystal Darter~~	Lampetra aepyptera~~Crystallaria asprella~~
Redspotted Sunfish~~Eastern Sand Darter~~	Lepomis miniatus~~Ammocrypta pellucidum~~
Bantam Sunfish~~Longnose Sucker~~	Lepomis symmetricus~~Catostomus catostomus~~
American Brook Lamprey~~Banded Killifish~~	Lethenteron appendix~~Fundulus diaphanus~~
River Redhorse~~Starhead Topminnow~~	Moxostoma carinatum~~Fundulus dispar~~
Ironcolor Shiner~~Bantam Sunfish~~	Notropis chalybaeus~~Lepomis symmetricus~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Blackchin Shiner~~Iowa Darter~~	Notropis heterodon~~Etheostoma exile~~
Ozark Minnow	Notropis nubilus

c) ENDANGERED AMPHIBIANS AND REPTILES OF ILLINOIS

Salamanders

~~Hellbender~~	~~Cryptobranchus alleganiensis~~
Silvery Salamander	Ambystoma platineum
Hellbender	Cryptobranchus alleganiensis
Spotted Dusky Salamander	Desmognathus conanti

Turtles

Spotted~~Alligator Snapping~~ Turtle	Clemmys guttata~~Macrochelys temminckii~~
Blanding's Turtle	Emydoidea blandingii
Yellow Mud Turtle	Kinosternon flavescens
Alligator Snapping Turtle~~Smooth Softshell~~	Macrochelys temminckii~~Apalone mutica~~
~~Spotted Turtle~~	~~Clemmys guttata~~
River Cooter	Pseudemys concinna

Snakes

Coachwhip	Coluber~~Masticophis~~ flagellum
Southern Watersnake	Nerodia fasciata
Great Plains Ratsnake	Pantherophis emoryi
Eastern Massasauga*	Sistrurus catenatus

d) THREATENED AMPHIBIANS AND REPTILES OF ILLINOIS

Salamanders

Jefferson Salamander	Ambystoma jeffersonianum
Four-toed Salamander	Hemidactylium scutatum
Mudpuppy	Necturus maculosus

Frogs and Toads

Eastern Narrow-mouthed Toad	Gastrophryne carolinensis
Bird-voiced Treefrog	Hyla avivoca
Illinois Chorus Frog	Pseudacris illinoensis
~~Eastern Narrow-mouthed Toad~~	~~Gastrophryne carolinensis~~

Turtles

Smooth Softshell	Apalone mutica
Ornate Box Turtle	Terrapene ornata

Snakes

Kirtland's~~Lined~~ Snake	Clonophis kirtlandii~~Tropidoclonion lineatum~~
Timber Rattlesnake~~Plains Hog-Nosed Snake~~	Crotalus horridus~~Heterodon nasicus~~
Plains Hog-nosed Snake	Heterodon nasicus
Mississippi Green Watersnake	Nerodia cyclopion
Flat-headed~~Flathead~~ Snake	Tantilla gracilis
~~Kirtland's Snake~~	~~Clonophis kirtlandi~~
Eastern Ribbonsnake	Thamnophis sauritas~~sauritus~~
Lined Snake~~Timber Rattlesnake~~	Tropidoclonion lineatum~~Crotalus horridus~~

e) ENDANGERED BIRDS OF ILLINOIS

Short-eared Owl~~American Bittern~~	Asio flammeus~~Botaurus lentiginosus~~
Upland Sandpiper~~Snow Egret~~	Bartramia longicauda~~Egretta thula~~
American Bittern~~Little Blue Heron~~	Botaurus lentiginosus~~Egretta caerulea~~
Swainson's Hawk~~Black-crowned Night Heron~~	Buteo swainsoni~~Nycticorax nycticorax~~
Piping Plover**~~Yellow-crowned Night Heron~~	Charadrius melodus~~Nyctanassa violacea~~
Black Tern~~Osprey~~	Chlidonias niger~~Pandion haliaetus~~
Northern Harrier	Circus hudsonius~~cyaneus~~
Little Blue Heron~~Swainson's Hawk~~	Egretta caerulea~~Buteo~~

	~~swainsoni~~
Snowy Egret~~Greater Prairie Chicken~~	Egretta thula~~Tympanuchus cupido~~
Common Gallinule~~Black Rail~~	Gallinula galeata~~Laterallus jamaicensis~~
Loggerhead Shrike~~King Rail~~	Lanius ludovicianus~~Rallus elegans~~
Black Rail~~Piping Plover**~~	Laterallus jamaicensis~~Charadrius melodus~~
Swainson's Warbler~~Upland Sandpiper~~	Limnothlypis swainsonii~~Bartramia longicauda~~
Yellow-crowned Night-Heron~~Wilson's Phalarope~~	Nyctanassa violacea~~Phalaropus tricolor~~
Black-crowned Night-Heron~~Common Gallinule~~	Nycticorax nycticorax~~Gallinula galeata~~
Wilson's Phalarope~~Loggerhead Shrike~~	Phalaropus tricolor~~Lanius ludovicianus~~
King Rail~~Common Tern~~	Rallus elegans~~Sterna hirundo~~
Forster's Tern	Sterna forsteri
Common Tern~~Least Tern**~~	Sterna hirundo~~Sternula antillarum~~
Least Tern**~~Black Tern~~	Sternula antillarum~~Chlidonias niger~~
~~Short-eared Owl~~	~~Asio flammeus~~
Bewick's Wren	Thryomanes bewickii
Greater Prairie-Chicken~~Swainson's Warbler~~	Tympanuchus cupido~~Limnothlypis swainsonii~~
Yellow-headed Blackbird	Xanthocephalus xanthocephalus

f) THREATENED BIRDS OF ILLINOIS

Chuck-will's-widow~~Least Bittern~~	Antrostomus carolinensis~~Ixobrychus exilis~~
Rufa Red Knot*	Calidris canutus rufa
Black-billed Cuckoo~~Cerulean Warbler~~	Coccyzus

	erythropthalmus~~Dendroica cerulea~~
Least Bittern~~Mississippi Kite~~	Ixobrychus exilis~~Ictinia mississippiensis~~
Osprey~~Black-billed Cuckoo~~	Pandion haliaetus~~Coccyzus erythropthalmus~~
Cerulean Warbler~~Barn Owl~~	Setophaga cerulea~~Tyto alba~~
~~Chuck-will's-widow~~	~~Caprimulgus carolinensis~~

g) ENDANGERED MAMMALS OF ILLINOIS

Gray/Timber Wolf**~~Southeastern Myotis~~	Canis lupus~~Myotis austroriparius~~
Rafinesque's Big-eared Bat~~Gray Bat**~~	Corynorhinus rafinesquii~~Myotis grisescens~~
Southeastern Myotis~~Indiana Bat**~~	Myotis austroriparius~~sodalis~~
Gray Bat**~~Rafinesque's Big-eared Bat~~	Myotis grisescens~~Corynorhinus rafinesquii~~
Indiana Bat**~~Eastern Wood Rat~~	Myotis sodalis~~Neotoma floridana~~

h) THREATENED MAMMALS OF ILLINOIS

Eastern Small-footed Bat	Myotis leibii
Northern Long-eared Bat*	Myotis septentrionalis
~~Gray/Timber Wolf**~~	~~Canis lupus~~
Franklin's Ground Squirrel	Poliocitellus franklinii

i) ENDANGERED INVERTEBRATE ANIMALS OF ILLINOIS

Snails

Iowa Pleistocene Snail**	Discus macclintocki
Hydrobiid Cave Snail	Fontigens antroecetes
Onyx Rocksnail	Leptoxis praerosa
Shawnee Rocksnail	Lithasia obovata

Mussels

Fanshell~~Spectaclecase~~**	Cyprogenia

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

	stegariaCumberlandia monodonta
Elephant-earSalamander Mussel	Elliptio crassidensSimpsonaias ambigua
Northern Riffleshell**Rabbitsfoot*	Epioblasma rangiana*Quadrula cylindrica
Snuffbox**Ebonyshell	Epioblasma triquetraFusconaia ebena
SpikeOrange-foot Pimpleback**	Eurynia dilatataPlethobasus cooperianus
Pink MucketSheepnose**	Lampsilis abruptaPlethobasus cyphyus
Wavy-rayed LampmusselClubshell**	Lampsilis fasciolaPleurobema clava
Higgins Eye**Ohio Pigtoe	Lampsilis higginsiiPleurobema cordatum
Scaleshell**Elephant-ear	Leptodea leptodonElliptio crassidens
Spectaclecase**Kidneyshell	Margaritifera monodontaPtychobranchus fasciolaris
Orangefoot PimplebackFanshell**	Plethobasus cooperianusCyprogenia stegria
SheepnoseScaleshell**	Plethobasus cyphyusLeptodea leptodon
ClubshellFat Pocketbook**	Pleurobema clavaPotamilus capax
Ohio PigtoePurple Lilliput	Pleurobema cordatumToxolasma lividus
Fat Pocketbook**Rainbow	Potamilus capaxVillosa iris
KidneyshellPink Mucket**	Ptychobranchus fasciolarisLampsilis abrupta
EbonyshellWavy-rayed Lampmussel	Reginaia ebenusLampsilis fasciola
Salamander MusselHiggins Eye**	Simpsonaias ambiguaLampsilis higginsii
Rabbitsfoot*Snuffbox**	Theliderma

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

	cylindrica~~Epioblasma triquetra~~
Purple Lilliput~~Northern Riffleshell**~~	Toxolasma lividum~~Epioblasma torulosa rangiana~~
Rainbow	Villosa iris

Crustaceans

Isopod	Caecidotea lesliei
Anomalous Spring Amphipod	Crangonyx anomalus
Packard's~~Pacard's~~ Cave Amphipod	Crangonyx packardi
Indiana Crayfish~~Illinois Cave Amphipod**~~	Faxonius indianensis~~Gammarus acherondytes~~
Kentucky Crayfish~~Iowa Amphipod~~	Faxonius kentuckiensis~~Stygobromus iowae~~
Shrimp~~Indiana~~ Crayfish	Faxonius lancifer~~Orconectes indianensis~~
Bigclaw~~Kentucky~~ Crayfish	Faxonius placidus~~Orconectes kentuckiensis~~
Illinois Cave Amphipod**~~Oxbow Crayfish~~	Gammarus acherondytes~~Orconectes lancifer~~
Iowa Amphipod~~Crayfish~~	Stygobromus iowae~~Orconectes placidus~~
~~Isopod~~	~~Caecidotea lesliei~~

Scorpions

Common Striped Scorpion	Centruroides vittatus

Dragonflies

Elfin Skimmer	Nannothemis bella
Hine's Emerald~~Emerald's~~ Dragonfly**	Somatochlora hineana

Springtails

Madonna Cave Springtail	Pygmarrhopalites madonnensis

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Stoneflies

Robust Springfly	Diploperla robusta
Central Forestfly	Prostoia ozarkensis~~completa~~

Bees

Rusty Patched Bumble Bee**	Bombus affinis

Leafhoppers

Leafhopper	Athysanella incongrua

Butterflies and Moths

Swamp Metalmark	Calephelis muticum
Cobweb Skipper	Hesperia metea
Ottoe Skipper	Hesperia ottoe
Hoary Elfin	Incisalia polios
Karner Blue Butterfly**	Lycaeides melissa samuelis
~~Swamp Metalmark~~	~~Calephelis muticum~~

j) THREATENED INVERTEBRATE ANIMALS OF ILLINOIS

Mussels

Purple Wartyback	Cyclonaias tuberculata
~~Spike~~	~~Elliptio dilatata~~
~~Slippershell~~	~~Alasmidonta viridis~~
Butterfly	Ellipsaria lineolata
Monkeyface~~Black Sandshell~~	Quadrula metanevra~~Ligumia recta~~
~~Little Spectaclecase~~	~~Villosa lienosa~~

~~Dragonflies~~

~~Elfin Skimmer~~	~~Nannothemis bella~~

Leafhoppers

Redveined Prairie Leafhopper	Aflexia rubranura

Butterflies and Moths

Eryngium Stem Borer	Papaipema eryngii
Regal Fritillary	Speyeria idalia

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* Federally designated threatened species

** Federally designated endangered species

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

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1) Heading of the Part: Illinois List of Endangered and Threatened Flora

2) Code Citation: 17 Ill. Adm. Code 1050

3)

Section Numbers:	Proposed Actions:
1050.30	Amendment
1050.40	Amendment

4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update the list of endangered and threatened flora.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: The Illinois Endangered Species Protection Board reviews and revises this list at least every five years. These amendments have been reviewed and approved by the Board.

7) Will this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Nicole Thomas, Legal Counsel
Department of Natural Resources
One Natural Resources
Springfield IL 62702

217/524-2408

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13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER c: ENDANGERED SPECIES

PART 1050
ILLINOIS LIST OF ENDANGERED AND THREATENED FLORA

Section
1050.10 Official List
1050.20 Definitions (Repealed)
1050.25 Criteria Used For Listing
1050.30 Endangered Flora of Illinois
1050.40 Threatened Flora of Illinois

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 209, effective May 20, 1980 unless otherwise noted; amended at 5 Ill. Reg. 10293, effective September 30, 1981; codified at 6 Ill. Reg. 2593; amended at 8 Ill. Reg. 13713, effective July 25, 1984; amended at 13 Ill. Reg. 3755, effective March 13, 1989; amended at 14 Ill. Reg. 6123, effective April 17, 1990; amended at 17 Ill. Reg. 10781, effective July 1, 1993; amended at 18 Ill. Reg. 1142, effective January 18, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 21902, effective December 3, 1998; amended at 28 Ill. Reg. 12904, effective September 1, 2004; amended at 33 Ill. Reg. 14748, effective October 30, 2009; amended at 39 Ill. Reg. 7993, effective May 19, 2015; amended at 44 Ill. Reg. _____, effective _____.

Section 1050.30 Endangered Flora of Illinois

All federally designated endangered or threatened animal species and subspecies have been automatically listed as endangered or threatened under the Illinois Endangered Species Protection Act and placed on the Illinois List by the Board and are protected under the Act even though their names do not appear in this Section. Only those federally designated endangered or threatened animal species and subspecies known to occur in Illinois are designated as Illinois-endangered or Illinois-threatened by the Board and their names appear in this Section. Users should refer to the US Fish and Wildlife Service website at http://www.fws.gov/endangered/for a complete listing of all federally designated endangered and threatened species and subspecies.

DEPARTMENT OF NATURAL RESOURCES

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SCIENTIFIC NAME	COMMON NAME
EQUISETACEAE	
Equisetum scirpoides	Dwarf Scouring Rush
Equisetum sylvaticum	Woodland Horsetail
HYMENOPHYLLACEAE	
Vandenboschia boschiana~~Trichomanes boschianum~~	Filmy fern
ISOETACEAE	
Isoetes butleri	Butler's Quillwort
LYCOPODIACEAE	
Dendrolycopodium dendroideum	Ground Pine
Dendrolycopodium hickeyi	Hickey's Groundpine
Lycopodium clavatum	Running Pine
~~Lycopodium dendroideum~~	~~Ground Pine~~
Lycopodiella inundata	Bog Clubmoss
OPHIOGLOSSACEAE	
~~Botrychium biternatum~~	~~Southern Grape Fern~~
Botrychium campestre	Prairie Moonwort
Botrychium matricariifolium	Daisyleaf Grape Fern
Botrychium multifidum	Northern Grape Fern
Botrychium simplex	Dwarf Grape Fern
Sceptridium biternatum	Southern Grape Fern
POLYPODIACEAE	
Asplenium bradleyi	Bradley's Spleenwort
Asplenium resiliens	Black Spleenwort
Cystopteris laurentiana	Laurentian Fragile Fern
Dennstaedtia punctilobula	Hay-scented Fern
Dryopteris celsa	Log Fern
Gymnocarpium dryopteris	Oak Fern
Gymnocarpium robertianum	Scented Oak Fern
Phegopteris connectilis	Long Beech Fern
Thelypteris noveboracensis	New York Fern
Woodsia ilvensis	Rusty Woodsia
CUPRESSACEAE	
Juniperus horizontalis	Trailing Juniper
PINACEAE	
Larix laricina	Tamarack
Pinus banksiana	Jack Pine

Pinus echinata	Shortleaf Pine
Pinus resinosa	Red Pine
ALISMATACEAE	
Echinodorus tenellus	Small Burhead
Sagittaria australis	Arrowhead
ARACEAE	
Calla palustris	Water Arum
COMMELINACEAE	
Tradescantia bracteata	Prairie Spiderwort
CYPERACEAE	
Carex alata	Winged Sedge
Carex arkansana	Arkansas Sedge
Carex brunnescens	Brownish Sedge
Carex canescens ~~var. disjuncta~~	Silvery Sedge
Carex chordorrhiza	Cordroot Sedge
Carex crawfordii	Crawford's Sedge
Carex cumulata	Sedge
Carex debilis	White-edge Sedge
Carex decomposita	Cypress-knee Sedge
Carex diandra	Sedge
Carex disperma	Shortleaf Sedge
Carex echinata	Sedge
Carex formosa	Sedge
Carex garberi	Elk Sedge
Carex gigantea	Large Sedge
Carex heliophila	Plains Sedge
Carex intumescens	Swollen Sedge
Carex nigromarginata	Black-edged Sedge
Carex oligosperma	Few-seeded Sedge
Carex opaca	Opaque Oval Sedge
Carex physorhyncha	Bellow's Beak Sedge
Carex plantaginea	Plantain-leaved Sedge
Carex reniformis	Reniform Sedge
Carex straminea	Eastern Straw Sedge
Carex trisperma	Three-seeded Sedge
Carex tuckermanii	Tuckerman's Sedge
Eleocharis olivacea ~~(Eleocharis flavescens var. olivacea)~~	Capitate Spikerush
Eleocharis pauciflora ~~(Eleocharis~~	Few-flowered Spikerush

~~quinqueflora)~~	
Eriophorum virginicum	Rusty Cotton Grass
Fimbristylis vahlii	Vahl's Fimbry
Rhynchospora alba	Beaked Rush
Rhynchospora glomerata	Clustered Beak Rush
Schoenoplectus purshianus	Pursh's Bulrush
Schoenoplectus smithii	Smith's Bulrush
Scirpus hattorianus	Bulrush
Scirpus microcarpus	Small-fruited Bulrush
Scirpus polyphyllus	Leafy Bulrush
Scleria muhlenbergii	Muhlenberg's Nut Rush
Scleria pauciflora	Carolina Whipgrass
Trichophorum cespitosum	Tufted Bulrush
IRIDACEAE	
Sisyrinchium atlanticum	Eastern Blue-eyed Grass
Sisyrinchium montanum	Mountain Blue-eyed Grass
JUNCACEAE	
Juncus vaseyi	Vasey's Rush
Luzula acuminata	Hairy Woodrush
LILIACEAE	
Camassia angusta	Wild Hyacinth
Chamaelirium luteum	Fairy Wand
Medeola virginiana	Indian Cucumber Root
Melanthium virginicum	Virginia Bunchflower
Polygonatum pubescens	Downy Solomon's Seal
Trillium cernuum	Nodding Trillium
Trillium erectum	Ill-scented Trillium
Trillium viride	Green Trillium
Zigadenus elegans ~~(Zigadenus venenosus var. gramineus)~~	White Camass
ORCHIDACEAE	
Calopogon oklahomensis	Oklahoma Grass Pink Orchid
Calopogon tuberosus	Grass Pink Orchid
Corallorhiza maculata	Spotted Coral-root Orchid
Cypripedium acaule	Moccasin Flower
Cypripedium parviflorum	Small Yellow Lady's Slipper
Cypripedium reginae	Showy Lady's Slipper
Hexalectris spicata	Crested Coralroot Orchid
Isotria medeoloides*	Small Whorled Pogonia~~Pognoia~~

Isotria verticillata	Whorled Pogonia
Platanthera ciliaris	Orange Fringed Orchid
Platanthera clavellata	Wood Orchid
Platanthera leucophaea*	Eastern Prairie Fringed Orchid
Platanthera psycodes	Purple Fringed Orchid
Pogonia ophioglossoides	Snake-mouth
Spiranthes lucida	Yellow-lipped Ladies' Tresses
Spiranthes vernalis	Spring Ladies' Tresses
POACEAE	
Avenella flexuosa	Hairgrass
Beckmannia~~Beechmannia~~ syzigachne	American Slough Grass
Bouteloua gracilis	Blue Grama
Calamagrostis insperata	Hollow Reed Grass
~~Deschampsia flexuosa~~	~~Hairgrass~~
Dichanthelium boreale	Northern Panic Grass
Dichanthelium joorii	Panic Grass
Dichanthelium portoricense	Hemlock Panic Grass
~~Dichanthelium joorii~~	~~Panic Grass~~
Dichanthelium ravenelii	Ravenel's Panic Grass
Dichanthelium yadkinense	Panic Grass
Elymus trachycaulus~~trachycaulis~~	Bearded Wheat Grass
Glyceria arkansana	Arkansas Manna Grass
Melica mutica	Two-Flowered Melic Grass
Poa alsodes	Grove Bluegrass
Poa languida	Weak Bluegrass
Poa wolfii	Wolf's Bluegrass
Schizachne purpurascens	False Melic Grass
Torreyochloa pallida	Pole Manna-Grass
~~Schizachne purpurascens~~	~~False Melic Grass~~
PONTERDERIACEAE	
Heteranthera reniformis	Mud Plantain
POTAMOGETONACEAE	
Potamogeton praelongus	White-stemmed Pondweed
Potamogeton pulcher	Spotted Pondweed
Potamogeton robbinsii	Fern Pondweed
Potamogeton strictifolius	Stiff Pondweed
SPARGANIACEAE	
Sparganium americanum	American Bur-reed
Sparganium emersum	Green-fruited Bur-reed

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ACANTHACEAE	
Justicia ovata	Water Willow
ADOXACEAE	
Adoxa moschatellina	Moschatel
AMARANTHACEAE	
Iresine rhizomatosa	Bloodleaf
APIACEAE	
Conioselinum chinense	Hemlock Parsley
Cynosciadium digitatum	Cynosciadium
Eryngium prostratum	Eryngo
Ptilimnium nuttallii	Mock Bishop's Weed
Sanicula smallii	Southern Black Snakeroot
ASCLEPIADACEAE	
Asclepias lanuginosa	Wooly Milkweed
Asclepias meadii*	Mead's Milkweed
Asclepias ovalifolia	Oval Milkweed
Asclepias stenophylla	Narrow-leaved Green Milkweed
Matelea decipiens	Climbing Milkweed
ASTERACEAE	
Artemisia dracunculus	Dragon Wormwood
Cirsium pitcheri*	Pitcher's (Dune) Thistle
Eupatorium hyssopifolium	Hyssop-leaved Thoroughwort
Helianthus angustifolius	Narrow-leaved Sunflower
Helianthus giganteus	Tall Sunflower
Hymenopappus scabiosaeus	Old Plainsman
Megalodonta beckii	Water Marigold
Melanthera nivea	White Melanthera
Nothocalais cuspidata	Prairie Dandelion
Tetraneuris herbacea*	Lakeside Daisy
BETULACEAE	
Alnus incana subsp. rugosa	Speckled Alder
Betula alleghaniensis	Yellow Birch
BORAGINACEAE	
Hackelia deflexa var. americana	Stickseed
Heliotropium tenellum	Slender Heliotrope
BRASSICACEAE	
Cardamine pratensis var. palustris	Cuckoo Flower
Draba cuneifolia	Whitlow Grass
Physaria~~Lesquerella~~ ludoviciana	Silvery Bladderpod

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CACTACEAE	
Opuntia fragilis	Fragile Prickly Pear
CAPPARIDACEAE	
Polanisia jamesii	James' Clammyweed
CAPRIFOLIACEAE	
Lonicera dioica var. glaucescens	Red Honeysuckle
Lonicera flava	Yellow Honeysuckle
Sambucus racemosa subsp. pubens	Red-berried Elder
Symphoricarpos albus var. albus	Snowberry
CARYOPHYLLACEAE	
Silene ovata	Ovate Catchfly
Silene regia	Royal Catchfly
Stellaria pubera	Great Chickweed
CISTACEAE	
Hudsonia tomentosa	False Heather
Lechea intermedia	Savanna Pinweed
CLUSIACEAE	
Hypericum adpressum	Shore St. John's Wort
Hypericum kalmianum	Kalm's St. John's Wort
CONVOLVUACEAE	
Stylisma pickeringii	Patterson's Bindweed
CORNACEAE	
Cornus canadensis	Bunchberry
~~CORYLACEAE~~	
~~Corylus cornuta~~	~~Beaked Hazelnut~~
DROSERACEAE	
Drosera rotundifolia	Round-leaved Sundew
ELAEAGNACEAE	
Shepherdia canadensis	Buffaloberry
ERICACEAE	
Andromeda glaucophylla	Bog Rosemary
Arctostaphylos uva-ursi	Bearberry
Vaccinium corymbosum	Highbush Blueberry
Vaccinium macrocarpon	Large Cranberry
Vaccinium oxycoccos	Small Cranberry
Vaccinium stamineum	Deerberry
EUPHORBIACEAE	
Chamaesyce polygonifolia	Seaside Spurge
Euphorbia spathulata	Spurge

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FABACEAE	
Amorpha nitens	Smooth False Indigo
Astragalus crassicarpus var. trichocalyx	Large Ground Plum
Astragalus distortus	Bent Milk Vetch
Astragalus tennesseensis	Tennessee Milk Vetch
Baptisia tinctoria	Yellow Wild Indigo
Cladrastis lutea ~~(Cladrastis kentuckea)~~	Yellowwood
Dalea foliosa **	Leafy Prairie Clover
Galactia mohlenbrockii	Boykin's Dioclea
Lespedeza leptostachya*	Prairie Bush Clover
Mimosa nuttallii	Cat's Claw
FAGACEAE	
Quercus texana	Nuttall's Oak
GENTIANACEAE	
Bartonia paniculata	Screwstem
Sabatia campestris	Prairie Rose Gentian
GERANIACEAE	
Geranium bicknellii	Northern Cranesbill
HYDROPHYLLACEAE	
Hydrolea uniflora	One-flowered Hydrolea
Nemophila triloba	Baby Blue-Eyes
Phacelia gilioides	Ozark Phacelia
JUGLANDACEAE	
Carya pallida	Pale Hickory
Juglans cinerea	Butternut
LENTIBULARIACEAE	
Utricularia cornuta	Horned Bladderwort
Utricularia minor	Small Bladderwort
Utricularia subulata	Hair Bladderwort
LOASACEAE	
Mentzelia oligosperma	Stickleaf
MALVACEAE	
Iliamna remota	Kankakee Mallow
Malvastrum hispidum	False Mallow
MELASTOMACEAE	
Rhexia mariana	Dull Meadow Beauty
MYRICACEAE	
Comptonia peregrina	Sweetfern

NYCTAGINACEAE	
Mirabilis hirsuta	Hairy Umbrella-wort
ONAGRACEAE	
Circaea alpina	Small Enchanter's Nightshade
OROBANCHACEAE	
Orobanche fasciculata	Clustered Broomrape
PAPAVERACEAE	
Corydalis aurea	Golden Corydalis
Corydalis halei	Hale's Corydalis
Corydalis sempervirens	Pink Corydalis
PLANTAGINACEAE	
Plantago cordata	Heart-leaved Plantain
POLEMONIACEAE	
Phlox pilosa subsp. sangamonensis	Sangamon Phlox
POLYGALACEAE	
Polygala incarnata	Pink Milkwort
POLYGONACEAE	
Polygonum careyi	Carey's Heartsease
Tracaulon arifolium	Halberd-leaved Tearthumb
PORTULACACEAE	
Phemeranthus calycinus~~Talinum calycinum~~	Fameflower
PRIMULACEAE	
Lysimachia radicans	Creeping Loosestrife
Primula mistassinica	Bird's-eye Primrose
Trientalis borealis	Star-flower
PYROLACEAE	
Chimaphila maculata	Spotted Wintergreen
Chimaphila umbellata	Pipsissewa
RANUNCULACEAE	
Actaea podocarpa~~Cimicifuga americana~~	American Bugbane
Actaea~~Cimicifuga~~ racemosa	False Bugbane
Actaea~~Cimicifuga~~ rubifolia	Black Cohosh
Clematis crispa	Blue Jasmine
~~Clematis occidentalis~~	~~Mountain Clematis~~
Clematis viorna	Leatherflower
Delphinium carolinianum	Hill Prairie Larkspur
Ranunculus rhomboideus	Prairie Buttercup

DEPARTMENT OF NATURAL RESOURCES

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RHAMNACEAE	
Berchemia scandens	Supple~~-~~ Jack
Ceanothus herbaceus	Redroot
Rhamnus alnifolia	Alder Buckthorn
ROSACEAE	
Amelanchier~~Amelachier~~ sanguinea	Shadbush
Malus angustifolia	Narrow-leaved Crabapple
Rosa acicularis	Bristly Rose
Sanguisorba canadensis	American Burnet
Sorbus americana	American Mountain Ash
RUBIACEAE	
Galium virgatum	Dwarf Bedstraw
SALICACEAE	
Populus balsamifera	Balsam Poplar
Salix serissima	Autumn Willow
Salix syrticola	Dune Willow
SAPOTACEAE	
Bumelia lanuginosa	Wooly Buckthorn
SARRACENIACEAE	
Sarracenia purpurea	Pitcher Plant
SAXIFRAGACEAE	
Ribes hirtellum	Northern Gooseberry
Micranthes~~Saxifraga~~ virginiensis	Early Saxifrage
SCROPHULARIACEAE	
Castilleja sessiliflora	Downy Yellow Painted Cup
Collinsia violacea	Violet Collinsia
Gratiola quartermaniae	Hedge Hyssop
Mimulus glabratus	Yellow Monkey Flower
Penstemon grandifloras	Large Flowered Beard Tongue
Penstemon tubaeflorus	Tube Beard~~Beards~~ Tongue
~~Penstemon grandiflorus~~	~~Large-flowered Beard Tongue~~
Veronica americana	American Brooklime
STYRACACEAE	
Halesia carolina	Silverbell Tree
Styrax grandifolius	Bigleaf Snowbell Bush
TILIACEAE~~TILLIACEAE~~	
Tilia heterophylla	White Basswood
ULMACEAE	
Ulmus thomasii	Rock Elm

VALERIANACEAE	
Valeriana uliginosa	Marsh Valerian
Valerianella chenopodifolia	Corn Salad
Valerianella umbilicata	Corn Salad
VIOLACEAE	
Viola blanda	Hairy White Violet
Viola canadensis	Canada Violet
Viola primulifolia	Primrose Violet

* Federally designated threatened species

** Federally designated endangered species

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

Section 1050.40 Threatened Flora of Illinois

All federally designated endangered or threatened plant species and subspecies have been automatically placed on the Illinois List by the Board and are protected under the Illinois Endangered Species Protection Act even though their names do not appear in this Part. Only those federally designated endangered or threatened plant species and subspecies known to occur in Illinois are designated as Illinois-endangered or Illinois-threatened by the Board and their names appear in this Part. Users should refer to the US Fish and Wildlife Service at www.fws.gov/endangered/ for a complete listing of all federally designated endangered and threatened species and subspecies.

SCIENTIFIC NAME	COMMON NAME
PHYSCIACEAE	
Phaeophyscia leana	Lea's Bog Lichen
EQUISETACEAE	
Equisetum pratense	Meadow Horsetail
LYCOPODIACEAE	
Huperzia porophila	Cliff Clubmoss
CUPRESSACEAE	
Juniperus communis	Ground Juniper
~~PINACEAE~~	
~~Larix laricina~~	~~Tamarack~~
CYPERACEAE	
Carex atlantica	Sedge

Carex aurea	Golden Sedge
Carex bromoides	Sedge
~~Carex communis~~	~~Fibrous-rooted Sedge~~
Carex cryptolepis~~cryptolepsis~~	Yellow Sedge
Carex oxylepis	Sharp-scaled Sedge
Carex prasina	Drooping Sedge
Carex viridula	Little Green Sedge
Carex willdenowii	Willdenow's Sedge
Cyperus grayoides	Umbrella Sedge
Cyperus lancastriensis	Galingale
Eleocharis rostellata	Beaked Spike Rush
Schoenoplectus hallii	Hall's Bulrush
~~Scirpus polyphyllus~~	~~Many-leaved Bulrush~~
JUNCAGINACEAE	
Triglochin maritima	Common Bog Arrowgrass
Triglochin palustris	Slender Bog Arrowgrass
LILIACEAE	
~~Melanthium virginicum~~	~~Bunchflower~~
~~Polygonatum pubescens~~	~~Downy Solomon's Seal~~
Stenanthium gramineum	Grass-leaved Lily
Tofieldia glutinosa	False Asphodel
ORCHIDACEAE	
Platanthera flava	Tubercled Orchid
POACEAE	
Ammophila breviligulata	Marram Grass
Festuca paradoxa	Cluster Fescue
POTAMOGETONACEAE	
Potamogeton gramineus	Grass-leaved Pondweed
ASTERACEAE	
Aster furcatus	Forked Aster
Boltonia decurrens*	Decurrent False Aster
~~Cirsium pitcheri*~~	~~Pitcher's (Dune) Thistle~~
~~Helianthus angustifolius~~	~~Narrow-leaved Sunflower~~
~~Hymenopappus scabiosaeus~~	~~Old Plainsman~~
Rudbeckia missouriensis	Missouri Orange Coneflower
Solidago sciaphila	Cliff Goldenrod
BRASSICAEAE	
Cakile edentula var. lacustris	Sea Rocket
CAPRIFOLIACEAE	

Viburnum molle	Arrowwood
CARYOPHYLLACEAE	
Minuartia patula	Slender Sandwort
CELASTRACEAE	
Euonymus americanus	American Strawberry Bush
CRASSULACEAE	
Hyloteliphium~~Sedum~~ telephioides	American Orpine
CUCURBITACEAE	
Melothria pendula	Squirting Cucumber
DROSERACEAE	
Drosera intermedia	Narrow-leaved Sundew
ERICACEAE	
Chamaedaphne calyculata	Leatherleaf
FABACEAE	
Lathryus ochroleucus	Pale Vetchling
Trifolium reflexum	Buffalo Clover
FAGACEAE	
~~Quercus phellos~~	~~Willow Oak~~
Quercus montana	Rock Chestnut Oak
Quercus phellos	Willow Oak
JUGLANDACEAE	
Carya aquatica	Water Hickory
JUNCACEAE	
Juncus alpinoarticulatus	Richardson's Rush
LAMIACEAE	
Monarda clinopodia	White Bergamot
Salvia azurea	Blue Sage
Synandra hispidula	Hairy Synandra
LENTIBULARIACEAE	
Utricularia intermedia	Flat-leaved Bladderwort
MENYANTHACEAE	
Menyanthes trifoliata	Buckbean
ONAGRACEAE	
Epilobium strictum	Downy Willow Herb
OROBANCHACEAE	
Orobanche ludoviciana	Broomrape
OXALIDACEAE	
Oxalis illinoensis	Illinois Wood Sorrel
PORTULACACEAE	

Phemeranthus parviflorus~~Talinum parviflorum~~	Small Flower-of-an-hour~~Flower-Of-An-Hour~~
PRIMULACEAE	
Dodecatheon frenchii	French's Shooting Star
RANUNCULACEAE	
Ranunculus harveyi	Harvey's Buttercup
~~Delphinium carolinianum~~	~~Wild Blue Larkspur~~
~~Ranunculus rhomboideus~~	~~Prairie Buttercup~~
ROSACEAE	
Amelanchier interior	Shadbush
Filipendula rubra	Queen-of-the-Prairie
Rubus odoratus	Purple-flowering Raspberry
Rubus pubescens	Dwarf Raspberry
Rubus schneideri	Bristly Blackberry
SAXIFRAGACEAE	
Sullivantia sullivantii	Sullivantia
SCROPHULARIACEAE	
Agalinis skinneriana	Pale False Foxglove
Besseya bullii	Kitten Tails
Buchnera americana	Bluehearts~~Blue Hearts~~
Veronica scutellata	Marsh Speedwell
STYRACACEAE	
Styrax americana	Storax
ULMACEAE	
Planera aquatica	Water Elm
URTICACEAE	
Urtica chamaedryoides	Nettle

* Federally designated threatened species

** Federally designated endangered species.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Clinical Laboratories Code

2) Code Citation: 77 Ill. Adm. Code 450

3)

Section Numbers:	Proposed Actions:
450.5	Amendment
450.10	Amendment
450.20	Amendment
450.30	Amendment
450.35	Repealed
450.50	Amendment
450.210	Amendment
450.220	Amendment
450.230	Amendment
450.410	Amendment
450.420	Amendment
450.430	Repealed
450.440	Repealed
450.450	Repealed
450.460	New Section
450.470	New Section
450.610	Amendment
450.710	Amendment
450.720	Amendment
450.810	New Section
450.1010	Amendment
450.1150	Amendment
450.1300	Amendment
450.1310	Amendment
450.1320	Repealed
450.1330	Amendment
450.APPENDIX C	Repealed

4) Statutory Authority: Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to implement federal clinical laboratory regulations found in the Clinical Laboratory Improvement Amendments (CLIA) of 1988. The rulemaking provides for State surveillance of all entities certified under CLIA that perform analysis of human

specimens for health assessment or to diagnose, prevent or treat disease. Additionally, the proposed amendments update the incorporation by reference Section to include the Food and Drug Administration's requirements for blood banks.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace any emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? Yes

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create a State Mandate.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Illinois clinical laboratories and blood banks

B) Reporting, bookkeeping or other procedures required for compliance: The federal requirements in this rulemaking may require clinical laboratories and blood banks to create new protocols and procedures to comply with reporting requirements.

C) Types of professional skills necessary for compliance: Laboratory personnel, physicians, dentists, directors of clinical laboratories, podiatrists, local health authorities

14) Small Business Impact Analysis:

A) Types of businesses subject to the proposed rules:

54 Professional, Scientific, and Technical Services
62 Health Care and Social Assistance
81 Other Services (except Public Administration)

B) Categories that the Agency reasonably believes the rulemaking will impact, including:

i. hiring and additional staffing;
ii. regulatory requirements;
iii. purchasing;
iv. licensing fees;
v. equipment and material needs;
vi. training requirements;
vii. record keeping;
viii. other potential impacted categories.

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER d: LABORATORIES AND BLOOD BANKS

PART 450
ILLINOIS CLINICAL LABORATORIES CODE

SUBPART A: GENERAL

Section
450.5 Scope and Applicability
450.10 Definitions
450.20 ~~Permit and~~ License (Certification) Application
450.30 Laboratories Covered
450.35 Testing Limitations for Exempt, Permit, and Licensed Laboratories (Repealed)
450.40 Penalties and Fines
450.50 Incorporated and Referenced Materials
450.60 Administrative Hearings

SUBPART B: DIRECTORS OF CLINICAL LABORATORIES

Section
450.210 Qualifications of the Director of a Clinical Laboratory
450.220 Operational Participation of the Director
450.230 Number of Laboratories Permitted to Operate

SUBPART C: LOCATION, CONSTRUCTION AND SANITATION

Section
450.310 Location
450.320 Conformance to Local Ordinances
450.330 Safety and Sanitation Manual

SUBPART D: QUALIFICATIONS OF PERSONNEL

Section
450.410 General Supervisor
450.420 Testing Personnel~~Medical Technologist~~
450.430 Cytotechnologist (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

450.440 Technician (Repealed)
450.450 Laboratory Assistant (Repealed)
450.460 Technical Supervisor
450.470 Clinical Consultant

SUBPART E: EQUIPMENT

Section
450.510 Facilities and Equipment
450.520 Preventive Maintenance of Equipment and Instruments
450.530 Glassware (Repealed)
450.540 Lancets, Needles and Syringes (Repealed)
450.550 Electrical Equipment (Repealed)
450.560 Photometric and Spectrophotometric Equipment (Repealed)
450.570 Analytic Balances and Weights (Repealed)

SUBPART F: OUT OF STATE LABORATORIES

Section
450.610 Criteria for Licensure

SUBPART G: PROFICIENCY SURVEY PROGRAM AND INSPECTION OF FACILITIES

Section
450.710 Inspections
450.720 Proficiency Survey Program
450.730 Western Blot Assay Testing Procedures

SUBPART H: SPECIAL REQUIREMENTS PERTAINING TO BLOOD BANKS ~~(Repealed)~~

Section
450.810 General ~~(Repealed)~~
450.820 Applicability of Other Parts of the Regulations (Repealed)
450.830 Donors and Donor Blood/Criteria for Donor Selection (Repealed)
450.835 Directed Blood Donations (Repealed)
450.840 Donors and Donor Blood/Identification of Donor Blood (Repealed)
450.845 Donors and Donor Blood/Storage and Transportation (Repealed)
450.848 Preparation of Blood Components (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

450.850 Plasmapheresis (or Plateletpheresis) (Repealed)
450.860 Autologous Transfusion (Repealed)
450.870 Transfusion Service Records (Repealed)

SUBPART I: PROHIBITED PRACTICE

Section
450.920 Terms Not to be Used in Names of Laboratories
450.930 Prohibitions in Advertising and Announcements
450.940 Acceptance of Specimens and Reporting of Results
450.950 Referral of Specimens for Examination to Unlicensed Laboratories

SUBPART J: RECORDS AND REPORTS

Section
450.1010 Necessary Records

SUBPART K: QUALITY CONTROL

Section
450.1110 Responsibilities of Director
450.1120 Reference Materials
450.1130 Preventative Corrective Maintenance Program
450.1140 Procedure Manuals
450.1150 Quality Control System Methodologies
450.1155 Cytology

SUBPART L: HIV CONTAMINATED BLOOD AND HUMAN TISSUE

Section
450.1200 Handling and Disposal of HIV Contaminated Blood and Human Tissue

SUBPART M: HEALTH SCREENING

Section
450.1300 Health Screening and Approved Health Screening Tests
450.1310 Protocol for Conducting Health Screening
450.1320 Application for a Class III Permit to Conduct Health Screening (Repealed)
450.1330 Reporting and Notification

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

450.APPENDIX A	Application for Registration, Class I Permit, Class II Permit, and Licensed Laboratory (Repealed)
450.APPENDIX B	Application for Class III Permit Laboratory (Repealed)
450.APPENDIX C	Exempt, Permit, and License Requirements – An Overview (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25].

SOURCE: Amended November 16, 1970; amended at 2 Ill. Reg., p. 87, effective November 5, 1978; amended at 4 Ill. Reg. 33, p. 224, 225 and 228, effective August 6, 1980; amended at 6 Ill. Reg. 4151, effective April 5, 1982; amended at 7 Ill. Reg. 7643, effective June 14, 1983; codified at 8 Ill. Reg. 19488; amended at 9 Ill. Reg. 20709, effective January 3, 1986; emergency amendment at 10 Ill. Reg. 307, effective January 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10712, effective June 3, 1986; amended at 12 Ill. Reg. 10018, effective May 27, 1988; emergency amendment at 12 Ill. Reg. 19518, effective October 28, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 4285, effective March 21, 1989; amended at 13 Ill. Reg. 11573, effective July 1, 1989 and September 1, 1989; emergency amendment at 13 Ill. Reg. 13678, effective August 14, 1989, for a maximum of 150 days; emergency rule expired January 11, 1990; amended at 14 Ill. Reg. 2360, effective January 26, 1990; amended at 15 Ill. Reg. 15727, effective October 18, 1991; amended at 44 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 450.5 Scope and Applicability

a) This Part provides regulatory oversight~~The major thrust of this regulatory scheme is to require some form of regulation~~ of all entities, licensed (certified) pursuant to 42 CFR 493, that perform analysis of human specimens for health assessment or to diagnose, prevent or treat disease.~~under the following five stage classification scheme:~~

~~1) Exempt Laboratory;~~

~~2) Class I Permit Laboratory;~~

~~3) Class II Permit Laboratory;~~

~~4) Class III Permit Laboratory;~~

~~5) Licensed Laboratory.~~

b) All certified CLIA laboratories will be regulated~~ as one of these five levels of classification~~ as set forth in 42 CFR 493 and described in the State Operations Manual (Appendix C – Survey Procedures and Interpretive Guidelines for Laboratories and Laboratory Services), issued by the Department of Health and Human Services~~depending upon the tests they conduct, the source of the specimens, and organizational structure. Each of these levels, except exempt laboratories, has regulatory requirements concerning the qualifications of the laboratory director, qualifications of laboratory personnel, proficiency testing and quality control as set forth in this Part. (See Appendix C)~~.

~~1) Exempt Laboratory~~

~~A) In order to qualify as an exempt laboratory, the laboratory must meet the definition of a "Class I Permit" laboratory and only conduct those tests specified in the regulations. As set forth in the Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111½, par. 621 et seq.) ("the Act") and this Part, an exempt laboratory can be any "single practice of medicine, podiatry or dentistry" which owns and operates a laboratory exclusively for its patients, or a local health authority or designated agency which owns and operates a laboratory for its own clients or patients, at stated locations when testing is limited to tests which are set forth in Section 450.35(a).~~

~~B) If an exempt laboratory conducts tests other than those listed it must seek another level of classification. Furthermore, health screening activities under Section 1-103 and 2-120 of the Act may be conducted by laboratories at locations other than the location or locations set forth in the permit or licensure application, however such health screenings must be conducted in accordance with Sections 450.1300, 450.1310, 450.1320, and 450.1330. An Exempt Laboratory is not exempt from the provisions of this Part concerning health screening.~~

~~C) The Department expects physicians, podiatrists, dentists, local~~

~~health authorities, and designated agencies to qualify as exempt laboratories.~~

~~2) Class I Laboratory~~

~~A) As set forth in this Part, a "Class I Permit" laboratory can be any "single practice of medicine, podiatry or dentistry" which owns and operates a laboratory exclusively for its patients or a local health authority or designated agency which owns and operates a laboratory for its own clients or patients at stated locations when testing is limited to simple tests and those tests or categories of tests set forth by regulations as defined of this Part. Some or all testing may be done by a laboratory assistant under the direction of the physician, podiatrist or dentist.~~

~~B) The "Class I Permit" laboratory must obtain a permit annually from the Department. Generally, the other major requirements are as follows:~~

~~i) the minimum level for the qualifications of the laboratory director include any physician (M.D., D.O., or D.C.), dentist, podiatrist, or person with at least a master's degree with a major in chemical or biological sciences.~~

~~ii) the minimum level for the qualifications of laboratory personnel include a laboratory assistant. Section 450.450 of this Part specifies that a laboratory assistant is any person who meets the education and experience requirements set by the laboratory director.~~

~~iii) the minimum level of proficiency testing requires proficiency testing for all tests conducted by the laboratory when available from an approved proficiency testing service.~~

~~iv) the minimum level of quality control requires such testing for all tests conducted by the laboratory.~~

~~C) The Department expects physicians, podiatrists, dentists, local~~

~~health authorities, and designated agencies to seek "Class I Permit" Laboratory status. Health screening activities under Section 1-103 and 2-120 of the Act may be conducted by class I laboratories at locations other than the location or locations set forth in the permit or licensure application, however such health screenings must be conducted in accordance with Sections 450.1300, 450.1310, 450.1320, and 450.1330 of this Part.~~

~~3) Class II Laboratory~~

~~A) As set forth in this Part, a "Class II Permit" laboratory can be any laboratory at a stated location operated and maintained exclusively for the patients of physicians, podiatrists or dentists at that location and who own the laboratory or are employed by the owner, or a local health authority or designated agency which owns and operates a laboratory for its own clients or patients or for clients or patients of other local health authorities or designated agencies at stated locations.~~

~~B) The "Class II Permit" laboratory must obtain a permit annually from the Department. Generally, the other major requirements are as follows:~~

~~i) the minimum level for the qualifications of the laboratory director includes a physician licensed to practice medicine in all of its branches, or a person with at least a master's degree with a major in chemical or biological sciences.~~

~~ii) the minimum level for the qualifications of laboratory personnel includes a laboratory technician. Section 450.440 of this Part specifies that a laboratory technician is any person who completes at least 60 hours of academic credit including chemistry and biology, a high school graduate who has completed a 1 year accredited training program, or a high school graduate who has completed an official military medical laboratory procedures course of at least 50 weeks.~~

~~iii) the minimum level of proficiency testing requires~~

~~proficiency testing for all tests conducted by the laboratory.~~

~~iv) the minimum level of quality control requires such testing for all tests conducted by the laboratory.~~

~~C) The Department expects physicians, local health authorities, and designated agencies to seek "Class II Permit" laboratory status. Health screening activities under Section 1-103 and 2-120 may be conducted by class II laboratories at locations other than the location or locations set forth in the permit or licensure application, however such health screenings must be conducted in accordance with Sections 450.1300, 450.1310, 450.1320, and 450.1330.~~

~~4) Class III Laboratory~~

~~A) As set forth in this Part, a "Class III Permit" laboratory can be any laboratory which is operated and maintained exclusively for the purposes of conducting health screening tests by a person, corporation, organization, association or group directly or indirectly on a for profit basis. The health screening tests are listed as glucose and cholesterol by fingerstick in this Part.~~

~~B) The "Class III Permit" laboratory must obtain a permit annually from the Department and must comply with Sections 450.1300, 450.1310, 450.1320, and 450.1330. The "Class III Permit" laboratory has no other regulatory requirements. Generally, the other major requirements are as follows:~~

~~i) the minimum level for the qualifications of the laboratory director include a physician licensed to practice medicine in all of its branches, or a person with at least a master's degree with a major in chemical or biological sciences.~~

~~ii) the minimum level for the qualifications of laboratory personnel include a laboratory assistant or laboratory technician. Section 450.450 of this Part specifies that a laboratory assistant is any person who meets the education and experience requirements set by the laboratory director. Section 450.440 of this Part specifies that a laboratory~~

~~technician is any person who completes at least 60 hours of academic credit including chemistry and biology, a high school graduate who has completed a 1 year accredited training program, or a high school graduate who has completed an official military medical laboratory procedures course of at least 50 weeks.~~

~~iii) the minimum level of proficiency testing requires proficiency testing for all tests conducted by the laboratory.~~

~~iv) the minimum level of quality control requires such testing for all tests conducted by the laboratory.~~

~~C) The Department expects corporations and groups to seek "Class III Permit" laboratory status.~~

c~~5~~) Licensed (Certified) Laboratory

1~~A~~) As set forth in this Part, a "licensed~~Licensed~~" laboratory is a~~can be any~~ laboratory certified by the Department under the standards set forth in CLIA laws and regulations (CLIA Law) to accept and test clinical human~~at a stated location regardless of ownership which accepts~~ specimens from a person,~~ authorized by law~~ in accordance with Article VII of the Act~~to submit such specimens when testing is limited to that which is within the qualifications of the Director as set forth in this Part~~.

2~~B~~) The licensed~~"Licensed"~~ laboratory shall maintain certification status in good standing as required by CLIA Law.~~must obtain a license annually from the Department. Generally the other major requirements are as follows:~~

~~i) the minimum level for the qualifications of the laboratory director includes a physician licensed to practice medicine in all its branches who is Board certified or eligible or who possesses acceptable qualifications as set forth in this Part, or a person with at least a master's degree with a major in chemical or biological sciences.~~

~~ii) the minimum level for the qualifications of laboratory~~

~~personnel include a general supervisor. Section 450.410 of this Part specifies that a general supervisor may be any physician with additional qualifications, a medical technologist, a person with a master's degree in medical laboratory science or other similarly qualified individuals.~~

~~iii) the minimum level of proficiency testing requires proficiency testing for all tests conducted by the laboratory.~~

~~iv) the minimum level of quality control requires such testing for all tests conducted by the laboratory.~~

d~~C~~) Physicians~~The Department expects physicians~~, corporations, individuals, local health authorities, and others that intend to conduct clinical tests on human specimens for health assessments or to diagnose, prevent or treat disease shall obtain certification status by the Department in accordance with CLIA Law~~to seek "Licensed" Laboratory status~~. Health screening activities under Section~~ 1-103 and~~ 2-120 of the Act may be conducted by a certified~~licensed~~ laboratory at its certificate address locations;~~ other than the location or locations set forth in the permit or licensure application,~~ however,~~ such~~ health screening~~screenings~~ events shall~~must~~ be conducted in accordance with Sections 450.1300, 450.1310, ~~450.1320,~~ and 450.1330.

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

Section 450.10 Definitions

~~"Accredited Institution" or "Accredited College or University" means a college or university located in the United States which has been accredited by one of the regional accreditation programs recognized by the U.S. Office of Education or a college or university located outside the United States where the individual provides documentation that his/her education is equivalent to that provided in the United States by: documenting that the foreign degree has been accepted by an accredited institution in the United States at which the person is or was enrolled in a graduate program; or having his/her credentials evaluated by the Credentials Evaluation Service, Inc., Los Angeles, California.~~

"Act" or "Clinical Laboratory Act" – ~~means~~ the Illinois Clinical Laboratory and Blood Bank Act~~Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1987, ch. 111½,~~

~~par. 621 et seq., as amended by P.A. 85-1025, effective June 30, 1988; P.A. 85-1202, effective August 25, 1988, and P.A. 85-1251 effective August 30, 1988.)~~.

"Approved Clinical Laboratory" − a laboratory certified under the Clinical Laboratory Improvement Amendments (CLIA) of 1988~~means a clinical laboratory – (with a director at the doctoral level) – of a hospital, health department, university, or medical research institution; or a clinical laboratory having a license or class II permit under the Illinois Clinical Laboratory Act; or a blood bank licensed under the Blood Bank Act; or a clinical laboratory licensed under the Clinical Laboratories Improvement Act of 1967; or, a clinical laboratory approved under 42 CFR 405, Subpart M effective September 30, 1977~~.

~~"Blood Bank Act" means the Illinois Blood Bank Act, (Ill. Rev. Stat. 1987, ch. 111½, pars. 601-101 et seq.)~~

~~*"Class I Permit" means a permit issued to a single practice of medicine, podiatry or dentistry to own and operate a clinical laboratory at stated locations exclusively for the patients or the members of that practice, and is limited to simple tests and those tests or categories of tests set forth by the regulations promulgated pursuant to this Act; or a permit issued to a local health authority or designated agency to own and operate a clinical laboratory at stated locations without acceptance of referred testing, and is limited to those tests or categories of tests set forth by regulations promulgated pursuant to this Act.* (Section 2-108 of the Act)~~

~~*"Class II Permit" means a permit issued to the owner of a clinical laboratory at a stated location in which the laboratory is operated and maintained exclusively for the patients of the physicians, podiatrists or dentists who practice at that location and who own the laboratory or are employed by the owner; or*~~

> ~~*A permit issued to a local health authority or designated agency to own and operate a clinical laboratory at stated locations and at which referred testing may be accepted from other local health authorities or designated agencies; or*~~
>
> ~~*A clinical laboratory which fits the definition of a Class I Permit Laboratory but performs more complex tests than those under a Class I Permit.*~~

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~~*Tests performed by a laboratory holding a Class II Permit shall be limited to those tests or categories of tests set forth in the regulations promulgated pursuant to this Act.* (Section 2-109 of the Act)~~

~~*"Class III Permit" means a permit issued to the owner of a clinical laboratory which is operated and maintained exclusively for the purpose of conducting health screening tests by a person, corporation, organization, association or group which provides health screening services in accordance with provisions of Section 2-120 either directly or indirectly on a for-profit basis.* (Section 2-100 of the Act)~~

"CLIA Law" – the Clinical Laboratory Improvement Amendments of 1988 (amendments to the Public Health Service Act (42 USC 263a)) and the related federal regulations. Establishes quality standards for laboratory testing performed on specimens from humans, such as blood, body fluid, and tissue, for the purpose of diagnosis, prevention, or treatment of disease, or of assessment of health.

"Clinical Laboratory" or "Laboratory" – ~~*means*~~ *a facility which performs laboratory tests or issues reports resulting from* ~~*such*~~ *tests.* For the purposes of this Part, "Clinical Laboratory" or "Laboratory" does not include forensic laboratories. (Section 2-103 of the Act)

~~*"Complex Test" means any test which does not meet the definition of a simple test.* (Section 2-119 of the Act).~~

"Controlled Substance" – ~~means~~ a drug, substance, or immediate precursor as defined in the Illinois Controlled Substances Act.~~Illinois Controlled Substance Act (Ill. Rev. Stat. 1987, ch. 56½, pars. 1100 et seq., as now and hereafter amended.)~~

~~"Dental Practice Act" means The Illinois Dental Practice Act (Ill. Rev. Stat. 1987, ch. 111, par. 2301 et seq., as now and hereafter amended.)~~

"Demonstration of Proficiency~~proficiency~~" – ~~means the~~ when a laboratory meets the standards for acceptable proficiency testing as stated in Section 450.720(a)~~(f)~~ by means of on site analysis of specimens sent to the laboratory by agencies approved by the Department for that purpose.

"Department" – ~~means~~ *the Department of Public Health of the State of Illinois*.

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(Section 2-105 of the Act)~~the Illinois Department of Public Health.~~

~~*"Designated Agency" means an association, organization, group or agency which operates a clinical laboratory for the purpose of meeting the requirements of a state or federal program.* (Section 2-122 of the Act).~~

"Director" – the Director of the Department of Public Health.

"Director of Clinical Laboratory" or "Laboratory Director" – *an individual who administers the technical and scientific operation of a clinical laboratory, including the reporting of the findings of clinical laboratory tests.* (Section 2-104 of the Act)

"FDA" − Food and Drug Administration within the United States Department of Health and Human Services (HHS).

"Full-time Experience~~experience~~" − ~~means~~ experience in the field being referred to consisting of at least 35 hours per week conducting activities required by the specific position or field such as conducting the tests referred to in Section 2-103 of the Act.

"Health Screening" – tests or categories of tests set forth in the Act and this Part *that are performed for the purpose of assessing a phase of the general state of health of human subjects* (Section 2-120 of the Act).

"HHS" – the United States Department of Health and Human Services.

~~"Hospital Licensing Act" means the Hospital Licensing Act (Ill. Rev. Stat. 1987, ch. 111½, pars. 142 et seq., as now and hereafter amended.)~~

~~*"License" means a license issued to the owner, local health authority or designated agency or person to operate a clinical laboratory at a stated location to accept specimens from any person authorized to submit such specimens under this Act, with test limitations based upon the qualifications of the Director as set forth by the regulations promulgated pursuant to this Act.* (Section 2-111 of the Act).~~

"Licensed Clinical Laboratory" – laboratory licensed (certified) by the Centers for Medicare & Medicaid Services (CMMS) in accordance with CLIA.

~~*"Local Health Authority" means the full-time, official health department or Board of Health, as recognized by the Department, which has jurisdiction over a particular geographical area.* (Section 2-121 of the Act).~~

~~"Medical Practice Act" means the "Medical Practice Act of 1987" (Ill. Rev. Stat. 1987, ch. 111, pars. 4401-1 et seq., as now and hereafter amended.)~~

~~"Minor Test" means any uncomplicated laboratory examinations and procedures which the Director of the Department determines have an insignificant risk of erroneous result including those which have been approved by the United States Food and Drug Administration for home use, which employ methodologies that are so simple and accurate as to render the likelihood of erroneous results negligible. Tests determined by the Director to be "minor" and permissible for a Registration class laboratory are set forth in Section 450.35(a).~~

"Physician" – ~~means,~~ unless otherwise indicated in the~~this~~ Act and this Part*, a person licensed by the Department of Professional Regulation, pursuant to the requirements of the Medical Practice Act of 1987;* (i.e., a physician licensed to practice medicine in all its branches and a chiropractic physician) *or a person licensed as a physician under the laws of another state or territory of the United States.* (Section 2-116 of the Act).

~~"Podiatry Act" means Podiatric Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, pars. 4801 et seq., as now and hereafter amended.)~~

"Prepackaged Reagent Analyzer~~Analyser~~" – ~~means~~ an automated instrument in which a specimen or a diluted specimen is reacted with reagents contained within individual packet(s) containing all of the measured reagents required for the analysis for a given analyte.

~~*"Proficiency Testing" means a program for monitoring laboratory performance on a periodic basis which is adopted or approved by the Department.* (Section 1-123 of the Act.)~~

~~*"Simple Test" means a test or categories of tests which generally have the following characteristics:*~~

~~*Interpretation of a visual signal by pattern recognition, color definition or*~~

~~*numeric information using an established control example* which can be observed directly by the operator and requires no manipulation or interpolation by the operator to derive a result; *or*~~

~~*The use of simple addition, subtraction, multiplication or division; or*~~

~~*The use of manufacturer-prepared reagents or solutions which are combined without requiring numerous* (i.e. no more than five sequential steps which should not include sample acquisition or sample preparation such as centrifuge to obtain serum) *specific calibrated volume measurements or sequential applications.*~~

~~In addition, the following considerations are used to determine if a test or test procedure meets the definition of Simple Test: the examinations and procedures performed and the methodologies employed, the degree of independent judgment involved, the amount of interpretation involved, the difficulty of the calculations involved, the calibration and quality control requirements of the instruments used, the type of training required to operate the instruments used in the methodology, and such other factors as the Director considers relevant.~~

~~*Interpretation of the types of tests or categories of test which meet this definition shall be determined by the Department in consultation with the* Clinical Laboratory and Blood Bank *Advisory Board* established by Section 5-101 of the Act. (Section 2-118 of the Act).~~

~~The Department will compile a list of tests and test procedures which it determines meets the definition of a simple test. Such compilation will be available upon request and updated annually.~~

"Single Practice~~practice~~" – ~~means~~ a medical, dental or podiatric practice, or a partnership, professional service corporation, or medical corporation of one or more licensed practitioners who share facilities, personnel, income and expenses for a clinical laboratory that is used solely as an adjunct to the care of patients of the members of the single practice.

"Test" – ~~*means*~~ *laboratory examinations and issuance of reports resulting from the biological, microbiological, serological, chemical, immunohematological, radioimmunological, hematological, biophysical, cytological, pathological, toxicological or other examination of materials derived from the human body for*

the purposes of providing information for the diagnosis, prevention or treatment of any disease or impairment of, or the assessment of, the health of humans including determining drug use by humans. (Section 2-117 of the Act).

"Toxicology Laboratory" – ~~means~~ a licensed laboratory that~~which~~ performs tests to detect drug abuse in the workplace, among job applicants, or for other similar purposes.

"Waived Test" – a test system, assay or examination that HHS has determined meets the CLIA statutory criteria as specified for waiver under Section 353(d)(3) of the Public Health Service Act that has been determined to be so simple as to pose no risk of harm if performed incorrectly.

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

Section 450.20 ~~Permit and~~ License (Certification) Application

~~a)~~ ~~*A laboratory that is required to obtain a license or permit pursuant to this Act by July 1, 1989, but was previously exempt from such requirement, shall submit an application to the Department, but will have until December 31, 1989, to comply with this requirement. Any such laboratory which complies with this deadline will be permitted to continue operation until receipt of a permit or license or notice of denial of application for a permit or license from the Department.* (Section 3-103(b) of the Act)~~

a~~b~~) All applications shall be submitted on forms provided by the Department, shall be notarized, and shall include all information requested on the form.

b~~c~~) If ~~during the calendar year in which~~ the licensed (certified) provider~~license, permit, or renewal thereto~~ has ~~been issued there is~~ a change of owner, location, or name of the laboratory, the Department shall be notified of the change in writing within 30 days following the change by one of the following methods:~~prior to such change.~~

1) U.S. Mail to: Illinois Department of Public Health, Office of Health Care Regulation, Division of Health Care Facilities and Programs, 525 West Jefferson Street, Fourth Floor, Springfield, Illinois 62761; or

2) Facsimile to: 217-782-0382, attention: Division of Health Care Facilities

and Programs.

~~d) If the license or permit is to be issued to two or more persons who are co/owners, all such persons shall be identified upon the application for license or permit or renewal of license or permit and all such persons shall sign such application and it shall be notarized.~~

~~e) An application for a license or permit, where the owner is a corporation, shall clearly disclose the names of all persons owning 5% or more of the shares of the corporation. A duly authorized officer of the corporation shall sign the application and it shall be notarized.~~

c~~f~~) The description of the program shall be provided in sufficient detail to permit the Department to determine the fields of science represented by the services of the laboratory and the tests which may fall within the scope of its program and services.

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

Section 450.30 Laboratories Covered

The following are required to be licensed (certified) pursuant to CLIA Law:

a) All clinical laboratories and blood banks located within the State of Illinois. This includes facilities that issue reports resulting from laboratory examinations, but do not perform laboratory examinations at that facility. (See Section 2-103 of the Act.)

b) Laboratories located in hospitals licensed under the Hospital Licensing Act that are not operated by the governing authority of the hospital, including laboratories operating under a lease arrangement with another person or entity.

c) Laboratories outside of Illinois receiving specimens referred from laboratories located in Illinois shall be certified under CLIA Law, or certified by, and in good standing with, their state laboratory program.

~~a) This Section provides references to help understand the differences among these laboratories. The Department assigns an identification number to a laboratory at the time of license or permit application. This number is only for purposes of~~

~~filing material for that laboratory in the Department. Such identification number is not a license or permit. A license or permit is issued only after an inspection of the facility finds compliance with all pertinent requirements, except for a class I permit laboratory where an inspection is not required.~~

~~1) An exempt laboratory meets the criteria set forth in Section 1-103(c) of the Act, and Sections 450.30(c)(3) and 450.35(a) of this Part.~~

~~2) A class I permit laboratory meets the criteria set forth in Section 2-108 of the Act; Section 6-101(2)(a) of the Act; and Sections 450.30(b) and 450.35(b) of this Part.~~

~~3) A class II permit laboratory meets the criteria set forth in Section 2-109 of the Act; Section 6-101(2)(b) of the Act; and Sections 450.30(b) and 450.35(c) of this Part.~~

~~4) A class III permit laboratory meets the criteria set forth in Section 2-110 of the Act; Section 6-101(2)(c) of the Act; and Sections 450.30(b) and 450.35(d) of this Part.~~

~~5) A licensed laboratory meets the criteria set forth in Section 2-111 of the Act; Section 6-101(2)(d) of the Act; and Sections 450.30(b) of this Part with no testing limitations, provided the director qualifies.~~

~~b) The following are required to obtain a permit or be licensed pursuant to the Act:~~

~~1) All clinical laboratories and Blood Banks located within the State of Illinois except as otherwise provided in Section 450.30(c). This includes facilities that issue reports resulting from laboratory examinations, but do not perform laboratory examinations at that facility. (See Section 2-103 of the Act).~~

~~2) Laboratories located in hospitals licensed under the Hospital Licensing Act but where the laboratory is not operated by the governing authority of such hospital, including laboratories operating under a lease arrangement with another person or entity.~~

~~3) Laboratories outside of Illinois receiving specimens referred from laboratories located in Illinois that are required to obtain a license or~~

~~permit under this Act.~~

~~c)~~ ~~The following are not required to obtain a permit or be licensed under the Clinical Laboratory Act:~~

~~1)~~ ~~Clinical laboratories operated by the United States Government.~~

~~2)~~ ~~Clinical laboratories located in hospitals licensed under the Hospital Licensing Act that are under the control of the governing board of such hospitals owned by the exact same entity identified as owner/operator of the hospital as indicated on the last hospital license application filed with the Department; located at the same site and contiguous with the hospital; subject to the regulations and hospital by-laws; and where the entity which receives payment for the laboratory services is the same entity that owns the hospital.~~

~~3)~~ ~~Exempt Laboratories: *Laboratories which fit the definition of Class I Permit Laboratories but perform a small number of minor tests as compared to other Class I Permit Laboratories as set forth by regulations promulgated pursuant to this Act* (See Section 450.35(a)), *or any tests performed by the physician, podiatrist or dentist for the benefit of his or her patients, do not require a license or permit*. (See Section 1-103(c) of the Act).~~

~~4)~~ ~~*Laboratories which only perform health screenings in accordance with Section 2-120 of The Act* and Sections 450.1300, 450.1310, 450.1320, and 450.1330 of this Part, *on a not-for-profit or free-of-charge basis are exempt from all other provisions of this Act.* (Section 1-103(d) of the Act)~~

~~5)~~ ~~*Law enforcement agencies and probation and court services departments performing urinalysis and blood tests to determine drug and alcohol use by humans.* (Section 1-103(e) of the Act)~~

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

Section 450.35 Testing Limitations for Exempt, Permit and Licensed Laboratories (Repealed)

~~This Section explains the tests as defined in Section 2-117 of the Act which can be performed by~~

~~each of the laboratories regulated by the Act.~~

~~a) Exempt Laboratories as defined in Section 1-103(c) of the Act may perform the following tests:~~

~~1) Specific tests and test procedures permissible are the following:~~

~~A) Urinalysis measured by the use of a chemically impregnated strip (dipstick) or tablet;~~

~~B) Hematocrit by centrifugation;~~

~~C) Occult blood;~~

~~D) Urine pregnancy testing (semi-quantitative chorionic gonadotropin);~~

~~E) Hemoglobin;~~

~~F) Red Blood Cell (RBC) sickle cell screen using dithionite, sodium hydrosulfite;~~

~~G) Wet mounts for Yeast or Trichomonas;~~

~~H) Blood cholesterol;~~

~~I) Blood glucose;~~

~~J) Erythrocyte protoporphyrin using a hematofluorometer;~~

~~K) Screening for drugs of abuse by latex agglutination or any other method which meets the simple test definition;~~

~~L) Gonorrhea limited to cultures for growth or no growth, oxidase and lactidase, Gram stain;~~

~~M) Microscopic examination of pinworm preparation; and~~

~~N) *Strep Screening Tests:* Rapid group A strep antigen tests. (Section~~

~~1-103(c) of the Act)~~

~~2)~~ ~~*Any test performed* (i.e., conducted and interpreted) *by a physician, podiatrist or dentist for the benefit of his or her patients. (Section 1-103(c) of the Act);*~~

~~3)~~ ~~Any tests and test procedures approved by the United States Food and Drug Administration for over the counter sale.~~

~~4)~~ ~~RPR tests for syphilis may be performed by exempt laboratories operated by local health departments under the following conditions:~~

~~A)~~ ~~The Department has determined that the area served by the laboratory has a high incidence of early syphilis;~~

~~B)~~ ~~The laboratory has a written procedure for the performance of RPR syphilis testing which complies with Section 450.1140 and Section 450.1150(f)(l) of this Part and maintains documentation of compliance with this procedure;~~

~~C)~~ ~~The laboratory has written procedures for training of personnel who perform the tests;~~

~~D)~~ ~~The laboratory successfully participates in an approved proficiency testing program for syphilis serology;~~

~~E)~~ ~~All specimens tested are submitted to a laboratory operated by the Department for confirmation of the test results; and~~

~~F)~~ ~~The laboratory is subject to inspection by the Department and agrees to immediately cease RPR syphilis testing if the Department determines that the laboratory is not in compliance with these conditions.~~

~~b)~~ ~~Class I Permit Laboratories as defined in Section 2-108 of the Act may perform the following tests:~~

~~1)~~ ~~All tests that can be performed by Exempt Laboratories;~~

~~2) Any *simple tests* as defined in Section 450.10 (Section 2-108 of the Act); and~~

~~3) *Those tests or categories of tests set forth by the regulations promulgated pursuant to the Act*. The Department may give approval to a Class I permit laboratory to perform up to three tests which do not fall within the definition of a simple test, when the laboratory director submits documentation describing the purpose of each test, how it is performed, the specific training and experience of the personnel performing the test(s) and necessary quality control procedures appropriate to the test(s), and the extent of supervision provided by the laboratory director. The Department shall grant approval based upon the following criteria:~~

~~A) the test(s) is unique to a specific healthcare practice and not readily available from a licensed clinical laboratory (e.g., not performed by a licensed clinical laboratory or hospital laboratory within 50 miles); or~~

~~B) on-site prompt results (e.g., results are required in less time than sending a specimen to a reference laboratory) are necessary for the treatment or care of the patients of the healthcare provider because of the nature of the practice.~~

~~c) Class II permit Laboratories as defined in Section 2-109 of the Act may perform the following tests:~~

~~1) All tests that can be performed by Exempt Laboratories;~~

~~2) All tests that can be performed by the Class I laboratory as detailed in subsection (b).~~

~~3) Any complex tests.~~

~~d) Class III Permit Laboratories as defined in Section 2-110 of the Act may perform the following tests:~~

~~Any health screening tests as defined in Section 450.1300(a).~~

~~e) Licensed Clinical Laboratories as defined in Section 2-111 of the Act may perform the following tests:~~

~~1) All tests that can be performed by Exempt Laboratories;~~

~~2) All tests that can be performed by the Class I laboratory as detailed in subsection (b).~~

~~3) Any complex tests.~~

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

Section 450.50 Incorporated and Referenced Materials

The following materials are incorporated or referenced in this Part:

a) The following State of Illinois Statutes are referenced in this Part:

1) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25]~~Illinois Clinical Laboratory Act (Ill. Rev. Stat. 1987, par. 621 et seq. as amended by P.A. 85-1025, effective June 30, 1988; 85-1202, effective August 25, 1988; P.A. 85-1251, effective August 30, 1988.) (Section 450.10)~~

~~2) Illinois Blood Bank Act (Ill. Rev. Stat. 1987, ch. 111½, pars. 601-101 et seq.) (Section 450.10 and 450.1200(a)(1))~~

2~~3~~) Illinois Dental Practice Act [225 ILCS 25]~~(Ill. Rev. Stat. 1987, ch. 111, par. 2301 et seq.) (Section 450.10)~~

3~~4~~) Hospital Licensing Act [210 ILCS 85]~~(Ill. Rev. Stat. 1987, ch. 111½, pars. 142 et seq.) (Section 450.10, 450.30, 450.1200(a)(1), 450.1300(b)(3))~~

4~~5~~) Medical Practice Act of 1987 [225 ILCS 60]~~(Ill. Rev. Stat. 1987, ch. 111, pars. 4401 et seq.) (Section 450.10)~~

5~~6~~) Podiatric Medical Practice Act of 1987 [225 ILCS 100]~~(Ill. Rev. Stat. 1987, ch. 111, pars. 4801 et seq.) (Section 450.10)~~

6~~7~~) Code of Civil Procedure, Article III (Administrative Review Law) [735 ILCS 5/Art. III]~~Administrative Review Law (Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq.) (Section 450.40(b)(5))~~

7~~8~~) Illinois Controlled Substances Act [720 ILCS 570]~~(Ill. Rev. Stat. 1987, ch. 56½, pars. 1100 et seq.) (Section 450.10)~~

b) The following State of Illinois Regulations are referenced in this Part:

1) Sewer Discharge Criteria (35 Ill. Adm. Code 307) ~~(Section 450.330(d)(5))~~

2) Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill. Adm. Code 724) ~~(Section 450.330(e)(4)(A))~~

3) Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 809) ~~(Section 450.330(e)(4)(c)(i))~~

c) The following federal guidelines~~Federal Guidelines~~, statutes~~Statutes~~, federal regulations~~Federal Regulations~~, and other materials are incorporated by reference:

1) Federal Regulations and Statutes:

A~~1~~) 42 CFR 493, Laboratory Requirements (CLIA regulations) (October 1, 2018)~~42 CFR 405, Subpart M (1988) (Section 450.10)~~

B~~2~~) 21 CFR 600-680, Biologics (April 1, 2018~~(1988~~) ~~(Section 450.1150(g)(1))~~

C) Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, Title II – Preventing Health Care Fraud and Abuse; Administrative Simplification; Medical Liability Reform, Section 264 – Recommendations with Respect to Privacy of Certain Health Information (August 21, 1996), Assistant Secretary for Planning and Evaluation, Room 415F, U.S. Department of Health and Human Services, 200 Independence Avenue, SW, Washington DC 20201
Also available online at: https://aspe.hhs.gov/report/health-insurance-portability-and-accountability-act-1996

D) 42 USC 263a, Certification of Laboratories (January 12, 2018)

~~3) Laboratory Qualification Appraisal Personnel Form Health Care Financing Authority (HCFA) HCFA-3084-OMB No. 0938-0049 (See Section 400.210(a), 450.410(b), 450.420(a), 450.430(a), 450.440(a) and 450.450(a))~~

2) Federal Guidelines and Other Materials:

A~~4~~) GP17-A3 Clinical Laboratory Safety; Approved Guideline – Third Edition, Clinical and Laboratory Standards Institute (CLSI) (June 2012)~~National Committee for Clinical Laboratory Standards (NCCLS)~~, 950 West Valley Road, Suite 2500, Wayne PA 10987 Also available online at: https://clsi.org/media/1381/gp17a3_sample.pdf ~~"Protection of Laboratory Workers from Infectious Disease Transmitted by Blood, Body Fluid and Tissue" Document #M29-T, Vol. 9, #1 (January 1989), 771 East Lancaster Avenue, Villanova, PA 19085~~

~~5) 42 CFR 405.1317 (b)(1) (1988)~~

B) Public Health Service Act, Subpart 2, Section 353 – Clinical Laboratories, Certification of Laboratories (1997), Public Health Law, CDC, 1600 Clifton Road, Atlanta GA 30329-4027 ~~(Section 450.10)~~
Also available online at: https://wwwn.cdc.gov/cliac/pdf/Addenda/cliac0910/Addendum%20C_Yost.pdf

C~~6~~) Reference Volume for Human Cytogeneticists, Molecular Geneticists, Technicians, and Students for the Interpretation and Communication of Human Cytogenetic and Molecular Cytogenomic Nomenclature: ISCN 2016 − An International System for Human~~of~~ Cytogenetic Nomenclature (2016), S. Karger AG, Medical and Scientific Publishers, P.O. Box CH~~Ch~~-4009 Basel, ~~(~~Switzerland~~) 1985. (See Section 450.1150(j)(3)(C)(i))~~

d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulation and standards on the date specified and do not include any additions or deletions subsequent to the date

specified.

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

SUBPART B: DIRECTORS OF CLINICAL LABORATORIES

Section 450.210 Qualifications of the Director of a Clinical Laboratory

A director candidate shall meet one or more options of the qualification requirements in 42 CFR 493, Subpart M.

~~a) *Qualifications of Directors. Every clinical laboratory shall be under the supervision and direction of a Director who possesses one of the following qualifications.* These qualifications must be documented on the Department form entitled "Laboratory Personnel Qualifications Appraisal". (See Section 450.50(c)(3))~~

~~1) *The individual is a physician licensed to practice medicine in all its branches in Illinois and certified by the American Board of Pathology or the American Osteopathic Board of Pathology in clinical pathology, or who possesses qualifications which are equivalent to such certification (Board eligible).*~~

~~2) *The individual is a physician licensed to practice medicine in all its branches in Illinois with special qualifications in the performance of the test or tests offered by the clinical laboratory, whose training and experience are acceptable to the Department.*~~

~~A) A physician having not less than one year of post-graduate training in diagnostic laboratory procedures in a residency training program approved for training purposes by the American Board of Pathology or the American Osteopathic Board of Pathology.~~

~~B) A physician having not less than two years of supervised experience in an approved clinical laboratory carrying out procedures in the field or fields or science which encompass the program and services provided by the laboratory which this individual will direct.~~

~~C)~~ ~~To be director of a genetics laboratory, the physician shall have 4 or more years of post-graduate genetics laboratory experience in an approved clinical laboratory.~~

~~D)~~ ~~To be director of a histocompatibility laboratory, the physician shall have 4 or more years of immunology laboratory experience in an approved clinical laboratory, subsequent to becoming a physician, 2 years of which have been in histocompatiblity testing.~~

~~E)~~ ~~To be director of a toxicology laboratory which performs tests for controlled substances, the physician shall have 4 or more years of post-graduate experience in an approved clinical laboratory which performs tests for controlled substances or have formal academic education from an accredited institution in drug metabolism, drug kinetics, and the use and limitations of analytical procedures used in drug analysis.~~

~~3)~~ ~~*In the case of a laboratory, the principal place of business of which is outside the State of Illinois, the individual is a physician licensed to practice medicine in all of its branches in that state and possesses special qualifications in the performance of the test or tests offered by the clinical laboratory with training and experience acceptable to the Department.*~~

~~A)~~ ~~A physician having not less than one year of post-graduate training in diagnostic laboratory procedures in a residency training program approved for training purposes by the American Board of Pathology or the American Osteopathic Board of Pathology.~~

~~B)~~ ~~A physician having not less than two years supervised experience in an approved clinical laboratory carrying out procedures in the field or fields of science which encompass the program and services provided by the laboratory which this individual will direct.~~

~~C)~~ ~~To be director of a genetics laboratory, the physician shall have 4 or more years of post-graduate genetics laboratory experience in an approved clinical laboratory.~~

~~D)~~ ~~To be director of a histocompatibility laboratory, the physician~~

~~shall have 4 or more years of immunology laboratory experience in an approved clinical laboratory, subsequent to becoming a physician, 2 years of which have been in histocompatibility testing.~~

~~E) To be director of a toxicology laboratory which performs tests for controlled substances, the physician shall have 4 or more years of post-graduate experience in an approved clinical laboratory which performs tests for controlled substances or have formal academic education from an accredited institution in drug metabolism, drug kinetics, and the use and limitations of analytical procedures used in drug analysis.~~

~~4)~~ ~~*The individual is a physician* (i.e. physician licensed to practice medicine in all its branches or a chiropractic physician)~~, ~~*dentist or podiatrist licensed in Illinois.*~~

~~5)~~ ~~*The individual holds a degree above baccalaureate level from a college or university acceptable to the Department, with a major in chemical or biological sciences and has satisfied the Department of his training and proficiency in those tests for which this license is sought.*~~

~~A) An individual who holds an earned graduate degree above the baccalaureate level from an accredited institution in a medical laboratory science or with a chemical or biological science as a major subject may direct a laboratory which requires a class I, II, or III permit or a license, provided the individual documents that the individual has had 3 more years of full-time clinical laboratory training and experience in an approved clinical laboratory, subsequent to graduation, in each area of the laboratory in which testing is performed. The laboratory areas are bacteriology/mycology, parasitology, virology, immunology/serology, hematology, immunohematology, and chemistry. Experience as a technologist in an approved clinical laboratory which was gained prior to acquiring the graduate degree may be substituted on an equivalency basis of 1.5 years of such experience for every 1 year of post degree training and experience required; and experience as a general supervisor in an approved clinical laboratory, which was gained prior to acquiring such degree, may be substituted on a 1-for-1 basis. Such documentation~~

~~shall be made on a form entitled "Laboratory Personnel Qualifications Appraisal" (See Section 450.50(c)(3)).~~

~~B)~~ ~~To be director of a histocompatibility laboratory, the individual shall hold an earned doctoral degree from an accredited institution with a chemical or biological science as a major subject and have 4 or more years of postdoctoral laboratory experience in immunology in an approved clinical laboratory, 2 of which have been in histocompatibility testing.~~

~~C)~~ ~~To be director of a genetics laboratory, the individual shall hold an earned doctoral degree from an accredited institution with a chemical or biological science as a major subject and have 4 or more years of postdoctoral genetics laboratory experience in an approved clinical laboratory.~~

~~D)~~ ~~To be director of a toxicology laboratory which performs tests for controlled substances, the individual shall hold an earned doctoral degree from an accredited institution with a chemical or biological science as a major subject and have 4 or more years of post-graduate experience in an approved clinical laboratory which performs tests for controlled substances; or have formal academic education from an accredited institution in drug metabolism, drug kinetics, and the use and limitations of analytical procedures used in drug analysis.~~

~~6)~~ ~~*An individual listed as the Director, prior to August 23, 1965, of one clinical laboratory which was registered with the Department under the provisions of this Act, may continue to direct one laboratory, and an individual who directed two such laboratories simultaneously may continue to direct two laboratories, except that the Department, upon recommendation of the Clinical Laboratory and Blood Bank Advisory Board , may, as a condition precedent to the issuance of an original license hereunder, require such individual to pass a practical examination in the event that it deems such an examination necessary to determine the competence of the individual to direct a clinical laboratory.* The Department will not require a practical examination.~~

~~7)~~ ~~*The individual is a physician licensed to practice medicine in all its*~~

~~*branches in Illinois.*~~

~~8)~~ ~~To be director of a pathologic anatomy laboratory, the individual~~ ~~*must be a physician licensed to practice medicine in all its branches in Illinois and certified or determined to be board eligible by the American Board of Pathology in anatomic pathology or the American Osteopathic Board of Pathology in anatomic pathology, or the individual is a dentist licensed in Illinois and certified by the American Board of Oral Pathology; except that bone marrow interpretations may be done by a hematologist who is certified or determined to be Board eligible by the American Board of Internal Medicine.*~~

~~b)~~ ~~*Minimum requirements for laboratory direction and staffing. A permit or license to operate a clinical laboratory shall be issued only if the following technical staff are employed to provide supervision and direction during testing as required by regulations promulgated pursuant to this Act:*~~

~~1)~~ ~~*A class I permit requires a Director qualified under subsections (1), (2), (4), (5), (6) or (8) of subsection (a) of this Section to provide supervision and direction, with or without a laboratory assistant.*~~

~~2)~~ ~~*A class II permit requires a Director qualified under subsections (1), (2), (5), (6), (7) or (8) of subsection (a) of this Section to provide supervision and direction, with the employment of technicians or technologists.*~~

~~3)~~ ~~*A class III permit requires a Director qualified under subsections (1), (2), (5), (6) or (7) of subsection (a) of this Section to provide supervision and Direction, with the employment of laboratory assistants or technicians.*~~

~~4)~~ ~~*A license requires a Director qualified under subsections (1), (2), (3), (5), (6) or (8) of subsection (a) of this Section to provide supervision and direction, with the employment of a general supervisor if necessary to provide supervision in the absence of the Director.*~~

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

Section 450.220 Operational Participation of the Director

a) The laboratory director is responsible for the operation and administration of the

laboratory, including the employment of personnel who are qualified and competent to perform test procedures, maintain records, and report test results promptly, accurately and proficiently to assure compliance with applicable CLIA Law.

b) The laboratory director, if qualified, may perform the duties of the technical supervisor, technical or clinical consultant, general supervisor, and testing personnel, or delegate these responsibilities to personnel meeting the qualifications.

c) The laboratory director shall be accessible to the laboratory to provide onsite, telephone or electronic consultation.

d~~a~~) The laboratory director shall~~must~~ follow the weekly schedule established in accordance with Section 450.1110(d), except for absences due to emergencies, illness, or professional meetings. In case of an absence for vacation or other purposes that~~which~~ does not exceed 30 days, the owner shall ensure director coverage by designating an acting director who is qualified to direct that laboratory.

e~~b~~) If the laboratory director is absent for~~In case of an absence which is~~ more than 30 days, the owner shall designate an acting laboratory director~~ to direct the laboratory in the Director's absence~~ who meets the qualifications in 42 CFR 493, Subpart M~~set forth in Section 6-101 of the Act which are appropriate for the permit or license held by the laboratory~~. If the absence of the laboratory director will be permanent, the owner shall immediately submit a request for a laboratory director change to the Department.~~The owner shall submit to the Department immediately after 30 days has elapsed, a personnel form for the acting director. This individual may be the same individual designated in accordance with Section 450.220(a) or another individual. The acting director may continue to function as director for a period of 90 days after the personnel form is received.~~

~~c) An acting director may not serve as director for a period of time exceeding 120 days, 90 days after the personnel form was received by the Department, unless the owner informs the Department that the acting director is now the director.~~

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

Section 450.230 Number of Laboratories Permitted to Operate

a) The director of a clinical laboratory shall not direct more than five moderate or high complexity~~three~~ clinical laboratories, as defined in 42 CFR 493~~or blood banks~~. This limitation does not preclude a laboratory director from serving additional laboratories as a technical supervisor, technical or clinical consultant, general supervisor, or testing personnel~~consultant, general supervisor, or acting director~~.

b) The director of a clinical laboratory shall~~must~~ actively participate in the activities and programs of the clinical laboratory~~; therefore, attendance of brief duration sufficing only for signature of reports or other nominal administrative duties will not constitute compliance with Section 6-104 of the Act~~.

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

SUBPART D: QUALIFICATIONS OF PERSONNEL

Section 450.410 General Supervisor

In a licensed (certified) laboratory, the general supervisor shall be accessible to the laboratory to provide on-site, telephone, or electronic consultation, and shall meet qualification requirements in 42 CFR 493, Subpart M.

~~a) Duties~~

~~In a licensed laboratory, there shall be at least one qualified director or supervisor on the laboratory premises during all hours in which tests are performed. In the absence of the director, the supervisor shall supervise technical personnel and reporting of findings, perform tests requiring special scientific skills and be held responsible for the proper performance of all laboratory procedures. During periods of time when the laboratory is open for emergency testing only, a director or supervisor is not required to be on the premises provided a qualified technologist (See Section 450.420) performs the emergency tests and the director or supervisor who is responsible for the work reviews and documents the review of the results during the next duty period when the laboratory is open to provide other than emergency testing or within 24 hours, whichever occurs first. An emergency shall be determined by the physician attending the patient, and in order to clearly indicate an emergency exists, the laboratory request form shall include an appropriate designation such as "Stat".~~

~~b) An individual who meets one of the following qualifications shall qualify as general supervisor. These qualifications must be documented on the Department's form entitled "Laboratory Personnel Qualifications Appraisal". (See Section 450.50(c)(3)):~~

~~1) The individual is a physician licensed to practice medicine in all of its branches or has an earned doctoral degree from an accredited institution in a medical laboratory science such as microbiology and clinical chemistry and subsequent to graduation has had at least 1 year of full-time experience in one of the laboratory specialties in an approved clinical laboratory.~~

~~2) The individual has a Master of Arts or Master of Science degree from an accredited institution in a medical laboratory science such as microbiology and clinical chemistry and subsequent to graduation has had at least 1 year of full-time laboratory experience in an approved clinical laboratory.~~

~~3) The individual is qualified as a medical technologist pursuant to the provisions of Section 450.420. If the individual qualifies as a medical technologist because the individual has successfully passed the United States Public Health Service Exam prior to July 1, 1989, the individual has either:~~

~~A) an associate degree or at least 60 semester hours of academic credit from an accredited institution, including at least 12 semester hours in chemistry and biology courses and four years of full-time laboratory experience in an approved clinical laboratory; or~~

~~B) six years of experience as a medical technologist in an approved laboratory.~~

~~4) With respect to the specialty of diagnostic cytology, qualifies as a supervisory cytotechnologist because the individual qualifies as a cytotechnologist under Section 450.430(a), (b) or (c) and has had at least 4 years of full-time experience within the preceding 10 years as a cytotechnologist in a laboratory directed by an individual qualified to direct such a laboratory under Section 6-103 of the Act within the preceding 10 years.~~

~~5) With respect to the specialty of genetics, qualifies as a supervisor because the individual meets the requirements of subsections (b)(1), (2) or (3) above a minimum of two years of experience, except that the experience requirements must be in a genetics laboratory.~~

~~c) Exception to subsections (b) (1), (2), and (3) above~~
~~An individual serving as general supervisor of a clinical laboratory on September 15, 1970 and having had at least 15 years of pertinent laboratory experience prior to September 15, 1970 may continue to serve as supervisor of said laboratory: provided, that a minimum of 30 semester hours credit toward a Bachelor's degree with a chemical, physical or biological science as his major subject shall reduce the required years of experience by 2 years, with any additional hours further reducing the required years of experience at the rate of 15 hours for 1 year.~~

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

Section 450.420 Testing Personnel~~Medical Technologist~~

A testing personnel candidate shall meet one or more options of the qualification requirements in 42 CFR 493, Subpart M.

~~a) An individual who meets one of the following qualifications shall qualify as a technologist. These qualifications must be documented on the Department's form entitled "Laboratory Personnel Qualifications Appraisal". (See Section 450.50(c)(3))~~

~~1) The individual has an earned Bachelor's degree in medical technology from an accredited college or university.~~

~~2) The individual has 3 academic years of study (a minimum of 90 semester hours or equivalent) in an accredited college or university which meets the specific requirement for entrance into, and the successful completion of a course of training of at least 12 months in, a school of medical technology accredited by one of the agencies recognized by the U.S. Office of Education for the accreditation of training programs for medical technologists, as distinguished from training programs for medical laboratory technicians.~~

~~3) The individual has an earned Bachelor's degree from an accredited college~~

~~or university course of studies which meets all academic requirements for a in one of the chemical, physical, or biological sciences and in addition at least 1 year of clinical laboratory experience and/or training in an approved clinical laboratory in the laboratory field or fields in which the individual performs tests.~~

~~4) The individual has completed 3 years (90 Semester hours or equivalent in quarter hours) in an accredited college or university with a distribution of courses as shown below, and, in addition, successful experience and/or training covering several fields of medical laboratory work of such length (not less than 1 year), and of such quality that this experience or training in an approved clinical laboratory in the laboratory field or fields in which the individual performs tests. The specified courses must have included lecture and laboratory work. Survey courses are not acceptable.~~

~~A) For those whose training was completed prior to September 15, 1963: academic training must include at least 24 semester hours in chemistry and biology courses of which not less than 9 semester hours must have been in chemistry and must have included at least 6 semester hours in inorganic chemistry, and not less than 12 semester hours must have been in biology courses pertinent to the medical sciences.~~

~~B) For those whose training was completed after September 15, 1963: academic training must include 16 semester hours in chemistry courses which must have included at least 6 semester hours in general chemistry and the remaining semester hours in analytical chemistry, organic chemistry or physical chemistry and which are acceptable toward a major in chemistry; 16 semester hours in biology courses which are pertinent to the medical sciences and are acceptable toward a major in biological sciences; and 3 semester hours of mathematics.~~

~~b) Exceptions to subsection (a) above~~

~~1) An exception to subsection (a) may be made if~~

~~A) The technologist was performing the duties of a medical technologist on, or within the 5 years preceding July 1, 1966, and~~

~~B) The technologist has had at least 10 years of pertinent clinical laboratory experience prior to July 1, 1966, provided, that a minimum of 30 semester hours of credit toward a bachelor's degree from an accredited institution with a chemical, physical, or biological science as his major subject, or 30 semester hours in a school of medical technology approved in accordance with subsection (a)(2) shall reduce the required years of experience by 2 years, with any additional hours further reducing the required years of experience at the rate of 15 hours for 1 year.~~

~~2) An individual who has successfully passed the United States Public Health Service exam in order to qualify under Medicare and Medicaid as a clinical laboratory technologist will be considered to meet the qualifications for a medical technologist upon submission of documentation to the Department.~~

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

Section 450.430 Cytotechnologist (Repealed)

~~An individual who meets one of the following qualifications shall qualify as a cytotechnologist. These qualifications must be documented on the Department's form entitled "Laboratory Personnel Qualifications Appraisal". (See Section 450.50(c)(3)):~~

~~a) The individual has successfully completed 2 years (60 semester hours of academic credit) in an accredited college or university with at least 12 semester hours in science, 8 hours of which are in biology, and has had 12 months of training in a school of cytotechnology accredited by one of the agencies recognized by the U.S. Commissioner of Education; or~~

~~b) The individual has successfully completed 2 years (60 semester hours of academic credit) in an accredited college or university with at least 12 semester hours in science, 8 hours of which are in biology, and has received 6 months of formal training in a school or agency cytotechnology accredited by one of the accrediting recognized by the U.S. Commissioner of Education and 6 months of full/time experience in cytotechnology in a laboratory affiliated with the school of cytotechnology; or~~

~~c) Prior to January 1, 1969, the individual has~~

~~1) graduated from high school~~

~~2) completed 6 months of training in cytotechnology in a laboratory directed by a physician certified or determined board eligible by the American Board of Pathology in pathologic anatomy and~~

~~3) completed 2 years of full time supervised experience in cytotechnology.~~

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

Section 450.440 Technician (Repealed)

~~An individual who meets one of the following qualifications shall qualify as a technician: These qualifications must be documented on the Department's form entitled "Laboratory Personnel Qualifications Appraisal". (See Section 450.50(c)(3)). Persons employed by a laboratory which meets the definition of a Class II Laboratory which do not presently have the minimum qualifications of a technician may continue to be employed by the laboratory in question until July 1, 1992 without meeting the requirements of a technician. After July 1, 1992, all technical persons performing laboratory testing must meet the qualifications set forth in this Part.~~

~~a) Successful completion of 60 semester hours of academic credit including chemistry and biology as well as a structured curriculum in medical laboratory techniques at an accredited institution or has an associate degree based on a course of study including those subjects from an accredited institution; or~~

~~b) High school graduate or equivalent and has completed at least 1 year in a technician training program in a school accredited by an accrediting agency approved by the U.S. Office of Education; or~~

~~c) High school graduate or equivalent and has successfully completed an official military medical laboratory procedures course of at least 50 weeks duration and has held the military enlisted occupational specialty of Medical Laboratory Specialist (Laboratory Technician).~~

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

Section 450.450 Laboratory Assistant (Repealed)

~~A laboratory assistant is an individual who is employed in a laboratory and meets the education and experience requirements set forth by that laboratory director and who functions only under the direct supervision of a director, supervisor or technologist. These requirements must be established in writing and submitted to the Department with the Department's form entitled "Laboratory Personnel Qualifications Appraisal" (See Section 450.50(c)(3)).~~

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

Section 450.460 Technical Supervisor

In a licensed (certified) laboratory, the technical supervisor shall be accessible to the laboratory to provide on-site, telephone or electronic consultation, and shall meet one or more specific option qualification requirements under each specialty or subspecialty of service in 42 CFR 493, Subpart M.

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

Section 450.470 Clinical Consultant

A clinical consultant candidate shall meet one or more of the options in 42 CFR 493, Subpart M.

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

SUBPART F: OUT OF STATE LABORATORIES

Section 450.610 Criteria for Licensure

Clinical laboratories located outside of Illinois shall be certified, under CLIA Law, or that state's laboratory program, before accepting specimens referred by clinical laboratories located in Illinois.

~~a) Illinois licensure is required if clinical laboratories located outside of this state accept specimens referred by clinical laboratories located in Illinois.~~

~~b) Out-of-state laboratories shall:~~

~~1) Apply for an Illinois license in the same manner as facilities located in this State and pay the same licensee fees.~~

~~2) Comply with all standards applicable to laboratories located in Illinois. In cases in which the standards of practice permitted in the state in which the laboratory is located are not in accordance with these standards, the out-of-state laboratories shall comply with these Illinois standards when serving licensed physicians, dentists, hospitals, blood banks, or clinical laboratories located in Illinois which are required to have a license or permit.~~

~~3) Submit such reports as may be required, including but not limited to periodic reports of Illinois laboratories or blood banks referring specimens to the out-of-state laboratory.~~

~~4) Accept evaluation specimens referred by the Illinois Department of Public Health or participate in evaluation of specimens in programs approved by the Department.~~

~~5) If located in a state which licenses clinical laboratories, must hold a currently valid state license.~~

~~6) Submit with each state license application, a copy of the laboratory's current license to conduct interstate laboratory services under the Federal Clinical Laboratory Improvement Amendments of 1988 (P.L. 100-578, effective October 31, 1988). Such license shall be used by the Department to determine compliance with this Act.~~

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

SUBPART G: PROFICIENCY SURVEY PROGRAM AND INSPECTION OF FACILITIES

Section 450.710 Inspections

a) All clinical laboratories required to be certified under CLIA Law~~have a license or permit~~ shall be open to inspection by representatives of the Department at all reasonable times.~~ The premises and operation of all clinical laboratories shall be inspected to study and evaluate the effect of the location, operation, supervision and procedures of such facilities on the health and safety of the people of this state. These inspections will be made at such time as may from time to time be determined by the Department, and may be announced or unannounced. These~~

~~inspections may include on site review of records and reports pertaining to the technical operations of the laboratory.~~

b) The Department may submit forms, such as check lists, to be completed by the director of the laboratory in advance of inspection. ~~These forms may include questions relating to the construction, sanitation, equipment, procedures, and records which will be reviewed by the Department and will assist it in making inspections to determine compliance with the Act and this Part.~~

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

Section 450.720 Proficiency Survey Program

Each laboratory shall enroll in a proficiency testing (PT) program that meets the criteria of 42 CFR 493, Subparts H, I, K and R. The laboratory shall enroll in an approved program or programs for each of the non-waived specialties and subspecialties for which it seeks certification, and shall test the samples in the same manner as patients' specimens.

~~a) The Department shall require the "demonstration of proficiency" in the performance of each test offered by licensed or permitted clinical laboratories by means of State-operated or State-approved proficiency testing programs. The Department may exclude some specific tests from this requirement.~~

~~b) Requirements for Testing Service Approval~~

~~1) The State-approved proficiency testing service must cover all clinical laboratory and anatomical pathology specialties and subspecialties in which the laboratory performs tests as they are made available and are proven feasible for proficiency testing. One or more proficiency testing programs can be utilized to address all tests conducted by a laboratory.~~

~~2) The approved proficiency testing service must provide to the Department an annual list of subscribers among Illinois laboratories authorizing the proficiency testing service to report their proficiency test results to the Department.~~

~~3) The approved proficiency testing service must supply exception reports (cumulative survey management reports-cumulative deviancy reports) covering at least the immediately previous two years of testing and~~

~~documenting the unsatisfactory results during that minimum two year period. This report must be continuously updated with each new testing period and must be made available to both the participating laboratory and to the Department after each testing period.~~

~~4) The approved proficiency testing service must provide at least the following statistical parameters: mean or median, standard deviation or coefficient of variation, and some discussion and/or indication of accuracy and precision.~~

~~5) The approved proficiency testing service must document, in writing, the bases for establishing acceptable limits of performance. This documentation must be supplied to the Department and to each participating laboratory at least annually and must cover each test for which proficiency testing is provided. The yearly revision must include all changes made in the criteria for acceptable performance which are to prevail for the ensuing year.~~

~~c) A list of the State-approved proficiency testing programs may be obtained from the Department.~~

~~d) The costs of such State-approved proficiency testing shall be borne by the laboratory.~~

~~e) The laboratory shall keep on file a copy of the results of proficiency testing for review by the State laboratory evaluator.~~

~~f) Requirements for Laboratory Testing~~

~~1) The participating laboratory must test applicable materials each time they are distributed by the approved proficiency testing service according to a schedule approved by the Department.~~

~~2) Those procedures performed by the laboratory for which test materials are provided by the approved proficiency testing service and which are not excluded by the Department from the "demonstration of proficiency" requirement must be proficiency tested by the participating laboratory each time test materials are received.~~

~~3) The participating laboratory must authorize the approved proficiency testing service to report proficiency test results to the Department.~~

~~4) The participating laboratory must test applicable materials only in the laboratory to which the license and the proficiency testing requirement applies using personnel and equipment used in that facility in providing services.~~

~~5) A laboratory shall be required to discontinue providing a service in a procedure or category of procedures (hematology, chemistry, bacteriology-mycology, parasitology, immunology-serology, immunohematology, etc.) if:~~

~~A) For three consecutive testing periods the laboratory fails to report on test materials received for procedures for which the laboratory is required to be proficiency tested; or~~

~~B) For three consecutive testing periods the laboratory demonstrates unsatisfactory performance in a procedure or category of procedures. A determination of satisfactory performance for a procedure for a testing period shall be based upon all results being within acceptable limits established by the proficiency testing service for that procedure and approved by the Department. A determination of satisfactory performance for a category of procedures shall be based upon 75% or more of the results in that category over three consecutive testing periods being within acceptable limits established by the Department.~~

~~6) A laboratory whose services have been disapproved because of unsatisfactory performance shall be reapproved by the Department to provide these services after meeting one of the following conditions, provided that proficiency testing is the only problem preventing reapproval.~~

~~A) The laboratory results for an unsatisfactory discontinued procedure shall be within acceptable limits established by the proficiency testing service for two consecutive testing periods subsequent to the testing periods which resulted in the discontinuance of the procedure. The laboratory results for a disapproved category of~~

~~procedures shall have 75% or more of the results within acceptable limits established by the proficiency testing service for two consecutive testing periods subsequent to the testing periods which resulted in discontinuance of the category of procedures.~~

~~B) On-site Testing~~

~~i) The laboratory director may request the Department to provide proficiency testing specimens for purposes of retesting. The cost of such proficiency testing specimens shall be borne wholly by the laboratory. The Department shall ship or cause to be shipped, hand carry or otherwise convey to the laboratory such proficiency testing specimens within three weeks after receipt of such request. The Department shall provide an on site visit by a laboratory evaluator for the purpose of determining deficiency correction.~~

~~ii) Successful analysis (100% of specific analysis or 75% of the results of a category are within acceptable limits as established by the testing service) shall be based upon test results of specimens similar in number and purpose to those normally received by the laboratory where performance has been judged unsatisfactory.~~

~~iii) Successful analysis and site visit findings shall be used to reapprove either a category of procedures or a given procedure.~~

~~g) Renewal of a license or permit may be denied for failure to maintain an acceptable standard of proficiency in the program and services provided by a laboratory.~~

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

SUBPART H: SPECIAL REQUIREMENTS PERTAINING TO BLOOD BANKS ~~(Repealed)~~

Section 450.810 General ~~(Repealed)~~

Blood banks operating in Illinois shall be licensed by the FDA under 21 CFR 600, 601, 606, 607, 610, 630 and 640.

(Source: Former Section repealed at 13 Ill. Reg. 11573, effective September 1, 1989; new Section added at 44 Ill. Reg. _____, effective _____)

SUBPART J: RECORDS AND REPORTS

Section 450.1010 Necessary Records

a) Complete records in regard to each specimen examined shall be kept on file in the laboratory for not less than five years. The~~Such~~ records shall contain:

1) Laboratory number or other identification of the specimen.

2) The name of the person from whom the specimen was taken, except in cases of anonymous HIV testing or of anonymous or coded premarital syphilis testing. The names and addresses of persons who have chosen to have HIV testing done anonymously may not be recorded in the files, except that any existing records referring to testing done before anonymity was chosen may be retained without linkage to the anonymous testing.

3) The name of the licensed physician or other authorized person, clinical laboratory, or blood bank submitting the specimen.

4) The date the specimen was collected and the date the specimen was received in the laboratory.

5) When a specimen is forwarded to another clinical laboratory for tests, the name, the date when the specimen was forwarded to the~~such~~ laboratory, the date it was tested, and the date the report of the findings of the test was received from the~~such~~ laboratory.

6) In case the specimen is an unsatisfactory specimen, the condition of the specimen when received.

7) The types and numbers of tests performed annually.

8) The results of the test conducted by the laboratory, the method used, the signature of the examiner.

9) *Clinical laboratory test results may be reported or transmitted to*:~~Results of laboratory tests are to be reported to the referring laboratory and/or practitioner in accordance with Sections 3-101, 7-102, and 7-103 of the Act.~~

A) *The licensed physician*, the patient if requested, *or other authorized person who requested the test, their designee, or both;*

B) *Any health care provider who is providing treatment to the patient*; or

C) *An electronic health information exchange for the purposes of transmitting, using, or disclosing clinical laboratory test results in any manner required or permitted by HIPAA.*

10) *No interpretation, diagnosis, prognosis, or suggested treatment shall appear on the laboratory report form, except that a report made by a physician licensed to practice medicine in Illinois, a dentist licensed in Illinois, or an optometrist licensed in Illinois may include that information.*

11) *Nothing in this* Part *prohibits the sharing of information as authorized in Section 2.1 of the Department of Public Health Act.* (Section 7-102 of the Act)

b) Reports to be submitted to the Department.
A laboratory shall submit reports containing~~ such~~ information and data concerning its technical operations, as may be requested by the Department. These~~The Department may require that such~~ reports shall be notarized and signed by the owner and director of the laboratory~~, if these are different~~.

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

SUBPART K: QUALITY CONTROL

Section 450.1150 Quality Control System Methodologies

a) Hematology

1) Manual Procedures

A) Each procedure shall be checked or recalibrated each day of use with standards (calibrators) or reference materials covering the range of expected values. See Section 450.520 for checking dilutors and samplers.

B) Hemoglobin – methodology shall be calibrated monthly with standards that cover at least three concentrations and a zero point.

C) Hematocrit – Optimum packing time of microhematocrit centrifuges shall be determined before being placed into use and after major adjustments or repairs. The speed of the microhematocrit centrifuge shall be checked monthly. Tolerance limits shall be established. Timer checks shall be performed monthly. Tolerance limits shall be established.

D) Red and White cell counts – The hemocytometer counting chamber and coverslip shall be maintained in a condition that does not interfere with cell recognition or the volume of the chamber. Coverslips certified by the Bureau of Biological Standards shall be used. Counts shall be performed with certified pipettes or pipettors whose accuracy has been determined by the manufacturer.

E) Platelet counts – Manual platelet counts shall be performed by counting both sides of the chamber. Tolerance limits shall be established. A procedure to compare platelet results with the differential blood film shall be established.

F) Differential Leukocyte count – Blood smears shall be prepared and stained by a method which produces smears in which morphologic cell features can be evaluated. Cellular morphology shall be examined and platelets estimated routinely with the differential count.

2) Automated Procedures

A) Particle Counting and Hemoglobin

i) Calibration techniques shall follow the manufacturer's specifications.

ii) The director shall establish criteria for high and low counts and determine the policy for verification. Tolerance limits shall be established for duplicate testing.

iii) Background counts shall be performed daily on diluent and lysing agents.

iv) Reference materials shall be used each, or after each run to assess precision.

v) Each procedure shall be checked or recalibrated each 8 hours, if the instrument is used during the 8 hour period, with standards (calibrators) or reference materials covering the range of expected values.

B) Differential counts

i) The manufacturer's specifications shall be followed with respect to operation, calibration, and the use of reference materials.

ii) The director shall establish a policy for the review of all abnormal differentials that indicate an abnormal cellular, morphology or abnormal platelet enumeration.

3) Coagulation studies

A) Two levels of reference materials for prothrombin and or partial thromboplastin times shall be used during each 8 hours when the instrument is used, Action limits shall be established.

B) If available commercially, two levels of reference materials shall be included in each run for all other coagulation procedures.

Patient specimens shall be performed in duplicate and tolerance limits established.

b) Chemistry
See Section 450.1120 for general quality control requirements. See Section 450.520 for checking dilutors and samplers.

1) Manual-Automated procedures which use a Spectrophotometer or Photometer

A) Calibration of the optical component of each instrument shall be done in accordance with the instrument manufacturer's instructions.

B) Each procedure shall be recalibrated at least every three months or more frequently in accordance with the following:

i) Procedures which are linear shall include at least 3 standard concentrations (calibrator) (unless the instrument manufacturer specifies that 3 calibrators are not necessary to determine procedure in linearity and calibration over the reportable range) including one at the highest level of the reportable range and one near the threshold (cutoff).

ii) Procedures which are non-linear over the reportable range shall include (unless the instrument manufacturer specifies that procedure calibration over the reportable range can be accomplished in another manner) a minimum of 5 standard concentrations (calibrator).

iii) The procedure is recalibrated when major instrument maintenance has been performed.

iv) The procedure is recalibrated in accordance with the manufacturer's recommendations and when a reagent lot number is changed.

v) The procedure is recalibrated when the quality control program reflects an unusual trend or the controls fall

outside acceptable limits.

C) At a minimum, one reference material and one calibrator or two reference materials with different concentrations shall be used for each analyte in each run of unknown specimens, except, when prepackaged reagent analyzers are used, one reference material and one calibrator or two reference materials with different concentrations shall be used once in each 24 hour period in which the analyzer is used for that analyte.

2) Atomic Absorption Flame Photometers

A) The atomization rate shall be checked each day of use.

B) Each run of unknown specimens shall include two levels of reference materials.

C) Calibration and operation techniques shall follow the manufacturer's specifications.

D) Each procedure shall be recalibrated each day of use.

3) Chromatography

A) A standard (calibrator) shall be included with each batch of unknown specimens.

B) Calibration and operation techniques shall follow the manufacturer's specifications.

C) Reference materials (spiked samples) shall be included in each batch of unknown specimens and are treated the same as unknowns.

4) Electrophoresis

A) The linearity of a densitometer shall be checked each day of use.

B) Reference materials for comparison of migration patterns and stain

intensity shall be included with each run.

5) Ion Selective Electrode

A) The manufacturer's recommendations shall be followed with respect to calibration and control procedures.

B) Reference materials shall be included with each run.

6) Radioimmunoassay

A) The stability of radioisotope counting equipment shall be checked each day of use with an appropriate radioactive reference source. Tolerance limits shall be established.

B) Background counts shall be performed each day of use and tolerance limits established.

C) Each procedure shall include calibrators (standards) as recommended by the reagent manufacturer.

D) Reference materials shall be included with each run.

E) The duration of the counting times shall follow the recommendations of the instrument manufacturer.

7) Mass Spectrometry

A) Mass spectrometers shall be tuned daily.

B) Procedures for checking air leaks and determining ion ratios shall be available and followed.

C) Ion ratios shall be determined for each instrument and each assay if appropriate for the instrument.

D) If ion ranges are used, criteria shall be available for designating a positive.

c) Urinalysis

1) Specific gravity equipment shall be calibrated with distilled water and one other solution of known refractive index each day of use.

2) Screening or qualitative chemical urinalysis shall be checked daily by use of suitable reference materials.

3) Calibration and the use of reference materials for equipment which utilizes automatic readers shall follow the recommendations of the manufacturer.

d) Bacteriology-mycology

1) Each unit of media shall be properly labeled to indicate identity, date of preparation-receipt and expiration date.

2) Each batch of media shall be tested before use, or concurrently with selected organisms, for selectivity, sterility, enrichment, and biochemical response,~~. A laboratory using commercially prepared microbiological culture media which is quality controlled in accordance with the National Committee for Clinical Laboratory Standards (NCCLS) "Protection of Laboratory Workers from Infectious Disease Transmitted by Blood, Body Fluid and Tissue", need not perform quality control checks for selectivity, enrichment and biochemical response provided that: the laboratory has documentation which may be provided through a media label or brochure that the quality control practices conform to NCCLS specifications: the laboratory documents receipt and condition of each batch of media to include sterility assessment by appropriate incubation and examination of uninoculated media and notifies the media manufacturer of quality issues such as: cracked Petri plates, unequal filling of plates, cracked media in plates, hemolysis, freezing, excessive bubbles in media, contamination and sterility. Laboratories that prepare media for satellite laboratory locations must either perform the same quality control checks required of commercial and manufacturers (NCCLS Standards) and furnish documentation of media quality control checks to each location, or each laboratory must continue to perform media checks~~ as currently required under 42 CFR 493.1256(e)(4)~~42 CFR 405.1317 (b)(1)(1988). This exception does not apply to Campylobacter agar, chocolate agar, media for the selective isolation of pathogenic Neisseria, Mueller Hinton media and~~

~~media used for the isolation of parasites, virus, mycoplasmas and Chlamydia~~.

3) Appropriate ATCC strains shall be available and maintained.

4) All reagents, strips, discs, and antisera shall be properly labeled as to lot number and expiration date and checked each day of testing with organisms that produce positive and negative reactions.

5) An adequate incubation system shall be used and shall~~must~~ be appropriate for the kinds of organisms isolated and volume of work. CO2 incubators shall be checked daily to insure that CO_2 concentration is maintained within established tolerance limits.

6) Flow charts may be used to indicate all steps to be employed to isolate and identify all organisms.

7) The daily log or worksheet shall reflect all tests and test results which lead to the isolation and identification of all microorganisms.

8) Staining materials shall be checked each day of use against organisms with the expected staining characteristics.

9) A wire loop used for quantitative tests shall be calibrated prior to placing into use and quarterly thereafter.

10) Agar Disc Diffusion methods:

A) The agar disc diffusion test shall be checked with each new batch of media and at least once each seven days with stock cultures of Escherichia coli ATCC 25922, Staphylococcus aureus ATCC 25923, and Pseudomonas aeruginosa ATCC 27853. Zone sizes shall be recorded for each antimicrobial agent. Limits shall be established.

B) Petri dishes used shall have a diameter not less than 150 mm and contain no more than 12 discs.

C) Susceptibility tests shall be performed on pure cultures only.

D) A barium sulfate turbidity standard shall be used for the Kirby-Bauer method.

11) Minimum Inhibitory Concentration (MIC) Methods:

A) The MIC test shall~~must~~ be checked with each new batch of media and at least once each seven days with stock cultures of Escherichia coli ATCC 25922, Staphylococcus aureus ATCC 29213, and Pseudomonas aeruginosa ATCC 27853. The MIC values shall~~must~~ be recorded for each antimicrobial agent. Tolerance limits shall be established.

B) When trimethoprim-sulfamethoxazole is included in the battery of antibiotics, Streptococcus faecalis ATCC 29212 shall also be included as a control.

12) Automated susceptibility~~susceptability~~ testing systems shall follow the quality control requirements specified by the manufacturer or at a minimum those specified under item 11 above.

e) Parasitology

1) A calibrated ocular micrometer shall be available for determining the size of ova and parasites when size is a critical factor.

2) The laboratory shall have an atlas and~~and/or~~ reference collection of prepared slides, transparencies or gross specimens. The collection shall include organisms which the laboratory encounters and reports from patient specimens.

3) Permanent stains shall be used for the examination of intestinal~~intestional~~ protozoa and other parasites where internal structure is critical for proper identification.

4) Concentration methods shall be routinely employed on all stool specimens negative for ova and parasites by direct examination methods. Concentration techniques shall be capable of detecting all cases of clinically significant parasites likely to be encountered in the community.

f) Immunology-Serology-Immunochemistry
Kits purchased for serological testing shall be used in accordance with the manufacturer's instructions.

1) VDRL/RPR

A) Non-reactive, minimally reactive, and reactive reference materials shall be included with each run.

B) The needle delivery shall be verified within plus or minus two drops per ml each time a new needle is used, when control patterns cannot be reproduced, and when the antigen does not drop clearly from the needle.

C) The revolutions per minute of the rotator shall be checked each week of use and be within the recommended tolerance limits.

D) Each new lot of antigen and reference materials shall be checked with non-reactive, weakly reactive and reactive reference materials before being placed into use.

E) Ambient temperature in the test area shall be maintained between 23 degrees Centigrade and 29 degrees Centigrade.

F) The antigen for VDRL testing shall be prepared fresh each day of use.

2) Qualitative tests
Positive and negative controls shall be included in each run. Each new lot of reagents and reference materials shall be parallel checked with one of known reactivity before being placed into use.

3) Quantitative tests
Each quantitative test shall include with each run a negative control, where applicable, a positive control of known titer or controls of graded reactivity. Each new lot of reagents and reference materials shall be parallel checked with one of unknown reactivity before being placed into use.

g) Immunohematology

1) ABO grouping reagents and Rh typing sera shall conform to the requirements of licensure under 21 CFR 600-680. Any facility which produces their own products shall adhere to these same requirements.

2) All antisera, ABO reagent red cells, anti-human globulin (Coombs) shall be tested each day of use with a positive control.

3) Antibody screening reagent red cells shall be tested each day of use with at least one known antibody.

4) All antisera except ABO antisera shall be tested each day of use with a negative control.

5) The reagent manufacturer's protocol for testing shall be followed.

6) An autologous cell control is required when samples are being tested for Rh type. An autologous cell control is not required to accompany the Rh type when testing donor samples.

h) Histopathology

1) All special stains shall be controlled by use of positive tissues.

2) All tissue specimens shall be kept in a preservative until microscopic examination and diagnosis have been completed by the pathologist.

3) All stains shall be filtered prior to each day of use.

4) All tissue processing solutions shall be changed or rotated on a regularly scheduled basis.

5) The quality of stains shall be evaluated daily by the director and suboptimal stains corrected immediately.

6) All gross tissue specimens received shall~~must~~ be properly labeled and securely packaged so as to maintain absolute certainty of identification

throughout processing, recording and storage.

7) Slides shall~~must~~ be identified with permanent labels and stored so they are readily accessible. Paraffin blocks shall~~must~~ be adequately identified, indexed, stored in a cool place and protected against damage by heat for at least 2 years. Wet tissue specimens shall be retained until a diagnosis has been made. The slide and a copy of the report shall~~must~~ be filed for at least 10 years.

8) The laboratory shall request that the tissue request shall contain the name, birthdate, name of the surgeon, clinical information and the date of surgery.

i) Cytogenetics

1) Special Equipment

A) Incubators must be on special emergency lines.

B) Laminar Flow Hoods shall~~must~~ be used~~ (Class II)~~.

C) Karyotyping facilities shall~~must~~ be available with the production of hard copies.

2) Culture Initiation of Specimens

A) At least two (2) containers for each patient

B) Maximum of 1% patient failure (i.e. failure to provide a report as defined in Section 450.1150(j)(3)), for blood, amniotic fluid and chorionic villus samples in a period not to exceed 30 calendar days. If in excess of 1%, the laboratory director shall~~must~~ contact the Department and stop performing the tests until the laboratory can demonstrate a patient failure rate of less than one percent.

C) For other tissues higher patient failure rates are acceptable.

i) Skin and products of conceptions: maximum of 20% failure in a period not to exceed 30 calendar days. If in

excess of 20%, the laboratory director shall~~must~~ contact the Department and stop performing the tests until corrective action is demonstrated.

ii) Bone Marrow: maximum of 5-10% failure in a period not to exceed 30 calendar days. If in excess of 5-10%, the laboratory director shall~~must~~ contact the Department and stop performing the tests until corrective action is demonstrated.

3) Analysis and Interpretation

A) Counting Chromosomes

i) At least 11-20 metaphases from the two containers shall~~must~~ be counted for routine blood, amniotic fluid, skin, products of conception, and chorionic villus specimens.

ii) For the Fragile-X chromosome, a minimum of 100 metaphases is required before reporting a negative result. Control values for Fragile-X shall be maintained.

iii) If a clinically significant hypermodal metaphase or a structurally abnormal chromosome is detected, 20 additional cells (or 10 additional centers) in each of the two cultures shall~~must~~ be analyzed.

iv) If 2 clinically significant hypomodal metaphases are detected, repeat steps in subsection (3)(A)(iii).

B) Karyotypes

i) A 400 band resolution is minimum.

ii) At least two ~~(2)~~ banded karyotypes (hard copies) shall~~must~~ be prepared for routine bloods, amniotic fluids, chorionic villus specimens, skins, and products of conception.

iii) For bone marrows, at least 25 metaphases shall~~must~~ be photographed and analyzed. A minimum of 20 cells shall be analyzed for the presence of the Philadelphia chromosome and other markers for chronic myelogenous leukemia.

C) Reporting and Interpretation

i) All reports must adhere to the current International System of Cytogenetic Nomenclature.

ii) All abnormal findings should be accompanied by a recommendation to consult a Geneticist.

D) Documentation
In addition to other documentation required for any laboratory, documentation of power failure, failure rate, contamination, labeling discrepancy, poor or no growth, poor slide quality, interpretive dilemmas, and diagnostic errors shall be maintained.

4) Archives
Retention of adequate slides, films, hard copies and reports in order to re-analyze any cases challenged, shall be in accordance with the State statute of limitations.

j) Toxicology – Controlled Substances (Drugs of Abuse)
Laboratories which perform tests for controlled substances shall meet all pertinent requirements of the Act and regulations. In addition, the following items shall apply to toxicology laboratories.

1) The laboratory shall demonstrate proficiency as required under Section 450.720, except, the laboratory shall~~must~~ discontinue providing confirmatory testing if for two consecutive testing periods the laboratory either fails to report results for confirmatory testing or for two consecutive testing periods the laboratory fails to confirm the presence of any substance in any proficiency testing specimen or on one occasion falsely confirms and reports the presence of a substances~~substance(s)~~ not in the test specimen. Reinstatement to offer confirmatory testing shall require errorless performance in two subsequent proficiency testing surveys.

2) The director shall provide ~~in house~~ confirmatory testing of specimens whenever initial screening shows the presence of controlled substances. The confirmatory testing shall use different principles of chemistry and be at least as sensitive as the testing used for screening purposes. Drug screening may be performed on-site with confirmatory testing at a licensed laboratory or licensed toxicology laboratory~~Class II Permit as authorized under Section 2-109 of the Act, Licensed Laboratory, or Licensed Toxicology Laboratory~~.

~~3) The director shall develop a written program to maintain control and accountability from receipt of specimens until results are reported. In addition to other requirements of Section 450.140, requirements for segregation of these samples from other specimens received in the laboratory and the process for checking specimens for adulteration upon receipt in the laboratory, shall be stated.~~

3~~4~~) Reports from the laboratory must~~shall~~ include limits of detection (LOD) for methods utilized and identify the method used to confirm positive screening results. Only specimens confirmed positive shall be reported positive for a specific drug or metabolites.

4~~5~~) Each analytical run of specimens must~~shall~~ have at least three reference specimens including: a specimen containing no drug or metabolites; a specimen with a known amount of standard at or near the threshold (cutoff), and one additional reference specimen. Documentation that currently used methodology does not allow carryover to contaminate the testing of a subject's specimen, shall be maintained. A minimum of 10 percent of all test samples analyzed per batch must~~shall~~ be a mixture of reference specimens indicated in this subsection (j)(4)~~above~~.

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

SUBPART M: HEALTH SCREENING

Section 450.1300 Health Screening and Approved Health Screening Tests

a) *All health screenings* shall *be conducted under a protocol approved by a physician licensed to practice medicine in all its branches that includes, but is not*

limited to, provisions concerning disclosure of the purpose and limitations of the screening tests to test subjects, proper collection of samples, and administration of tests, including staffing, staff training and equipment monitoring, adequate procedures for protecting the confidentiality of test subjects and test results, and appropriate referrals for medical attention.~~*"Health Screening" means the performance of any of the following tests for the purpose of assessing a phase of the general state of health of human subjects*~~ (Section 2-120(a)~~2-102.1~~ of the Act)~~:~~

~~1) Blood total cholesterol testing by finger stick method, and~~

~~2) Blood glucose testing by finger stick method.~~

b) *Health screening protocols* in this Part *shall be exempt from the provisions of Sections 7-101 and 7-102 of the Act*. (Section 2-120(b) of the Act)~~Health screening activities may only be conducted by the following entities:~~

~~1) *Laboratories which only perform health screenings on a not-for-profit or free-of-charge basis. Not-for-profit or free-of-charge basis* means screenings performed for a fee calculated to recover the actual cost of the test material and equipment and direct labor costs, excluding any cost associated with test interpretation or other administrative costs or with no direct cost to the recipient;~~

~~2) *Licensed or permitted laboratories*; and~~

~~3) Licensed Hospital laboratories which are exempt from regulation under the Act and not precluded from such activities under the Hospital Licensing Act. (Section 2-102.1(a)(3) and (b) of the Act)~~

~~c) *Any entities which conduct more than one health screening event per* calendar *year shall file established protocols with the Department in accordance with the* provisions of this Subpart. A health screening event, as used in this Section, shall mean any day or continuous series of days not exceeding five on which health screening activities are conducted in the same location other than the principal location of the laboratory such as a health fair. Tests listed as health screening tests may be conducted at the principal location of the laboratory without the protocol required by this Subpart. (Section 2-102.1(a)(2) of the Act). Class III permit laboratories must submit a protocol regardless of where the health~~

~~screening is conducted.~~

c~~d~~) ~~AGENCY NOTE:~~ Health screening tests shall~~should~~ not be used as diagnostic tests.

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

Section 450.1310 Protocol for Conducting Health Screening

a) Any entity that~~which~~ performs health screening shall establish a protocol for health screening activities that~~which~~ is *approved by a physician licensed to practice medicine in all its branches.* (Section 2-120(a) of the Act)~~(Section 2-102.1(a)(1) of the Act)~~

b) The protocol for conducting the health screening must~~shall~~:

1) Indicate~~indicate~~ the tests~~test(s)~~ to be conducted;

2) Indicate~~indicate~~ the way in which results shall be reported to the test subject, including any available oral counseling and health professional referral program;

3) Indicate~~indicate~~ how confidentiality will be maintained with provisions that~~which~~ allow testing personnel, test subject, and test subject's representative access to the test results;

4) Include~~include~~ a written quality control program to ensure~~assure~~ accurate and precise test values as set by the physician signing the protocol and a description of the steps to be taken if the control values fall outside acceptable limits as set by the physician in the written quality control program;

5) Include~~include~~ the step-by-step instructions for the following:

A) Specimen~~specimen~~ collection, handling, transport, storage and disposal;

B) Patient~~patient~~ preparation;

C) Type~~type~~ and volume of specimen needed and the established rejection criteria;

D) Proper~~proper~~ specimen identification;

E) Proper~~proper~~ reagent use, such as labeling, proper lot number usage, expiration dates, and storage requirements;~~,~~ and

F) Instrument~~instrument~~ operation and calibration in accordance with the manufacturer's instructions;~~.~~

~~6) include a detailed procedure for all quantitative methodologies, to be performed at least once each twenty-four hours, to determine method linearity over the reportable range of valves for each analyte and instrument;~~

6~~7~~) Include~~include~~ directions for the use of one reference material and one calibrator or two reference materials with different concentrations once each 24 hour period in which the analyzer is used;

7~~8~~) Include~~include~~ a description of the training required of all staff conducting specific health screening tests;

8~~9~~) Include~~include~~ a copy of educational materials for each individual screening test given to each test subject;

9~~10~~) Be~~be~~ available to all health screening personnel at the test site;

10~~11~~) Be~~be~~ sent to the Department at least 30 days prior to the initial testing date if more than one health screening event is conducted by that entity in a calendar year. These~~Such~~ protocols shall~~will~~ be effective for one year. An existing protocol may be renewed by submitting to the Department a letter from the physician who signed the protocol specifying that no changes have been made in the protocol and that the protocol will be used for health screenings over the next year. This letter shall~~must~~ be submitted within 30 days prior to the expiration of the existing protocol;

11~~12~~) Be~~be~~ signed, dated, and approved by a physician licensed to practice medicine in all its branches no earlier than three months prior to

submission date;

~~13)~~ ~~include, for not-for-profit or free-of-charge operations, a statement from the physician who signs the protocol that the education and experience of the staff members are adequate to assure proper specimen collection, specimen handling, instrument operation, quality assurance, record-keeping, reporting of results, and proper sanitary conditions to protect the test subjects and the environment;~~

12~~14~~) Include~~include~~ a copy of the document to be given to each test subject which discloses the purpose and limitations of each individual screening test to be conducted;

~~15)~~ ~~state whether the testing to be conducted will be done on a *not-for-profit or free-of-charge basis* or for-profit basis. If the testing is conducted on a *not-for-profit basis*, then the calculations used to determine the actual cost of the test material and equipment must be included.~~

13~~16~~) Include~~include~~ copies of any forms used in the course of conducting health screening activities;

14~~17~~) Indicate~~indicate~~ how documentation and quality control items are traceable to each individual analyte and instruments used in the health screening process and how records shall be maintained; and

15~~18~~) Indicate~~indicate~~ how records of test subject results and documentation of quality control items shall be maintained for two years.~~, and~~

~~19)~~ ~~document the basis for any fee charged to the recipient indicating whether testing is being done on a for-profit or not-for-profit basis.~~

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

Section 450.1320 Application for a Class III Permit to Conduct Health Screening (Repealed)

~~*The owner of a clinical laboratory which is operated and maintained exclusively for the purpose of conducting health screening tests by a person, corporation, organization, association or group which provides health screening services in accordance with Section 2-102.1* of the Act~~

~~*either directly or indirectly on a for-profit basis must obtain a permit from the Department. Application shall be made on a form prescribed by the Department. The application shall be accompanied by an application fee of $200 for each such permit. The application shall be under oath* (i.e. signed by the owner or authorized officer and notarized), *the permit shall expire* each year on a date specified on the permit, *and the application shall contain the following information:*~~

~~a) *The name and location of the owner's principal place of business;*~~

~~b) *The name of the owner of such facility and of the director thereof;*~~

~~c) When the owner is a corporation the names and addresses of all persons owning five percent or more of shares of the corporation;~~

~~d) a completed personnel form for the director(s), the anticipated schedule of hours for the director(s) to be at the laboratory during hours of testing, and other laboratories directed by the director(s);~~

~~e) *a description of the program and services provided by such clinical laboratory;*~~

~~f) The name of the laboratory assistant(s) or technician(s) employed and a completed personnel form for each laboratory assistant or technician;~~

~~g) the name of the person(s) who is in charge of the total laboratory operation at the test site and a personnel form(s) for that person;~~

~~h) a statement signed by the director indicating that the person in charge of the total laboratory operation at the test site has the education and training necessary to assure proper specimen collection, specimen handling, instrument operation, recordkeeping, reporting of results to assure confidentiality of test subjects and results, and proper sanitary conditions to protect the test subjects and environment;~~

~~i) an explanation of the location where all equipment and supplies are kept when not at the test site and the location where all records are kept relating to the laboratory operations at the test sites; and~~

~~j) a copy of the physician approved protocol.~~

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

Section 450.1330 Reporting and Notification

a) All health screening entities shall file a protocol with the Department in accordance with Subpart M~~ of this Part~~.

b) All health screening entities shall notify the Department of all health screening sites, including street address, city, zip code and any other identifying data that are available, at least seven days prior to any health screening event.

c) All health screening entities shall notify the Department of all personnel anticipated to conduct any health screening event~~ including name, professions, training background, street address, city, zip code~~ at least seven days prior to any health screening event.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 450.APPENDIX C Exempt, Permit, and License Requirements – An Overview (Repealed)

	~~EXEMPT~~	~~CLASS I PERMIT~~	~~CLASS II PERMIT~~	~~CLASS III PERMIT~~	~~HEALTH SCREENING (PROTOCOL)~~	~~LICENSE~~
~~ELIGIBILITY CRITERIA~~	~~Single practice medicine, podiatry, dentistry or local health authority or designated agency Single practice medicine includes: M.D.s, D.O.s D.C.s [See Section 450.5(b)(1)]~~	~~Single practice medicine, podiatry, dentistry or local health authority or designated agency Single practice medicine includes: M.D.s, D.O.s D.C.s [See Section 450.5(b)(2)]~~	~~Owner where lab operated exclusively for patients of physicians, podiatrists, or dentists who own or are employed by the owner or local health authority or designated agency or Class I [See Section 450.5(b)(3)]~~	~~Owner where lab operated exclusively for health screening for-profit basis either directly or indirectly [See Section 450.5(b)(4)]~~	~~Any laboratory [See Section 450.1300(b)]~~	~~Owner to operate lab to accept specimens from any persons authorized to submit such specimens [See Section 450.5(b)(5)]~~
~~DIRECTOR~~	~~None~~	~~M.D., D.O., D.D.S., D.P.M., D.C., Ph.D., M.S., or Grandfathered who meets regulations [See Section 450.210(b)(1)]~~	~~M.D., D.O., Ph.D., M.S., or Grandfathered who meets regulations [See Section 450.210(b)(2)]~~	~~M.D., D.O., Ph.D., M.S., or Grandfathered who meets regulations [See Section 450.210(b)(3)]~~	~~Non-profit testing no requirements except a protocol For-profit testing Class III permit~~	~~M.D., D.O., Ph.D., M.S., or Grandfathered who meets regulations [See Section 450.210(b)(4)]~~
~~PERSONNEL OTHER THAN DIRECTOR (Minimum)~~	~~None~~	~~Laboratory assistant, if any [See Section 450.210(b)(1)]~~	~~Technician or Technologist [See Section 450.210(b)(2)]~~	~~Technician or Laboratory Assistant [See Section 450.210(b)(3)]~~	~~None~~	~~General supervisor (if director not present full time) [See Section 450.210(b)(4)~~
~~FEES~~	~~None~~	~~Annual Initial $50 Renewal $25~~	~~Annual Initial $100 Renewal $50~~	~~Annual Initial $200 Renewal $100~~	~~None~~	~~Annual Initial $300 Renewal $150~~
~~INSPECTION FREQUENCY~~	~~No mandated inspection~~	~~No mandated inspection~~	~~At least every 2½ years~~	~~At least every 2 years~~	~~No mandated inspection~~	~~At least annually~~
~~PROFICIENCY TESTING~~	~~None~~	~~Required for tests offered [See Section 450.720]~~	~~Required for tests offered [See Section 450.720]~~	~~Required for tests offered [See Section 450.720]~~	~~None~~	~~Required for tests offered [See Section 450.720]~~

~~TEST PERMISSIBLE~~	~~List of minor tests [See Section 450.35(a)]~~	~~Minor and simple tests [See Section 450.35(b)]~~	~~Minor, simple and complex test [See Section 450.35(c)]~~	~~Cholesterol and glucose [See Sections 450.35(d) and 450.1300(a)]~~	~~Cholesterol and glucose [See Section 450.1300]~~	~~Any test as long as Director qualifies [See Section 450.35(e)]~~

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois National Guard (ING) Grant Program

2) Code Citation: 23 Ill. Adm. Code 2730

3)

Section Numbers:	Proposed Actions:
2730.20	Amendment
2730.30	Amendment
2730.40	Amendment

4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to designate potential State benefits available via the Illinois National Guard (ING) Grant Program as the last payer for veterans with 100% Post-9/11 GI Bill eligibility who are concurrently drawing ING benefits. The proposed change is intended to maximize benefit preservation for veterans that qualify for both potentially available state benefits and the Post-9/11 GI Bill.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

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

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2730
ILLINOIS NATIONAL GUARD (ING) GRANT PROGRAM

Section
2730.10 Summary and Purpose
2730.20 Applicant Eligibility
2730.30 Program Procedures
2730.40 Institutional Procedures

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11119, effective July 18, 1997; amended at 22 Ill. Reg. 11100, effective July 1, 1998; amended at 24 Ill. Reg. 9148, effective July 1, 2000; amended at 25 Ill. Reg. 8406, effective July 1, 2001; amended at 26 Ill. Reg. 10013, effective July 1, 2002; amended at 27 Ill. Reg. 10338, effective July 1, 2003; amended at 29 Ill. Reg. 9904, effective July 1, 2005; amended at 30 Ill. Reg. 11623, effective July 1, 2006; amended at 32 Ill. Reg. 10305, effective July 1, 2008; amended at 36 Ill. Reg. 9408, effective July 1, 2012; amended at 37 Ill. Reg. 9504, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 15439, effective September 3, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 2891, effective January 15, 2014; amended at 39 Ill. Reg. 8415, effective July 1, 2015; amended at 41 Ill. Reg. 8121, effective July 1, 2017; amended at 44 Ill. Reg. _____, effective _____.

Section 2730.20 Applicant Eligibility

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

a) Students must file an application annually indicating the institution to be attended. No payment will be authorized for any applicant until a current application is on file. The deadline for applications will be October 1 for consideration for all terms, March 1 for consideration for second semester/second and third quarter and summer, and June 15 for consideration for the summer term only.

1) Qualified applicants will receive an eligibility letter from ISAC for each academic year following the filing of the application. Ineligible applicants will receive written notification from ISAC of their ineligibility to receive program benefits; and

2) ISAC will verify application data in consultation with the Illinois Department of Military Affairs (DMAIL) when reviewing an application. Changes to a recipient's National Guard status must be reported to ISAC by DMAIL.

b) A qualified applicant must:

1) be in active status in the Illinois Army or Air National Guard and have served for at least one year in the Illinois National Guard; or

2) have been active in the Illinois National Guard for at least five consecutive years and had ~~his or her~~ studies interrupted by being called to federal active duty for at least six months, and be within the 12 month period immediately following ~~his or her~~ discharge from the Illinois National Guard.

c) Eligibility is not available to those persons who are members of the inactive Illinois National Guard.

d) Recipients must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.

e) Changes of address, name, status with the Illinois National Guard or institution of attendance must be reported in writing to ISAC.

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 2730.30 Program Procedures

a) The recipient is exempt from paying the following:

1) tuition;

2) registration fees;

3) graduation fees;

4) general activity fees;

5) matriculation fees; and

6) term fees.

b) The recipient is responsible for payment of other fees, including the following:

1) book rental fees;

2) laboratory and supply fees;

3) air flight fees;

4) hospital and health insurance fees;

5) room and board;

6) parking fees;

7) student union fees;

8) athletic fees;

9) proficiency or placement exam fees and other similar fees; and

10) service fees.

c) Benefits are applicable to both undergraduate and graduate enrollment. There is

no minimum credit-hour enrollment requirement. Benefits are applicable for noncredit courses.

d) Benefits are limited to use only at Illinois public senior universities and at any Illinois public community college.

e) Within the constraints of appropriation levels, two semester or three quarter term payments and one summer term payment are made directly to the institution after it officially certifies to ISAC that the applicant has registered and is attending classes. No seminars or other special terms are covered under the grant. Summer term is considered the final term of the academic and fiscal year.

f) Benefits for eligible recipients who have completed less than 10 years of active duty service in the Illinois National Guard are limited to the equivalent of four academic years of full-time enrollment.

g) Benefits for eligible recipients who have completed 10 years of active duty service in the Illinois National Guard are limited to the equivalent of six academic years of full-time enrollment.

1) Benefits for an academic year shall be determined on the basis of credit hours in which the qualified applicant enrolls. Each credit hour (and noncredit hour for which benefits are used) will be converted to "eligibility units" according to the following chart:

Number of Hours	Semester School	Quarter School
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
0 - 2.99 hours	1 unit	1 unit

2) When a qualified applicant becomes eligible to receive educational assistance under Section 2730.40(b), the number of units used will be calculated as follows:

A) Multiply the percentage of the tuition and fee charges exempted by the ING Grant by the number of credit hours attempted.

B) Convert the result to eligibility units, as described in the table in subsection (g)(1).

3) Eligible recipients who have completed less than 10 years of active duty service in the Illinois National Guard may continue to reapply and accumulate up to 120 units. Eligible recipients who have completed 10 years of active duty service in the Illinois National Guard may continue to reapply and accumulate up to 180 units. Full program benefits may be extended for one additional term if the recipient has accumulated fewer than the maximum number of eligibility units but does not have enough units remaining for the number of hours in which the recipient~~she/he~~ is enrolled for the term.

4) If an eligible recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.

5) In the event that the recipient withdraws from a course or courses prior to the end of a term, a refund will be made according to the institution's refund withdrawal policy and eligibility units will be adjusted accordingly.

6) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of total faculty contact hours.

h) If a current year applicant is discharged, transferred to the inactive Illinois National Guard, or has membership extended by the Illinois National Guard, ISAC will send a revised eligibility letter or ineligibility letter to the applicant. In the case of discharge, a copy of the letter will be sent to the institution of record.

i) Except as otherwise provided in this Part, if a recipient ceases to be an active status member of the Illinois National Guard during a term, benefits cease, and the student is responsible for the unpaid costs attributed to the remainder of the term. If an applicant becomes eligible during a term, in accordance with Section 2730.20(b), benefits will be prorated for that portion of the term for which the applicant is eligible, provided the application is submitted by the deadlines. Costs

are prorated on the basis of the institution's scheduled days of instruction minus institutionally scheduled holidays and examination periods.

Calculation: Total tuition cost divided by total instructional days = cost per day x days of eligibility = total proration.

j) If the recipient of a grant awarded under this Part ceases to be a member of the Illinois National Guard, but has been active in the Illinois National Guard for at least five consecutive years and had ~~his or her~~ studies interrupted by being called to federal active duty for at least six months, then that recipient shall continue to be eligible for a grant for one year after ~~his or her~~ discharge from the Illinois National Guard, provided that the recipient has not already received the exemption from tuition and fees for the equivalent of four years of full-time enrollment under this Part.

k) Out-of-state residents will receive tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois institution; recipients attending out-of-district community colleges will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of-district tuition. Institutions are permitted to require documentation of residency in order to determine in-district or out-of-district payment.

l) If a student is eligible for both an Illinois National Guard Grant and a MAP grant, the Illinois National Guard benefits must be used first. A student cannot decline an Illinois National Guard Grant in favor of using MAP.

m) If a recipient of the grant fails to complete the~~his or her~~ military obligation according to the agreement, all proceeds received must be repaid to the Illinois Department of Military Affairs. DMAIL will collect the funds, which will be used by ISAC for the purpose of this Part.

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

Section 2730.40 Institutional Procedures

a) The institution must establish a qualified applicant's initial eligibility before requesting payment from ISAC. A valid Illinois National Guard Grant eligibility

letter may be used for this purpose.

b) If a student is eligible for, and has indicated to the institution the intent~~that he/she has elected~~ to receive, educational assistance through the Post-9/11 GI Bill (38 USC, Chapter 33), ~~and that assistance is an amount described at 38 USC 3313(c)(2), (c)(3), (c)(4), (c)(5), (c)(6) or (c)(7) (net cost of tuition and fees),~~ the institution must first apply Post-9/11 GI Bill benefits to the student's financial aid award. ING Grant benefits can then be used to cover the remaining ING Grant eligible tuition and fees.

c) Institutions must report the total number of hours for which payment is being requested (including credit and noncredit hours) so that ISAC can accurately track the recipient's use of eligibility units.

d) ING Grants are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.

1) ISAC will annually establish priority claim dates for the submission of payment requests and inform institutions of the required priority dates. For the fall term, the priority claim date will be during the month of December; for the spring term, the priority claim date will be during the last two weeks of March or the first two weeks of April; for the summer term, the priority claim date will be during the month of July.

2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.

3) Institutions may submit payment requests beginning 10 days prior to the start of classes for the term for which payment is being requested.

e) Claims will be paid as follows:

1) first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;

2) if funds remain after first semester and first quarter claims are paid, then second semester and second and third quarter claims received by the

designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full;

3) if funds still remain after the preceding claims are paid, summer term claims received by the designated deadline date will be paid, or prorated if remaining funds are insufficient to pay all summer claims in full;

4) in the event that funds are not exhausted by summer term payments, claims received after the designated deadline dates will be paid or prorated; and

5) timely claims for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for chargebacks will be considered for payment at the same time, and in the same priority order, as all other timely claims, in accordance with the provisions of this subsection (e).

f) Payments on behalf of a recipient will be made to only one institution per term. For any institution that has a concurrent registration opportunity, the same payment policy will be in effect as that used in the Monetary Award Program. (See: 23 Ill. Adm. Code 2735.40(h).)

g) Institutions are required to reconcile payments, both payment data and actual funds, received through ING and, as applicable, submit all necessary corrections to student records on a timely basis.

1) Within 30 days after and including the date of receiving payment of any ING funds claimed pursuant to this Section, the institution shall credit the ING funds against the recipients' tuition and eligible fee charges for the appropriate term.

2) Within 30 days after the end of an academic term during which ING funds are credited to recipients' tuition and eligible fee charges, institutions must reconcile data received from ISAC as a result of payment claim processing against the eligibility status throughout that term for each student for whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:

A) The amount of the claim applied to a student's tuition and eligible fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or

B) The amount of the claim applied to a student's tuition and eligible fee charges was less than the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or

C) The amount of the claim applied to a student's tuition and eligible fee charges equaled the amount that the student was eligible to receive.

3) Any institution that determines that the amount of a claim applied to a student's tuition and mandatory fee charges either exceeded the amount that the student was eligible to receive or was less than that amount must submit an accounting of all such adjustments to ISAC within 30 days following the end of the applicable term.

4) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the applicable term unless the payment is received after the end of the regular school year. If the payment of claims is made after the end of the regular school year, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC.

5) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Veteran Grant (IVG) Program

2) Code Citation: 23 Ill. Adm. Code 2733

3)

Section Numbers:	Proposed Actions:
2733.20	Amendment
2733.30	Amendment
2733.40	Amendment

4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to clarify the new 15-year Illinois residency requirement and to document a priority claim date that better aligns with program processing procedures. Additionally, revisions are being made to designate potential state benefits available via the Illinois Veteran Grant (IVG) Program as the last payer for veterans with 100% Post-9/11 GI Bill eligibility who are concurrently drawing IVG benefits. The proposed change is intended to maximize benefit preservation for veterans that qualify for both potentially available state benefits and the Post-9/11 GI Bill.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

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

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733
ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section
2733.10 Summary and Purpose
2733.20 Applicant Eligibility
2733.30 Program Procedures
2733.40 Institutional Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. 8418, effective July 1, 2001; amended at 26 Ill. Reg. 10020, effective July 1, 2002; amended at 27 Ill. Reg. 10342, effective July 1, 2003; emergency amendment at 28 Ill. Reg. 12932, effective September 15, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2462, effective February 1, 2005; amended at 29 Ill. Reg. 9912, effective July 1, 2005; amended at 30 Ill. Reg. 11646, effective July 1, 2006; amended at 32 Ill. Reg. 10313, effective July 1, 2008; amended at 36 Ill. Reg. 9426, effective July 1, 2012; amended at 37 Ill. Reg. 9522, effective July 1, 2013; amended at 39 Ill. Reg. 8425, effective July 1, 2015; amended at 42 Ill. Reg. 13628, effective July 1, 2018; emergency amendment at 43 Ill. Reg. 10804, effective September 18,

2019, for a maximum of 150 days; amended at 44 Ill. Reg. 2893, effective February 1, 2020; amended at 44 Ill. Reg. _____, effective _____.

Section 2733.20 Applicant Eligibility

a) A qualified applicant shall be any member of the Armed Forces of the United States, a reserve component of the Armed Forces, or the Illinois National Guard who has served at least one year of federal active duty service and whose service has been characterized as honorable, provided the applicant~~he or she~~:

1) was a:

A) resident of Illinois at the time of entering federal active duty service or within 6 months prior to entering the service; or

B) student at an Illinois public university or community college at the time of entering federal active duty service; and

2) established or plans to establish Illinois residency within 6 months after leaving federal active duty service, or if married to a person in continued military service:

A) applied for this grant within 6 months after and including the date that the spouse was stationed within Illinois; or

B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).

b) To use benefits, a qualified applicant meeting the requirements of subsection (a) must reside in Illinois while enrolled unless ~~he or she is serving~~ federal active duty is being served during the time of enrollment or the qualified applicant is residing with a spouse in continued military service who is currently stationed outside of Illinois.

c) An applicant who does not meet the residency requirements in subsection (a) may be a qualified applicant if the applicant~~he or she~~:

1) resides in Illinois at the time of application and while enrolled; and

2) has been a resident of Illinois for at least 15 consecutive years at some point since leaving federal active duty.

d) Any member of the Armed Forces of the United States, a reserve component of the Armed Forces, or the Illinois National Guard who has served at least one year of federal active duty service and who meets the Illinois residency requirements of this Section is a qualified applicant if the~~his or her~~ service was characterized as honorable. If the applicant is still in service, the individual shall be subject to verification of continued eligibility for assistance under this Part after each period of federal active duty service.

e) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.

f) An individual is not a qualified applicant unless the individual's service was characterized as honorable for each period of federal active duty service.

g) An individual is not a qualified applicant if the individual's federal active duty service was for less than one year unless:

1) the applicant's separation from such service for medical reasons directly connected with such service was characterized as honorable; or

2) the applicant's separation prior to August 11, 1967 was characterized as honorable; or

3) the applicant's federal active duty service, which included service in a foreign country in a time of hostilities in that country, was characterized as honorable. As used in this Section, "time of hostilities in a foreign country" means any action by the Armed Forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the Armed Forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.

h) Members of the Reserve Officer Training Corps (ROTC) are not eligible for assistance under this Part.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

i) Applicants are not eligible if their only service has been attendance at a service academy.

j) In order to establish eligibility for this grant, an individual shall submit to ISAC an application and documentation of all periods of service.

1) An applicant should submit a copy of the~~his or her~~ Certificate of Release or Discharge From Active Duty (DD Form 214) or Discharge Certificate, which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.

2) If the applicant does not have a copy of the DD Form 214, the applicant~~he/she~~ should submit documentation that provides the following information: date of entry, date of separation, character of service, total active service, home or place of entry into the service, and home or place of separation from the service. The documentation must have been issued by the United States Department of Defense (DD) or the United States Department of Veterans Affairs.

3) If the applicant is a member of the Armed Forces at the time of application, ~~he or she shall submit~~ a letter from the commanding officer shall be submitted. This letter must:

A) indicate that the applicant is a member of the Armed Forces at the time of application;

B) include character of service;

C) include the veteran's home of record at the time of original enlistment;

D) state the individual's length of time in each period of federal active duty service; and

E) state the expiration date of the current enlistment.

4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 does not apply to the Illinois Veteran Grant Program; rather, for the purposes of this program, residency is established as stated in

subsections (a) and (b) or (c). If the applicant's DD Form 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, and when any other residency requirement is being verified, ~~he/she may verify~~ residency may be verified by providing one or more of the documents listed in this subsection (j)(4). ISAC may choose to request documents in addition to, or instead of, those listed. The dates recorded on the documents must indicate the applicant has resided in Illinois for the required period.

A) Illinois driver's license issued during the relevant 6 month period;

B) Illinois high school or college transcripts demonstrating attendance during the relevant 6 month period;

C) Utility bills/rent receipts in the applicant's name for the relevant 6 month period;

D) Illinois motor vehicle registration issued during the relevant 6 month period;

E) Residential lease in the applicant's name for the relevant 6 month period;

F) Statement of benefits history from the Illinois Department of Public Aid for the relevant 6 month period;

G) Statement of benefits from the Illinois Department of Employment Security for the relevant 6 month period;

H) State of Illinois identification card issued during the relevant 6 month period; or

I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

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

Section 2733.30 Program Procedures

a) An applicant must apply to ISAC for assistance under this Part. ISAC will issue a Notice of Eligibility to each qualified applicant.

b) To receive an Illinois Veteran Grant, a qualified applicant must notify the institution of the qualified applicant's~~his or her~~ eligibility no later than the last scheduled day of classes for the term for which a grant is requested.

c) Benefits are applicable to both undergraduate and graduate enrollment. There are no minimum credit hour enrollment requirements and benefits are applicable for noncredit courses.

d) Benefits are limited to use only at Illinois public universities and Illinois public community colleges.

e) Costs exempted by the IVG:

1) The recipient is exempt from paying costs as follows:

A) tuition and fees that meet the definition of tuition (see 23 Ill. Adm. Code 2700.20);

B) mandatory fees (see 23 Ill. Adm. Code 2700.20).

2) A qualified applicant who has previously received benefits under this Part for a non-mandatory fee shall continue to receive benefits covering those~~such~~ fees while~~ he or she is~~ enrolled in a continuous program of study. The qualified applicant shall no longer receive a grant covering non-mandatory fees if the applicant~~he or she~~ fails to enroll during an academic term, unless~~ he or she is serving on~~ federal active duty is being served. The non-mandatory fees include the following:

A) instructional fees not meeting the definition of tuition;

B) application fees;

C) graduation and transcript fees;

D) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees;

E) off-campus and other extension course fees;

F) air flight instructor and athletic fees; and

G) matriculation, service and other registration type fees.

f) Recipients attending out-of-district community colleges receive tuition and fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-district and out-of-district tuition. Institutions are permitted to require documentation of residency in order to determine in-district or out-of-district payment.

g) Benefits are limited to the equivalent of four academic years of full-time enrollment, which is measured in eligibility units. Recipients may accumulate up to 120 eligibility units.

1) To determine the amount of eligibility a recipient has used, credit hours (and noncredit hours for which benefits are used) will be converted to eligibility units according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

2) When a qualified applicant becomes eligible to receive educational assistance under Section 2733.40(b), the number of units used will be calculated as follows:

A) Multiply the percentage of the tuition and mandatory fee charges covered by the IVG by the number of credit hours attempted.

B) Convert the result to eligibility units, as described in the table in

subsection (g)(1).

3) Full program benefits may be extended for one additional term if the recipient has accumulated fewer than 120 eligibility units but does not have enough units remaining for the number of hours in which the recipient~~he or she~~ is enrolled for the term.

4) In the event that a recipient withdraws from a course prior to the end of a term, a refund will be made according to the institution's refund withdrawal policy and eligibility units will be adjusted accordingly.

5) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of faculty contact hours.

6) If, for any reason, the U.S. Department of Veteran Affairs (VA) terminates or suspends a veteran educational benefits program, assistance under this Part shall cease six months following this action. This does not include veterans who have begun receiving educational benefits under this Part. In the event that the VA resumes terminated or suspended educational benefits, all current rules will be enforced.

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

Section 2733.40 Institutional Procedures

a) If a student is eligible for both an IVG and a Monetary Award Program (MAP) grant, the IVG benefits must be used first. A student cannot decline IVG benefits in favor of using MAP.

b) If a student is eligible for, and has indicated to the institution the intent~~that he/she has elected~~ to receive educational assistance through, the Post-9/11 GI Bill (38 USC, Chapter 33),~~ and that assistance is an amount described at 38 USC 3313(c)(2), (c)(3), (c)(4), (c)(5), (c)(6) or (c)(7) (net cost of tuition and fees),~~ the institution must first apply Post-9/11 GI Bill benefits to the student's financial aid award. IVG benefits can then be used to cover the remaining IVG eligible tuition and mandatory fees.

c) A notice of eligibility from ISAC must be used by the institution to establish a

qualified applicant's initial eligibility.

d) Institutions shall submit a payment request to ISAC.

e) Institutions must report the total number of hours for which payment is being requested (including credit and noncredit hours) so that ISAC can accurately track the recipient's use of eligibility units.

f) ISAC will annually establish priority claim dates for the submission of payment requests and inform institutions of the required priority dates. For the summer term, the priority claim date will be during the month of September; for the fall term, the priority claim date will be during the month of December; for the spring term, the priority claim date will be during the month of May~~last two weeks of March or the first two weeks of April~~.

g) The reimbursement to institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, institutions will be reimbursed in accordance with this subsection:

1) summer term claims received by the deadline date designated in subsection (f) will be paid, or prorated if funding is insufficient to pay all claims in full;

2) if funds remain after summer term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;

3) if funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full;

4) if funds remain after second semester/second and third quarter claims are paid, claims received by ISAC after the designated deadline dates will be paid or prorated; and

5) timely claims for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for chargebacks will be considered for payment at the same time, and in the same priority

order, as all other timely claims, in accordance with the provisions of this subsection (g).

h) Institutions are required to reconcile payments, both payment data and actual funds, received through IVG and, as applicable, submit all necessary corrections to student records on a timely basis.

1) Within 30 days after and including the date of receiving payment of any IVG funds claimed pursuant to this Section, the institution shall credit the IVG funds against the recipient's tuition and mandatory fee charges for the appropriate term.

2) Within 30 days after the end of an academic term during which IVG funds are credited to recipient's tuition and mandatory fee charges, institutions must reconcile data received from ISAC as a result of payment claim processing against the eligibility status throughout that term for each student for whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:

A) The amount of the claim applied to a student's tuition and mandatory fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or

B) The amount of the claim applied to a student's tuition and mandatory fee charges was less than the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or

C) The amount of the claim applied to a student's tuition and mandatory fee charges equaled the amount that the student was eligible to receive.

3) Any institution that determines that the amount of a claim applied to a student's tuition and mandatory fee charges either exceeded the amount that the student was eligible to receive, or was less than that amount, must submit an accounting of all such adjustments to ISAC within 30 days following the end of the applicable term.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

4) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the applicable term unless the payment is received after the end of the applicable term. If the payment of claims is made after the end of the applicable term, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC.

5) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Monetary Award Program (MAP)

2) Code Citation: 23 Ill. Adm. Code 2735

3)

Section Numbers:	Proposed Actions:
2735.30	Amendment
2735.35	Amendment
2735.40	Amendment

4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to more accurately reflect the award announcement process and to update the name of the Workforce Innovation and Opportunity Act.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

500 West Monroe, 3rd Floor
Springfield IL 62704

217/782.5161
jackie.eckley@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

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

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735
MONETARY AWARD PROGRAM (MAP)

Section
2735.10 Summary and Purpose
2735.20 Applicant Eligibility
2735.30 Program Procedures
2735.35 Dislocated Workers
2735.40 Institutional Procedures
2735.50 Advance Payment Option
2735.60 Contractual Agreement Requirements (Repealed)

2735.APPENDIX A Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. 9187, effective July 1, 2000; amended at 25 Ill. Reg. 8424, effective July 1, 2001; amended at 26 Ill. Reg. 10024, effective July 1, 2002; amended at 27 Ill. Reg. 10349, effective July 1, 2003; amended at 28 Ill. Reg. 10043, effective July 15, 2004; amended at 29 Ill. Reg. 9920, effective July 1, 2005; amended at 30 Ill. Reg. 11654, effective July 1, 2006; amended at 36 Ill. Reg. 9432, effective

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

July 1, 2012; amended at 37 Ill. Reg. 9528, effective July 1, 2013; amended at 39 Ill. Reg. 8434, effective July 1, 2015; amended at 43 Ill. Reg. 7281, effective July 1, 2019; amended at 43 Ill. Reg. 15025, effective January 1, 2020; amended at 44 Ill. Reg. _____, effective _____.

Section 2735.30 Program Procedures

a) An application for a MAP grant must be submitted annually. An applicant uses the Free Application for Federal Student Aid (FAFSA).

b) Applicants, spouses and the parents of applicants are required to submit financial information on the application that will be kept confidential, regarding income, asset value and non-taxable income.

c) Priority Deadline Date for Renewing Applicants
No later than September 30, the Commission will annually publish a priority deadline date for renewing applicants. *In this subsection (c), renewing applicant means a student attending an institution of higher learning who received a MAP grant during the prior academic year.* [110 ILCS 947/35] Subject to appropriation, a renewing applicant who files by the published priority deadline date shall receive a grant if ~~he or she continues to meet~~ the program's eligibility requirements under this Section continue to be met. A renewing applicant's failure to apply by the priority deadline date would not disqualify an applicant from receiving a grant if sufficient funding is available to provide awards after that date.

d) Awards will be announced concurrently, both for~~to~~ students who had not received a MAP award the previous regular school year and for~~to~~ students who did receive a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.

e) If it becomes necessary to suspend the processing of award announcements in order to remain within appropriated funding levels, the suspension will be applied concurrently to students who had not received a MAP award for the previous regular school year and to students who did receive a MAP award the previous regular school year.

f) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to 2 months after the final

suspension date or until the completion of the processing cycle, whichever comes first.

g) When an application is incomplete, a notice will be sent to the applicant. The applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the applicant may be considered only for subsequent term awards.

h) Applicants are informed that they are MAP recipients on the basis of application data supplied to ISAC. ISAC will recalculate awards for those applicants whose applications are not in basic agreement with their financial records, after receipt of corrected data. All announced MAP recipients are subject to verification.

i) The Commission shall annually establish and publicize guidelines for the release of or increase in MAP awards as additional funds become available.

j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:

1) maximum award specified at Section 35(c) of the Higher Education Student Assistance Act [110 ILCS 947]; or

2) institution's tuition and mandatory fee charges on file with ISAC.

k) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district tuition and mandatory fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student.

l) For each credit hour of MAP benefits paid on behalf of the recipient, the recipient will be assessed one MAP paid credit hour toward the~~his or her~~ maximum usage. For each credit hour used, payment will be made to the school on behalf of the recipient in an amount equal to $^{1}/_{15}$ of the student's calculated term award amount, with a minimum of 3 hours and a maximum of 15 hours paid per term.

m) A recipient may receive the equivalent of 135 semester credit hours of MAP benefits paid. Eligibility may be extended for one additional term if the recipient has accumulated fewer than 135 MAP paid credit hours but does not have enough credit hours of payment remaining for the number of hours for which the

recipient~~he or she~~ is enrolled for the term.

n) A recipient may use more than 75 MAP paid credit hours while enrolled at the freshman or sophomore level, although doing so may leave the student with insufficient remaining MAP eligibility to apply to all remaining credit hours required for the completion of a baccalaureate degree.

o) The MAP grant shall not pay for academic programs intended to prepare a student for the high school equivalency certificate or for a high school diploma.

p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, graduate-level courses leading to a degree above the baccalaureate level, or noncredit course offerings (except qualifying remedial courses). Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as part of that program. Payment shall not be made for more than the equivalent of one year of remedial course work (i.e., 30 semester hours or 45 quarter hours).

q) The MAP grant may be used by students repeating previously passed courses for the first time. The MAP grant may not be used for courses that a student has previously passed 2 or more times.

r) If a recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive MAP grant payment for tuition and mandatory fee costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.

s) MAP paid credit hours are assessed to a recipient whenever MAP funds are disbursed on behalf of the recipient.

t) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.

u) It is the responsibility of MAP recipients to gain admission to approved Illinois institutions of higher learning. Illinois institutions of higher learning are not obligated to admit MAP recipients. The institution is obligated to provide MAP recipients the same facilities and instruction, on the same terms, as are provided to

other students.

v) If a recipient's academic program involves out-of-state and/or foreign study, subsection (j) applies and enrollment must be in accordance with the following provisions:

1) The recipient must be enrolled at the ISAC-approved institution of higher learning, and the out-of-state/foreign study must be applicable to the student's degree or certificate program at the student's institution of record.

2) The ISAC-approved institution of higher learning must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit.

3) An institution shall not request more than 2 semesters/3 quarters of MAP assistance for any one qualified applicant enrolled on a full-time basis, or 4 semesters/6 quarters of MAP for an applicant-enrolled on a half-time basis.

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

Section 2735.35 Dislocated Workers

a) Dislocated workers, as defined by the federal Workforce Innovation and Opportunity~~Investment~~ Act ~~of 1998~~ (29 USC 3102~~P.L. 105-220~~), shall receive additional and specific MAP consideration.

b) Dislocated workers must meet all the MAP applicant eligibility requirements established by Section 2735.20.

c) For the 2015-16 and 2016-17 academic years:

1) A dislocated worker applicant will be considered for MAP assistance, even if the application date is after the suspension of award announcements for the general pool of applicants.

2) In determining the number of grants to be offered, ISAC shall consider the financial resources needed to serve dislocated worker applicants who apply after the suspension of award announcements for the upcoming

regular academic year, but prior to the beginning of that academic year. Dislocated worker applicants shall be considered until estimated financial resources are exhausted, but no later than August 15.

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

Section 2735.40 Institutional Procedures

a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.

b) In order for applicants to receive additional and specific consideration as a dislocated worker, as defined by the federal Workforce Innovation and Opportunity Act ~~(29 USC 3102)~~, the institution shall:

1) Verify that the applicant indicated on the FAFSA ~~that he or she~~ is a dislocated worker; and

2) Ensure that the applicant certifies to the institution that the applicant~~he or she~~ is a dislocated worker as defined by the federal Workforce Innovation and Opportunity Act.

c) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.

d) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the programs listed in this subsection.

e) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:

1) A prepaid tuition plan is any program that exempts a student from tuition charges because of a payment to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program that reimburses a student for tuition costs after satisfactory completion of course work.

2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (e)(1). The institution of higher learning shall report the applicant's reduced grant award on the payment request.

f) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.

g) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward. For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.

h) The institution shall announce MAP eligibility, including the estimated award amount, using ISAC-provided award notification language. The institution shall also provide notification to affected students of any change in award eligibility that may occur during the academic year.

i~~h~~) Institutions of higher learning shall submit payment requests to ISAC.

j~~i~~) For any institution of higher learning that has concurrent registration opportunities, the following policy pertains:

1) The recipient must indicate the~~his/her~~ institution of record on the MAP application.

2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institutions and the institution of record shall distribute the appropriate share of the award to

the other institutions. Payment by ISAC will not be made to more than one institution.

3) The amount paid cannot exceed the maximum term award for students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.

4) Concurrent registration is limited to ISAC-approved institutions of higher learning.

5) The recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.

k~~j~~) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(v).

l~~k~~) If an announced recipient's credit hour enrollment decreases before the expiration of the tuition refund/withdrawal adjustment period, the institution shall only request payment up to the tuition and mandatory fee amount based on the number of credit hours enrolled.

m~~l~~) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.

n~~m~~) MAP grants are paid directly to the approved institution of record that certifies to ISAC that the applicant is an eligible recipient.

1) ISAC will annually establish priority claim dates for the submission of payment requests and inform schools of the required priority dates.

2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.

3) Institutions may submit their payment requests beginning 10 days prior to the start of classes for the term for which they are requesting payment.

o~~n~~) Institutional Processing of Payments

1) Within 30 days after and including the date of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.

2) Within 30 days after the end of an academic term during which MAP funds were credited to recipients' tuition and mandatory fee charges, institutions must reconcile data received from ISAC as a result of payment claim processing against the eligibility status throughout that term for each student for whom payment claims were made. In reconciling the data with student eligibility, an institution must determine whether:

A) The amount of the claim applied to a student's tuition and mandatory fee charges exceeded the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals;

B) The amount of the claim applied to a student's tuition and mandatory fee charges was less than the amount that the student was eligible to receive for any reason, including as a result of billing errors or retroactive withdrawals; or

C) The amount of the claim applied to a student's tuition and mandatory fee charges equaled the amount that the student was eligible to receive.

3) Any institution that determines that the amount of a claim applied to a student's tuition and mandatory fee charges either exceeded the amount that the student was eligible to receive or was less than that amount must submit an accounting of all such adjustments to ISAC within 30 days following the end of the applicable term.

4) For any claims determined to exceed the amount that the student was eligible to receive, the amount in excess paid for the claims shall be remitted to ISAC within 45 days after the end of the institutions regular school year unless the payment is received after the end of the regular

school year. If the payment of claims are made after the end of the regular school year, the institution shall have 60 days following receipt of the payment to complete reconciliation and remit any funds due to ISAC.

5) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

6) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests except for summer term must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.

7) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

1) Heading of the Part: Adult Vocational Community College Scholarship Program

2) Code Citation: 23 Ill. Adm. Code 2745

3)

Section Numbers:	Proposed Actions:
2745.10	New Section
2745.20	New Section
2745.30	New Section
2745.40	New Section

4) Statutory Authority: Implemented and authorized by Section 65.105 of the Higher Education Student Assistance Act [110 ILCS 947/65.105].

5) A Complete Description of the Subjects and Issues Involved: PA 101-315, signed into law on August 9, 2019, established the Adult Vocational Community College Scholarship Program. As required by the legislation, this rulemaking establishes the necessary rules to implement the program.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Jackie Eckley

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

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

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2745
ADULT VOCATIONAL COMMUNITY COLLEGE SCHOLARSHIP PROGRAM

Section
2745.10 Summary and Purpose
2745.20 Applicant Eligibility
2745.30 Program Procedures
2745.40 Institutional Procedures

AUTHORITY: Implemented and authorized by Section 65.105 of the Higher Education Student Assistance Act [110 ILCS 947].

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

Section 2745.10 Summary and Purpose

a) The Adult Vocational Community College Scholarship Program provides grant assistance for attendance at a Community College, subject to appropriation, to unemployed students who are 30 years of age or older and who are actively searching for employment.

b) This Part governs the Adult Vocational Community College Scholarship Program. Additional rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700.

Section 2745.20 Applicant Eligibility

a) A qualified applicant shall:

1) be a citizen of the United States or eligible noncitizen;

2) be a resident of Illinois;

3) be over 30 years of age;

4) have been unemployed and actively searching for employment, including being enrolled on the Department of Employment Security's job-search website for at least 6 months prior to the date the application is submitted by the applicant;

5) be enrolled or accepted for enrollment at the local community college organized under the Public Community College Act;

6) be able to identify:

A) the specific training certificate, credential, or associate degree that is being sought;

B) the specific career that the certificate, credential, or degree will help create; and

C) how long it will take the applicant to reach this goal.

b) Applicants may re-apply if they can demonstrate continual progress, in terms of grades and attendance, toward the desired certificate, credential, or degree.

Section 2745.30 Program Procedures

a) An applicant must:

1) file a FAFSA by June 1 prior to the academic year for which assistance is being requested; and

2) provide proof that the applicant is unemployed and has been actively searching for employment, including being enrolled on the Department of Employment Security's job-search website for at least 6 months prior to the date the application is submitted by the applicant.

b) The scholarship shall be sufficient to cover the cost of tuition and fees to attend the community college, but in no event shall the scholarship exceed $2,000 per scholarship recipient per academic year.

c) Scholarship funds are applicable toward 2 semesters of enrollment within an academic year.

d) The total amount of a scholarship awarded by the Commission under this Part to an individual in any given fiscal year, when added to other financial assistance awarded to that individual for that year, shall not exceed the cost of attendance at the community college at which the student is enrolled.

e) The scholarship will be disbursed in installments depending on the number of terms financed by the grant.

f) The scholarship payment is subject to the availability of funds and the amounts appropriated to ISAC by the General Assembly. If funds appropriated for the program are insufficient to provide scholarships to each eligible applicant, the Commission will prioritize the distribution of scholarships based on factors that include an applicant's financial need, duration of unemployment, prior level of educational attainment, and the FAFSA filing date.

g) It is the responsibility of applicants to gain admission to their local approved Illinois community college. Institutions are not obligated to admit them.

Section 2745.40 Institutional Procedures

a) The institution shall submit eligibility information for qualified applicants in sufficient time for ISAC to make award announcements.

b) The institution shall submit its request for payment within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.

c) By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2745.20.

d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.

e) Upon receipt of scholarship funds, the institution shall verify the qualified applicant's enrollment status, the program the student is enrolled in, and the length of time necessary to complete the program.

f) If the applicant is enrolled in a program that meets the eligibility requirements in Section 2745.20, the institution may credit the scholarship funds to the student's account for cost of tuition and fees due and payable.

g) Upon receipt of the scholarship, if the qualified applicant has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.

h) Assistance received by a student under this Program must not be reduced by the receipt of other financial aid from any source. Other aid must be reduced when the total amount of gift assistance received would exceed the cost of attendance used to calculate Title IV aid for that student.

i) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests, except for summer term, must be received by ISAC no later than July 1. Summer term payment requests must be received no later than July 31.

j) Payment requests received after those dates for the award year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Golden Apple Scholars of Illinois Program

2) Code Citation: 23 Ill. Adm. Code 2764

3)

Section Numbers:	Proposed Actions:
2764.30	Amendment
2764.40	Amendment

4) Statutory Authority: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947/52] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 52(h)].

5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to more accurately reflect the institution's role in certifying recipient eligibility.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

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

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2764
GOLDEN APPLE SCHOLARS OF ILLINOIS PROGRAM

Section
2764.10 Summary and Purpose
2764.20 Applicant Eligibility
2764.30 Program Procedures
2764.40 Institutional Procedures

AUTHORITY: Implementing Section 52 of the Higher Education Student Assistance Act [110 ILCS 947] and authorized by Sections 20(f) and 52(h) of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 976, effective February 1, 1995, for a maximum of 150 days; emergency expired on June 30, 1995; adopted at 19 Ill. Reg. 11367, effective August 1, 1995; amended at 20 Ill. Reg. 9141, effective July 1, 1996; old Part repealed at 21 Ill. Reg. 11027 and new Part adopted at 21 Ill. Reg. 11029, effective July 18, 1997; amended at 22 Ill. Reg. 11043, effective July 1, 1998; amended at 24 Ill. Reg. 9095, effective July 1, 2000; amended at 27 Ill. Reg. 10395, effective July 1, 2003; emergency amendment at 27 Ill. Reg. 14860, effective September 10, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1749, effective January 25, 2004; amended at 28 Ill. Reg. 9162, effective July 1, 2004; amended at 30 Ill. Reg. 11687, effective July 1, 2006; amended at 32 Ill. Reg. 10333, effective July 1, 2008; amended at 33 Ill. Reg. 9784, effective July 1, 2009; amended at 36 Ill. Reg. 13957, effective September 1, 2012; emergency amendment at 37 Ill. Reg. 15446, effective September 3, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 2898, effective January 15, 2014; amended at 39 Ill. Reg. 8462, effective July 1, 2015; amended at 42 Ill. Reg. 13649, effective July 1, 2018; amended at 44 Ill. Reg. _____, effective _____.

Section 2764.30 Program Procedures

a) Qualified applicants shall have completed and filed an application for program participation with the Foundation prior to becoming eligible for scholarship assistance under this Section. Applications shall be made available to qualified applicants by and submitted to the Foundation before a qualified applicant may be designated as a Golden Apple Scholar by the Foundation.

b) The Foundation shall designate Golden Apple Scholars as defined in their established selection protocol.

c) Each year, the Foundation shall identify Golden Apple Scholars eligible to receive scholarship assistance from ISAC under this Part by submitting to ISAC any necessary data related to the qualified applicant and, at such time, by certifying that:

1) Students selected to receive scholarship assistance under this Part meet the eligibility requirements described in Section 2764.20(a) or in the Higher Education Student Assistance Act [110 ILCS 947/52];

2) Students selected to receive scholarship assistance under this Part have entered into a Program Agreement and Promissory Note with the Foundation that satisfies the requirements listed in this Part; and

3) Thirty percent of students selected to receive scholarship assistance under this Part in a given fiscal year will be awarded to students residing in counties having a population of fewer than 500,000.

d) In order to receive scholarship assistance under this Part, a Golden Apple Scholar must have signed a program agreement and promissory note with the Foundation on behalf of ISAC that includes the following stipulations:

1) the recipient pledges to teach, on a full time basis, for a period of not less than five years and in accordance with any additional commitment to teach in a teacher shortage discipline, which shall include early childhood education;

2) the recipient shall begin teaching within two years following completion of the postsecondary education degree or certificate program for which the scholarship was awarded, and shall teach on a continuous basis for the required period of time;

3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, or an Illinois public elementary or secondary school that qualifies for teacher loan cancellation under section 465(a)(2)(A) of the HEA (20 USC 1087ee(a)(2)(A));

4) if the teaching requirement is not fulfilled, the scholarship assistance provided under this Part converts to a loan and the recipient must repay the entire amount of the scholarship prorated according to the fraction of the teaching obligation not completed, plus interest at a rate equal to five percent and, if applicable, reasonable collection fees;

5) the recipient agrees to provide the Foundation or ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and

6) the recipient promises to use the proceeds of the scholarship for educational expenses.

e) All amounts collected on a scholarship that converts to a loan under this Part, less any portion of those funds that equals the amount in expenses that ISAC has incurred in collecting the debt, shall be remitted to the Comptroller for deposit in the General Revenue Fund.

f) A recipient of a scholarship awarded under this Part shall not be in violation of the program agreement and promissory note for failing to begin teaching within two years after graduation if, during that period, the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces; or

2) is enrolled full-time in a graduate course of study related to the field of teaching at an institution of higher learning; or

3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a qualified physician; or

4) is actively seeking and unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (d)(3) for one continuous period not to exceed two years, and is able to provide evidence of that fact; or

5) is taking additional courses, on at least a half-time basis, needed to obtain licensure as a teacher in Illinois; or

6) is fulfilling teaching requirements associated with other programs administered by ISAC if the requirements~~he or she~~ cannot be concurrently fulfilled~~fulfill them~~ in a period of time equal to the length of the teaching commitment; or

7) is participating in a program established by Executive Order 10924 of the President of the United States or the National Community Service Act of 1990 (42 USC 12501 et seq., as amended).

g) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within 10 years. The Commission shall grant a period of forbearance or deferment during repayment of the loan that shall not be counted toward the 10-year repayment period, if the recipient:

1) serves, for not more than three years, as a member of the United States Armed Forces; or

2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician; or

3) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years; or

4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or

5) withdraws from a course of study leading to licensure/approval in a teacher shortage discipline, but is enrolled at least half-time as an undergraduate for one continuous period of time not to exceed three years.

h) During the time a recipient qualifies for periods of deferment or forbearance described in subsection (g), ~~he or she shall not be required to make~~ payments shall not be required and interest shall not accrue.

i) A recipient shall enter repayment status on the earliest of the following dates:

1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to licensure as a teacher, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;

2) the date the Foundation informs ISAC or ISAC otherwise learns that a recipient of scholarship assistance has not fulfilled the teaching obligation; or

3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.

j) A recipient shall not be required to repay the amount of the scholarship received if the recipient~~he or she~~ becomes permanently and totally disabled, so as to be unable to perform the essential function of a teacher with or without accommodation as determined by a licensed physician, or if a recipient's~~his or her~~ representative provides ISAC with a death certificate or other evidence that the recipient has died.

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

Section 2764.40 Institutional Procedures

a) The institution shall certify~~submit~~ eligibility information for selected recipients~~ in sufficient time for ISAC to make award announcements~~.

b) The institution shall submit its request for payment within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the academic year.

c) ISAC shall disburse scholarship funds in two or three installments, depending on the number of terms financed by the scholarship, except that multiple disbursements shall not be required in cases where the applicant's eligibility is not determined until the final term of the academic year for which the scholarship is being awarded or when a student is attending only one term and the maximum award does not exceed the student's cost of attendance.

d) Funds shall be remitted by ISAC to institutions on behalf of the recipients.

e) Upon receipt of scholarship funds, the institution shall verify the recipient's enrollment status for the term for which the award was intended. If enrolled, the institution may credit the scholarship funds to the recipient's account for expenses due and payable. The balance of the disbursement shall be released to the recipient.

f) Upon receipt of the scholarship funds, if the recipient has withdrawn from enrollment for the terms for which the award was intended, the institution shall return the amount of the scholarship payment to ISAC.

g) Scholarship assistance provided under this Part shall be subject to the following conditions:

1) A recipient may receive up to 8 semesters or 12 quarters of scholarship assistance under this program.

2) Scholarship funds are applicable toward two semesters or three quarters of half-time and full-time study within an academic year.

3) The total number of scholarships awarded in a given fiscal year is contingent upon available funding.

4) Program scholarships are applicable only toward tuition, fees and room and board charges or commuter allowances, if applicable.

5) The annual scholarship amount shall be computed by the institution and be the lesser of:

A) tuition and fees plus room and board expenses charged by the institution;

B) tuition and fees plus the institution's standard cost of living allowance for students living off-campus;

C) an amount not to exceed $5,000 unless otherwise authorized by this Section.

6) The total amount of scholarship assistance awarded under this Section to a

recipient of scholarship assistance under this Part in a given academic year, when added to the other financial aid available to the qualified applicant for that year, cannot exceed the cost of attendance.

7) A recipient of scholarship assistance under this Part may receive grant assistance under the Monetary Award Program only up to the amount by which the qualified applicant's cost of attendance exceeds the amount of the scholarship assistance awarded under this Section.

h) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than July 1.

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: AIM HIGH Grant Pilot Program

2) Code Citation: 23 Ill. Adm. Code 2766

3)

Section Numbers:	Proposed Actions:
2766.10	Amendment
2766.15	Amendment
2766.20	Amendment
2766.40	Amendment
2766.50	Amendment

4) Statutory Authority: Implementing and authorized by Section 65.100 of the Higher Education Student Assistance Act [110 ILCS 947/65.100].

5) A Complete Description of the Subjects and Issues Involved: This Part is being revised to incorporate a clarification from PA 101-613 that defines the period of time used to determine a university's baseline award amount that is used to meet the Maintenance of Effort requirement.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

7) Will this rulemaking replace an emergency rule currently in effect? No

8) Does this rulemaking contain an automatic repeal date? No

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other rulemakings pending on this Part? No

11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Jackie Eckley
Agency Rules Coordinator
Illinois Student Assistance Commission
500 West Monroe, 3rd Floor
Springfield IL 62704

217/782-5161
jackie.eckley@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

14) Small Business Impact Analysis: None

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

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2766
AIM HIGH GRANT PILOT PROGRAM

Section
2766.10 Summary and Purpose
2766.15 Definitions
2766.20 Institutional Applicant Eligibility
2766.30 Program Procedures
2766.40 Institutional Procedures
2766.50 Student Applicant and Recipient Eligibility

AUTHORITY: Implementing and authorized by Section 65.100 of the Higher Education Student Assistance Act [110 ILCS 947].

SOURCE: Former Part 2766 repealed at 31 Ill. Reg. 9523, effective July 1, 2007; new Part 2766 adopted by emergency rulemaking at 42 Ill. Reg. 17265, effective September 13, 2018, for a maximum of 150 days; new Part adopted at 43 Ill. Reg. 2263, effective February 1, 2019; amended at 43 Ill. Reg. 15048, effective January 1, 2020; amended at 44 Ill. Reg. _____, effective _____.

Section 2766.10 Summary and Purpose

a) In an effort to increase enrollment of Illinois residents at Illinois public universities, increase overall retention of Illinois college students in Illinois, and encourage Illinois residents to attain a college degree, State appropriated funds are to be used to enable Illinois public universities to establish a merit-based, means-tested award program known as the Aspirational Institutional Match Helping Illinois Grow Higher Education Grant Pilot Program (AIM HIGH) to make college more affordable at their campuses while reducing the amount of student loan debt. Each eligible public university campus must match those funds with non-loan financial aid for eligible students and maintain or exceed levels of financial aid given to its Illinois residents from the 2017-18 academic year, not including the summer term~~fiscal year 2018~~. ISAC is responsible for administering the distribution of AIM HIGH grant funds to the public universities in compliance with this Part and the AIM HIGH Grant Agreement.

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b) This Part establishes rules that govern AIM HIGH. Additional rules and definitions are contained in General Provisions (23 Ill. Adm. Code 2700 and 44 Ill. Adm. Code 7000).

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

Section 2766.15 Definitions

"Baseline Awards" means the total amount of qualifying non-loan financial aid the public university campus awarded to its Illinois resident undergraduate students in academic year 2017-18, not including the summer term.

"Illinois High School" − any high school located in Illinois whether or not recognized by the State Board of Education. [110 ILCS 947/65.100]

"Maintenance of Effort" or "MOE" − a requirement that in the academic year AIM HIGH funds are received by the public university campus, the total amount of qualifying non-loan financial aid the public university campus awards to its Illinois resident undergraduate students must be at least as much as its baseline~~those same~~ awards ~~in fiscal year 2018~~ and shall not include AIM HIGH funded awards or matching requirement awards made in that academic year.

"Matching Requirement" − a requirement that the public university campus use its own funds in the academic year for which the AIM HIGH funds are used:

to equally match those AIM HIGH funds allocated to it; and

to award non-loan financial aid to its students who meet at least the qualifications described in Section 2766.50(b).

"Public University" − any public 4-year university in Illinois. [110 ILCS 947/10]

"Public University Campus" − any campus under the governance or supervision of a public university. [110 ILCS 947/10]

"Qualifying Non-loan Financial Aid" – non-loan financial aid, the awarding of which is mostly within the control of the public university campus. The data requested to demonstrate this awarding shall be determined by ISAC and shall be applied uniformly across university campuses.

"Resident of Illinois" or "Illinois Resident" − defined by the laws governing eligibility for in-state tuition at the public university campus.

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

Section 2766.20 Institutional Applicant Eligibility

a) A public university applicant is eligible to apply for and receive an allocation of an appropriation of AIM HIGH funds if it:

1) submits a timely and complete application that includes a description of the award to be funded with AIM HIGH funds that meet program eligibility criteria in Section 2766.50(a), (b) and (c) to be used solely for non-loan financial aid at that university or university campus during the academic year, not including the summer term;

2) certifies in good faith that it shall use its own funds, in the academic year for which the AIM HIGH funds are requested, to equally match those AIM HIGH funds allocated to it and award non-loan financial aid to its students who meet at least the qualifications described in Section 2766.50(b);

3) certifies the total amount of its ~~qualifying non-loan financial aid it awarded to its Illinois resident undergraduate students in fiscal year 2018, which shall serve as a~~ baseline awards~~for its MOE going forward~~;

4) certifies that, during the academic year for which the AIM HIGH funds are requested, it shall, in addition to awards made for the matching requirement, make a good faith effort to award qualifying non-loan financial aid to its Illinois resident undergraduate students, not including AIM HIGH funded awards, in an amount:

A) that is at least equal to its baseline awards ~~the amount of aid awarded to its Illinois resident undergraduate students at that public institution in fiscal year 2018;~~, or

B) if enrollment is less than in academic~~fiscal~~ year 2017-18, not including the summer term~~2018~~, that total amount calculated on a per student basis;

5) has met all information reporting requirements in Section 2766.40(c);

6) has not been suspended or disqualified from receiving an allocation for the upcoming academic year; and

7) enters into an AIM HIGH Grant Agreement with ISAC.

b) For renewal applications, in addition to complying with subsection (a), the public university campus shall:

1) demonstrate that it met its matching requirement and MOE in the previous academic year;

2) in any academic year the public university campus fails to meet its entire matching requirement, demonstrate that it made a good faith effort to meet its matching requirement to be eligible for an allocation that is necessary to fund only renewal AIM HIGH funded awards in the next academic year; and

3) in any academic year when the public university campus fails to make its entire MOE, demonstrate that it made a good faith effort to make its MOE to be eligible for:

A) 100% of its allocation of AIM HIGH funds if, in the preceding academic year, the public university campus made its entire MOE;

B) 90% of the previous academic year's AIM HIGH funds received and distributed by the public university campus if it is the second consecutive academic year the public university campus fails to make its entire MOE; and

C) an allocation that is necessary to fund only renewal AIM HIGH funded awards in any academic year that is the third or more consecutive academic year that the public university campus fails to make its entire MOE.

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

Section 2766.40 Institutional Procedures

a) In addition to complying with Section 2766.30, the public university campus shall be responsible for administering and making awards to students in compliance with this Section, Section 2766.50 and the policies of the university campus. For its own awards using its AIM HIGH allocation, a public university campus shall:

1) *establish the amount of the award* based *on an individual or broad basis* in compliance with Section 2766.50 [110 ILCS 947/65.100];

2) establish reasonable criteria consistent with eligibility criteria in Section 2766.50;

3) use grant funds solely to fund awards of non-loan financial aid at that university campus during the academic year, not including summer terms;

4) renew the award each year for each student who meets the renewal criteria established by the public university campus, consistent with the renewal eligibility criteria in Section 2766.50, in amounts not less than the amount provided in the student's first year at that university campus;

5) give preference to eligible renewal applicants in any academic year funding is insufficient to award to all eligible applicants;

6) use its best efforts to delegate grant funds amongst a racially diverse range of students and not use a student's race, color, religion, sex (including gender identity, sexual orientation, or pregnancy), national origin, age, disability, or genetic information to disqualify a student~~him or her~~ from receiving an AIM HIGH award (see P.A. 100-587 and P.A. 100-1015);

7) post on its website the criteria and eligibility requirements and the amount of the AIM HIGH award and provide that information to ISAC and the Illinois Board of Higher Education (IBHE) to post on their respective websites (www.isac.org and www.ibhe.org);

8) indicate in each initial student award application the renewal criteria for each academic year and not change those criteria for that recipient;

9) make each renewal award contingent upon the availability of funding for the academic year in which the award is used; and

10) reconcile the amount of claimed and unexpended AIM HIGH funds that were retained but not used for awards in the academic year for which funds were granted before receiving the distribution of its allocation for the next academic year.

b) Each institution shall be responsible for meeting its statutorily-mandated matching requirement and MOE to remain eligible for its allocation. (See Sections 2766.15 and 2766.20.)

c) Annually, on or about the end of each academic year, in a format determined by ISAC, each participating public university campus shall report the following information to ISAC:

1) *the Program's impact on tuition revenue and enrollment goals and increase in access and affordability at the public university campus;*

2) *total funds received by the public university campus under the Program;*

3) *total non-loan financial aid awarded to undergraduate students attending the public university campus;*

4) *total amount of funds matched by the public university campus;*

5) *total amount of claimed and unexpended funds retained by the public university campus;*

6) *the percentage of total financial aid*, including awards made with matching funds, *distributed under the Program by the public university campus; and*

7) *the total number of students receiving awards from the public university campus under the Program including awards made with matching funds and those students' name, date of birth, grade level, race, ethnicity,*

gender, income level, family size, Monetary Award Program eligibility, Pell Grant eligibility, ZIP code of residence, and the amount of each award and the total cost of attendance for each student after non-loan financial aid. This information shall include unit record data on those students regarding variables associated with the parameters of the public university campus' Program, including, but not limited to, a student's ACT or SAT college admissions test score, high school or university cumulative grade point average, or program of study. [110 ILCS 947/65.100]

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

Section 2766.50 Student Applicant and Recipient Eligibility

a) An eligible student applicant for funding from an AIM HIGH allocation shall:

1) have attended an Illinois high school;

2) be engaged in a program of study (i.e., course) that in due course will be completed by the end of the school year;

3) complete an application for the award no later than 12 months from the last date of the school year within which the coursework was completed;

4) apply to be enrolled for the first time at the public university campus where the award will be used; and

5) meet all the student eligibility qualifications and requirements under subsection (b) before receiving an award.

b) In order to meet the eligibility qualifications and requirements, an award recipient shall:

1) *be a resident of Illinois and a citizen or eligible noncitizen of the United States;*

2) *file a Free Application for Federal Student Aid (FAFSA) and demonstrate financial need with a household income no greater than 6 times the poverty guidelines updated periodically in the Federal Register by the*

U.S. Department of Health and Human Services under the authority of 42 USC 9902(2);

3) *meet the minimum cumulative grade point average or ACT or SAT college admissions test score, as determined by the public university campus;*

4) *be enrolled in a participating public university campus as an undergraduate student on a full-time basis;*

5) *have not yet received a baccalaureate degree or the equivalent of 135 semester credit hours;*

6) *not be incarcerated;*

7) *not be in default on any student loan nor owe a refund or repayment on any State or federal grant or scholarship; and*

8) *meet any other reasonable criteria, as determined by the public university campus.* [110 ILCS 947/65.100]

c) An AIM HIGH funded award recipient who meets the eligibility criteria for renewals shall be eligible for an AIM HIGH renewal award in subsequent academic years, the criteria for which shall be determined by the public university campus consistent with the criteria in this Section. AIM HIGH funded award renewal amounts shall be in an amount not less than the AIM HIGH funded amount from the renewal applicant's first year of attendance at the university campus, unless there is a reduction due to changes in the student's cost of attendance, including, but not limited to:

1) a reduction in credit hours in which a student~~he or she~~ is enrolled, but remains a full time student; or

2) switching to a course of study with a lower tuition rate.

d) An AIM HIGH funded award recipient under subsection (a) or a renewal applicant shall be eligible for non-loan financial aid in the amount determined by the public university campus during the academic year, not including summer terms, and shall be eligible to receive other financial aid.

e) The total amount of the AIM HIGH funds awarded to a qualified recipient in a given academic year, when added to other financial aid available to the qualified recipient for that year, shall not exceed the cost of attendance.

f) Applicants eligible for an award using matching requirement funds must meet the criteria in subsection (b). Renewal availability and eligibility criteria shall be determined by the public university campus as required by subsection (b).

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

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1) Heading of the Part: Video Gaming (General)

2) Code Citation: 11 Ill. Adm. Code 1800

3)

Section Numbers:	Adopted Actions:
1800.430	Amendment
1800.2010	New Section
1800.2020	New Section
1800.2030	New Section
1800.2040	New Section
1800.2050	New Section
1800.2060	New Section

4) Statutory Authority: Section 78 (a) (3) of the Video Gaming Act (VGA) [230 ILCS 40/78 (a) (3)] empowers the Board "to adopt rules for the purpose of administering the provisions of this Act and to prescribe rules, regulations, and conditions under which all video gaming in the State shall be conducted." The present rulemaking implements the provisions of Section 20 (c) of the VGA [230 ILCS 40/20 (c)] that authorize in-location bonus jackpot games.

5) Effective Date of Rules: Feburary 7, 2020

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain an incorporation by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 12767; November 1, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Section 1800.430 (Persons with Significant Influence or Control) has been amended to provide that persons employed or designated by a terminal operator as progressive jackpot coordinators are persons with significant influence or control (new paragraph (d) (6)). This amendment to Section 1800.430 was made at Second Notice because of recognition by the Illinois Gaming

Board that its placement in Section 1800.430 is more appropriate than in Section 1800.2060, where the provision was originally included in the proposed rule as published on First Notice.

Section 1800.2030 (f) has been amended to provide that "completed progressive jackpot forms, payment receipts or confirmations, progressive video gaming tickets, and other related documentation shall be retained for audit and inspection by the Board or its agents for a time period of 4 years for terminal operators, and one year for licensed video gaming locations, offering in-location progressive games." As originally proposed, these items were to be retained for audit and inspection for a time period prescribed by the Administrator.

New Section 1800.2060 (Progressive Jackpot Coordinator) has been amended to delete language in subsection (b) providing that a progressive jackpot coordinator is a person with significant influence or control. This language is no longer necessary because of the language added to Section 1800.430 (d) (6).

Section 1800.2060 (e) has been deleted. This paragraph provided that "no provision of this Subpart shall be construed to render the terminal operator not subject to discipline for the actions or inactions of a progressive jackpot coordinator under the employ, or acting at the behest of, the terminal operator."

Various non-substantive technical and stylistic changes have been made.

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 rulemaking currently in effect? Yes. The rulemaking will replace an emergency rulemaking effective September 26, 2019 and published at 43 Ill. Reg. 11688; October 11, 2019.

14) Are there any rulemakings pending on this part? Yes

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
1800.340	New Section	43 Ill. Reg. 13354; November 22, 2019
1800.2110	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.2120	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.2130	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.2140	New Section	43 Ill. Reg. 13488, December 2, 2019

1800.2150	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.2160	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.2170	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.EXHIBIT A	New Section	43 Ill. Reg. 13488, December 2, 2019
1800.EXHIBIT B	New Section	43 Ill. Reg. 13488, December 2, 2019

15) Summary and Purpose of Rulemaking: The present rulemaking is necessitated by changes to the Video Gaming Act [230 ILCS 40] enacted by PA 101-31, effective June 28, 2019. These statutory changes are the following:

New language in 230 ILCS 40/5 defines an "in-location bonus jackpot" as "one or more video gaming terminals at a single licensed establishment that allows for wagers placed on such video gaming terminals to contribute to a cumulative maximum jackpot of up to $10.000."

Amendatory language in 230 ILCS 40/20 (b) provides for a $10,000 maximum jackpot prize.

New 230 ILCS 40/20 (c) authorizes in-location progressive jackpot games and directs the IGB to promulgate emergency rules to implement this subsection within 90 days of the effective date of PA 101-31. These emergency rules have been published in the *Illinois Register* at 43 Ill. Reg. 11688 (October 11, 2019). 230 ILCS 40/20 (c) further provides that "[j]ackpot winning from in-location progressive games shall be paid by the terminal operator to the player not later than 3 days after winning such a jackpot."

The present rulemaking establishes a workable mechanism for progressive jackpot play as authorized by these new provisions of the Video Gaming Act. Specifically, the rule does the following:

Amendatory language in Section 1800.430 (Persons with Significant Influence or Control) expands the definition of "person with significant influence or control" to include any person employed or designated by a terminal operator as a progressive jackpot coordinator.

New Section 1800.2010 (In-location Progressive Games) requires all in-location progressive games to be conducted in accordance with the requirements of the Video Gaming (General) Subpart [11 Ill. Adm. Code 1800] and with approval by the Administrator.

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New Section 1800.2020 (Optional Nature of In-Location Progressive Games) makes the offering of in-location progressive games optional on the part of both terminal operators and licensed video gaming locations.

New Section 1800.2030 (Procedures Within Licensed Video Gaming Locations) establishes the following procedures for conducting in-location progressive games:

All in-location progressive games shall be conducted only within a single video gaming location (subsection (a)).
A location conducting in-location jackpot games must designate one or more of its owners or employees to implement the procedures set forth in this Section (subsection (b)).

Upon the winning of a jackpot of $1,200 or more, the video gaming terminal on which the jackpot has been won shall immediately issue a voucher with the date, time, amount won, and identity of the video gaming terminal where the jackpot was won. The voucher shall identify the terminal operator and specify a phone number that a patron can call for payment instructions. The voucher shall not be redeemable at any video gaming redemption kiosk. The designated owner or employee of the licensed video gaming location shall require one of several listed, acceptable forms of identification from the progressive jackpot winner (subsection (c)).

The designated owner or employee of the licensed video gaming location shall complete and sign a progressive jackpot form previously provided to the location by the terminal operator. It shall be the duty of a terminal operator that has entered into a use agreement with a location where progressive jackpot play takes place to provide these forms to the location in advance. There shall be three copies of this form, with one copy given to the winner, one copy retained by the location, and one copy provided to the terminal operator. Information on the form will include the name and address of the winning player, identification number from an authorized form of identification as established by subsection (c), date and time the progressive jackpot was won, amount of the progressive jackpot, license number and location of the video gaming terminal on which the progressive jackpot was won, and video gaming ticket number for which payment is made (subsection (d)).

In no event shall the winning jackpot, or any portion thereof, be expressed as credits available for play on a video gaming terminal (subsection (e)).

All completed progressive jackpot forms, payment receipts or confirmations, progressive gaming tickets, and other related documentation shall be retained for audit and inspection by the Board or its agents for a time period as prescribed by the Administrator (subsection (f)).

New Section 1800.2040 (Payments of Progressive Jackpot Amount) requires payment of progressive jackpots to be made within three days of the date of winning. After retaining all applicable withholdings as specified in Section 1800.2050, a terminal operator shall pay the remainder of the progressive jackpot amount to the progressive jackpot winner. Terminal operators must obtain prior approval from the Administrator for all methods of payment.

New Section 1800.2050 (Deductions from Progressive Jackpots) provides the following:

Any terminal operator planning to operate in-location progressive games shall first obtain from the Illinois Department of Healthcare and Family Services (HFS) all necessary permissions and certifications to conduct past-due child support withholdings in accordance with 89 Ill. Adm. Code 160.70 (q), including credentials to access the Gaming Intercept Program Certification System (GIPCS) (subsection (a)).

After being presented with a progressive jackpot voucher and a completed progressive jackpot form, the terminal operator shall: 1) confirm that the individual seeking to claim the jackpot winnings is the same individual whose identifying information appears on the progressive jackpot form; 2) complete all necessary tax forms; 3) access the GIPCS to determine if the winner has a past-due child support obligation; and 4) withhold any past-due child support and remit the required amount to the Division of Child Support Services within HFS in a manner prescribed by HFS (subsection (b)).

For the withholding of past-due child support, the terminal operator shall be entitled to an administrative fee of four percent of the total amount of cash winnings paid to the jackpot winner, up to a maximum of $150 (subsection (c)).

Only mandatory taxes shall be withheld from a progressive jackpot before the amount due to the Division of Child Support Services and the administrative fee. Voluntary taxes shall be deducted only after mandatory taxes, past-due child support and the administrative fee are withheld. In no event shall the total amount withheld exceed the amount of the progressive jackpot (subsection (d)).

If there is withholding for past-due child support, the terminal operator shall provide the progressive jackpot winner with a Notice of Gaming Intercept provided by HFS (subsection (e)).

A terminal operator in compliance with Section 1800.2050 shall not be further liable to the progressive jackpot winner or any other individual or entity, other than the Board, for past-due child support amounts or withheld taxes (subsection (f)).

New Section 1800.2060 (Progressive Jackpot Coordinator) provides the following:

Each terminal operator offering in-play progressive games shall employ a progressive jackpot coordinator and disclose this individual to the Administrator (subsection (a)).

No terminal operator may offer in-play progressive games until its progressive jackpot coordinator has been disclosed to, and approved by, the Administrator (subsection (b)).

The progressive jackpot coordinator will facilitate all aspects of the progressive jackpots, including but not limited to: (1) coordinating necessary approvals and credentials; (2) creating and distributing the progressive jackpot form; (3) coordinating with progressive jackpot winners to pay out the jackpot; and (4) ensuring that all payments and withholdings comply with applicable law, including this new subpart (subsection (c)).

All progressive jackpot forms, payment receipts or confirmations, progressive video gaming tickets, and other related documentation shall be retained for audit and inspection by the Board or its agents for 4 years for terminal operators, and one year for licensed video gaming locations offering in-location progressive games.

16) Information and Questions regarding these adopted rules may be addressed to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

IGB.RuleComments@igb.illinois.gov

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

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SUBTITLE D: VIDEO GAMING
CHAPTER I: ILLINOIS GAMING BOARD

PART 1800
VIDEO GAMING (GENERAL)

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AUTHORITY: Implementing and authorized by the Video Gaming Act [230 ILCS 40].

SOURCE: Adopted by emergency rulemaking at 33 Ill. Reg. 14793, effective October 19, 2009, for a maximum of 150 days; adopted at 34 Ill. Reg. 2893, effective February 22, 2010; emergency amendment at 34 Ill. Reg. 8589, effective June 15, 2010, for a maximum of 150 days; emergency expired November 11, 2010; amended at 35 Ill. Reg. 1369, effective January 5, 2011; emergency amendment at 35 Ill. Reg. 13949, effective July 29, 2011, for a maximum of 150

days; emergency expired December 25, 2011; amended at 36 Ill. Reg. 840, effective January 6, 2012; amended by emergency rulemaking at 36 Ill. Reg. 4150, effective February 29, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 5455, effective March 21, 2012; amended at 36 Ill. Reg. 10029, effective June 28, 2012; emergency amendment at 36 Ill. Reg. 11492, effective July 6, 2012, for a maximum of 150 days; emergency expired December 2, 2012; emergency amendment at 36 Ill. Reg. 12895, effective July 24, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 13178, effective July 30, 2012; amended at 36 Ill. Reg. 15112, effective October 1, 2012; amended at 36 Ill. Reg. 17033, effective November 21, 2012; expedited correction at 39 Ill. Reg. 8183, effective November 21, 2012; amended at 36 Ill. Reg. 18550, effective December 14, 2012; amended at 37 Ill. Reg. 810, effective January 11, 2013; amended at 37 Ill. Reg. 4892, effective April 1, 2013; amended at 37 Ill. Reg. 7750, effective May 23, 2013; amended at 37 Ill. Reg. 18843, effective November 8, 2013; emergency amendment at 37 Ill. Reg. 19882, effective November 26, 2013, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 38 Ill. Reg. 3384, effective January 14, 2014; suspension withdrawn at 38 Ill. Reg. 5897; emergency repeal of emergency amendment at 38 Ill. Reg. 7337, effective March 12, 2014, for the remainder of the 150 days; amended at 38 Ill. Reg. 849, effective December 27, 2013; amended at 38 Ill. Reg. 14275, effective June 30, 2014; amended at 38 Ill. Reg. 19919, effective October 2, 2014; amended at 39 Ill. Reg. 5401, effective March 27, 2015; amended at 39 Ill. Reg. 5593, effective April 1, 2015; amended at 40 Ill. Reg. 2952, effective January 27, 2016; amended at 40 Ill. Reg. 8760, effective June 14, 2016; amended at 40 Ill. Reg. 12762, effective August 19, 2016; amended at 40 Ill. Reg. 15131, effective October 18, 2016; emergency amendment at 41 Ill. Reg. 2696, effective February 7, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 2939, effective February 24, 2017; amended at 41 Ill. Reg. 4499, effective April 14, 2017; amended at 41 Ill. Reg. 10300, effective July 13, 2017; amended at 42 Ill. Reg. 3126, effective February 2, 2018; amended at 42 Ill. Reg. 3735, effective February 6, 2018; emergency amendment at 43 Ill. Reg. 9261, effective August 13, 2019, for a maximum of 150 days; emergency amendment, except for the definition of "in-location bonus jackpot game" or "in-location progressive game" and the definition of "progressive jackpot" in Section 1800.110 and except for Section 1800.250(x), suspended at 43 Ill. Reg. 11061, effective September 18, 2019; emergency amendment at 43 Ill. Reg. 9788, effective August 19, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 11688, effective September 26, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 13464, effective November 8, 2019, for a maximum of 150 days; emergency amendment suspended by the Joint Committee on Administrative Rules at 43 Ill. Reg. 13479, effective November 12, 2019; amended at 43 Ill. Reg. 14099, effective November 21, 2019; amended at 44 Ill. Reg. 489, effective December 27, 2019; amended at 44 Ill. Reg. 1961, effective December 31, 2019; amended at 44 Ill. Reg. 3205, effective February 7, 2020.

SUBPART D: LICENSING QUALIFICATIONS

Section 1800.430 Persons with Significant Influence or Control

a) The Administrator shall identify each person that holds a position or level of influence over or control in each applicant or licensee that is significant to the regulatory concerns and obligations of the Board for the specified applicant or licensee.

b) Each person identified as a person with significant influence or control shall comply with the following:

1) Cooperate fully with any investigation conducted by or on behalf of the Board;

2) Comply with the Act and this Part; and

3) Submit initial and annual disclosure information on forms provided by the Board.

c) An owner or person with significant influence or control of a terminal operator shall not play any video gaming terminal owned or leased by the terminal operator at any operating licensed location for recreational purposes.

d) Persons with significant influence or control include, but are not limited, to the following:

1) Each person in whose name the liquor license is maintained for each licensed video gaming location;

2) Each person directly owning an applicant or licensee;

3) Each person who holds an indirect ownership interest of at least 5 percent in an applicant or licensee;

4) Each person who, in the opinion of the Administrator, has the ability to influence or control the activities of the applicant or licensee or elect a majority of its board of directors, other than a bank or other licensed lending institution that holds a mortgage or other lien, or any other source of funds, acquired in the ordinary course of business;

5) Persons having the power to exercise significant influence or control over decisions concerning any part of the applicant's or licensee's video gaming operation;

6) Any person or business entity receiving any net terminal income pursuant to a contractual agreement;

7) Any person or business entity holding an option agreement to acquire an equity stake in a terminal operator licensee;.

8) Any person employed or designated by a terminal operator as a progressive jackpot coordinator.

e) The prohibition against gaming by persons with significant influence or control in a licensed nonprofit establishment, licensed fraternal establishment or licensed veterans establishment does not apply unless the person with significant influence or control directly manages the establishment's video gaming operation.

(Source: Amended at 44 Ill. Reg. 3205, effective February 7, 2020)

SUBPART T: IN-LOCATION PROGRESSIVE GAMES

Section 1800.2010 In-location Progressive Games

All in-location progressive games shall be conducted in accordance with the requirements of this Subpart and with approval of the Administrator.

(Source: Added at 44 Ill. Reg. 3205, February 7, 2020)

Section 1800.2020 Optional Nature of In-location Progressive Games

Nothing in the Act or this Part shall be construed to require a terminal operator or licensed video gaming location to offer or operate in-location progressive games.

(Source: Added at 44 Ill. Reg. 3205, effective February 7, 2020)

Section 1800.2030 Procedures Within Licensed Video Gaming Locations

All in-location progressive games authorized by the Act shall operate within licensed video gaming locations and according to the following procedures:

a) An in-location progressive game shall be conducted only within a single video gaming location.

b) The location shall designate one or more of its owners or employees to implement the procedures set forth in this Section. At least one designated individual shall be available at the licensed video gaming location at all times during which in-location progressive games are available for play.

c) Upon the winning of a progressive jackpot of $1,200 or more, the following procedures shall be implemented:

1) The video gaming terminal on which the progressive jackpot has been won shall immediately issue a voucher with the date, time, and amount won. The voucher shall identify the terminal operator and specify a phone number that a patron can call for payment instructions. The voucher shall also reflect the video gaming terminal on which the patron won the jackpot. The voucher shall not be redeemable at any location redemption kiosk.

2) The video gaming terminal shall communicate that a progressive jackpot voucher has been printed to the central communication system, which shall then immediately notify the terminal operator.

3) The designated owner or employee of the location shall require from the progressive jackpot winner identification in the form of one of the following:

A) A driver's license or state photo identification card issued in the United States;

B) Passport;

C) Military ID issued by the United States;

D) Photo identification cards issued by government entities located within the United States or U.S. territories and possessions; or

E) Permanent residence card issued by the United States.

d) The designated owner or employee of the licensed video gaming location shall complete a progressive jackpot form previously provided to the location by the terminal operator. Upon completion, the form shall be signed by the designated owner or employee and the progressive jackpot winner. There shall be three copies of the signed progressive jackpot form, with one copy given to the progressive jackpot winner, one copy retained by the location, and one copy provided to the terminal operator. It shall be the duty of all terminal operators that have entered into use agreements with locations where in-location progressive game play takes place to provide progressive jackpot forms to the locations before in-play progressive game play takes place. Information to be provided by a progressive jackpot winner on a progressive jackpot form shall include the following:

1) Name and address of the winning player;

2) Identification number from the authorized forms of identification in subsection (c)(3);

3) Date and time the progressive jackpot was won;

4) Amount of the progressive jackpot;

5) License number and location of the video gaming terminal on which the progressive jackpot was won; and

6) Video gaming ticket number for which payment is made.

e) In no event shall the winning jackpot, or any portion of the jackpot, be expressed as credits available for play on a video gaming terminal.

f) Completed progressive jackpot forms, payment receipts or confirmations, progressive video gaming tickets, and other related documentation shall be retained for audit and inspection by the Board or its agents for 4 years for terminal operators, and one year for licensed video gaming locations, offering in-location progressive games.

(Source: Added at 44 Ill. Reg. 3205, effective February 7, 2020)

Section 1800.2040 Payments of Progressive Jackpot Amount

a) Any terminal operator offering in-location progressive games must make provisions to pay the jackpot winner within three days after the jackpot is won.

b) After retaining all applicable withholdings, including those described in Section 1800.2050, from the progressive jackpot amount, a terminal operator shall pay the remainder of the progressive jackpot amount to the progressive jackpot winner. Terminal operators must obtain prior approval from the Administrator for any method used to pay a progressive jackpot.

(Source: Added at 44 Ill. Reg. 3205, effective February 7, 2020)

Section 1800.2050 Deductions from Progressive Jackpots

a) Any terminal operator seeking to operate in-location progressive games shall first obtain from the Illinois Department of Healthcare and Family Services (HFS) all necessary permissions and certifications to conduct past-due child support withholdings in accordance with 89 Ill. Adm. Code 160.70(q), including credentials to access the Gaming Intercept Program Certification System (GIPCS) database.

b) After being presented with a progressive jackpot voucher and a completed progressive jackpot form, the terminal operator shall:

1) Confirm that the individual seeking to redeem the jackpot winnings is the same individual whose identifying information appears on the progressive jackpot form using any of the identification listed in Section 1800.2030(c);

2) Complete all necessary tax forms;

3) Access the GIPCS to determine if the progressive jackpot winner has past-due child support subject to withholding under 89 Ill. Adm. Code 160.70(q); and

4) Withhold from the progressive jackpot winnings any past-due child support that the GIPCS indicates a jackpot winner may owe and remit the

required amount to the HFS Division of Child Support Services (DCSS) in a manner prescribed by HFS.

c) For the withholding of past-due child support, the terminal operator shall be entitled to an administrative fee of four percent of the total amount of cash winnings paid to the progressive jackpot winner, up to $150.

d) Only mandatory taxes shall be withheld from the progressive jackpot before the amount due to DCSS and the administrative fee. Voluntary taxes elected to be withheld by the progressive jackpot winner shall be deducted from the amount remaining due to the progressive jackpot winner, if any, after mandatory taxes and the amount due DCSS. In no event shall the total amount withheld from the progressive jackpot, including the unpaid child support deduction, administrative fee and withheld taxes, exceed the total cash winnings of the progressive jackpot winner.

e) If there is a withholding for an amount due DCSS, the terminal operator shall provide the progressive jackpot winner with a Notice of Gaming Intercept provided by DCSS.

f) A terminal operator that, in good faith, complies with the requirements of this Section shall not be further liable to the progressive jackpot winner or any other individual or entity, other than the Board, for disputed past-due child support amounts or withheld taxes.

(Source: Added at 44 Ill. Reg. 3205, effective February 7, 2020)

Section 1800.2060 Progressive Jackpot Coordinator

a) Each terminal operator offering in-location progressive games shall employ a progressive jackpot coordinator. The terminal operator shall disclose the progressive jackpot coordinator to the Administrator.

b) No terminal operator may offer in-location progressive games until a progressive jackpot coordinator has been disclosed and approved by the Administrator.

c) The progressive jackpot coordinator will facilitate all aspects of the progressive jackpots, including, but not limited to:

1) Coordinating all necessary approvals and credentials with HFS;

2) Creating and distributing the progressive jackpot form;

3) Coordinating with progressive jackpot winners to pay out the jackpot; and

4) Ensuring that all payments and withholdings are conducted in accordance with all applicable laws and regulations, including this Part.

(Source: Added at 44 Ill. Reg. 3205, effective February 7, 2020)

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1) Heading of the Part: Riverboat and Casino Gambling

2) Code Citation: 86 Ill. Adm. Code 3000

3)

Section Numbers:	Adopted Actions:
3000.100	Amendment
3000.190	New Section
3000.200	Amendment
3000.606	Amendment
3000.930	Amendment

4) Statutory Authority: Authority for the rulemaking comes from several paragraphs within Section 5(c) of the Illinois Gambling Act (IGA) [230 ILCS 10/5(c)].

Section 5(c)(3) gives the Illinois Gaming Board (IGB) comprehensive rulemaking authority in relation to riverboat gaming, providing in part that the IGB shall have the power to "promulgate rules and regulations for the purpose of administering the provisions of this Act and to prescribe rules, regulations and conditions under which all riverboat gambling in the State shall be conducted. Such rules and regulations are to provide for the prevention of practices detrimental to the public interest and for the best interests of riverboat gambling."

Section 5(c)(6) provides in part that the Board shall have authority "to adopt standards for the licensing of all persons and entities under this Act, as well as for electronic or mechanical gambling games."

Section 5(c)(7) empowers the Board "to adopt appropriate standards for all organization gaming facilities, riverboats, casinos, and other facilities authorized under this Act."

Section 5(c)(18) provides in part that the Board can "authorize a licensee to sell or serve alcoholic liquors, wine or beer as defined in the Liquor Control Act of 1934 on board a riverboat or in a casino and to have exclusive authority to establish the hours for sale and consumption of alcoholic liquor on board a riverboat or in a casino, notwithstanding any provision of the Liquor Control Act of 1934 or any local ordinance, and regardless of whether the riverboat makes excursions."

Section 5(c)(21) empowers the Board "to adopt rules concerning the conduct of gaming pursuant to an organization gaming license issued under this Act."

Section 5(c)(22) gives the Board "the same jurisdiction over casinos and organization gaming facilities as the Board has over riverboats, including, but not limited to, the power to adopt rules for administering the provisions of this Act ."

5) Effective Date of Rules: February 4, 2020

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain an incorporation by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 12784; November 1, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: Substantive changes from the originally proposed rulemaking are the following:

The definition of "riverboat" is amended to provide that, "except as appropriate by context, all references to riverboats in this Part apply to casinos and organization gaming facilities as well" [86 Ill. Adm. Code 3000.100 (Definitions)].

The definition of "Riverboat Gaming Operation" is amended to provide that, "except as appropriate by context, all references to Riverboat Gambling Operations in this Part apply to all Gaming Operations" [86 Ill. Adm. Code 3000.100 (Definitions)].

A new definition of "Organization Gaming License" states that "an organization gaming license is a license authorizing gaming, issued under Section 7.7 of the Act, to a person or entity having operating control of a racetrack. In addition to other requirements of this Part, organization gaming licensees are subject to the same duties and obligations as riverboat/casino owners licensees under Sections 3000.230, 3000.286, 3000.300, 3000.310 and 3000.840 and Section 7 of the Act" [86 Ill. Adm. Code 3000.100 (Definitions)].

Section 3000.201 (Terminology) is deleted. The deleted language is essentially included in the new definitions (described above) that have been added as Second Notice Changes.

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? Yes. The rulemaking will replace the following emergency rulemakings:

43 Ill. Reg. 10512; September 20, 2019, effective September 5, 2019.
43 Ill. Reg. 10733; September 27, 2019, effective September 13, 2019.

14) Are there any rulemakings pending on this part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
3000.106	New Section	44 Ill. Reg. 1752; January 24, 2020

15) Summary and Purpose of Rulemaking: The present rulemaking is necessitated by changes to the Illinois Gambling Act [230 ILCS 10] enacted by PA 101-31.

Reporting requirements for local governments eligible to host casinos:

Section 3000.190. This new section establishes reporting requirements relating to the initial local government approval process for one of the new owners license applications authorized under Section 7 (e-5) of the Illinois Gambling Act [230 ILCS 10/7 (e-5)], as added by PA 101-31, effective June 28, 2019. The section provides that for the purposes of Section 5.3(j) of the Act [230 ILCS 10/5.3(j)] (reporting requirements to the Board for local governments) and the present rule, the following definitions shall apply:

> An "applicant" is any person or entity which has directly or indirectly expressed interest to an official or employee of a host community in obtaining an owners license in that host community, regardless of whether that person has submitted an application to the Board.
>
> "Communication" is any written or oral communication (including those with an agent, representative or affiliate), as well as indirect communication through third parties or intermediaries, irrespective of whether such communication occurs in a public forum.

An "employee" is any person employed full or part-time or pursuant to a contract and whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed.

A "local government" includes any unit of government within the State of Illinois other than the State of Illinois.

"Official" includes any person or entity who is: an elected official of the host community; a participant in a committee, group, team or other organization acting at the behest of, or in cooperation with, the host community; or an agent, contractor or other delegate of the host community.

The section requires that disclosures to the Board shall be made in a manner consistent with Section 5.3(j) of the Act and Section 86 Ill. Adm. Code 3000.190.

All applicants, as defined above, have a duty to report to the Administrator or the Administrator's designated agent any facts which the Administrator has reasonable grounds to believe indicate a violation of Section 5.3 of the Act, including but not limited to the following:

Violations by the applicant or licensee or its own agents, employees or affiliates;

Violations by any other applicant or licensee or their agents, employees or affiliates; or

Violations by any current or former official or employee of a corporate authority of a host community, or their spouse, child or parent.

Any communication subject to Section 5.3(j) of the Act that occurred prior to the effective date of this section and after the effective date of Section 5.3(j) shall be disclosed to the Board within 14 days.

Provisions relating to organizational gaming licensees:

Section 7.7 of the Illinois Gaming Act, added by PA 101-31, authorizes organization gaming licenses within or adjacent to Illinois racetracks. The present rulemaking implements this new statutory section as follows:

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Section 3000.100. Amendatory language in this section adds new definitions of "Organization Gaming Facility," "Organization Gaming License," "Gaming Operation," and "Video Game of Chance." These general terms apply to the entire Act including Section 7.7. Additionally, several existing definitions in this section are amended so that they apply to organization licenses, facilities or operations.

Section 3000.200. Amendatory language generally extends the provisions of the Riverboat Gambling Part of the Illinois Administrative Code to include organization gaming facilities.

Section 3000.606. Amendatory language leaves intact the existing formula under which games utilizing electronic gaming devices shall be determined as 90 percent of the total number of devices available for play. Positions for games that do not utilize and electronic gaming device, and whose internal controls have been approved before September 1, 2019, shall count as 5 positions, except craps, which shall count as 10 positions. For non-electronic games approved on or after September 1, 2019, the Administrator shall consider the following: (i) the number of positions assigned to the same game in other approved internal controls of any owners licensee or organization gaming licensee; (ii) the nature and scope of the differences between the internal controls of the game and those other instances of the same or similar games operated by any owners licensee or organization gaming licensee; and (iii) the possible maximum number of concurrent players.

Total gaming positions shall not include:

Any electronic gaming device that is disabled or otherwise not operational for play;

Any promotional give-away or tournament for which no entry fee is required for any participant;

Sports wagering under the Sports Wagering Act; and

Pari-mutuel wagering under the Illinois Horse Racing Act of 1975.

Licensees may reallocate positions at any time without prior notice to the Illinois Gaming Board. Owners licensees and organization gaming licensees shall adopt internal controls regarding the allocation of gaming positions and logging of any reallocation. Immediately upon request by Illinois Gaming Board agents, owners licensees and

organization gaming licensees shall provide an accounting of the current allocation of gaming positions. Logs of gaming position allocations must be retained for at least as long as prescribed by the published Records Retention Schedule, or longer upon written notice by the Administrator or Administrator's designee.

Section 3000.930. 86 Ill. Adm. Code 1000.930 is amended by providing that an owners licensee that does not conduct gambling operations 24 hours a day may sell alcoholic beverages or furnish or permit the same to be consumed on the riverboat or casino from 9:30 A.M. until one hour before that licensee's close of gaming operations.

16) Information and Questions regarding these adopted rules may be addressed to:

Agostino Lorenzini
General Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago IL 60601

IGB.RuleComments@igb.illinois.gov

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

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

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3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum

of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967, effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 34 Ill. Reg. 3285, effective February 26, 2010; amended at 34 Ill. Reg. 3748, effective March 11, 2010; amended at 34 Ill. Reg. 4768, effective March 16, 2010; amended at 34 Ill. Reg. 5200, effective March 24, 2010; amended at 34 Ill. Reg. 15386, effective September 23, 2010; amended at 36 Ill. Reg. 13199, effective July 31, 2012; amended at 37 Ill. Reg. 12050, effective July 9, 2013; amended at 37 Ill. Reg. 18255, effective November 1, 2013; amended at 38 Ill. Reg. 2808, effective January 8, 2014; amended at 38 Ill. Reg. 21471, effective October 29, 2014; amended at 39 Ill. Reg. 4362, effective March 10, 2015; amended at 39 Ill. Reg. 12312, effective August 18, 2015; amended at 40 Ill. Reg. 12776, effective August 19, 2016; amended at 41 Ill. Reg. 380, effective December 29, 2016; amended at 41 Ill. Reg. 12840, effective September 28, 2017; emergency amendment at 43 Ill. Reg. 9801, effective August 23, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 10512, effective September 5, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 10733, effective September 13, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 521, effective December 30, 2019; amended at 44 Ill. Reg. 3224, effective February 4, 2020.

SUBPART A: GENERAL PROVISIONS

Section 3000.100 Definitions

For purposes of this Part the following terms shall have the following meanings:

"Act": The Illinois~~Riverboat~~ Gambling Act [230 ILCS 10].

"Adjusted Gross Receipts": The gross receipts less winnings paid to wagerers. The value of expired vouchers shall be included in computing adjusted gross receipts.

"Affiliate": An "Affiliate of", or person "Affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Alcoholic Liquors": Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a Business Entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency and/or Vouchers, validates the currency and/or Vouchers, stores the currency and/or Vouchers, and issues Electronic Credits equal to the value of currency and/or Vouchers inserted into the device.

"Board": The Illinois Gaming Board.

"Business Entity": A partnership, incorporated or unincorporated association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an owners~~Owner's~~ license or organization gaming license for use in Gaming other than in Electronic Gaming Devices on that~~such~~ holder's Gaming Operation~~Riverboat or Riverboats~~.

"Chip Float": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the ~~Riverboat~~ Gaming Operation.

"Computer Monitoring System": The gaming related system used to provide on-line, real-time monitoring of Electronic Gaming Devices and data acquisition capability in the format and media approved by the Administrator.

"Dependent": Any individual who received over half of his support in a calendar year from any other individual.

"Electronic Card": A card purchased from a holder of an owners~~Owner's~~ license or organization gaming license for use at~~on~~ that holder's ~~Riverboat~~ Gaming

Operation as a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device.

"Electronic Credit": A value owed to a patron on an Electronic Gaming Device.

"Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single- and Multiple-Position Reel-Type, Single- and Multiple-Position Single-Game Video and Single- and Multiple-Position Multi-Game Video Electronic Gaming Devices.

"Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens (including without limitation foreign Tokens and slugs) collected from the drop bucket and United States currency and/or Vouchers collected from the Bill Validator drop box.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid jackpots minus hopper fills minus Vouchers issued.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a Game on an Electronic Gaming Device.

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section 3000.720 of this Part.

"Exclusion List": A list or lists which contain the identities of persons who are to be excluded or ejected from any licensed Gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his/her~~his~~ presence within a ~~Riverboat~~ Gaming Operation may, in the opinion of the Board or the Administrator, call into question the honesty or integrity of the Gaming Operation~~operation~~ or pose a threat to the interests of the State of Illinois.

"Expiration Date": The one-year period, starting on the day of issuance, during which Vouchers may be redeemed for United States currency at a cashier cage of a ~~Riverboat~~ Gaming Operation.

"Game": A gambling activity which is played for money, property, or anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the result of a Game by determining win or loss, including without limitation: electronic, electrical, or mechanical devices or machines; cards or dice; layouts for Live Gaming Devices; any representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards; Voucher Systems; Voucher Printers; Voucher Validation Terminals; Computer Monitoring Systems; and hardware and software related to any item described herein.

"Gaming Operation": The owners licensee, organization gaming licensee or, as the context requires, the conducting of gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, at a casino, an Organization Gaming Facility or on a Riverboat and at its Support Facilities.

"Gaming Operations Manager": A person or business entity other than the holder of an owners~~Owner's~~ license or organization gaming license who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.

"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

"Indirect Interest": An interest in a Business Entity that is deemed to be held by the holder of an owners~~Owner's~~ license or organization gaming license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144A) under the Securities Act of 1933, as amended.

"Internal Control System": Proprietary internal procedures and administration

and accounting controls designed by the holder of an owners~~Owner's~~ license or organization gaming license for the purpose of exercising control over the ~~Riverboat~~ Gaming Operation.

"Junketeer": A person or entity that facilitates a patron's participation in gaming at a ~~Riverboat~~ Gaming Operation and is compensated, not as an employee but as an independent contractor, by that Operation based upon how much the patron actually wagers or loses.

"Key Person": A Person identified by the Board under Section 3000.222 as subject to regulatory approval as a Person able to control, or exercise significant influence over, the management, assets, or operating policies of an owners, organization gaming~~owner~~ or supplier licensee.

"Live Gaming Device": Any apparatus, other than an Electronic Gaming Device, upon which Gaming is conducted or which determines an outcome which is the object of a wager. This definition includes but is not limited to roulette wheels, keno machines, punchboard tickets and tables with layouts utilized in Games approved by the Board.

"Marketing Agent": A person or entity, other than a junketeer or an employee of a ~~Riverboat~~ Gaming Operation, who is compensated by the ~~Riverboat~~ Gaming Operation in excess of $100 per patron per trip for identifying and recruiting patrons.

"Non-Alterable Storage Media": An electronic storage medium that contains the program files that operate the game, which medium cannot be altered through the use of the circuitry or programming of the gaming device.

"Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the ~~Riverboat~~ Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, Fine, Exclusion or other action issued by the Board.

"Organization Gaming Facility": That portion of an organization licensee's racetrack facilities at which gaming authorized under Section 7.7 of the Act is conducted, including both the publicly accessible gaming area and restricted

access areas, including but not limited to cashier cages, count rooms, surveillance rooms, and gaming equipment storage and repair areas.

"Parent Company": A "parent company" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

"Payout": Winnings earned on a wager.

"Person": "Person" includes both individuals and Business Entities.

"Petitioner": An applicant, licensee or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a Game, the value of which is determined by the contribution of a portion of each Wager placed into play or the combined amount of several wagers linked to a common jackpot award.

"Redemption Period": The 120-day period during which a Voucher may be used to acquire electronic credits from an Electronic Gaming Device or to obtain United States currency from a Voucher Validation Terminal. After their Redemption dates and prior to their Expiration dates, Vouchers may be redeemed for United States currency only at a cashier cage of a ~~Riverboat~~ Gaming Operation.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

"Remote Access": Communication with an electronic information system from a remote location or facility through a data link.

"Riverboat": A navigable vessel or a permanently moored vessel comprised of one or more barges that are permanently attached to operate as one barge. Except as appropriate by context, all references to riverboats in this Part apply to casinos

and organization gaming facilities as well.

"Riverboat Gaming Operation": The owner licensee, Gaming Operations Manager, or, as the context requires, the conducting of Gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities. Except as appropriate by context, all references to Riverboat Gambling Operations in this Part apply to all Gaming Operations.

"Signature": The definitive identity of an individual specific EPROM chip or other non-alterable storage media, determined by electronic analysis and reflective of the EPROM chip's game behavior capability.

"Substantial Owner": A person who has an ownership interest of 25% or more in a Business Entity.

"Supplier": A provider of Gaming Equipment/Supplies, Gaming Equipment maintenance or repair services, security services or a lessor of a Riverboat, ~~or~~ dock, casino or Organization Gaming Facility~~facility~~.

"Support Facility": A place of business that~~which~~ is part of, or operates in conjunction with, a ~~Riverboat~~ Gaming Operation of an owners licensee and is owned in whole or in part by a holder of an owners~~Owner's~~ or suppliers~~Supplier's~~ license or any of their Key Persons, including, without limitation, Riverboats, offices, docking facilities, casinos, parking facilities and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an owners~~Owner's~~ license through play at a live Game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The percentage of Tokens or Electronic Credits from amounts wagered that will be returned to players by an Electronic Gaming Device.

"Token": A metal representative of value, redeemable for cash only at the issuing

~~Riverboat~~ Gaming Operation, and issued and sold by a holder of an owners license or organizational gaming~~Owner's~~ license for use in Gaming.

"Token Dispenser": Any mechanical or electrical device designed for the purpose of dispensing an amount of Tokens equal to the amount of currency inserted into the device.

"Token Float": The difference between the total face value of Tokens received from vendors and the total face value of Tokens accounted for through an inventory conducted by the ~~Riverboat~~ Gaming Operation.

"Tournament EPROM": A specially designed EPROM with a mode of play that provides for a mathematically demonstrable payout of more than 100 percent.

"Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the ~~Riverboat~~ Gaming Operation and the specific value of the Chip.

"Video Game of Chance": As used in the Act, means an Electronic Gaming Device.

"Voucher": A printed paper scrip representing the value in United States currency stated on the face of the scrip that is:

issued by a Voucher Printer connected to an Electronic Gaming Device or at a cashier cage at a ~~Riverboat~~ Gaming Operation; and

~~which scrip is~~ redeemable for electronic credits or United States currency and is not a coupon or other promotional item.

"Voucher Float": The difference between the total face value of unexpired Vouchers issued by a ~~Riverboat~~ Gaming Operation and the total face value of Vouchers accounted for by the ~~Riverboat~~ Gaming Operation as redeemed or expired.

"Voucher Printer": A device designed for the purpose of issuing Vouchers at Electronic Gaming Devices or at a cashier cage at a ~~Riverboat~~ Gaming Operation.

"Voucher System": The hardware and software used to issue and validate Vouchers, record redemptions and account for Vouchers.

"Voucher Validation Terminal": A hard-wired and interfaced device that accepts Vouchers and communicates the Voucher information to the Voucher System for the System to validate the information. If the System confirms that the Voucher is valid, the terminal then stores the Voucher and issues United States currency equal to the value of the Voucher.

"Wager": A sum of money or thing of value risked.

(Source: Amended at 44 Ill. Reg. 3224, effective February 4, 2020)

Section 3000.190 Ethical Conduct

a) For the purposes of Section 5.3(j) of the Act and this Section, the following terms shall have the following meanings:

1) "Applicant": Any person or entity that has directly or indirectly expressed interest to an official or employee of a host community in obtaining an owners license under the Act in that host community, regardless of whether that person or entity has submitted an application to the Board.

2) "Communication": Any written or oral communication, including with any agent, representative, or affiliate, or indirect communication through third parties or intermediaries, irrespective of whether that communication occurs in a public forum.

3) "Employee": Any person employed full-time, part-time, or pursuant to a contract and whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed.

4) "Local Government": Any unit of government wholly within the State of Illinois other than the State of Illinois.

5) "Official": Any of the following:

A) Elected or appointed official of the host community;

B) Any participant in a committee, group, team, or other organization acting at the behest of or in cooperation with the host community; or

C) Agent, contractor, or other delegate of the host community.

b) Disclosures made to the Board required under Section 5.3(j) of the Act and this Section shall be in a manner consistent with Section 5.3(j) of the Act and this Section.

c) All applicants and licensees have a duty to report to the Administrator or any other Board agent designated by the Administrator, any facts that the applicant or licensee has reasonable grounds to believe indicate a violation of Section 5.3 of the Act, including, but not limited to:

1) Violations by the applicant, licensee, or the applicant's or licensee's own agents, employees or affiliates;

2) Violations by any other applicant, licensee, or that applicant's or licensee's agents, employees or affiliates; or

3) Violations by any current or former official or employee of a corporate authority of a host community, or that person's spouse, child, or parent.

d) Any communication subject to disclosure under Section 5.3(j) of the Act that occurred prior to the effective date of this Section and after the effective date of Section 5.3(j) of the Act shall be disclosed to the Board within 14 days after the effective date of this Section.

(Source: Added at 44 Ill. Reg. 3224, effective February 4, 2020)

SUBPART B: LICENSES

Section 3000.200 Classification of Licenses

The Board may classify an activity to be licensed in addition to, different from, or at a different level than the classifications set forth in this Subpart.

a) Owners License~~Owner's License~~. An owner of a ~~Riverboat~~ Gaming Operation is required to hold an owners~~Owner's~~ license.

b) Suppliers License~~Supplier's License~~. The following persons or entities are required to hold a suppliers~~Supplier's~~ license:

1) Supplier of Gaming Equipment/Supplies, including a manufacturer, distributor, wholesaler, or retailer. All manufacturers of Electronic Gaming Devices, Chips, Tokens, Voucher Systems, Voucher Validation Terminals, Voucher Printers, and Computer Monitoring Systems must be licensed as a Supplier regardless of whether the manufacturer uses an independent distributor or wholesaler to distribute its Equipment/Supplies.

2) Supplier of Gaming Equipment maintenance or repair services.

3) Supplier of security services.

4) Lessors of Riverboat and/or dock facilities.

5) Junketeers.

6) Any other purveyor of goods or services to a ~~Riverboat~~ Gaming Operation, as deemed necessary by the Board.

c) Occupational License~~Occupation License~~. A person employed at a ~~Riverboat~~ Gaming Operation~~ by the Owner licensee or by a Gaming Operations Manager~~ is required to hold an occupational~~Occupation~~ license. An occupational~~Occupation~~ licensee may perform any activity included within the licensee's level of occupational~~Occupation~~ license or any lower level of occupational~~Occupation~~ license.

1) Occupational~~Occupation~~ license, Level 1, includes the following positions, or their equivalent:

A) Audit Manager;

B) Casino Manager;

C) Chief of Security;

D) Chief of Surveillance;

E) Chief Financial Officer and/or Controller;

F) EDP Manager;

G) Electronic Gaming Device Manager;

H) General Manager;

I) Table Games Manager; and

J) Any other individual who, upon review of the applicant's or licensee's Table of Organization, Ownership and Control submitted under Section 3000.223, the Board determines holds a position or a level of ownership, control or influence that is material to the regulatory concerns and obligation of the Board for the specified licensee or applicant.

2) Occupational License~~Occupation License~~, Level 2. A Gaming or security/surveillance employee not required to hold an occupational~~Occupation~~ license, Level 1 under subsection (c)(1)~~ of this Section~~.

3) Occupational License~~Occupation License~~, Level 3. An employee not required to hold an occupational~~Occupation~~ license, Level 1 or Level 2 under subsections (c)(1) and (c)(2)~~ of this Section~~.

d) Organization Gaming License. An organization gaming license is a license authorizing gaming, issued under Section 7.7 of the Act, to a person or entity having operating control of a racetrack. In addition to other requirements of this Part, organization gaming licensees are subject to the same duties and obligations as riverboat/casino owners licensees under Sections 3000.230, 3000.286, 3000.300, 3000.310 and 3000.840 and Section 7 of the Act.

(Source: Amended at 44 Ill. Reg. 3224, effective February 4, 2020)

SUBPART F: CONDUCT OF GAMING

Section 3000.606 Gaming Positions

a) Each holder of an owners license or organization gaming license shall limit the number of gaming positions concurrently available for play to the maximum permitted by its license under the Act.

b) Gaming positions shall be counted as follows:

1) Positions for Games utilizing Electronic Gaming Devices shall be determined as 90 percent of the total number of devices available for play.

2) Positions for Games available for play that do not utilize an Electronic Gaming Device shall be determined by the Administrator. The Administrator shall make this determination at the time the internal controls for the Game are approved, using the following standards.

A) Any Game with internal controls approved before September 1, 2019 shall count as 5 positions, except craps, which shall count as 10 positions.

B) In determining the number of gaming positions for a Game, the Administrator shall consider the following:

i) The number of positions assigned to the same Game in the approved controls of any owners licensee or organization gaming licensee;

ii) The nature and scope of differences between the internal controls of the Game and those other instances of the same or similar games operated by any owners licensee or organization gaming licensee; and

iii) The possible maximum number of concurrent players.

c) The total gaming positions shall not include:

1) Any Electronic Gaming Device that is disabled or otherwise not operational for play by a patron.

2) Any live gaming device that is not currently operational and available to play.

3) Any promotional give-away or tournament for which there is no entry fee required for any participant.

4) Sports wagering conducted pursuant to the Sports Wagering Act [230 ILCS 45].

5) Pari-mutuel wagering conducted pursuant to the Illinois Horse Racing Act of 1975 [230 ILCS 5].

d) Licensees may reallocate gaming positions at any time with prior written notice to the Board.

e) Owners licensees and organization gaming licensees shall adopt internal controls regarding the allocation of gaming positions and logging of any reallocation.

f) Owners licensees and organization gaming licensees shall, immediately upon request, provide to Board agents an accounting of the current allocation of gaming positions.

g) Logs of gaming position allocation must be retained for at least as long as prescribed by the published Records Retention Schedule (see Section 3000.115), or longer upon written notice by the Administrator or his or her designee.

~~The holder of an Owner's License *shall limit the number of* Gaming *participants to 1,200 for any such license* [230 ILCS 10/7(h)]. The number of Gaming participants will be determined by the number of Gaming positions available and such positions will be counted as follows:a)Positions for Games utilizing Electronic Gaming Devices will be determined as 90 percent of the total number of devices available for play;b)Craps tables will be counted as having ten Gaming positions;c)Games utilizing Live Gaming Devices, except as provided in subsection (b) will be counted as having five Gaming positions.~~

(Source: Amended at 44 Ill. Reg. 3224, effective February 4, 2020)

SUBPART I: LIQUOR LICENSES

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 3000.930 Hours of Sale

A holder of an owners~~Owner's~~ license may sell alcoholic beverages or furnish or permit the same to be consumed on the Riverboat between the hours of 9:30 a.m. and 4:00 a.m. each Gaming Day. Any owners licensee that does not conduct gambling operations 24 hours a day~~Owner Licensee ending a Gaming Day at or before 4:00 a.m.~~ may sell alcoholic beverages or furnish or permit the same to be consumed on the Riverboat or in the casino from 9:30 a.m. until one hour prior to that licensee's~~Licensee's~~ close of Gaming Operations~~ that Gaming Day. A Gaming Day may begin on one calendar day and end the next calendar day, provided that the Gaming Day does not extend beyond the uniform 24-hour period selected in advance by the Licensee~~.

(Source: Amended at 44 Ill. Reg. 3224, effective February 4, 2020)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3)

Section Numbers:	Adopted Actions:
112.251	Amendment
112.252	Amendment

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

5) Effective Date of Rules: February 5, 2020

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated, is on file in the Agency's principal office and is available for public inspection.

9) Notice of Proposal published in the *Illinois Register*: 43 Ill. Reg. 11063; October 11, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any rulemakings pending on this Part? Yes

Section Number:	Proposed Action:	*Illinois Register* Citation:
112.140	Amendment	43 Ill. Reg. 14328; December 13, 2019

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: Pursuant to PA 101-103, this rulemaking states that the maximum benefit levels provided to the Temporary Assistance for Needy Families (TANF) recipients shall increase annually and will be equal to at least 30% of the most recent federal poverty level guidelines. The rulemaking also states that TANF grant amounts shall be apportioned so that 75% of the grant will be designated for the child or children of the assistance unit and 25% shall be designated for the adult member or members of the assistance unit.

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

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

217/785-9772

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

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Section
112.1 Description of the Assistance Program and Time Limit
112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
112.3 Receipt of Cash Benefits Beyond the 60 Month Lifetime Limit
112.5 Incorporation by Reference
112.6 The Family Violence Option

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.55 Electronic Benefits Transfer (EBT) Restrictions
112.60 Basis of Eligibility
112.61 Death of a Parent (Repealed)
112.62 Incapacity of a Parent (Repealed)
112.63 Continued Absence of a Parent (Repealed)
112.64 Unemployment of the Parent (Repealed)
112.65 Responsibility and Services Plan
112.66 Alcohol and Substance Abuse Treatment
112.67 Restriction in Payment to Households Headed by a Minor Parent
112.68 School Attendance Initiative

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section
112.70 Employment and Work Activity Requirements
112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
112.72 Participation/Cooperation Requirements
112.73 Adolescent Parent Program (Repealed)
112.74 Responsibility and Services Plan
112.75 Teen Parent Personal Responsibility Plan (Repealed)
112.76 TANF Orientation
112.77 Reconciliation and Fair Hearings
112.78 TANF Employment and Work Activities
112.79 Sanctions
112.80 Good Cause for Failure to Comply with TANF Participation Requirements
112.81 Responsible Relative Eligibility for JOBS (Repealed)
112.82 Supportive Services
112.83 Teen Parent Services
112.84 Employment Retention and Advancement Project
112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance (Repealed)
112.87 Project Advance Experimental and Control Groups (Repealed)
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90 Project Advance Sanctions (Repealed)
112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
112.93 Individuals Exempt From Project Advance (Repealed)
112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump-Sum Payments
112.128 Protected Income (Repealed)
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Employed Applicants
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments (Repealed)
112.140 Exempt Earned Income
112.141 Earned Income Exemption
112.142 Exclusion from Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income from Work-Study and Training Programs
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind
112.150 Assets
112.151 Exempt Assets (Repealed)

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112.152 Asset Disregards (Repealed)
112.153 Deferral of Consideration of Assets (Repealed)
112.154 Property Transfers (Repealed)
112.155 Income Limit
112.156 Assets for Independence Program

SUBPART H: PAYMENT AMOUNTS

Section
112.250 Grant Levels
112.251 Payment Levels
112.252 Payment Levels − All Counties
112.253 Payment Levels in Group II Counties (Repealed)
112.254 Payment Levels in Group III Counties (Repealed)
112.255 Limitation on Amount of TANF Assistance to Recipients from Other States (Repealed)

SUBPART I: OTHER PROVISIONS

Section
112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Reporting Requirements for Clients with Earnings
112.303 Budgeting
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112.305 Strikers
112.306 Foster Care Program
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112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96
112.309 Institutional Status
112.310 Child Care for Representative Payees
112.315 Young Parents Program (Renumbered)
112.320 Redetermination of Eligibility
112.330 Extension of Medical Assistance Due to Increased Income from Employment
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340 New Start Payments to Individuals Released from Department of Corrections

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Facilities (Repealed)

SUBPART J: CHILD CARE

Section
112.350 Child Care (Repealed)
112.352 Child Care Eligibility (Repealed)
112.354 Qualified Provider (Repealed)
112.356 Notification of Available Services (Repealed)
112.358 Participant Rights and Responsibilities (Repealed)
112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
112.364 Rates of Payment for Child Care (Repealed)
112.366 Method of Providing Child Care (Repealed)
112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section
112.400 Transitional Child Care Eligibility (Repealed)
112.404 Duration of Eligibility for Transitional Child Care (Repealed)
112.406 Loss of Eligibility for Transitional Child Care (Repealed)
112.408 Qualified Child Care Providers (Repealed)
112.410 Notification of Available Services (Repealed)
112.412 Participant Rights and Responsibilities (Repealed)
112.414 Child Care Overpayments and Recoveries (Repealed)
112.416 Fees for Service for Transitional Child Care (Repealed)
112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18,

1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective

December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency

amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609,

effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898, effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective September 1, 2001, for a maximum of 150 days;

amended at 25 Ill. Reg. 14865, effective November 1, 2001; amended at 26 Ill. Reg. 138, effective January 1, 2002; amended at 26 Ill. Reg. 924, effective January 15, 2002; emergency amendment at 26 Ill. Reg. 3329, effective February 19, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9803, effective June 24, 2002; amended at 26 Ill. Reg. 10492, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10994, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17182, effective November 15, 2002; amended at 27 Ill. Reg. 4545, effective February 28, 2003; amended at 27 Ill. Reg. 7240, effective April 7, 2003; amended at 27 Ill. Reg. 18417, effective November 20, 2003; amended at 28 Ill. Reg. 1090, effective December 31, 2003; amended at 28 Ill. Reg. 5655, effective March 22, 2004; amended at 29 Ill. Reg. 5473, effective April 1, 2005; amended at 29 Ill. Reg. 8161, effective May 18, 2005; emergency amendment at 29 Ill. Reg. 16008, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; amended at 30 Ill. Reg. 9331, effective May 8, 2006; amended at 30 Ill. Reg. 11202, effective June 12, 2006; amended at 31 Ill. Reg. 6968, effective April 30, 2007; amended at 31 Ill. Reg. 10462, effective July 6, 2007; amended at 31 Ill. Reg. 15080, effective October 24, 2007; amended at 32 Ill. Reg. 2767, effective February 7, 2008; emergency amendment at 32 Ill. Reg. 10607, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17167, effective October 20, 2008; peremptory amendment at 32 Ill. Reg. 18051, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4977, effective March 19, 2009, for a maximum of 150 days; emergency expired August 15, 2009; emergency amendment at 33 Ill. Reg. 7320, effective May 21, 2009, for a maximum of 150 days; emergency expired October 17, 2009; amended at 33 Ill. Reg. 12763, effective September 8, 2009; amended at 33 Ill. Reg. 13831, effective September 17, 2009; amended at 33 Ill. Reg. 16828, effective November 30, 2009; emergency amendment at 34 Ill. Reg. 6930, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 10085, effective July 1, 2010; amended at 35 Ill. Reg. 998, effective December 28, 2010; emergency amendment at 35 Ill. Reg. 6933, effective April 6, 2011, for a maximum of 150 days; emergency expired September 2, 2011; amended at 35 Ill. Reg. 17082, effective October 5, 2011; amended at 35 Ill. Reg. 18739, effective October 28, 2011; amended at 36 Ill. Reg. 15120, effective September 28, 2012; emergency amendment at 37 Ill. Reg. 15388, effective September 9, 2013, for a maximum of 150 days; amended at 38 Ill. Reg. 4441, effective January 29, 2014; amended at 38 Ill. Reg. 17603, effective August 8, 2014; amended at 38 Ill. Reg. 18646, effective August 29, 2014; amended at 39 Ill. Reg. 15563, effective December 1, 2015; amended at 41 Ill. Reg. 395, effective January 1, 2017; amended at 42 Ill. Reg. 8295, effective May 4, 2018; emergency amendment at 42 Ill. Reg. 18495, effective October 1, 2018, for a maximum of 150 days; amended at 43 Ill. Reg. 327, effective December 20, 2018; amended at 43 Ill. Reg. 2081, effective January 24, 2019; emergency amendment at 43 Ill. Reg. 11704, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 14425, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3251, effective February 5, 2020.

SUBPART H: PAYMENT AMOUNTS

Section 112.251 Payment Levels

a) The Payment Levels are flat, monthly standard amounts. The TANF Benefit Levels are indexed annually so that the maximum TANF Benefit Level for each family size is no less than 30% of the most current Federal Poverty Level (FPL). The amount for an assistance unit is based on two variables:

1~~a~~) the number in the assistance unit; and

2~~b~~) the presence or absence of an adult in the assistance unit.

b) The TANF grant amounts shall be apportioned so that 75% of the grant will be designated for the child or children of the assistance unit and 25% shall be designated for the adult member or members of the assistance unit.

(Source: Amended at 44 Ill. Reg. 3251, effective February 5, 2020)

Section 112.252 Payment Levels − All Counties

a) The following Payment Levels are established for all counties.

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE AND CHILD(REN) PAYMENT LEVEL	CHILD ONLY PAYMENT LEVEL
1	$ 312~~304~~	$ 234~~228~~
2	423~~412~~	317~~309~~
3	533~~520~~	400~~390~~
4	644~~628~~	483~~471~~
5	754~~736~~	566~~552~~
6	865~~844~~	649~~633~~
7	975~~952~~	731~~714~~
8	1,086~~1,060~~	815~~795~~
9	1,196~~1,168~~	897~~876~~
10	1,307~~1,276~~	980~~957~~

11	1,417~~1,384~~	1,063~~1,038~~
12	1,528~~1,492~~	1,146~~1,119~~
13	1,638~~1,600~~	1,229~~1,200~~
14	1,749~~1,708~~	1,312~~1,281~~
15	1,859~~1,816~~	1,394~~1,362~~
16	1,970~~1,924~~	1,478~~1,443~~
17	2,080~~2,032~~	1,560~~1,524~~
18	2,191~~2,140~~	1,643~~1,605~~

(Source: Amended at 44 Ill. Reg. 3251, effective February 5, 2020)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Supplemental Nutrition Assistance Program (SNAP)

2) Code Citation: 89 Ill. Adm. Code 121

3)

Section Number:	Adopted Action:
121.63	Amendment

4) Statutory Authority: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13] and Section 5(e)(6)(D) of the Food and Nutrition Act [P.L. 115-334].

5) Effective date of Rule: February 5, 2020

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated, 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. 11065; October 11, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking. Grammatical and technical changes were made to the text of the proposed rulemaking.

12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any rulemakings pending on this Part? Yes

Section Numbers:	Proposed Actions:	*Illinois Register* Citations:
121.23	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.24	Amendment	43 Ill. Reg. 11905; October 18, 2019

121.25	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.26	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.160	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.162	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.163	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.165	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.167	Repealed	43 Ill. Reg. 11905; October 18, 2019
121.170	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.172	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.174	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.176	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.182	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.184	Repealed	43 Ill. Reg. 11905; October 18, 2019
121.186	Repealed	43 Ill. Reg. 11905; October 18, 2019
121.188	Amendment	43 Ill. Reg. 11905; October 18, 2019
121.190	Repealed	43 Ill. Reg. 11905; October 18, 2019
121.50	Amendment	43 Ill. Reg. 14332; December 13, 2019
121.20	Amendment	43 Ill. Reg. 14555; December 20, 2019
121.57	Amendment	43 Ill. Reg. 14972; December 27, 2019
121.76	Amendment	43 Ill. Reg. 14972; December 27, 2019

15) Summary and Purpose of Rulemaking: Pursuant to the provisions of Public Law 115-334, this rulemaking adds a standard homeless shelter deduction as an alternative to the excess shelter deduction for homeless households. This rulemaking allows a homeless household with qualifying shelter expenses to use the standard homeless shelter deduction as a shelter deduction from net income in determining SNAP eligibility and allotments. A homeless household receiving the standard homeless shelter deduction may not have its shelter expenses considered as part of the excess shelter deduction or the standard utility allowances. A homeless household may choose to claim actual cost under the excess shelter deduction instead of claiming the standard homeless shelter deduction if actual costs are higher and verified.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

Springfield IL 62762

217/785-9772

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DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

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AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with

no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991;

emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12167, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16230, effective September 1, 1998; amended at 22 Ill. Reg. 19787, effective October 28, 1998; emergency amendment at 22 Ill. Reg. 19934, effective November 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 20099, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 2601, effective February 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 3374, effective March 1, 1999; amended at 23 Ill. Reg. 7285, effective June 18, 1999; emergency amendment at 23 Ill. Reg. 13253, effective October 13, 1999, for a maximum of 150 days; emergency amendment at 24 Ill. Reg. 3871, effective February 24, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 4180, effective March 2, 2000; amended at 24 Ill. Reg. 10198, effective June 27, 2000; amended at 24 Ill. Reg. 15428, effective October 10, 2000; emergency amendment at 24 Ill. Reg. 15468, effective October 1, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 845, effective January 5, 2001; amended at 25 Ill. Reg. 2423, effective

January 25, 2001; emergency amendment at 25 Ill. Reg. 2439, effective January 29, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 3707, effective March 1, 2001, for a maximum of 150 days; emergency expired July 28, 2001; amended at 25 Ill. Reg. 7720, effective June 7, 2001; amended at 25 Ill. Reg. 10823, effective August 12, 2001; amended at 25 Ill. Reg. 11856, effective August 31, 2001; emergency amendment at 25 Ill. Reg. 13309, effective October 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 151, effective January 1, 2002; amended at 26 Ill. Reg. 2025, effective February 1, 2002; amended at 26 Ill. Reg. 13530, effective September 3, 2002; peremptory amendment at 26 Ill. Reg. 15099, effective October 1, 2002; amended at 26 Ill. Reg. 16484, effective October 25, 2002; amended at 27 Ill. Reg. 2889, effective February 7, 2003; expedited correction at 27 Ill. Reg. 14262, effective February 7, 2003; amended at 27 Ill. Reg. 4583, effective February 28, 2003; amended at 27 Ill. Reg. 7273, effective April 7, 2003; amended at 27 Ill. Reg. 12569, effective July 21, 2003; peremptory amendment at 27 Ill. Reg. 15604, effective October 1, 2003; amended at 27 Ill. Reg. 16108, effective October 6, 2003; amended at 27 Ill. Reg. 18445, effective November 20, 2003; amended at 28 Ill. Reg. 1104, effective December 31, 2003; amended at 28 Ill. Reg. 3857, effective February 13, 2004; amended at 28 Ill. Reg. 10393, effective July 6, 2004; peremptory amendment at 28 Ill. Reg. 13834, effective October 1, 2004; emergency amendment at 28 Ill. Reg. 15323, effective November 10, 2004, for a maximum of 150 days; emergency expired April 8, 2005; amended at 29 Ill. Reg. 2701, effective February 4, 2005; amended at 29 Ill. Reg. 5499, effective April 1, 2005; peremptory amendment at 29 Ill. Reg. 12132, effective July 14, 2005; emergency amendment at 29 Ill. Reg. 16042, effective October 4, 2005, for a maximum of 150 days; emergency expired March 2, 2006; peremptory amendment at 29 Ill. Reg. 16538, effective October 4, 2005; emergency amendment at 30 Ill. Reg. 7804, effective April 6, 2006, for a maximum of 150 days; emergency expired September 2, 2006; amended at 30 Ill. Reg. 11236, effective June 12, 2006; amended at 30 Ill. Reg. 13863, effective August 1, 2006; amended at 30 Ill. Reg. 15681, effective September 12, 2006; peremptory amendment at 30 Ill. Reg. 16470, effective October 1, 2006; amended at 31 Ill. Reg. 6991, effective April 30, 2007; amended at 31 Ill. Reg. 10482, effective July 9, 2007; amended at 31 Ill. Reg. 11318, effective July 23, 2007; peremptory amendment at 31 Ill. Reg. 14372, effective October 1, 2007; amended at 32 Ill. Reg. 2813, effective February 7, 2008; amended at 32 Ill. Reg. 4380, effective March 12, 2008; amended at 32 Ill. Reg. 4813, effective March 18, 2008; amended at 32 Ill. Reg. 9621, effective June 23, 2008; peremptory amendment at 32 Ill. Reg. 16905, effective October 1, 2008; peremptory amendment to Sections 121.94(c), 121.96(d)(2) and 121.150(b) suspended at 32 Ill. Reg. 18908, effective November 19, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 33 Ill. Reg. 200, effective February 5, 2009; peremptory amendment repealed by emergency rulemaking at 33 Ill. Reg. 3514, effective February 5, 2009, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 18092, effective November 15, 2008; emergency amendment at 33 Ill. Reg. 4187, effective February 24, 2009, for a maximum of 150 days; emergency expired July 23, 2009; peremptory amendment at 33 Ill. Reg. 5537,

effective April 1, 2009; emergency amendment at 33 Ill. Reg. 11322, effective July 20, 2009, for a maximum of 150 days; emergency expired December 16, 2009; amended at 33 Ill. Reg. 12802, effective September 3, 2009; amended at 33 Ill. Reg. 14121, effective September 22, 2009; emergency amendment at 33 Ill. Reg. 14627, effective October 13, 2009, for a maximum of 150 days; emergency expired March 11, 2010; amended at 33 Ill. Reg. 16875, effective November 30, 2009; amended at 33 Ill. Reg. 17350, effective December 14, 2009; amended at 34 Ill. Reg. 4777, effective March 17, 2010; amended at 34 Ill. Reg. 5295, effective April 12, 2010; amended at 34 Ill. Reg. 5823, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 6967, effective May 1, 2010, for a maximum of 150 days; emergency expired September 27, 2010; amended at 34 Ill. Reg. 7265, effective May 10, 2010; amended at 34 Ill. Reg. 7685, effective May 18, 2010; amended at 34 Ill. Reg. 12547, effective August 11, 2010; peremptory amendment at 34 Ill. Reg. 15543, effective October 1, 2010; amended at 35 Ill. Reg. 1042, effective December 28, 2010; amended at 35 Ill. Reg. 7688, effective April 29, 2011; amended at 35 Ill. Reg. 10119, effective June 7, 2011; peremptory amendment at 35 Ill. Reg. 16118, effective October 1, 2011; peremptory amendment at 35 Ill. Reg. 16904, effective October 1, 2011; amended at 35 Ill. Reg. 17120, effective October 5, 2011; amended at 35 Ill. Reg. 18780, effective October 28, 2011; amended at 35 Ill. Reg. 19278, effective November 8, 2011; amended at 35 Ill. Reg. 19778, effective December 5, 2011; peremptory amendment at 36 Ill. Reg. 15148, effective October 1, 2012; emergency amendment at 37 Ill. Reg. 15423, effective September 9, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 16016, effective October 1, 2013; emergency amendment at 37 Ill. Reg. 16845, effective October 1, 2013, for a maximum of 150 days; peremptory amendment at 37 Ill. Reg. 17983, effective November 1, 2013; amended at 38 Ill. Reg. 4475, effective January 29, 2014; amended at 38 Ill. Reg. 5382, effective February 7, 2014; emergency amendment at 38 Ill. Reg. 8414, effective April 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 17616, effective August 8, 2014; peremptory amendment at 38 Ill. Reg. 19831, effective October 1, 2014; amended at 39 Ill. Reg. 6470, effective April 22, 2015; peremptory amendment at 39 Ill. Reg. 13513, effective October 1, 2015; amended at 39 Ill. Reg. 15577, effective December 1, 2015; amended at 40 Ill. Reg. 360, effective January 1, 2016; peremptory amendment at 40 Ill. Reg. 14114, effective October 1, 2016; peremptory amendment at 41 Ill. Reg. 12905, effective October 1, 2017; amended at 42 Ill. Reg. 8310, effective May 4, 2018; amended at 42 Ill. Reg. 8505, effective May 8, 2018; peremptory amendment at 42 Ill. Reg. 18531, effective October 1, 2018; amended at 43 Ill. Reg. 360, effective December 20, 2018; peremptory amendment at 43 Ill. Reg. 11035, effective October 1, 2019; emergency amendment at 43 Ill. Reg. 11718, effective October 1, 2019, for a maximum of 150 days; emergency amendment at 43 Ill. Reg. 14449, effective November 26, 2019, for a maximum of 150 days; amended at 44 Ill. Reg. 3265, effective February 5, 2020.

SUBPART D: ELIGIBILITY STANDARDS

Section 121.63 Deductions from Monthly Income

a) The deductions described in this Section shall be allowed in the determination of the adjusted net monthly SNAP income.

b) Earned Income Deduction. Eighty percent of total gross earned income is considered. See Sections 121.40 through 121.54 for a description of earned income.

c) Standard Deduction. The standard deduction for a household size of one through three persons is $160. The standard deduction for a household size of four persons is $171. The standard deduction for a household size of five persons is $202. For households of six or more persons, the standard deduction is $239. Due to the Standard Medical Deduction Demonstration Project, the standard deduction will be adjusted as explained in subsection (i~~h~~)~~ of this Section~~.

d) Dependent Care Deduction

1) The dependent care deduction consists of payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria or to attend training or pursue education which is preparatory for employment (see 89 Ill. Adm. Code 112.70 through 112.83).

2) The amount of the deduction is to be determined by the actual costs for care per month for each dependent household member.

e) Child Support Deduction. The child support deduction is the amount of legally obligated child support paid by a household member to or for a nonhousehold member.

f) Shelter Costs Deduction

1) The shelter deduction is the amount of shelter costs that exceeds 50% of the household's total income after the allowable deductions in subsections (b), (c), (d), and (e)~~ of this Section~~ have been made. The shelter deduction shall not exceed $569.

2) If the household contains a member who is elderly or disabled, as defined at 7 CFR 271.2 (2013) and Section 121.61, there is no limit on the amount of the excess shelter deduction.

3) Shelter costs include only the following:

A) continuing charges for the shelter occupied by the household (rent, mortgage and other charges leading to the ownership of the shelter, including interest on such charges);

B) property taxes, State and local assessments and insurance on the structure itself; and

C) utility costs, as described in subsection (h~~g~~)~~ of this Section~~.

4) Shelter costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if:

A) the household intends to return to the home;

B) the current occupants of the home, if any, are not claiming the shelter costs for SNAP purposes; and

C) the home is not leased or rented during the absence of the household.

5) Charges for repair of a home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

g) Homeless Shelter Deduction
The standard homeless shelter deduction is $152 a month for households in which all members are homeless individuals but are not receiving free shelter throughout the month. A homeless household with qualifying shelter expenses may choose to use the standard homeless shelter deduction (in lieu of the shelter deduction as as described in subsection (f)), as a deduction from net income in determining SNAP

eligibility and allotments. A homeless household receiving the standard homeless shelter deduction may not have its shelter expenses considered as part of the shelter deduction or the standard utility allowances. A homeless household may choose to claim actual costs under the shelter deduction instead of claiming the standard homeless shelter deduction if actual costs are higher and verified.

h) Utility Costs

1) Utility costs include:

A) the cost of heating and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection;

B) basic service fee for one telephone (including tax on the basic fee) of $30; and

C) fees charged by the utility provider for initial installation.

2) Utility deposits are not considered to be utility costs.

3) A standard must be used if the household is billed for utilities. Federal regulations require an annual review of the State's utility standards and approval of the utility standard amounts by Food and Nutrition Service (FNS). See subsection ~~Section 121.63~~(h~~g~~)(7) for households that claim utility expenses for an unoccupied home. Households that are billed for heating or air conditioning, or both, or heating, air conditioning and electricity, must use the air conditioning/heating standard allowance of $478. Those households that are not billed for air conditioning or heating but are billed for at least two other utilities must use the limited utility standard allowance of $328. Those households that are not billed for air conditioning or heating but are billed for a single utility, other than telephone, must use the single utility standard allowance of $74. If only a separately-billed telephone expense is claimed, the basic telephone standard allowance of $30 per month will be allowed. Households living in rental housing who are billed on a regular basis by a landlord for costs for utilities must use the appropriate standard.

4) A household that is billed less often than monthly for its costs for utilities must continue to use the appropriate standard between billing months.

5) Households in public housing or privately-owned rental units that receive a bill for over-usage are entitled to use the air conditioning/heating standard allowance. When households (as defined at 7 CFR 273.1(a) (2013)) live together, the air conditioning/heating standard allowance, the limited utility standard allowance, or the single utility standard allowance, whichever is appropriate, shall be allowed for each household that contributes toward the utility costs whether or not each household participates in the program.

6) Households whose expense for heat or electricity, or both, is covered by indirect energy assistance payments under the Low Income Home Energy Assistance Program (LIHEAP) (47 Ill. Adm. Code 100) shall be entitled to the air conditioning/heating standard allowance (7 CFR 273.9 and 273.10(d)(6) (2013)). Households who receive a LIHEAP payment of $21 or more during the month of application or the preceding 12-month period shall be allowed the air conditioning/heating standard allowance (7 CFR 273.9 (2013)). The provisions of subsection (f)(3)~~ of this Section~~ are applicable to households whose expenses for heating or electricity, or both, are covered by indirect energy assistance payments.

7) A household that has both an occupied home and an unoccupied home is entitled to only one standard. The appropriate utility standard may be used for the home the household chooses.

i~~h~~) Excess Medical Deduction. A deduction for excess medical expenses shall be allowed for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (2013) and Section 121.61. When a qualifying household member incurs medical expenses that are over $35, the household will be given a Standard Medical Deduction if the expenses will not be reimbursed by insurance or a third party. The Standard Medical Deduction is a result of a Demonstration Project authorized by USDA FNS. The Standard Medical Deduction is $450 a month for residents of Group Homes or Supportive Living Facilities and $165 a month for all other eligible households. Households whose medical expenses exceed $485 and $200 a month, respectively, may opt to claim actual documented medical expenses in lieu of the Standard Medical Deduction and the amount over $35 will be allowed as a deduction. To ensure federal costs do not increase, the Standard Deduction in subsection (c)~~ of this Section~~ will be reduced by $7 per month for all SNAP households.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 44 Ill. Reg. 3265, effective February 5, 2020)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Motor Fuel Tax

2) Code Citation: 86 Ill. Adm. Code 500

3)

Section Numbers:	Adopted Actions:
500.100	Amendment
500.200	Amendment
500.335	Amendment

4) Statutory Authority: 20 ILCS 2505/2505-20; 35 ILCS 505/14

5) Effective Date of Rules: February 10, 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. 9345; September 6, 2019

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between Proposal and Final Version: In Section 200(a)(1) after "each year" the following sentence was added: "The rate shall be rounded up to the nearest one-tenth of one cent."

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: These rules implement the provisions of PA 100-9, which become effective July 1, 2017. That Act requires that compressed natural gas (CNG) be sold and taxed at 19 cents per gasoline gallon equivalent (GGE). This change

was necessary because CNG is not sold by the gallon like gasoline. It is instead sold per GGE, which is the amount of CNG that has the equivalent energy content of a gallon of gasoline. A GGE of CNG is 5.660 pounds of CNG. Likewise, that Act requires that liquefied natural gas (LNG) and propane be sold and taxed at 19 cents per diesel gallon equivalent (DGE), rather than by liquid gallon. A DGE of LNG is 6.06 pounds of LNG and a DGE of propane is 6.41 pounds of propane. These changes bring Illinois into conformity with the provisions of the International Fuel Tax Agreement (IFTA). The rules also implement recent increases in the motor fuel tax made by PA 101-32. As part of those changes, the tax on LNG and propane was changed from 19 cents per DGE to 45.5 cents per DGE (the total tax rate established for diesel fuel under subsection 2 (b) of the Motor Fuel Tax Law). Additionally, the rules have been amended to fully reflect the statutory definition of "commercial motor vehicle" used in administration of the IFTA program and related penalties.

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

Jerilynn Gorden
Deputy General Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield IL 62794

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 500
MOTOR FUEL TAX

SUBPART A: DEFINITIONS

Section
500.100 Definitions
500.101 Definition of Receiver (Repealed)
500.102 Definition of Loss (Repealed)
500.103 Basis and Rate of Tax Payable by Receivers (Recodified)
500.105 Monthly Returns (Recodified)
500.110 Report of Loss of Motor Fuel (Recodified)
500.115 Daily Gallonage Record (Recodified)
500.120 Licenses Are Not Transferable (Recodified)
500.125 Changes of Corporate Officers (Recodified)
500.130 Blenders' Permits Are Not Transferable (Recodified)
500.135 Vehicles of Distributors Transporting Petroleum Products (Recodified)
500.140 Other Vehicles (Recodified)
500.145 Cost of Collection – Determination (Recodified)
500.150 Cost of Collection – Books and Records (Repealed)
500.155 Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers (Recodified)
500.160 Claims for Refund – Original Invoices (Recodified)
500.165 Definition of Loss (Recodified)
500.170 Sales of Special Fuel – Variation in Usage (Recodified)
500.175 Special Motor Fuel Permits and Decals (Recodified)
500.180 Estimated Claims Not Acceptable (Recodified)
500.185 Claimants Owning Motor Vehicles (Recodified)
500.190 Detailed Answers (Recodified)
500.195 Revocation of License, Etc. – Notice – Hearing (Recodified)

SUBPART B: MOTOR FUEL TAX

Section
500.200 Basis and Rate of the Motor Fuel Tax
500.201 Licensure

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

500.202 Basis and Rate of Tax Payable by Receivers
500.203 Monthly Returns
500.204 Report of Loss of Motor Fuel
500.205 Daily Gallonage Record
500.206 Special Fuel Sold or Used for Non-Highway Purposes
500.210 Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers
500.215 Documentation of Tax-free Sales of Fuel Made by Licensed Receivers
500.220 Vehicles of Distributors Transporting Petroleum Products (Repealed)
500.225 Other Vehicles (Repealed)
500.230 Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers
500.235 Claims for Refund of Taxes and Motor Fuel Use Tax Decal Fees – Invoices
500.240 Sales of Special Fuel – Variation in Usage (Repealed)
500.245 Estimated Claims
500.250 Claimants Owning Motor Vehicles (Repealed)
500.255 Detailed Answers
500.260 Revocation of License, Etc. – Notice – Hearing
500.265 Distributors' and Suppliers' Claims for Credit or Refund
500.270 Receivers' Claims for Credit
500.275 Procedure When Tax-Paid Motor Fuel is Returned to Licensee for Credit
500.280 Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
500.285 Sales of Motor Fuel to Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
500.290 When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required (Repealed)
500.295 Cost of Collection – Determination (Repealed)
500.297 Protest Procedures for Certain Penalties
500.298 Civil Penalties for Dyed Diesel Fuel Violations

SUBPART C: MOTOR FUEL USE TAX

Section
500.300 Licensure – Temporary Waiver upon Determination of Disaster
500.301 Special Motor Fuel Permits and Decals (Repealed)
500.302 Motor Carrier's Quarterly Report (Repealed)
500.305 Licenses and Decals
500.310 Display of License and Decals

500.315 Renewal of Decals and Licenses
500.320 Single Trip Permits
500.325 Licensure of Lessors and Lessees
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500.335 Quarterly Payment and Reporting
500.340 Credits and Refunds
500.345 Records Requirements
500.350 Revocation
500.355 IFTA Protest Procedures
500.360 Audits

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
500.400 General Information
500.405 Due Date That Falls on Saturday, Sunday or a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED UNDER THE MOTOR FUEL TAX LAW

Section
500.500 Licenses and Permits Are Not Transferable
500.501 Blenders' Permits Are Not Transferable (Repealed)
500.505 Changes of Corporate Officers

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

Section
500.600 Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 2505-20 of the Civil Administrative Code of Illinois [20 ILCS 2505].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990;

amended at 15 Ill. Reg. 6305, effective April 16, 1991; amended at 15 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451; amended at 19 Ill. Reg. 3008, effective February 28, 1995; amended at 19 Ill. Reg. 17195, effective December 18, 1995; amended at 20 Ill. Reg. 10168, effective July 16, 1996; amended at 22 Ill. Reg. 2253, effective January 9, 1998; amended at 22 Ill. Reg. 14917, effective August 3, 1998; amended at 22 Ill. Reg. 16322, effective August 25, 1998; amended at 22 Ill. Reg. 20299, effective December 1, 1998; emergency amendment at 24 Ill. Reg. 880, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6918, effective April 21, 2000; amended at 24 Ill. Reg. 17826, effective November 28, 2000; amended at 26 Ill. Reg. 9912, effective June 24, 2002; amended at 27 Ill. Reg. 7870, effective April 21, 2003; emergency amendment at 27 Ill. Reg. 10547, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 3921, effective February 13, 2004; amended at 32 Ill. Reg. 7134, effective April 21, 2008; amended at 36 Ill. Reg. 6677, effective April 12, 2012; amended at 38 Ill. Reg. 18586, effective August 21, 2014; amended at 39 Ill. Reg. 14728, effective October 23, 2015; amended at 44 Ill. Reg. 3282, effective February 10, 2020.

SUBPART A: DEFINITIONS

Section 500.100 Definitions

For purposes of this Part, the following definitions apply:

"Base Jurisdiction" means the jurisdiction where commercial motor vehicles are based for vehicle registration purposes and:

Where the operational control and operational records of the licensee's commercial motor vehicles are maintained or can be made available; and

Where some travel is accrued by commercial motor vehicles within the fleet.

"Blender" *means any person who engages in the practice of blending.* (Section 1.6 of the Law)

"Blending" *means the mixing together by any process whatsoever, of any one or more products with other products, and regardless of the original character of the products so blended, provided the resultant product so obtained is suitable or practicable for use as a motor fuel, except such blending as may occur in the process known as refining by the original refiner of crude petroleum, and except,*

also, the blending of products known as lubricating oil in the production of lubricating oils and greases and except, also, the dyeing of special fuel as required by Section 4d of the Law. (Section 1.5 of the Law)

"Commercial Motor Vehicle" means *a motor vehicle used, designed, or maintained for the transportation of persons or property and either having 2 axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,793 kilograms, or having 3 or more axles regardless of weight, or that is used in combination, when the weight of the combination exceeds 26,000 pounds or 11,793 kilograms gross vehicle weight or registered gross vehicle weight*. For purposes of administration of the Motor Fuel Use Tax imposed by Section 13a of the Law, this term does not include motor vehicles operated by the State of Illinois or the United States, recreational vehicles, school buses and commercial motor vehicles operated solely within Illinois for which all motor fuel is purchased within this State. (Section 1.16 of the Law)

EXAMPLE 1: Weight of the combination exceeds 26,000 pounds gross vehicle weight. If a truck used in combination with a trailer is weighed at a weigh station and the combined weight exceeds 26,000 pounds, then that truck and trailer combination meets the definition of "commercial motor vehicle" subject to the IFTA licensing requirements. Failure to meet those requirements will result in imposition of the penalties in Section 13a.6 of the Law.

EXAMPLE 2: Weight of the combination exceeds 26,000 pounds registered gross vehicle weight. If a truck used in combination with a trailer is weighed at a weigh station and the combined weight is 25,000 pounds, but the registered gross vehicle weight of the truck (based on the truck's registration documents) is 19,500 pounds and the registered gross vehicle weight of the trailer (based on the trailer's registration documents) is 8,000 pounds, for a combined registered gross vehicle weight of 27,500 pounds, then that truck and trailer combination meets the definition of "commercial motor vehicle" subject to the IFTA licensing requirements. Failure to meet those requirements will result in imposition of the penalties in Section 13a.6 of the Law.

"Designated inspection site" *means any State highway inspection station, weigh station, agricultural inspection station, mobile station, or other location designated by the Department to be used as a fuel inspection site. A designated*

inspection site will be identified as a fuel inspection site. (Section 1.26 of the Law)

"Diesel fuel" means *any product intended for use or offered for sale as a fuel for engines in which the fuel is injected into the combustion chamber and ignited by pressure without electric spark.* (Section 2(b) of the Law)

"Diesel gallon equivalent" or "DGE" means an amount of liquefied natural gas (LNG) *or propane that has the equivalent energy content of a gallon of diesel fuel and is defined as 6.06 pounds of liquefied natural gas or 6.41 pounds of propane.* (Section 1.8A of the Law)

"Distributor" *means a person:*

who:

~~(i)~~ produces, refines, blends, compounds or manufactures motor fuel in this State;~~,~~ or

~~(ii)~~ transports motor fuel into this State;~~,~~ or

~~(iii)~~ exports motor fuel out of this State;~~,~~ or

~~(iv) who~~ is engaged in this State in the distribution of motor fuel primarily by tank car or tank truck, or both;~~,~~ and

who operates an Illinois bulk plant where he or she *has active bulk storage capacity of not less than 30,000 gallons for gasoline as defined in Section 5(A) of the Law.* (Section 1.2 of the Law)

"Dyed diesel fuel" *means special fuel, as defined in Section 1.13 of the Law, dyed in accordance with Section 4d of the Law.* (Section 1.13B of the Law)

"Export" means the transportation of reportable motor fuel or fuel, by any vessel, from Illinois, when the motor fuel or fuel comes to rest in a different state, whether or not in the original vessel used to transport the motor fuel or fuel. Motor fuel or fuel delivered to a different state, by or on behalf of the seller, constitutes an export by the seller. Motor fuel or fuel delivered to a different state, by or on behalf of the purchaser, constitutes an export by the purchaser.

The exporter of the motor fuel or fuel is subject to the reporting and licensing requirements of the origin and destination states.

"Fuel" means *all liquids defined as "motor fuel"* and aviation fuels and kerosene, but excluding liquified petroleum gases. (Section 1.19 of the Law)

"Gallon" means, in addition to its ordinary meaning, its equivalent in a capacity of measurement of substance in a gaseous state (Section 1.8 of the Law). For purposes of this Part, a gallon is equal to a liquid measurement of 4 quarts or 3.785 liters. *On and after July 1, 2017, in the case of liquefied natural gas or propane used as a motor fuel, "gallon" means a diesel gallon equivalent as defined in Section 1.8A of the Law. In the case of compressed natural gas* (CNG) *used as motor fuel, "gallon" means a gasoline gallon equivalent as defined in Section 1.8B of the Law*. (Section 1.8 of the Law)

"Gasoline gallon equivalent" or "GGE" means an amount of compressed natural gas that has the equivalent energy content of a gallon of gasoline and is defined as 5.660 pounds of compressed natural gas. (Section 1.8B of the Law)

"Import" means the transportation of reportable motor fuel or fuel, by any vessel, into Illinois, when the motor fuel or fuel comes to rest in Illinois, whether or not in the original vessel used to transport the motor fuel or fuel. Motor fuel or fuel delivered into Illinois, from a different state, by or on behalf of the seller, constitutes an import by the seller. Motor fuel or fuel delivered into Illinois, from a different state, by or on behalf of the purchaser, constitutes an import by the purchaser. The importer of the motor fuel or fuel is subject to the reporting and licensing requirements of the origin and destination states.

"International Fuel Tax Agreement" or "IFTA" means the multijurisdictional International Fuel Tax Agreement ratified by Congress, the provisions of which were imposed upon States pursuant to Public Law 102-240, which mandates that no State shall establish, maintain or enforce any law or regulation that has fuel use tax reporting requirements not in conformity with the International Fuel Tax Agreement.

"Jurisdiction" is a state of the United States, the District of Columbia, a state of the United Mexican States, or a province or Territory of Canada.

"Kerosene-type jet fuel" *means any jet fuel as described in ASTM specification D*

1655 and military specifications MIL-T-5624R and MIL-T-83133D (Grades JP-5 and JP-8). (Section 1.25 of the Law)

"Law" means the Motor Fuel Tax Law [35 ILCS 505].

"Leasing" means the giving of possession and control of a vehicle for valuable consideration for a specified period of time.

"Liquefied natural gas" or *"*LNG*" means methane or natural gas in the form of a cryogenic or refrigerated liquid for use as a motor fuel.* (Section 1.13C of the Law)

"Loss" means, for purposes related to claims for refund, the reduction of motor fuel resulting from spillage, spoilage, leakage, theft, destruction by fire or any other provable cause, but does not include a reduction resulting from evaporation or shrinkage due to temperature variations.

"Motor fuel" *means all volatile and inflammable liquids produced, blended or compounded for the purpose of, or which are suitable or practicable for, the propulsion of motor vehicles. Among other things, "motor fuel" includes "special fuel."* (Section 1.1 of the Law). "Motor fuel" also includes *all combustible gases that exist in a gaseous state at 60 degrees Fahrenheit and at 14.7 pounds per square inch absolute that are used in motor vehicles operating on the public highways and recreational type watercraft operating upon the waters of this State. (*Section 5 of the Law) These gases include, but are not limited to, propane (liquefied petroleum gas (LPG)), CNG and LNG.

"Person" *means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, county or other political subdivision in this State. When used in these rules to prescribe or impose a fine or imprisonment or both, the term as applied to partnerships and associations shall mean the partners or members thereof; as applied to limited liability companies, the term means managers, members, agents or employees of the limited liability company; and as applied to corporations, the term shall mean the officers, agents, or employees thereof who are responsible for any violation of the Act.* (Section 1.11 of the Law)

"Power take-off equipment" *means any accessory that is mounted onto or*

designed as an integral part of a transmission of a motor vehicle that is registered for highway purposes whereby the accessory allows power to be transferred outside the transmission to a shaft or driveline and the power is used for a purpose other than propelling the motor vehicle. (Section 1.27 of the Law)

"Premises" *means any location where original records are kept; where tank cars, ships, barges, tank trucks, tank wagons, or other types of transportation equipment are used to distribute fuel or motor fuel; or where containers, storage tanks, or other facilities are used to store or distribute fuel or motor fuel.* (Section 1.24 of the Law)

"Receiver" *means a person who either produces, refines, blends, compounds or manufactures fuel in this State, or transports fuel into this State or receives fuel transported to him* or her *from without the State or exports fuel out of this State, or who is engaged in the distribution of fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he* or she *has active fuel bulk storage capacity of not less than 30,000 gallons.* (Section 1.20 of the Law)

"Records" means all data maintained by the taxpayer, including data on paper, microfilm, microfiche or any type of machine-sensible data compilation.

"Recreational vehicle" means vehicles, such as motor homes, pickup trucks with attached campers, camping or travel trailers, van or truck campers, mini motor homes, or buses, used exclusively for personal pleasure by an individual. In order to qualify as a recreational vehicle, the vehicle shall not be used in connection with any business endeavor.

"Research and development" *means basic and applied research in the engineering, designing, development, or testing of prototypes or new products. "Research and development" does not include manufacturing quality control, any product testing by consumers, market research, sales promotion, sales service, or other non-technological activities or technical services.* (Section 1.29 of the Law)

"Revocation" means the withdrawal of license and privileges.

"Semitrailer" *means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.* (Section 1.28 of the Law)

"Special fuel" means *all volatile and inflammable liquids capable of being used for the generation of power in an internal combustion engine except that it does not include gasoline as defined in Section 5(A) of the Law, or combustible gases as defined in Section 5(B) of the Law. "Special fuel" includes "diesel fuel." All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of the Law.* (Section 1.13 of the Law)

"Supplier" *means any person other than a licensed distributor who (i) transports special fuel into this State; or (ii) exports special fuel out of this State; or (iii) engages in the distribution of special fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he* or she *has active bulk storage capacity of not less than 30,000 gallons for special fuel as defined in Section 1.13 of the Law.* (Section 1.14 of the Law)

"Terminal rack" *means a mechanism for dispensing motor fuel or fuel from refinery, terminal, or bulk plant into a transport truck, railroad tank car, or other means of transportation.* (Section 1.23 of the Law)

"Total distance" for purposes of the motor fuel use tax means all miles traveled during the reporting period by every commercial motor vehicle in the licensee's fleet, regardless of whether the miles are considered taxable or nontaxable by a jurisdiction.

"Weight", for purposes of the motor fuel use tax, means the greater of the actual~~maximum~~ weight of the loaded vehicle or combination of vehicles or the registered gross vehicle weight of the loaded vehicle or combination of vehicles, as registered with the Illinois Secretary of State or appropriate registration agency of another IFTA jurisdiction~~during the registration period~~.

(Source: Amended at 44 Ill. Reg. 3282, effective February 10, 2020)

SUBPART B: MOTOR FUEL TAX

Section 500.200 Basis and Rate of the Motor Fuel Tax

a) *The Motor Fuel Tax is imposed "on the privilege of operating motor vehicles upon the public highways, including toll roads, and recreational-type watercraft upon the waters of this State".*

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

1) *Motor fuel used in such motor vehicles upon public highways and in such recreational watercraft on such waters is taxed according to the following rate schedule*;~~:~~ provided that, beginning July 1, 2017, the tax on compressed natural gas is imposed in cents per GGE, rather than in cents per gallon, and the tax on liquefied natural gas and propane is imposed in cents per DGE, rather than in cents per gallon. The tax imposed on all motor fuel under this subsection (a)(1) is as follows:

Tax Period	*Rate*
Until August 1, 1983	*7½¢ per gallon*
From August 1, 1983 through June 30, 1984	*11¢ per gallon*
From July 1, 1984 through June 30, 1985	*12¢ per gallon*
From July 1, 1985 through June 30, 1989	*13¢ per gallon*
From August 1, 1989 through December 31, 1989	*16¢ per gallon*
From January 1, 1990 through June 30, 2019~~and thereafter~~	*19¢ per gallon*
From July 1, 2019 through June 30, 2020	*38¢ per gallon*

Beginning July 1, 2020, and on July 1 of each subsequent year thereafter, the rate imposed under this subsection (a)(1) shall be increased by an amount equal to the percentage increase, if any, in the Consumer Price Index for All Urban Consumers, for all items, published by the United States Department of Labor for the months ending in March of each year. The rate shall be rounded up to the nearest one-tenth of one cent.

2) *Through June 30, 2019, the~~The~~ tax on the privilege of operating motor vehicles that~~which~~ use diesel fuel shall be the rate according to subsection (a) plus an additional 2½ cents per gallon; provided that, on and after July 1, 2017, the additional tax under this subsection (a)(2) applies to liquefied natural gas and propane and is imposed in cents per DGE. On*

and after July 1, 2019, the tax on the privilege of operating motor vehicles that use diesel fuel, including liquefied natural gas and propane, shall be the rate according to subsection (a)(1) plus an additional 7½ cents per gallon. This total combined rate is as follows:

Tax Period	*Rate*
Until August 1, 1983	*7½¢ per gallon*
From August 1, 1983 through June 30, 1984	*13½¢ per gallon*
From July 1, 1984 through June 30, 1985	*14½¢ per gallon*
From July 1, 1985 through July 31, 1989	*15½¢ per gallon*
From August 1, 1989 through December 31,1989	*18½¢ per gallon*
From January 1, 1990 through June 30, 2019~~and thereafter~~	*21½¢ per gallon*
From July 1, 2019 through June 30, 2020	*45½¢ per gallon*

Beginning July 1, 2020, and on July 1 of each subsequent year thereafter, the total rate imposed under this subsection (a)(2) will be adjusted to reflect any increase under subsection (a)(1).

b) *The Motor Fuel Use Tax is imposed "upon the use of motor fuel upon highways (including toll ways of this State) by commercial motor vehicles". The tax on such motor fuel shall be comprised of two parts:*

1) *A tax at the rate established in subsections (a)(1) and (a)(2); and*

2) *A rate established by the Department as of January 1 of each year using the average "selling price", as defined in the Retailers' Occupation Tax Act, per gallon of motor fuel sold in this State during the previous 12 months and multiplying it by 6.25% to determine the cents per gallon rate.* (Section 13a(2) of the Law). The Department may use data derived from independent surveys conducted or accumulated by third parties to determine the average selling price per gallon of motor fuel. Third parties include, but are not limited to, commercial entities that collect data

(available by contract or at no cost) regarding the selling price of motor fuel sold in this State on a per gallon basis.

c) Compressed Natural Gas. Compressed natural gas is subject to tax at the rate established in subsection (a)(1).

1) Calculation of Tax Through June 30, 2017. Because CNG~~However, because compressed natural gas~~ cannot be measured in gallons, it must be converted to gallons using a conversion factor. For purposes of calculating tax under the Motor Fuel Tax Law, a gallon of CNG~~compressed natural gas~~ means a quantity of compressed natural gas equal to 126.67 cubic feet of natural gas at 60 degrees Fahrenheit and one atmosphere of pressure. In the alternative, it means a quantity of compressed natural gas that weighs 5.66 pounds.

2) Calculation of Tax On and After July 1, 2017. CNG is required to be sold in GGEs (Section 8 of the Weights and Measures Act; 225 ILCS 470). Tax is calculated at the rate established in subsection (a)(1) in cents per GGE. *A GGE of compressed natural gas is defined as 5.660 pounds of compressed natural gas* (Section 1.8B of the Law).

d) Liquefied Natural Gas and Propane. Through June 30, 2017, tax on LNG and propane is calculated at only the rate established in subsection (a)(1) and is imposed at cents per liquid gallon. However, on and after July 1, 2017, LNG and propane are also subject to the additional tax under subsection (a)(2), calculated in cents per DGE. *A DGE of liquefied natural gas or propane is defined as 6.06 pounds of LNG or 6.41 pounds of propane* (Section 1.8A of the Law). On and after July 1, 2017, LNG and propane are subject to the following restrictions:

1) LNG and propane are required to be sold in DGEs.

2) If propane is not sold in DGEs, however, measured gallon volumetric units must be converted to DGEs to properly calculate tax. In this case, the *actual measured gallon volumetric units sold must be multiplied by 0.651 to determine the DGEs that are subject to tax* (Section 8 of the Weights and Measures Act [225 ILCS 470]).

(Source: Amended at 44 Ill. Reg. 3282, effective February 10, 2020)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: MOTOR FUEL USE TAX

Section 500.335 Quarterly Payment and Reporting

a) Every person holding a valid unrevoked motor fuel use tax license issued by the Department under the provisions of the IFTA shall file a quarterly motor fuel use tax return, along with full payment of taxes, with the Department. Returns are due, even if no operations were conducted during the reporting period. The due date for the return and full payment of taxes is the last day of the month immediately following the close of the quarter for which the return is being filed. Returns and full payment of taxes are due on or before the following dates:

Reporting Quarter	Due Date
January - March	April 30
April - June	July 31
July - September	October 31
October - December	January 31

If the due date is a Saturday, Sunday, or legal holiday, the next business day is considered the due date. Each motor fuel use tax return should be mailed in a separate envelope. On and after January 1, 2013, returns and payment of tax, including amended returns, must be made electronically. Electronic returns shall be made in accordance with 86 Ill. Adm. Code 760. Electronic payments shall be made by ACH debit in accordance with 86 Ill. Adm. Code 750.

b) The taxable event is the consumption of motor fuel, as defined in Section 500.100 of this Part, used to operate commercial motor vehicles. For tax payment and reporting purposes, all motor fuels placed in supply tanks of commercial motor vehicles, and all miles travelled, are taxable. Carriers must utilize the procedures in Section 500.235 for refunds for off-road or non-highway use.

c) For IFTA licensees: The IFTA provides that member jurisdictions may determine what type of motor fuels and miles travelled are exempt from tax, and are therefore not reportable. Carriers should contact member jurisdictions to determine what types of fuel and miles travelled are exempt from taxation. For IFTA carriers, claims for refunds for fuel used for any purpose other than propelling a commercial motor vehicle upon public highways must be made directly to the respective jurisdiction.

d) The quarterly return shall include a statement of the total number of miles travelled, as well as total miles travelled in each jurisdiction and in Illinois during the previous calendar quarter; the total number of gallons and type of reportable motor fuel consumed on the highways of all jurisdictions, as well as in each jurisdiction and in Illinois, and the total number of gallons and types of tax paid fuel purchased within each jurisdiction during the previous calendar quarter; and the total (net) of tax due the base jurisdiction on behalf of all jurisdictions. Licensees shall report all required information, and may not include miles operated and gallons of fuel purchased that were unavailable during any prior quarters. If a licensee does not include all required information, and that information is subsequently available, he or she must file an amended return, which will include penalty and interest.

e) Fuel and distance must be reported in gallons and miles. The conversion rates are:

One liter	=	0.2642 gallons
One gallon	=	3.785 liters
One mile	=	1.6093 kilometers
One kilometer	=	0.62137 mile
On and after July 1, 2017, for LNG, one DGE	=	6.06 pounds of LNG
On and after July 1, 2017, for propane, one DGE	=	6.41 pounds of propane
On and after July 1, 2014, for CNG, one GGE	=	5.660 pounds or 0.678 kilograms of compressed natural gas

f) For carriers registered under the IFTA that consume CNG, LNG and LPG~~compressed natural gas and other fuels~~ that is not sold in GGEs/DGEs~~cannot be measured in gallons~~, the fuels must be converted to GGEs/DGEs~~gallons~~ using the conversion factor in subsection (e)~~ used by the jurisdiction in which the fuel was consumed. See Section 500.200(c) for the conversion factor used for compressed natural gas~~.

g) In order for a licensee to obtain credit for tax-paid retail purchases, a receipt or invoice, a credit card receipt, or microfilm/microfiche of the receipt or invoice

must be retained by the licensee showing evidence of the purchases and tax having been paid by the licensee directly to the applicable jurisdiction or at the pump. The receipt must contain the following information:

1) date of purchase;

2) seller's name and address;

3) number of gallons/GGE/DGE purchased;

4) fuel type;

5) price per gallon/GGEs/DGEs or total amount of sale;

6) unit numbers; and

7) purchaser's name (in the case of a lessee/lessor agreement, receipts will be accepted in either name, provided a legal connection can be made to reporting party).

h) In the case of withdrawals from licensee-owned, tax-paid bulk storage, credit may be obtained only if the following records are maintained:

1) date of withdrawal;

2) number of gallons/GGEs/DGEs;

3) fuel type;

4) unit number (upon application by a licensee, the Department may waive the requirement of unit numbers for fuel withdrawn from the licensee's own bulk storage and placed in its commercial motor vehicles. The licensee must show that adequate records are maintained to distinguish fuel placed in commercial vs. non-commercial motor vehicles for all member jurisdictions); and

5) purchase and inventory records to substantiate that tax was paid on all bulk purchases.

i) Carriers registered under the IFTA must pay all taxes due to all member jurisdictions with one payment made to the Department. On and after January 1, 2013, payment shall be made electronically by ACH debit in accordance with 86 Ill. Adm. Code 750.

j) Through December 31, 2012, returns shall be filed on forms provided by the Department. On and after January 1, 2013, returns shall be filed electronically in accordance with 86 Ill. Adm. Code 760.

k) If a licensee uses a reporting service for his or her motor fuel use taxes, the licensee must maintain a power of attorney in its books and records. Use of a power of attorney does not relieve the licensee of the legal obligations associated with the license. The licensee is responsible for the payment of taxes as well as all acts and omissions of the reporting service. Decals and licenses will always be delivered directly to the licensee.

l) Reports not filed or full payment of taxes not made by the due date shall be considered late and any taxes due considered delinquent. The licensee shall be assessed a penalty of $50 or 10 percent of the delinquent taxes, whichever is greater, for failure to file a report, for filing a late report, or for underpayment of taxes due. For reasonable cause shown, the Department may waive a penalty. For a fleet based in a U.S. jurisdiction, interest shall be set at an annual rate of 2 percentage points above the underpayment rate established under section 6621(a)(2) of the Internal Revenue Code, adjusted on an annual basis on January 1 of each year. Interest shall accrue at 1/12 of this annual rate per month until liability is paid. The Department shall publish the interest rate by January 1 of each year on its website. For IFTA licensees, the Department may waive interest for another jurisdiction only with that jurisdiction's approval.

(Source: Amended at 44 Ill. Reg. 3282, effective February 10, 2020)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF RECODIFICATION

1) Heading of the Part: Freedom of Information Act Requests for Public Records

2) Code Citation: 2 Ill. Adm. Code 1326

3) Date of Administrative Code Division Review: February 10, 2020

4) Headings of the Part Being Recodified:

Subparts:	Headings:
1326.310	Submittal of FOIA Requests for Records
Subpart C	Procedures for Requesting Public Records from the Division
1326.410	Division Response
Subpart D	Division Response to Requests for Public Records

5) Outline of the Headings of the Part as Recodified:

Subparts:	Headings:
1326.310	Submittal of FOIA Requests for Records
Subpart C	Procedures for Requesting Public Records from the Department
1326.410	Department Response
Subpart D	Department Response to Requests for Public Records

6) Conversion Table of Present and Recodified Parts:

Present Part:		Recodified Part:	
1326.310 Subpart C	Submittal of FOIA Requests for Records Procedures for Requesting Public Records from the Division	1326.310 2 Subpart C	Submittal of FOIA Requests for Records Procedures for Requesting Public Records from the Department
1326.410 Subpart D	Department Response Division Response to Requests for Public Records	1326.410 Subpart D	Department Response Department Response to Requests for Public Records

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of February 4, 2020 through February 10, 2020. The rulemakings are scheduled for the March 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
3/19/20	Liquor Control Commission, The Illinois Liquor Control Act (11 Ill. Adm. Code 100)	10/4/19 43 Ill.Reg. 10763	3/18/20

ILLINOIS GAMING BOARD

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES OBJECTION TO AND SUSPENSION OF EMERGENCY RULEMAKING

1) Heading of the Part: Video Gaming (General)

2) Code Citation: 11 Ill. Adm. Code 1800

3) Section Number: 1800.340 — Emergency Action: New Section

4) Date Emergency Amendment published in the *Illinois Register*: 43 Ill. Reg. 13464; November 22, 2019

5) Date of Joint Committee on Administrative Rules Statement of Objection to and Suspension of Emergency Rule: 43 Ill. Reg. 13479, November 12, 2019.

6) Agency Response to Joint Committee Recommendation: The Joint Committee on Administrative Rules stated the following justification for suspending the above-cited emergency rule:

"With regard to the emergency rule of the Illinois Gaming Board titled Video Gaming (General) (11 Ill. Adm. Code 1800; adopted 11/8/19), JCAR objected to and suspended the emergency rule. IGB has failed to adequately show the existence of an emergency that warrants immediate adoption of the rule changes without the public comment and review opportunities afforded by the use of proposed rulemaking. JCAR finds that this use of emergency rulemaking constitutes a threat to the public interest."

For the reasons stated in its original notice of emergency rulemaking at 43 Ill. Reg. 13464 (November 22, 2019), the Gaming Board, based on its administrative expertise in this area, continues to hold the position that unmonitored transfers of ownership interests in terminal operators, which this rule seeks to prevent, pose a threat to the public safety, interest and welfare. Nonetheless, the Gaming Board respects JCAR's position and, accordingly, is currently working to revise the language of the suspended rule so that it is acceptable to JCAR as an emergency rule and meets JCAR's qualifications.

ILLINOIS ADMINISTRATIVE CODE
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