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**July 16, 2004  Volume 28, Issue 29**

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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Electronic Fund Transfers

2) **Code Citation:** 38 Ill.Adm. Code 315

3) **Section Numbers:** Proposed Action:
   - 315.420 New Section
   - 315.430 New Section

4) **Statutory Authority:** Implementing and authorized by Section 20(1) of the Electronic Fund Transfer Act. [205 ILCS 610]

5) **A complete description of the subjects and issues involved:** The amendment proposes language that will grant banks chartered by another state parity with national banks, savings banks, savings and loan associations, and credit unions in their ability to establish deposit taking terminals within Illinois. In addition, Public Act 93-273 required the Director to promulgate rules regarding terminals equipped with programming which would send an alarm to local law enforcement if a customer inputs his or her personal identification number in reverse order. This amendment proposes language that requires a bank with terminals so equipped to notify their customers and local law enforcement of the location of such terminals and their programming.

6) **Will these proposed amendments replace emergency amendments currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending to this Part?** No

10) **Statement of statewide policy objectives:** This rulemaking will not affect local government.

11) **Time, place and manner in which interested persons may comment on this proposed rulemaking:** Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

    Kraig Lounsberry
    Department of Financial and Professional Regulation
    500 East Monroe
    Springfield, Illinois 62701-1509
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Telephone: (217) 782-6167
fax: (217) 558-4297

The Department will consider all written comments it receives in writing within 45 days of the date of publication of the Illinois Register.

12) Initial regulatory flexibility analysis:

A) Types of small businesses affected: The rulemaking applies to owners and operators of electronic fund transfer terminals in Illinois.

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

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for the rulemaking was not anticipated when the agendas were published.

The full text of the proposed amendment begins on the next page:
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DIVISION OFFICE OF BANKS AND REAL ESTATE

PART 315
ELECTRONIC FUND TRANSFERS

SUBPART A: DEFINITIONS

Section 315.110 Definitions

SUBPART B: ARBITRATION OF DISPUTES

Section 315.210 Scope and Authority (Repealed)
315.220 Statement of Claim, Response and Reply (Repealed)
315.230 Motions (Repealed)
315.240 Appearances (Repealed)
315.250 Appointment of Hearing Officer (Repealed)
315.260 Service (Repealed)
315.270 Procedures (Repealed)

SUBPART C: FEES FOR THE EXAMINATION OF NETWORKS AND SWITCHES

Section 315.310 Fees and Charges

SUBPART D: TERMINALS

Section 315.410 Requirements for Surcharge Signage
315.420 Acceptance of Deposits
315.430 Reverse Order Personal Identification Number Programming

AUTHORITY: Implementing Section 50(e) of the Electronic Fund Transfer Act [205 ILCS 616/50(e)] and authorized by Section 20(1) of the Electronic Fund Transfer Act [205 ILCS 616/20(1)].

AGENCY NOTE:  38 Ill. Adm. Code 310, Electronic Fund Transfers, was repealed and this Part 38 Ill. Adm. Code 315, Electronic Fund Transfers, was adopted at 20 Ill. Reg. 10832, effective August 1, 1996.

SUBPART D: TERMINALS

Section 315.420 Acceptance of Deposits

In order to maintain parity between national banks and banks established under the laws of this or any other state, any bank, as that term is defined in Section 2 of the Illinois Banking Act [205 ILCS 5], established under the laws of any other state may establish or own a terminal in this State that accepts deposits of funds to an account.

(Source:  Added at 28 Ill. Reg. _____, effective ____________)

Section 315.430 Reverse Order Personal Identification Number Programming

Pursuant to subsection (i) of Section 50 of the Act [205 ILCS 5/50(i)], an owner or operator of a terminal in this State may, but is not required to, design and program the terminal so that when a consumer enters his or her personal identification number in reverse order, the terminal automatically sends an alarm to the local law enforcement agency in whose jurisdiction the terminal is located. An owner or operator of a terminal that chooses to program their terminal in this manner shall inform their customers and local law enforcement of the location of the terminal and its programming.

(Source:  Added at 28 Ill. Reg. _____, effective ____________)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part:** Merit and Fitness

2) **Code Citation:** 80 Ill. Adm. Code 302

3) **Section Number:** 302.795
   **Proposed Action:** New Section

4) **Statutory Authority:** Implementing and authorized by the Personnel Code [20 ILCS 415]

5) **A complete description of the subjects and issues involved:** Historically, administrative leave has been governed by and interpreted from Section 302.640 (Suspension Totaling Not More than Thirty Days in any Twelve Month Period). As such, application of administrative leave has been inconsistent across affected agencies. This new Section offers a specific point of reference and direction for administrative leave authorization and application.

6) **Will this proposed amendment replace an emergency amendment currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this proposed amendment contain incorporations by reference?** No

9) **Are there any proposed amendments to this Part pending?** No

10) **Statement of statewide policy objectives:** This rulemaking does not affect units of local government.

11) **Time, place and manner in which interested persons may comment on this proposed rulemaking:** Interested persons may submit written comments within 45 days of the date of publication to:

    Gina Wilson  
    Illinois Department of Central Management Services  
    720 Stratton Office Building  
    Springfield IL  62706  
    217/785-1793

    Interested persons may discuss the rulemaking with:

    Dawn DeFraties
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL  62706
217/524-8773

12) 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: New transaction codes will be established for paid administrative leave and return from and for unpaid administrative leave and return from such. The timekeeping system will also need modification.

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because the need for the rulemaking did not come to the Department's attention until after the timeframe in which a regulatory agenda was to be filed.

The full text of the proposed amendment begins on the next page:
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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NOTICE OF PROPOSED AMENDMENT

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT


SUBPART K: DISCHARGE AND DISCIPLINE

Section 302.795  Administrative Leave

With the approval of the Director of Central Management Services, an agency head may relieve an employee from duty with or without pay when extraordinary circumstances and the best interest of the agency and the State of Illinois will be served in doing so.

(Source: Added at 28 Ill. Reg. ______, effective ____________)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Child Care

2) **Code Citation:** 89 Ill Adm. Code 50

3) **Section Number:** Proposed Action:
   - 50.230 Amendment
   - 50.320 Amendment


5) **A complete description of the subjects and issues involved:** Pursuant to provisions of Public Act 93-361, this rulemaking updates the child care income eligibility guidelines based on the State median income for the current fiscal year. These changes are effective July 1, 2004.

6) **Will this rulemaking replace any emergency rule currently in effect?** Yes

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this rulemaking contain incorporations by reference?** No

9) **Are there any other amendments pending on this Part?** No

10) **Statement of statewide policy objectives (if applicable):** This rulemaking does not create or expand a State mandate.

11) **Time, place and manner in which interested persons may comment on this proposed rulemaking:** Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

    Tracie Drew, Chief
    Bureau of Administrative Rules and Procedures
    Department of Human Services
    100 South Grand Avenue East
    Harris Building, 3rd Floor
    Springfield, Illinois 62762
    (217) 785-9772
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) **Initial Regulatory Flexibility Analysis:**

   A) **Types of small businesses, small municipalities and not-for-profit corporations affected:** child care providers

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

   C) **Types of professional skills necessary for compliance:** None

13) **Regulatory agenda on which this rulemaking was summarized:** January 2004

The full text of the proposed amendments is identical to the text of the emergency amendments that appear in this issue of the *Illinois Register* on page 10121.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part**: Food Stamps

2) **Code Citation**: 89 Ill. Adm. Code 121

3) **Section Number**: 121.108

4) **Proposed Action**: New Section

5) **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].

6) **A complete description of the subjects and issues involved**: This rulemaking is being proposed in accordance with an option provided under Title IV of the Farm Bill (HR 2646–The Food Stamp Reauthorization Act of 2002). Under this provision, states may provide 5 months of transitional food stamp (TFS) benefits to families that leave welfare without requiring the families to reapply or submit any additional paperwork or information.

These TFS benefit amounts will be calculated based on the food stamp allotment the TANF household received the month before TANF assistance ended, minus the amount of unearned income from the terminated TANF grant and adjusted for any household members who have left the home. The amount of TFS benefits will stay the same for the entire 5-month period unless during the 5-month TFS period a member who leaves the household or the household reappplies and is approved for TANF. Households who believe that they are eligible to receive more food stamp benefits will have the option to reapply under regular food stamp program rules at any time during the 5-month TFS period.

As a result of this rulemaking, food stamp benefits will be provided to households that no longer participate in TANF for a 5-month period without requiring the households to report changes in circumstances. If the household's TANF assistance is terminated as a result of an increase in earned and/or unearned income, the increase will not be considered during the 5-month TFS period.

Extended food stamp benefits are being provided to assist households to move towards self-sufficiency. This proposed rulemaking will also decrease the workload on staff by eliminating the need to process reported change information during this transitional period. This policy change will also reduce errors associated with households reporting and not reporting changes.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

6) Will this rulemaking replace any emergency rulemaking currently in effect? No
7) Does this rulemaking contain an automatic repeal date? No
8) Does this rulemaking contain incorporations by reference? No
9) Are there any other proposed rulemakings pending on this Part? Yes

<table>
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<td>121.61</td>
<td>Amendment</td>
<td>January 23, 2004(28 Ill. Reg. 2570)</td>
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</table>

10) Statement of statewide policy objectives: This rulemaking does not create or expand a State mandate.
11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this amendment within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

   Tracie Drew, Chief  
   Bureau of Administrative Rules and Procedures  
   Department of Human Services  
   100 South Grand Avenue East  
   Harris Building, 3rd Floor  
   Springfield, Illinois 62762  
   217/785-9772

12) 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
13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because it was not anticipated by the Department.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

The full text of the proposed amendment begins on the next page:
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NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Early Intervention

2) **Code Citation:** 89 Ill. Adm. Code 500

3) **Section Numbers:**
   - 500.140 Amendment
   - 500.145 Amendment
   - 500.170 Amendment

4) **Statutory Authority:** Implementing and authorized by the Early Intervention Services System Act [325 ILCS 20] and Part C of the Individuals with Disabilities Education Act (IDEA) (20 USC 1400 et seq., as amended in 1997).

5) **A complete description of the subjects and issues involved:** The Bureau of Early Intervention’s address is being updated in the administrative resolution, mediation and complaint sections of the Part.

6) **Will this rulemaking replace any emergency rulemaking currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this rulemaking contain incorporations by reference?** No

9) **Are there any other amendments pending on this Part?** No

10) **Statement of statewide policy objectives (if applicable):** This rulemaking does not create or expand a State mandate.

11) **Time, place and manner in which interested persons may comment on this proposed rulemaking:** Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

    Tracie Drew, Bureau Chief
    Bureau of Administrative Rules and Procedures
    Department of Human Services
    100 South Grand Avenue East
    Harris Building, 3rd Floor
    Springfield, Illinois 62762
    (217) 785-9772
DEPARTMENT OF HUMAN SERVICES

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12) **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

13) **Regulatory agenda on which this rulemaking was summarized:** The proposed amendments were not included on the last two regulatory agendas as they were not anticipated at the time of filing the two most recent agendas.

   **The full text of the proposed amendments begins on the next page.**
DEPARTMENT OF HUMAN SERVICES

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER e: EARLY CHILDHOOD SERVICES

PART 500
EARLY INTERVENTION PROGRAM

SUBPART A: GENERAL PROVISIONS

Section 500.10 Purpose
500.15 Incorporation by Reference
500.20 Definitions

SUBPART B: COMPONENTS OF THE STATEWIDE SYSTEM

Section 500.25 Public Awareness and Child Find
500.30 Central Directory
500.35 Local Interagency Councils
500.40 Illinois Interagency Council on Early Intervention
500.45 Regional Intake Entities
500.50 Eligibility
500.55 Early Intervention Services/Devices
500.60 Provider Qualifications/Credentialing and Enrollment
500.65 Monitoring

SUBPART C: SERVICE DELIVERY REQUIREMENTS

Section 500.70 Intake
500.75 Eligibility Determination
500.80 Individualized Family Service Plan Development
500.85 Individualized Family Service Plan Implementation
500.90 Individualized Family Service Plan Updating
500.95 Case Transfer
500.100 Transition to Part B or Other Appropriate Services at Age Three
500.105 Case Closure
500.110 Recordkeeping
500.115 Service Provider Requirements
Department of Human Services

Notice of Proposed Amendments

Subpart D: Financial Matters

Section 500.120 Billing Procedures
Section 500.125 Payor of Last Resort
Section 500.130 Family Fee/Insurance

Subpart E: Procedural Safeguards/Client Rights

Section 500.135 Minimum Procedural Safeguards
Section 500.140 Administrative Resolution of Complaints By Parents
Section 500.145 Mediation
Section 500.150 Confidentiality/Privacy
Section 500.155 Right to Consent
Section 500.160 Surrogate Parents
Section 500.165 Written Prior Notice
Section 500.170 State Complaint Procedure

500 Appendix A Sliding Fee Schedule
500 Appendix B Assessment Instruments
500 Appendix C Requirements for Professional and Associate Level Early Intervention (EI) Credentialing and Enrollment to Bill
500 Appendix D Use of Associate Level Providers
500 Appendix E Medical Conditions Resulting in High Probability of Developmental Delay (not an exclusive list)


Subpart E: Procedural Safeguards/Client Rights

Section 500.140 Administrative Resolution of Complaints By Parents
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a) The parents of a child between birth to 36 months or a public agency (as defined at 34 CFR 300.22 (2000)) may request an impartial administrative proceeding to resolve a dispute regarding the evaluation, identification, placement, delivery of services, or provision of appropriate services for their child (or if a public agency, for a child for whom it has responsibility).

b) A request for an impartial administrative proceeding shall be made in writing to the Department at:

Chief
Bureau of Administrative Hearings
Illinois Department of Human Services
Harris Building
100 S. Grand Avenue East – 3rd Floor
Springfield, Illinois 62762

With a copy to the regional intake entity and to:

Chief
Bureau of Early Intervention
Illinois Department of Human Services
222 South College, 2nd Floor
623 East Adams – 2nd Floor
P.O. Box 19429
Springfield, Illinois 62704-19429

62704-195862794-9429

The letter requesting the proceeding shall include:

1) the name, address, and telephone number of the child's parent, of the person making the request for the proceeding, if it is someone other than the child's parent, and of the child;

2) the name of the child and the child's birthdate;

3) a description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem;

4) authorization for release of the child's early intervention service records to the Department and the hearing officer;
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5) the remedy being sought or proposed resolution of the controversy to the extent known and available to the parents at the time;

6) the primary language spoken by the parents;

7) the service delivery agency and/or provider involved in the dispute; and

8) evidence supporting the remedy or proposed resolution (i.e., IFSP, Family Resource Inventory, bill payment, etc.).

The letter shall be confidential and only used for purposes of resolution of the dispute and as agreed to by the child's parents.

d) Upon receipt of request for an impartial proceeding, parties involved in the dispute shall be offered the option of mediation as set forth in Section 500.145.

e) During the pendency of any proceeding involving a complaint, unless the parent and the Department agree otherwise, the child must continue to receive the appropriate Part C EI services currently being provided. If the complaint involves application for initial Part C services, the child must receive those services that are not in dispute.

f) The parent shall be informed of free or low cost legal and other related services available in the area if the parent requests that information or the parent or agency initiates a resolution under this Section. Regional intake entities shall maintain that information and make it available upon request or if a proceeding is initiated under this Section.

g) Upon written request for an impartial proceeding, the Department shall appoint an impartial hearing officer. The Department shall maintain a list of hearing officers. An impartial hearing officer must:

1) be licensed to practice law in Illinois;

2) have knowledge about the provisions of IDEA Part C and the Illinois Early Intervention Services System Act, the needs of eligible children and their families, and services available to them under those statutes;

3) not be an employee of the Department or a State educational agency, LEA or private service provider involved in the provision of early intervention services or care of the child;
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4) not have a personal or professional interest that would conflict with his/her objectivity in implementing the process.

h) Complaints under this Part shall be submitted to the Department as soon as possible, but at least within three months after the complaint's knowledge of the disputed activity.

i) Organizations and/or providers and/or individuals with whom the complainant has a dispute shall be parties to the proceeding as deemed necessary by the impartial hearing officer in order to resolve the dispute.

j) Within five days after receiving written notification from the Department of Human Services, the appointed hearing officer shall contact the parties to determine a time and place reasonably convenient to the parties for a hearing and any pre-hearing conferences. The hearing officer shall provide the parties at least ten days' written notice of the dates, times, and locations of any pre-hearing conferences and of the hearing.

k) The hearing officer may conduct a pre-hearing conference either in person or by telephone in order to narrow the issues, determine stipulations by the parties, exchange evidence and names of witnesses, and consider other matters that may aid in efficient disposition of the case. At the conclusion of the pre-hearing conference, the hearing officer will prepare a written report of the conference to be entered into the hearing record memorializing the discussion, any stipulations, and scheduling accommodations made for parties or witnesses.

l) Any party to a hearing has a right to:

1) be accompanied (at the party's expense) and advised by counsel and by individuals with special knowledge or training with respect to children with disabilities;

2) present evidence and confront, cross-examine, and compel the attendance of witnesses;

3) prohibit the introduction of any evidence at the proceeding that has not been disclosed to that party at least five days before the proceedings; and

4) obtain a written or electronic verbatim record of the hearing.
m) Parents involved in hearings must be given the right to:

1) obtain written findings of fact and decision within 45 days after receipt of the request for impartial resolution;

2) have the child who is the subject of the hearing present; and

3) open the hearing to the public (hearings shall be closed to the public unless the parent requests them to be open).

n) As soon as possible, but at least five business days prior to the hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on those evaluations that the party intends to use at the hearing, as well as other evidence to be offered at hearing and other relevant documentation.

o) The regional intake entity shall disclose the complete record of the child to the Department within five business days after receipt of the letter requesting a proceeding under this Section.

p) The hearing officer may bar any party failing to comply with subsection (n) from introducing evidence at hearing that was not produced as required in subsection (n).

q) The hearing officer is authorized to conduct the hearing, administer oaths, issue subpoenas to compel testimony or production of documents, rule on motions, grant continuances, call or examine witnesses, and take such other action as may be necessary to provide the parties with an opportunity to be heard fairly and expeditiously.

r) At the hearing, the party requesting the administrative resolution has the burden of proceeding first and demonstrating by a preponderance of the evidence that the provision or proposed provision of EI services for the child violates Part C, the State Act, or this Part.

s) Upon completion of the submission of evidence and testimony, parties shall be given a reasonable period of time to present written or oral arguments to complete the process within 45 days.
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t) The hearing officer shall maintain and prepare a record of the proceeding and shall prepare written findings and a decision that shall be served upon the parties. The record shall contain the letter requesting the proceeding, evidence submitted at the hearing, a transcript or recording of the hearing, prehearing conference reports, motions, orders and all other material that is part of the record.

u) Any and all written findings and decisions shall be transmitted to the Illinois Interagency Council on Early Intervention and be made available to the public without personally identifying information.

v) Either party may request a delay in convening the hearing and/or the pre-hearing conference for good cause. The party requesting the delay shall do so in writing to the hearing officer, with a copy served at the same time to all parties. The requesting party shall set forth the reasons for the request and the hearing officer shall, upon receiving the request, either grant or deny the request. The hearing officer shall contact the Department of Human Services with the date and place of the hearing and pre-hearing conference.

w) Any party aggrieved by the findings and decision made in the hearing has a right to bring civil action in a State court of competent jurisdiction or in a district court of the United States regardless of the amount in controversy.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 500.145  Mediation

a) Parties/Purpose

1) Any party having a dispute involving the identification, evaluation, or placement of a child for early intervention services, or the provision of early intervention services, may request mediation regardless of whether a request for an impartial administrative proceeding has been or will be made. The mediation request may occur prior to or simultaneously with a request for an administrative proceeding and is open to any and all parties (public agencies, private agencies, parents) having standing in the disputes.

2) The purpose of a mediation process is to provide an alternative to the impartial administrative resolution as a way to resolve disagreements between parents and early intervention services personnel. In virtually all
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In cases, it is less costly and less adversarial than an administrative proceeding. Neither party is asked to abandon its beliefs about the child's ability. Rather, the parties are asked to consider alternatives that could be incorporated into the child's Individualized Family Service Plan and to be aware of the concerns and problems expressed by the other party.

b) Requests for mediation must be made in writing to:

Chief
Bureau of Administrative Hearings
Department of Human Services
100 S. Grand Ave. East – 3rd Floor
Harris Building
Springfield, Illinois 62762

with a copy sent to:

Chief
Bureau of Early Intervention
Department of Human Services
222 South College, 2nd Floor
Springfield, Illinois 62762

The written request shall include the name and address of the child and of the person requesting mediation, a description of the nature of the problem of the child, including the facts related to the problem, a proposed resolution to the problem, supporting relevant documentation of the facts, and the name and address of service providers.

d) If a request for administrative resolution is made, mediation will be offered. Mediation may not be used to delay or deny the right to an administrative resolution or other rights under Part C.

e) The mediation will be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and who is knowledgeable in laws and regulations relating to early intervention services under Part C. A mediator may not be an employee of an agency providing services to the child at issue nor of the Department, nor have a personal or professional conflict of interest.
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f) The mediation is offered at no cost to the parties. It must be voluntary by all parties.

g) The mediator shall assure that a mediation conference is convened and concluded in a timely fashion and in no event later than the administrative resolution of a complaint under Section 500.140 if one was requested.

h) The mediator will contact the parties to set a mutually convenient date, time and location for the mediation conference, to answer any questions the parties may have regarding the process, and to request additional information from the parties.

i) The role of the mediator is that of a neutral facilitator assisting parents and early intervention personnel to resolve their disagreement. Although the mediator is in control of the session, he/she is not the decision maker and may not compel action by either party. The mediator allows the parties to present their positions, establishes an understanding of the disagreement, determines points of agreement, and offers suggestions/proposals for resolution, attempting to help the parties achieve a mutual solution that is in the best interests of the child. The mediator facilitates the process. He or she summarizes positions and may help the parties consider possible alternatives.

j) If agreement is reached by the parties, it shall be set forth in a written mediation agreement signed by authorized representatives of the parties to the dispute. No record is kept of the discussions at the meeting. The mediation agreement will record only the date of the mediation, the parties to the mediation and terms agreed upon.

k) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent administrative hearing or civil proceeding. The parties will be asked to sign a confidentiality pledge prior to the commencement of the mediation. Only the fact that mediation occurred and the terms of any mediation agreement reached are admissible in subsequent proceedings.

l) Participants in the mediation conference should be limited to those necessary to resolution of the dispute and shall include persons authorized to act on behalf of the parties. In determining participants, the parties and mediator should be guided by desire to achieve mutual non-adversarial problem solving with the child's interests and the interests of the EI Services System as the goal.
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m) The parties are expected to approach the mediation session in good faith and with the intention of attempting to reach an agreement. It is important that all parties approach the session with a willingness to listen and to consider all aspects of the issues in the interests of the child and of the EI Services System. They are active participants in the session and, if agreement is reached, develop the terms of the agreement with the assistance of the mediator.

n) The mediation allows an uninterrupted opportunity for both parties to present their views in a non-adversarial setting. It allows parents and early intervention program personnel to focus on their common concerns, rather than their differences. Even if an agreement is not reached, there is the potential of both parties leaving the session with an enhanced perspective of the issues, and with a more positive working relationship.

o) Regional intake entities, service coordinators and other participants in the EI Services System shall encourage resolution of disputes by mediation.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 500.170 State Complaint Procedure

a) Individuals or organizations may file written, signed complaints with the Department of Human Services stating that a State agency, regional intake entity or provider is violating a law or rule regarding the Part C early intervention program. The statement must contain the facts that support the complaint. The alleged violation must have occurred not more than one year before the date the complaint is received by the Department, unless a longer period is reasonable because:

1) The alleged violation continues for that child or other children; or

2) The complainant is requesting reimbursement or corrective action for a violation that occurred not more than three years before the complaint is received.

b) The Department shall have 60 calendar days from receipt of the complaint to investigate and issue a written decision to the complainant and interested parties, addressing each allegation in the complaint. During this time, the Department may carry out an independent on-site investigation if deemed necessary and must give the complainant an opportunity to submit additional information, either
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orally or in writing, about the allegations made in the complaint. Complaints must be submitted in writing to:

Chief
Bureau of Early Intervention
Department of Human Services
222 South College, 2nd Floor
623 East Adams—2nd Floor
P.O. Box 19429
Springfield, Illinois 62704-19429
627-942-9429

—

After reviewing all relevant information, the Department must issue a written decision to the complainant and the subject of the complaint as to whether the public agency is violating a requirement of Part C, addressing each allegation in the complaint and containing findings of fact as well as conclusions, the reasons for the final decision, and, if the complaint was found to be valid, corrective actions required to correct the causes of the complaint.

d) Final decisions are enforceable and binding. They may be amended only upon agreement in writing between the Department and the organization or individual upon whom corrective actions are imposed.

e) Organizations or individuals upon whom corrective actions are imposed may request reasonable technical assistance or alternative corrective actions. However, these requests do not change the final decision unless it is amended in writing between the Department and the party.

f) The 60 day time period in subsection (b) may be extended if exceptional circumstances exist with respect to a particular complaint.

g) The lead agency shall monitor implementation of the final decision to determine that corrective actions and timelines have been met.

h) Organizations or individuals upon whom corrective actions are imposed may be terminated from participation in Part C programs if corrective actions are not met.

i) If an issue raised in a written complaint (or any part of a complaint) is also the subject of an administrative resolution under Section 500.140, the Department must set aside any part that is being addressed under the procedure in Section 500.140 but resolve any other issues within the 60 day timeline.
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j) If an issue is raised in a written complaint that has already been decided in a proceeding under Section 500.140, the previous decision is binding and the complainant must be so informed.

k) A complaint alleging failure of a public agency or private service provider to implement a decision under Section 500.140 must be resolved by the Department.

(Source: Amended at 28 Ill. Reg. ____, effective ___________)

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1) **Heading of the Part**: White-Tailed Deer Hunting By Use of Handguns

2) **Code Citation**: 17 Ill. Adm. Code 680

3) **Section Numbers**

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<th>Section Numbers</th>
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<td>680.10</td>
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4) **Statutory Authority**: Implementing and authorized by Section 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) **A complete description of the subjects and issues involved**: To reflect that this season is no longer limited to handgun hunting only, references to "handgun" are being changed to "Late-Winter". Legal firearms, legal ammunition and standards and specifications for use of muzzleloading firearms are being added.

6) **Will these proposed amendments replace emergency amendments currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this rulemaking contain incorporations by reference?** No

9) **Are there any other proposed rulemakings pending on this Part?** No

10) **Statement of statewide policy objectives**: This rulemaking does not affect units of local government.

11) **Time, place and manner in which interested persons may comment on this proposed rulemaking**: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

    Jack Price, Legal Counsel
    Department of Natural Resources
    One Natural Resources Way
DEPARTMENT OF NATURAL RESOURCES

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Springfield IL  62702-1271
217/782-1809

12) 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

13) Regulatory agenda on which this rulemaking was summarized: These amendments were not included on either of the 2 most recent agendas because the Department staff was not aware that amendments were necessary.

The full text of the proposed amendments begins on the next page:
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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 680

LATE-WINTER DEER HUNTING SEASON WHITE-TAILED DEER HUNTING BY USE OF HANDGUNS

Section
680.10 Statewide Season
680.20 Statewide Deer Permit Requirements
680.30 Deer Permit Requirements – Group Hunt
680.40 Statewide Firearm Handgun Requirements for Late-Winter Deer Hunting
680.50 Statewide Deer Hunting Rules
680.60 Reporting Harvest
680.70 Rejection of Application/Revocation of Permits
680.80 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].


Section 680.10 Statewide Season

a) Season: One-half hour before sunrise on the first Friday after January 11 to sunset on the following Sunday. Shooting hours are one-half hour before sunrise to sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Hunting after sunset is a Class B misdemeanor (see 520 ILCS 5/2.24).
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b) For the purpose of removing surplus deer, the Department of Natural Resources (Department) shall open select counties and sites to handgun deer hunting during the Late-Winter Deer Season. The Department shall notify the public of the counties that are projected to have surplus deer populations via a public announcement. These counties also will be listed in the instructions contained in the current Late-Winter Handgun Deer Permit Application.

c) Hunting outside the set season dates or without a valid permit for the county hunted in is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 680.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have a current, valid "Late-Winter Handgun Deer Permit" ($15) and must be 18 years of age or older by the opening date of the handgun deer season applied for. Deer permit fees for non-resident deer hunters shall be $25 for the Late-Winter Permit. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Natural Resources
(Late-Winter Handgun Deer Season)
Deer Permit Office
Post Office Box 19227
Springfield IL 62794-9227

b) Applications shall be accepted as soon as they are available through the tenth weekday in November for the Late-Winter Handgun Deer Season in the following January. Applications received after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Illinois residents will be given preference for permits allocated in the drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.

c) In-person and mail-in applications shall receive equal treatment in the drawings.

d) Each applicant must apply using the official agency Late-Winter Handgun Deer Permit Application, and must complete all portions of the form. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a
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separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, Late-Winter handgun, archery, and free or paid landowner/tenant permits.

e) It shall be unlawful to apply for or receive more than one permit for the Late-Winter Deer Season. For the applicant to be eligible to receive a Handgun Deer Permit ($15), he must be an Illinois resident, at least 18 years of age by the opening date of the handgun deer season and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

f) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.

g) Recipients of the Late-Winter Handgun Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.

h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

i) A $3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

j) Each applicant must enclose a separate check or money order for the appropriate amount ($15 for residents, $25 for nonresidents) payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

k) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 680.30 Deer Permit Requirements – Group Hunt

a) Up to six individuals may apply to hunt as a group. If applicants are applying in a
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group, all applications for the group must be sent to the Department in the same envelope. All applications for the group shall be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope shall be processed separately.

b) Each individual must sign his or her own application.

c) Applicants applying as a group shall be rejected if they do not list the same county choice and complete the group leader information listing the identical group leader.

d) Applicants must enclose a separate check or money order for the appropriate amount for each application or the applications will be returned.

e) Since Illinois residents are given preference for permits allocated in the drawing, groups containing both resident and non-resident applicants will be treated as non-residents.

(Source: Amended at 28 Ill. Reg. _______, effective ____________)

Section 680.40 Statewide Firearm Handgun Requirements for Late-Winter Deer Hunting

a) The only legal firearms to take, or attempt to take, deer are:

centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer. It shall be unlawful to take or attempt to take white-tailed deer by the use of semi-automatic handguns, blackpowder revolvers or handguns altered to allow for shoulder firing.

1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or

2) A single or double barreled muzzleloading rifle of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length; or

3) centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot
muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer.

b) Standards and specifications for legal ammunition are:

The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. Modern smokeless powders (nitrocellulose-based) do not qualify as "blackpowder" substitutes. A wad or sleeve is not considered a projectile or part of a projectile. Non-expanding, military-style, full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.

1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.

2) The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. A wad or sleeve is not considered a projectile or a part of the projectile.

3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.

c) Standards and specifications for use of muzzleloading firearms are as follows:
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1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.

2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) do not qualify as a black powder substitute.

3) Percussion caps, wheelock, matchlock or flint type ignition only may be used.

4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

d) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Late-Winter Handgun Deer Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than handgun deer hunters shall not be prohibited during the Late-Winter Handgun deer season as set in Section 680.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 680.50 Statewide Deer Hunting Rules

a) The bag limit is one antlerless deer per legally authorized antlerless-only permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long.

b) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag must be attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check station. If the deer head is delivered to a taxidermist for processing, the temporary harvest tag must be removed from the leg and must remain with the head while at the taxidermist.
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If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

c) Hunters shall not have in their possession, while in the field during the Late-Winter handgun deer season, any deer permit issued to another person (permits are non-transferrable).

d) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.

e) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as single act or possession or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 680.60 Reporting Harvest

a) Deer shall be checked in by the hunter in person within 48 hours after taking a deer at the Late-Winter handgun deer check station in the county for which the permit was issued or in an adjoining county.

b) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 680.70 Rejection of Application/Revocation of Permits

a) In the event that an applicant is in violation of one of the following subsections,
the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by the Department. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.

1) Submitting more applications in the same name or by the same person for a Late-Winter Handgun Deer Permit than the number of legally authorized permits. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

2) Providing false and/or deceptive information on the deer permit application form. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).

3) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Violation is a Class A misdemeanor (see 520 ILCS 5/3.36).

4) Submitting an incomplete or incorrect application.

b) Any violation of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 680.80 Regulations at Various Department-Owned or -Managed Sites

Sites will be opened to Late-Winter Handgun deer hunting only if the site is announced as being open via a public announcement and/or the site is listed as being open on the Late-Winter Handgun deer season application. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/3.36).

(Source: Amended at 28 Ill. Reg. ______, effective ____________)
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1) **Heading of the Part:** Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993

2) **Code Citation:** 68 Ill. Adm. Code 1240

3) **Section Numbers:**

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1240.210   Repealed
1240.220   Repealed
1240.230   Repealed

4) **Statutory Authority**: Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 446]

5) **A complete description of the subjects and issues involved**: PA 93-438 enacted the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 and repealed the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993. As a result, the current Part 1240 is being repealed, to be replaced by a new Part.

6) **Will these proposed amendments replace emergency amendments currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives (if applicable)**: This rulemaking has no impact on local government.

11) **Time, place and manner in which interested persons may comment on this proposed rulemaking**:

   Interested persons may submit written comments to:

   Department of Finance and Professional Regulation
   Attention: Barb Smith
   320 West Washington, 3rd Floor
   Springfield, IL  62786
   217/785-0813  Fax #:  217/782-7645

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

12) **Initial Regulatory Flexibility Analysis**:
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A) Types of small businesses, small municipalities and not for profit corporations affected: Private detectives, security contractors, alarm contractors, locksmiths, and agencies and employees regulated under the Act will be affected.

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

C) Types of professional skills necessary for compliance: Training and/or experience in various security or other related areas are necessary for licensure.

13) Regulatory agenda on which this rulemaking was summarized: July 2004

The full text of the proposed repealer begins on the next page:
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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240
PRIVATE DETECTIVE, PRIVATE ALARM,
PRIVATE SECURITY, AND LOCKSMITH ACT OF 1993 (REPEALED)

SUBPART A: PRIVATE DETECTIVE, PRIVATE ALARM AND PRIVATE SECURITY

Section
1240.5 Licensure Under Section 6 of the Act (Repealed)
1240.7 Exemptions Under Section 30 of the Act
1240.10 Application for Examination and Licensure – Private Detective and Private Security Contractor
1240.15 Application for Examination and Licensure – Private Alarm Contractor
1240.16 Registration of Proprietary Security Force
1240.20 20-Hour Basic Training Course – General
1240.25 20-Hour Basic Training Course – Security Guards and Alarm Runners
1240.30 Firearm Training Course
1240.35 Approval of Training Programs and Instructors
1240.40 Permanent Employee Registration Cards
1240.41 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information
1240.45 Firearm Authorization Cards
1240.46 Recordkeeping Requirements
1240.47 Reporting Requirements
1240.48 Uniforms
1240.50 Renewals
1240.51 Requests for Duplicate Certificates (Renumbered)
1240.55 Endorsement
1240.60 Restoration
1240.65 Conduct of Hearings (Renumbered)
1240.66 Investigation by the Department (Renumbered)
1240.70 Granting Variances (Renumbered)

SUBPART B: LOCKSMITH

Section
1240.100 Application for Licensure without Examination – Grandfather (Repealed)
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1240.110 Application for Examination and Licensure – Locksmith
1240.120 20 Hour Basic Training Course – Locksmith
1240.130 Permanent Employee Registration Cards
1240.140 Refusal to Issue Employee Registration Card
1240.150 Recordkeeping Requirements
1240.160 Reporting Requirements
1240.170 Renewals
1240.180 Endorsement
1240.190 Restoration

SUBPART C: GENERAL

Section
1240.200 Requests for Duplicate Certificates
1240.205 Fees
1240.210 Conduct of Hearings
1240.220 Investigation by the Department
1240.230 Granting Variances

AUTHORITY: Implementing the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 [225 ILCS 446] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

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a maximum of 150 days; emergency expired June 11, 2003; amended at 27 Ill. Reg. 9598, effective June 13, 2003; repealed at 28 Ill. Reg. _______, effective ____________.

SUBPART A: PRIVATE DETECTIVE, PRIVATE ALARM AND PRIVATE SECURITY

Section 1240.5 Licensure Under Section 6 of the Act (Repealed)

Section 1240.7 Exemptions Under Section 30 of the Act

A property management firm and its security employees will be exempt from licensure under the Act in accordance with Section 30 if the following conditions are met:

a) The property management firm shall be a licensed real estate broker or real estate corporation or partnership in accordance with the Real Estate License Act of 1983 [225 ILCS 455].

b) A signed written agreement between a property owner and the property management firm shall exist in which the property management firm provides site security as an incidental part of their services.

c) In conjunction with security provided in subsection (b) above, the property management firm:

1) Shall not provide security services only;

2) Shall not provide security services to properties that the property manager does not manage and for which there is not a signed written agreement; and

3) Shall not provide security services for hire.

d) An employer-employee relationship shall exist between security employees and the property management firm. For the purposes of this subsection, an employee is a person who is employed by the property manager to perform the security services, and the employer is the property manager who has the right to control and direct the employee.

e) The property management firm shall comply with the provisions of Section 24-2 of the Criminal Code of 1961 [720 ILCS 5/24-2].
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f) Security services for purposes of this Section are those definitions set forth in Section 5 of the Act under "Private security contractor" and "Private security contractor agency".

Section 1240.10 Application for Examination and Licensure – Private Detective and Private Security Contractor

a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.

b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 75(a)(7) of the Act. To determine such fulfillment, the following standards shall be applied:

1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.

2) "Full-time supervisor in a law enforcement agency" shall mean a sworn peace officer serving in a full-time position responsible for the direction and performance of other law enforcement personnel.

3) "Investigator in a law enforcement agency" shall mean a sworn peace officer who serves in the capacity of a full time detective/investigator or above rank.

c) The passing grade on the examination is 70 or above.

d) Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application must be complete and must be accompanied by:

1) Either:

A) Verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out of state residents unable to utilize the State Police fingerprint process may
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submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1240.205 of this Part; or

B) Verification, on forms provided by the Department, of full-time employment as a police officer, in lieu of fingerprints. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers;

2) 2 photographs 1" x 1", taken within the 3 months preceding application;

3) Proof of at least $1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

4) The required fees specified in Section 1240.205.

e) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

Section 1240.15 Application for Examination and Licensure – Private Alarm Contractor

a) An individual seeking licensure by examination as a private alarm contractor shall make application to the Department, on forms provided by the Department, at least 60 days prior to the examination. The application shall include proof acceptable to the Department that the applicant has fulfilled the required experience specified in Section 70(c) of the Act. To determine such fulfillment, the following standards shall be applied:

1) The term "year" shall be 12 months with an average of at least 20 work
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days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.

2) Applicants qualified to sit for the examination pursuant to Section 75(c) of the Act shall have private alarm experience which shall include, but not be limited to:

A) Private alarm contractor experience as defined in Section 5 of the Act gained while licensed or lawfully practicing in another jurisdiction with substantially equivalent licensure requirements as in effect in Illinois for 3 of the last 5 years; or

B) A minimum of 3 years experience out of the 5 years immediately preceding application as full-time manager or administrator for an agency licensed as a private alarm contractor agency, or for an entity that designs, sells, installs, services or monitors alarm systems which in the judgment of the Board satisfies standards of alarm industry competence. (Section 75(c)(8))

b) The passing score on the examination is 70 or above.

c) Upon notification of successful completion of the examination, the applicant may apply to the Department for licensure. The application shall include:

1) Either:

A) Verification of fingerprint processing from the Illinois Department of State Police, or its designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police, or its designated agent, for fingerprint processing. Out of state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1240.205; or

B) Verification, on forms provided by the Department, of full-time employment as a peace officer in lieu of fingerprints. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public
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employment is vested by law with a primary duty to maintain public order or to make arrests for offenses and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers;

2) 2 photographs 1" x 1" taken within the 3 months preceding application;

3) Proof of at least $1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

4) The required fees specified in Section 1240.205.

Section 1240.16 Registration of Proprietary Security Force

a) Pursuant to Section 24-2 of the Criminal Code of 1961, all commercial or industrial operations who employ 5 or more persons as armed security guards in accordance with subsection (a)(6) and all financial institutions who employ armed security guards in accordance with subsection (a)(8) shall register their security forces with the Department, on forms provided by the Department, which include the following:

1) Business name and address of the proprietary security force;

2) Any doing business as (d/b/a) names of the proprietary security force;

3) The type of business (sole proprietorship, partnership, corporation):
   A) If a partnership, a listing of all partners and addresses;
   B) If a corporation, a copy of Articles of Incorporation. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois;

4) The number of armed employees; and

5) The name and title of the security director who will be registering armed employees and who is responsible for the daily activities of the force.
b) All armed security guard employees of the registered proprietary force in subsection (a) above shall be required to complete a 20-hour basic training course in accordance with Section 1240.25 and a 20-hour firearm training course in accordance with Section 1240.30.

c) Each proprietary force shall be required to apply to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card, in accordance with Section 1240.45(b) and (c), for each armed employee of the security force. Each application shall include:

1) One of the following:

   A) Verification of electronic fingerprint processing from the Illinois Department of State Police, or its approved vendor. Applicants shall contact the approved vendor for fingerprint processing;

   B) Out-of-state residents unable to utilize the State Police electronic fingerprint process may submit to the approved vendor one fingerprint card issued by the Federal Bureau of Investigation, accompanied by the fee specified by the vendor; or

   C) Verification, on forms provided by the Department, of proof of retirement as a peace officer as defined in subsection (j) within 12 months prior to application in lieu of the fingerprint cards. Such verification shall be signed by his/her employer.

   If the employee has State and federal fingerprints on file with the Department, additional fingerprints are not required;

2) Verification that the employee has completed the training required in subsection (b). If the employee's firearm training was completed more than two years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within the one year preceding the request; and

3) The fee required in Section 1240.205.

d) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Department by the employer. In the event an employee fails to return a firearm
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authorization card to the employer, the employer shall notify the Department in writing why the card was not returned.

e) No employee shall carry a firearm until the requirements of this Section have been satisfied.

f) If an employee is employed by more than one proprietary security force, that employee must possess a separate firearm authorization card for each force that issues him/her a weapon.

g) The Department may conduct an inspection to verify the information on the application prior to the proprietary security force being registered with the Department.

h) All armored car companies registered as proprietary security forces pursuant to this Section shall have all employees who are required to carry a firearm authorization card complete classroom and range training in weapons on an annual basis and shall maintain a current criminal background check in each employee's file as well as a training certificate. The armored car company shall make these documents available to the Department upon request.

i) Individuals who are currently employed as peace officers in good standing are not required to obtain firearm authorization cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm authorization card in accordance with this Section. For active peace officers, the proprietary security force shall maintain on file a copy of the current police identification card and a signed letter from the peace officer’s chief of police or his/her designee indicating current status as a peace officer. The proprietary security force shall have a continuing duty to verify and maintain proof of the employee’s qualifications for the peace officer exemption.

j) A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 80 of the Act)

Section 1240.20  20-Hour Basic Training Course – General
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a) Every person employed as a registered employee of a private detective, private security, or private alarm agency certified under the Act, except as specified in Section 180 of the Act, shall complete, within 30 days of his/her employment, a course of basic training. The training shall be a minimum of 20 hours of training related to his/her employment which shall be certified to by the employer.

b) Upon successful completion of the training prescribed above, each individual shall be issued, by the employer or the instructor, a Certification of Completion of 20-Hour Basic Training which shall be signed by the instructor. The licensee-in-charge shall be responsible for the documentation of the training.

c) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Department, the Certification or a certified copy shall be filed by the employer with the employee statement and shall remain in the file during the term of employment. Upon termination of employment the original Certification shall be returned to the employee.

d) In the case of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of 20-Hour Basic Training shall be kept with the employee statement in lieu of the original Certification.

e) Basic training materials will be made available to Department personnel upon request to verify content.

Section 1240.25 20-Hour Basic Training Course – Security Guards and Alarm Runners

a) The basic training for security guards and alarm runners shall be a minimum of 20 hours of classroom instruction and shall be conducted in accordance with the subject matter specified in Section 180 of the Act. For purposes of this Section "classroom instruction" shall mean that instruction which takes place in a setting where those individuals receiving the training are seated and learn through lectures, study papers, class discussion, textbook study or other means of organized formal education techniques (i.e., video or closed circuit instruction), as distinguished from on-the-job training. For purposes of this Section, "alarm runners" shall mean armed registered employees of an agency who respond to alarms.

b) Upon completion of the training prescribed above, each individual shall be issued, by the employer or the instructor, a Certification of Completion of 20-Hour Basic
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Training which shall be signed by the instructor. The licensee-in-charge shall be responsible for the documentation of the training.

c) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of an individual's employment with an agency licensed by the Department, the Certification or a certified copy shall be filed by the employer with the employee statement and shall remain in the file during the term of employment. Upon termination of employment the original Certification shall be returned to the employee.

d) In the case of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of 20-Hour Basic Training, shall be kept with the employee statement in lieu of the original Certification.

e) Basic training materials shall be made available to Department personnel upon request to verify content.

Section 1240.30 Firearm Training Course

a) No registered employee shall be allowed to perform duties that require the use, carrying or possession of a firearm until that employee has completed the 20 hours of basic training required by Section 180 of the Act, and has satisfactorily completed a 20-hour firearm training course approved by the Department. The firearm training course shall include both classroom instruction and firing range experience. Classroom instruction shall include, but not be limited to, the following subject matter:

1) Legal use of firearms;

2) Ethical and moral considerations of weapons use;

3) Liability for acts while armed;

4) Use of deadly force;

5) Search, seizure and arrest procedures while armed;

6) Firearm, safety and maintenance; and

7) Fundamentals of firearm use:
A) Stance;
B) Grip;
C) Sight alignment;
D) Sight picture; and
E) Trigger control.

b) Each student shall be allotted time on the firing range to apply, in supervised practice, the techniques and methods described above. The personal firearm of each student or the firearm assigned to the student, shall be inspected for safety and approved by the range master prior to the beginning of actual range firing. Instruction shall include double-action shooting.

c) The range where the training is to be given, whether indoor or outdoor, shall be maintained in a safe condition and shall be located in an area where the firing of live ammunition is allowed. In determining whether the range is maintained in a safe condition, the Department shall conduct an on-site inspection and shall consider the following factors:

1) Safety of participants;
2) Safety of any persons or property in the area;
3) Safety maintenance procedures; and
4) Operational rules and policy.

d) Upon application to the Department, any firearm training course approved by the Illinois Community College Board and/or Illinois Board of Higher Education that requires the firing of a minimum of 50 live rounds of ammunition and a minimum qualification score of 70% will be approved as satisfying the requirements of this Section.

e) Upon application to the Department, any Police/Security Firearms Qualification Program/Course approved and registered by the National Rifle Association that requires the firing of a minimum of 50 live rounds of ammunition and a minimum
qualification score of 70% will be approved for the range portion of the training.

f) Each individual shall be required to fire a minimum of 50 rounds of live ammunition (factory loaded service ammunition or factory reloaded ammunition).

g) Each student must qualify with a minimum score of 70% with each type of weapon (revolver, semi-automatic, shotgun, rifle) he/she will be authorized to carry.

h) The range instructor shall be responsible for maintaining a safe range environment. Any student who refuses to adhere to proper safety requirements shall be dismissed from training by the instructor or the range master. The range master shall also have full authority as to whether a weapon is in safe operating condition.

i) Upon completion of the training each student must successfully complete a written examination. A copy of the examination shall be made available to the Department upon request (e.g., course audit). The examination shall test the subjects encompassed in both classroom and range instruction. Passage of the examination shall be 75%.

j) Each instructor shall file with the Department, on forms provided by the Department, Certification of Completion of Firearm Training for each student who successfully completes the training. Upon receipt by the Department of the Certification of Completion of Firearm Training, a Certificate of Training shall be issued to the student which shall bear the training number assigned by the Department.

k) The Certificate of Firearm Training shall be the permanent record of firearm training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Department, the Certificate of Training or certified copy shall be filed by the employer with the employee statement and shall remain in the employee file during the term of employment. Upon termination of employment, the original Certificate of Firearm Training shall be returned to the employee.

l) In the case that the employee is employed by more than one employer, a notarized copy of the Certificate of Firearm Training shall be kept with the employee statement in lieu of the original Certificate of Firearm Training.
m) Those persons employed as registered armed employees on the effective date of the Act shall be considered to have completed the training prescribed in this Section.

n) The training requirements of this Section shall be waived for an individual approved by the Department as an instructor under the provisions of Section 1240.35. Such individual shall, upon application to the Department, be issued a Certificate of Firearm Training by the Department.

Section 1240.35 Approval of Training Programs and Instructors

a) Any person, business entity, agency, or institution offering the training course(s) described in Sections 1240.20 and 1240.25 of this Part, shall first apply to and receive approval of the course, based upon compliance with Section 1240.30, from the Department. Application shall be made on forms provided by the Department.

b) Any person teaching the firearms training course described in Section 1240.25 of this Part must be approved by the Department. Application shall be on forms provided by the Department and must be accompanied by the following:

1) Proof that the applicant is recognized and approved by the National Rifle Association (NRA) as a Police/Security Firearms Instructor. Proof shall be a copy of the applicant's Certificate from the NRA; or

2) Proof that the applicant is approved and recognized as a range instructor by the Illinois Police Training Board. Proof shall be a copy of the Instructor's Certificate issued by the Local Governmental Law Enforcement Officers Training Board. Nothing in this subsection (b)(2) shall obligate the Police Training Board to train, recognize or approve range instructors for any purpose other than as specified in the Illinois Police Training Act [50 ILCS 705] and Peace Officers Firearm Training Act [50 ILCS 710]; or

3) Proof of other firearm instructor education or experience that the Department may consider to be substantially equivalent to subsection (b)(1) or (2) above, such as that experience or education received in military service or federal law enforcement service.

c) Upon application to the Department, any full-time or part-time faculty employed
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by an institution under the jurisdiction of the Illinois Board of Higher Education and/or the Illinois Community College Board to teach a firearms training course or security training course shall be approved as satisfying the requirements of this Section.

d) Any firearm training program approved by the Illinois Local Governmental Law Enforcement Officers Training Board shall be approved as satisfying the requirements of this Section.

Section 1240.40 Permanent Employee Registration Cards

a) Any person seeking employee registration under Section 80 of the Act shall file an application with the Department, on forms provided by the Department, along with the following:

1) One of the following:

A) Verification of electronic fingerprint processing from the Illinois Department of State Police, or its approved vendor. Applicants shall contact the approved vendor for fingerprint processing;

B) Out-of-state residents unable to utilize the State Police fingerprint process may submit to the approved vendor one fingerprint card issued by the Federal Bureau of Investigation, accompanied by the fee specified by the vendor; or

C) Verification, on forms provided by the Department, of proof of retirement as a peace officer as defined in subsection (g) within 12 months prior to application in lieu of fingerprints. Such verification shall be signed by the employer;

2) One 1" x 1" photograph taken within the 3 months preceding application; and

3) The required registration fee specified in Section 1240.205, made payable to the Department of Professional Regulation.

b) An agency may employ an applicant in a temporary capacity in accordance with Section 80(k-5) by:
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1) submitting the required application in accordance with subsection (a) on behalf of the person or verifying with the Department that an application has been submitted for the individual;

2) verifying on the Department’s website (www.ildpr.com) that the applicant has no criminal conviction pursuant to the Department of State Police criminal history check;

3) maintaining a separate roster of the names of all employees whose applications are pending; and

4) meeting any other requirements set forth in this Part or the Act.

c) If no record is found affecting the prints, the Department shall issue, to the applicant, a permanent employee registration card, which shall be valid for the period specified on the face of the card, and shall be renewable upon the conditions set forth in Section 1240.50 of this Part.

d) The employee registration card shall serve as proof to an employer that the bearer is eligible for employment.

e) Persons who have no access to confidential or security information and who do not provide security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ushers, ticket takers, elevator operators and reception personnel who have no access to confidential or security information. Confidential or security information is that which pertains to employee files, scheduling contracts or technical data.

f) Individuals who are currently employed as peace officers in good standing are not required to obtain permanent employee registration cards. If the individual ceases to be employed as a peace officer, then the agency is required to obtain a permanent employee registration card in accordance with this Section.

g) A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 80 of the Act)
Section 1240.41 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information

a) For purposes of this Section, criminal history record information is defined as information collected by criminal justice agencies (defined in 20 ILCS 2630) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, information, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.

b) In determining whether an applicant for a permanent employee registration card or firearm authorization card is unfit for such registration because of criminal history record information, the Department shall consider the following standards:

1) Whether the crime(s) was one of armed violence [720 ILCS 5/Art. 33A] or moral turpitude. Moral turpitude consists of:

   A) Crimes involving dishonesty, false statement or some other element of deceit, untruthfulness or falsification (including, but not limited to perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).


   C) Sex offenses including, but not limited to, all crimes listed in Article 11 of the Criminal Code of 1961 [720 ILCS 5/Art. XI].

2) Whether the crime is related to the detective, security or alarm profession.

3) Whether more than 10 years have elapsed since the date of completion of imposed sentence.

4) Whether the conviction was from a city ordinance violation or conviction for which a jail sentence was not imposed.
5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Department shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:

A) Completion of probation;

B) Completion of parole supervision; or

C) If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.

c) If any one of the following factors exist, this outweighs the presumption of rehabilitation as defined in subsection (c) above:

1) Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);

2) Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;

3) Falsification of an application for registration with the Department;

4) Failure to furnish to the Department additional information or failure to appear for a conference with the Department in relation to the applicant's application for registration.

d) The following criminal history records shall not be considered in connection with an application for registration:

1) Juvenile adjudications;

2) Records of arrest not followed by a conviction;

3) Convictions overturned by a higher court;

4) Convictions which have been the subject of a pardon or expungement.
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e) If determination is made that the applicant is unfit for registration, the applicant shall be so notified in writing that the Department intends to deny or intends to refuse to renew the permanent employee registration card or firearm authorization card. The applicant/licensee shall be given an opportunity to appear at a Department conference regarding the matter. Failure to appear at the conference shall result in the denial or the refusal to renew an applicant's permanent employee registration card or firearm authorization card. If the applicant chooses not to attend the conference, he/she may request a formal hearing regarding such determination prior to final action by the Department in accordance with 68 Ill. Adm. Code 1110.

Section 1240.45 Firearm Authorization Cards

a) Each employer shall make a request to the Department, on forms supplied by the Department, for the issuance of a firearm authorization card for each employee whose duties include the use, carrying or possession of a firearm. Each employee shall have an active permanent employee registration card issued in accordance with Section 1240.40 prior to applying for a firearm authorization card.

b) Upon verification by the Department that the individual employees have completed the required firearm training course within the 2 years preceding the request for a firearm authorization card, and meet all the requirements of the Act for issuance of a firearm authorization card, the Department shall issue such card to the employer for each employee. If the employee's firearm training was completed more than 2 years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within one year preceding the request.

c) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment the card shall be returned to the Department by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Department in writing of such and the reason why the card was not returned.

d) No employee may carry a firearm until the requirements of this Section have been satisfied.

e) If an employee is employed by more than one agency, regardless of whether the agencies are owned or operated by the same or different person or persons, that employee must possess a separate firearm authorization card for each agency.
f) Individuals who are currently employed as peace officers in good standing are not required to obtain firearm authorization cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm authorization card in accordance with this Section.

g) A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 80 of the Act)

Section 1240.46 Recordkeeping Requirements

a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 80 of the Act. The employee file shall be maintained by the agency for 2 years after termination of the employee, shall be accessible to duly authorized representatives of the Department with 24 hours prior notice, and shall contain the following information:

1) A photograph of the employee taken within 10 days of the date the employee commences employment. The photo shall be replaced each 3 calendar years;

2) The employee's statement required in Section 80(b) of the Act;

3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;

4) The employee identification card of a terminated employee pursuant to Section 80(h);

5) A copy of the weapons discharge report, if applicable, during the course of the employee's duties or activities;

6) Application for employment;

7) Certification of Completion of Basic Training as provided in Sections
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1240.20 and 1240.25 of this Part;

8) Certificate of Firearm Training, if applicable (or notarized copy as provided in Section 1240.30 of this Part) verified by the licensee in charge;

9) Copy of employee's Permanent Employee Registration Card and Firearm Authorization Card and active Firearm Owner's Identification Card (FOID), if applicable;

10) Certification or certified copy of requalification (Section 1240.30);

11) Copy of the verification of fingerprint processing from the Illinois Department of State Police or its designated agent;

12) A copy of the Department’s webpage (www.ildpr.com) showing that an applicant has no criminal conviction pursuant to the Department of State Police criminal history check for individuals employed prior to issuance of the Permanent Employee Registration Card; and

13) For active peace officers, the agency employee file shall include a copy of the current police identification card and a signed letter from the peace officer’s chief of police or his/her designee indicating current status as a peace officer, as well as items set forth in subsections (1), (4), (5) and (6) above. The agency shall have a continuing duty to verify and maintain proof of the employee’s qualifications for the peace officer exemption.

b) Private alarm contractors who provide monitoring services shall maintain a separate roster of the names of all licensed agencies and/or individuals, including license number, from whom they accept monitoring contracts or assignments. The roster shall be made available to the Department upon 24 hour’s notice. It shall be considered unprofessional conduct, subject to discipline by the Department, for a licensed alarm contractor or agency to accept monitoring contracts or assignments from an unlicensed entity.

Section 1240.47 Reporting Requirements

a) All licensees and registrants shall notify the Department in writing within 30 days of any conviction(s), arrest(s), and/or indictment(s) against him/her.
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b) All agencies shall submit a monthly roster of employees with PERC application(s) pending with the Department.

c) All agencies shall submit a weapons discharge report, on forms provided by the Department, along with the police report of the incident, within 30 days after the incident.

Section 1240.48 Uniforms

All full uniforms of registered security guard employees, which are to be worn during working hours, must bear the name of the employing agency which shall be plainly visible.

Section 1240.50 Renewals

a) Beginning with the May 1990 renewal, every individual license issued under the Act shall expire on May 31 every 3 years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee set forth in Section 1240.205 and providing proof of liability insurance as evidenced by a certificate of insurance from the insurer.

b) Beginning with the May 1990 renewal, every certificate of registration for an agency and every branch office and proprietary security force certificate issued under the Act shall expire on August 31 every 3 years. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.

c) Beginning with the May 1991 renewal, every employee registration card issued under the Act shall expire on May 31 every 3 years. The holder of the card may renew such card during the month preceding the expiration date by submitting the required fee to the Department.

d) It is the responsibility of each licensee and employee registration card holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee. Practicing on an expired license or employee registration card is unlicensed practice and subject to discipline under Section 130 of the Act.

e) Every firearm authorization card shall expire on the date specified on the face of the card. The card shall be renewed upon proof that:
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1) The employee has been requalified on the firing range within one year preceding the renewal date; and

2) The employee continues to be employed by the agency to which the card was issued.

f) No employer shall, after the expiration of a firearm authorization card, employ the holder thereof in an armed capacity.

Section 1240.51 Requests for Duplicate Certificates (Renumbered)

Section 1240.55 Endorsement

a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the Department together with:

1) A certification from the licensing authority of the jurisdiction stating:

   A) The time during which the applicant was licensed in that jurisdiction;

   B) Whether the file on the applicant contains a record of any disciplinary action taken or pending;

   C) A brief description of the examination taken and the grades received; and

   D) That the jurisdiction has substantially equal rules of endorsement [225 ILCS 445/19]; and

2) A completed Education Certification Form, a completed Verification of Qualifying Experience Form or a completed Work History Form detailing the education and/or experience required by Section 75 of the Act; and

3) The required fee specified in Section 1240.205.

b) If the Department questions the documentation provided by the applicant because of discrepancies or conflicts in information, or missing information, or if the Department needs further information to determine substantial equivalence of the
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applicant's qualifications for licensure, the applicant will be requested to submit further information as the Department deems necessary to make such determination.

Section 1240.60 Restoration

A licensee seeking restoration of a license issued after January 5, 1984, shall file an application on forms provided by the Department and shall also submit the following:

   a) If the license has expired for less than 6 years, the application must be accompanied by the required fees specified in Section 1240.205, or an affidavit attesting to military service as provided in Section 1240.205.

   b) If the license has expired for more than 6 years, the application must be accompanied by a request to be scheduled for the next available examination, a fee covering the cost of the examination and the required restoration fee specified in Section 1240.205.

Section 1240.65 Conduct of Hearings (Renumbered)

Section 1240.66 Investigation by the Department (Renumbered)

Section 1240.70 Granting Variances (Renumbered)

SUBPART B: LOCKSMITH

Section 1240.100 Application for Licensure without Examination - Grandfather (Repealed)

Section 1240.110 Application for Examination and Licensure - Locksmith

   a) An individual seeking licensure by examination as a locksmith shall make application to the Department, on forms provided by the Department, at least 60 days prior to the examination. The application form shall include questions necessary for the Department to establish that the applicant meets the qualifications for licensure specified in Section 75(d) of the Act.

   b) The passing score on the examination is 70 or above.

   c) Upon notification of successful completion of the examination, the applicant may
apply to the Department for licensure. The application shall include:

1) Either:

A) Verification of fingerprint processing from the Illinois Department of State Police or its designated agent. Effective October 1, 1995, applicants shall contact the Illinois Department of State Police or its designated agent for fingerprint processing. Out of state residents unable to utilize the State Police fingerprint process may submit to the Department one set of fingerprint cards issued by the Illinois Department of State Police and one set of fingerprint cards issued by the Federal Bureau of Investigation, accompanied by the specified processing fee pursuant to Section 1240.205; or

B) Verification, on forms provided by the Department, of full-time employment as a peace officer in lieu of fingerprint cards. Such verification shall be signed by the employer. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses and has completed the training requirements of the Illinois Police Training Act. For purposes of this Section, officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers;

2) 2 photographs 1" x 1" taken within the 3 months preceding application;

3) Proof of at least $1 million of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

4) The required fees specified in Section 1240.205.

Section 1240.120  20-Hour Basic Training Course – Locksmith

a) Every person employed as a registered employee of a locksmith agency certified under the Act, except as specified in Section 180 of the Act, shall complete, within 30 days after his/her employment, a course of basic training.

b) The training shall be a minimum of 20 hours of training related to his/her
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employment that shall be certified by the employer and shall include at a minimum the following subject areas:

1) Public Safety Codes (NFPA 80 & NFPA 101)
   A) Life Safety Codes
   B) Building Code
   C) ADA Law

2) Practical Locksmithing
   A) Master Keying
   B) Key Records and Codes
   C) Key Blanks and Keyways
   D) Product Liability
   E) Professional Installations
   F) Do Not Duplicate

3) Responsibilities as Required by the Act
   A) When to ask for identification
   B) What identification is acceptable

4) Personal Employee Registration Card (PERC)
   A) Cause for revoking the card
   B) Disciplinary Sanctions
   C) Renewal

c) Upon successful completion of the training prescribed above, each individual
shall be issued, by the employer or the instructor, a Certification of Completion of the 20-Hour Basic Training Course, which shall be signed by the instructor. The licensee-in-charge shall be responsible for the documentation of the training.

d) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Department, the Certification or a certified copy shall be filed by the employer with the employee statement and shall remain in the file during the term of employment. Upon termination of employment the original Certification shall be returned to the employee.

e) In the case of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of the 20-Hour Basic Training Course shall be kept with the employee statement in lieu of the original Certification.

f) Basic training materials will be made available to Department personnel upon request to verify content.

Section 1240.130 Permanent Employee Registration Cards

a) Any person seeking employee registration under Section 80 of the Act shall file an application with the Department, on forms provided by the Department, along with the following:

1) One of the following:

A) Verification of electronic fingerprint processing from the Illinois Department of State Police or its approved vendor. Applicants shall contact the approved vendor for fingerprint processing.

B) Out-of-state residents unable to utilize the State Police fingerprint process may submit to the approved vendor one fingerprint card issued by the Federal Bureau of Investigation, accompanied by the fee specified by the vendor; or

C) Verification, on forms provided by the Department, of proof of retirement as a peace officer as defined in subsection (g) within 12 months prior to application in lieu of fingerprints. Such verification shall be signed by the employer;
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2) One 1" x 1" photograph taken within the 3 months preceding application; and

3) The required registration fee specified in Section 1240.205, made payable to the Department of Professional Regulation.

b) An agency may employ an applicant in a temporary capacity in accordance with Section 80(k-5) by:

1) submitting the required application in accordance with subsection (a) on behalf of the person or verifying with the Department that an application has been submitted for the individual;

2) verifying on the Department’s website (www.ildpr.com) that the applicant has no criminal conviction pursuant to the Department of State Police criminal history check;

3) maintaining a separate roster of the names of all employees whose applications are pending; and

4) meeting any other requirements set forth in this Part or the Act.

c) If no record is found affecting the prints, the Department shall issue to the applicant a permanent employee registration card, which shall be valid for the period specified on the face of the card and shall be renewable upon the conditions set forth in Section 1240.50 of this Part.

d) The employee registration card shall serve as proof to an employer that the bearer is eligible for employment.

e) Persons who have no access to confidential or security information and who do not provide locksmith services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of reception personnel who have no access to confidential or security information. Confidential or security information is that which pertains to employee files, key records, customer access codes or combinations or technical data.

f) Individuals who are currently employed as peace officers in good standing are not
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required to obtain permanent employee registration cards. If the individual ceases to be employed as a peace officer, then the agency is required to obtain a permanent employee registration card in accordance with this Section.

g) A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 80 of the Act)

Section 1240.140 Refusal to Issue Employee Registration Card

a) For purposes of this Section, criminal history record information is defined as information collected by criminal justice agencies (defined in the Criminal Identification Act [20 ILCS 2630]) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, information, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision and release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.

b) In determining whether an applicant for a permanent employee registration card is unfit for such registration because of criminal history record information, the Department shall consider the following standards:

1) Whether the crime(s) was one of armed violence (see 720 ILCS 5/Aart. 33A) or moral turpitude. Moral turpitude consists of:

   A) Crimes involving dishonesty, false statement or some other element of deceit, untruthfulness or falsification (including, but not limited to, perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).

   B) Drug offenses including, but not limited to, the Illinois Controlled Substances Act [720 ILCS 570] and Federal Drug Enforcement Laws, 21 U.S.C. 801 et seq.

   C) Sex offenses including, but not limited to, all crimes listed in
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2) Whether the crime is related to the locksmith, detective, security or alarm profession.

3) Whether more than a 10 year period has elapsed since the date of completion of the imposed sentence.

4) Whether the conviction was from a city ordinance violation or conviction for which a jail sentence was not imposed.

5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Department shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:

   A) Completion of probation;

   B) Completion of parole supervision; or

   C) If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.

c) If any one of the following factors exists, this outweighs the presumption of rehabilitation as defined in subsection (b)(5) above:

   1) Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);

   2) Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;

   3) Falsification of an application for registration with the Department;

   4) Failure to furnish to the Department additional information or failure to appear for a conference with the Department in relation to the applicant's application for registration.

d) The following criminal history records shall not be considered in connection with
an application for registration:

1) Juvenile adjudications;

2) Records of arrest not followed by a conviction;

3) Convictions overturned by a higher court;

4) Convictions that have been the subject of a pardon or expungement.

e) If determination is made that the applicant is unfit for registration, the applicant shall be so notified in writing that the Department intends to deny or intends to refuse to renew the permanent employee registration card. The applicant/licensee shall be given an opportunity to appear at a Department conference regarding the matter. Failure to appear at the conference shall result in the denial of or the refusal to renew an applicant's permanent employee registration card. If the applicant chooses not to attend the conference, he/she may request a formal hearing regarding such determination prior to final action by the Department in accordance with 68 Ill. Adm. Code 1110.

Section 1240.150 Recordkeeping Requirements

a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 80 of the Act. The employee file shall be maintained by the agency for 2 years after termination of the employee, shall be accessible to duly authorized representatives of the Department with 24 hours prior notice, and shall contain the following information:

1) A photograph of the employee taken within 10 days prior to the date the employee commences employment. The photo shall be replaced each 3 calendar years;

2) The employee's statement required in Section 80(b) of the Act;

3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;

4) The employee identification card of a terminated employee pursuant to Section 80(h) of the Act;
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5) Application for employment;

6) Certification of Completion of Basic Training as provided in Section 1240.120 of this Part;

7) Copy of employee's Permanent Employee Registration Card; and

8) Copy of the verification of fingerprint processing from the Illinois Department of State Police or its designated agent.

b) A locksmith who opens a residence or commercial establishment or safe, vault, safe deposit box, automatic teller machine, or other device for safeguarding areas where access is meant to be limited for another, whether or not for compensation, shall document the street address where the work was performed on a work order form. The locksmith shall also document the name, address, telephone number, date of birth, and driver's license number or other identification number of the person requesting the work be done and obtain the signature of that person on the work order form. A copy of each work order form shall be kept by the licensed locksmith for a period of 2 years and shall also include the name and license number of the locksmith or the name and employee identification number of the registered employee who performed the services. Work order forms required to be kept under this subsection shall be available for inspection upon written request made 3 days in advance by any law enforcement agency.

c) A locksmith who opens a motor vehicle for another, whether or not for compensation, shall document on a work order form the name, address, telephone number, date of birth, and driver's license number or other identification number of the person requesting entry and obtain the signature of that person. A copy of each work order form shall be kept by the licensed locksmith for a period of 2 years and shall also include the name and license number of the locksmith or the name and employee identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by any law enforcement agency. (Section 82 of the Act)

d) A copy of the Department’s webpage (www.ildpr.com) showing that an applicant has no criminal conviction pursuant to the Department of State Police criminal history check for individuals employed prior to issuance of the Permanent Employee Registration Card; and
e) For active peace officers, the agency employee file shall include a copy of the current police identification card and a signed letter from the peace officer’s chief of police or his/her designee indicating current status as a peace officer, as well as items set forth in subsections (a)(1), (4) and (5). The agency shall have a continuing duty to verify and maintain proof of the employee’s qualifications for the peace officer exemption.

Section 1240.160 Reporting Requirements

a) All licensees and registrants shall notify the Department in writing within 30 days after any conviction(s), arrest(s), and/or indictment(s) against him/her.

b) All agencies shall submit a monthly roster of employees with PERC application(s) pending with the Department.

Section 1240.170 Renewals

a) Beginning with the May 1999 renewal, every individual license issued under the Act shall expire on May 31 every 3 years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee set forth in Section 1240.205 and providing proof of liability insurance as evidenced by a certificate of insurance from the insurer.

b) Beginning with the May 1999 renewal, every certificate of registration for an agency and every branch office issued under the Act shall expire on August 31 every 3 years. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date thereof by paying the required fee.

c) Beginning with the May 2000 renewal, every employee registration card issued under the Act shall expire on May 31 every 3 years. The holder of the card may renew such card during the month preceding the expiration date by submitting the required fee to the Department.

d) It is the responsibility of each licensee and employee registration card holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee. Practicing on an expired license or employee registration card is unlicensed practice and subject to
Section 1240.180 Endorsement

a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the Department together with:

1) A certification from the licensing authority of the jurisdiction stating:

   A) The time during which the applicant was licensed in that jurisdiction;

   B) Whether the file on the applicant contains a record of any disciplinary action taken or pending;

   C) A brief description of the examination taken and the grades received; and

   D) That the jurisdiction has substantially equal rules of endorsement (see Section 100 of the Act); and

2) The required fee specified in Section 1240.205.

b) If the Department questions the documentation provided by the applicant because of discrepancies or conflicts in information, or missing information, or if the Department needs further information to determine substantial equivalence of the applicant's qualifications for licensure, the applicant will be requested to submit further information as the Department deems necessary to make such determination.

Section 1240.190 Restoration

A licensee seeking restoration of a license shall file an application on forms provided by the Department and shall also submit the following:

a) If the license has expired for 6 years or less, the application must be accompanied by the required fees specified in Section 1240.205 or an affidavit attesting to military service as provided in Section 1240.205.

b) If the license has expired for more than 6 years, the application must be
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accompanied by a request to be scheduled for the next available examination, a fee covering the cost of the examination and the required restoration fee specified in Section 1240.205.

SUBPART C: GENERAL

Section 1240.200 Requests for Duplicate Certificates

a) Requests for duplicate certificates to replace ones that have been lost, stolen or destroyed shall be made in writing to the Department and shall be made by the individuals to whom the certificates were issued.

b) Any person requesting a duplicate firearm authorization card shall first file a report with the local police authority that specifies the circumstances under which the firearm authorization card was lost, stolen or destroyed.

c) Requests for a duplicate firearm authorization card shall be accompanied by an affidavit from the person making the request, specifying the date and with what police authority the above-mentioned police report was filed, and summarizing the circumstances under which the firearm authorization card was lost, stolen or destroyed. The fee, as required by Section 1240.205, shall also accompany the request.

d) For purposes of this Section, the word "certificates" shall mean and include the following:

1) Individual licenses (Private Detective, Private Security Contractor and Private Alarm Contractor and Locksmith)

2) Certificates of Registration for an agency

3) Licensee Pocket Cards

4) Permanent Employee Registration Cards

5) Certification of Completion of Firearm Training

6) Firearm Authorization Card.

Section 1240.205 Fees
The following fees shall be paid to the Department and are not refundable:

a) Application Fees

1) The fee for application for a license as a private detective, security contractor, alarm contractor, or locksmith is $500. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

2) The fee for application for an agency certificate is $500.

3) The fee for application for a branch office certificate is $200.

4) The fee for issuance of a permanent employee registration card is $55.

5) The fee for issuance of a firearm authorization card is $55.

6) The fee for issuance of an armed proprietary security force registration is $20.

b) Renewal Fees

1) The fee for the renewal of a license shall be calculated at the rate of $150 per year.

2) The fee for the renewal of an agency certificate is $450 for the renewal period (see Section 1240.50(b)).

3) The fee for the renewal of a branch office certificate is $200 for the renewal period (see Section 1240.50(b)).

4) The fee for the renewal of a permanent employee registration card is $45 for the renewal period (see Section 1240.50(c)).
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5) The fee for the renewal of a firearm authorization card is $45 for the renewal period (see Section 1240.50(c)).

6) The fee for the renewal of an armed proprietary security force registration is $20 for the renewal period (see Section 1240.50(b)).

c) General Fees

1) The fee for the restoration of a license other than from inactive status is $50 plus payment of all lapsed renewal fees; the fee for restoration from inactive status is the current renewal fee.

2) The fee for the issuance of a duplicate/replacement license, agency certificate of registration, permanent employee registration card, certification of completion of 20 Hour Basic Training, Certification of Firearm Training, firearm authorization card, or a certificate issued for a change of name or address, other than during the renewal period, is $20. No fee is required for name and address changes on Department records when no duplicate license is issued.

3) The fee for reissuance of a firearm authorization card to an agency that has changed its name is $10.

4) The fee for processing a fingerprint card by the State Police is the cost of processing, which shall be made payable to the State Police Services Fund and shall be remitted to the State Police for deposit into the Fund.

5) The fee for a certification of a licensee's record for any purpose is $20.

6) The fee to have the scoring of an examination administered by the Department reviewed and verified is $20, plus any fee charged by the testing service.

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

8) The fee for a roster of licensees or registrants shall be the actual cost of producing the roster.

Section 1240.210  Conduct of Hearings
Any hearing conducted by the Department pursuant to Section 130 of the Act shall be conducted in accordance with the Department's Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110).

Section 1240.220 Investigation by the Department

a) The Department may conduct an investigation for the purpose of investigating an applicant or application, an agency, a licensee, a registrant or any other party for an alleged violation of the Act or this Part.

b) The Department may require an applicant, an agency, a licensee or registrant to produce relevant documents, records or any other material pertinent to the investigation of alleged violations of the Act or this Part. Failure to provide such material shall be grounds for disciplinary action, as authorized by Section 120 of the Act.

Section 1240.230 Granting Variances

a) The Director may grant variances from these rules in individual cases where he/she finds that:

1) The provision from which the variance is granted is not statutorily mandated;

2) No party will be injured by the granting of the variance; and

3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.
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1) **Heading of the Part**: Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004

2) **Code Citation**: 68 Ill. Adm. Code 1240

3) **Section Numbers**: 
   - 1240.10 New Section
   - 1240.100 New Section
   - 1240.200 New Section
   - 1240.300 New Section
   - 1240.400 New Section
   - 1240.500 New Section
   - 1240.505 New Section
   - 1240.510 New Section
   - 1240.515 New Section
   - 1240.520 New Section
   - 1240.525 New Section
   - 1240.530 New Section
   - 1240.535 New Section
   - 1240.540 New Section
   - 1240.545 New Section
   - 1240.550 New Section
   - 1240.555 New Section
   - 1240.560 New Section
   - 1240.561 New Section
   - 1240.565 New Section
   - 1240.570 New Section
   - 1240.575 New Section
   - 1240.580 New Section
   - 1240.585 New Section

4) **Statutory Authority**: Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 446]

5) **A complete description of the subjects and issues involved**: PA 93-438 enacted the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 and repealed the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993. As a result, the current Part 1240 is being repealed, to be replaced by these proposed rules. These proposed rules are similar to those being repealed, but in many cases items have been moved in an effort to make locating information easier and more user-friendly. Subparts A
through D mirror the Act, with Detective being followed by Alarm Contractor, Security Contractor, and Locksmith. Subpart E, Proprietary Security Force, now makes reference to “armed employee” rather than “armed security guard” to reflect statutory changes. Subpart F, General, includes the remaining sections of the rules, which includes definitions, training requirements, fees and variance language. Of particular interest are definitions for “participation in agency affairs” for licensees-in-charge and “qualified instructor” for licensees teaching the basic training outlined in the Act.

6) **Will these proposed rules replace emergency rules currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Do these proposed rules contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of statewide policy objectives (if applicable):** This rulemaking has no impact on local government.

11) **Time, place and manner in which interested persons may comment on this proposed rulemaking:**

   Interested persons may submit written comments to:

   Department of Finance and Professional Regulation
   Attention: Barb Smith
   320 West Washington, 3rd Floor
   Springfield IL 62786
   217/785-0813 Fax #: 217/782-7645

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

12) **Initial Regulatory Flexibility Analysis:**

   A) **Types of small businesses, small municipalities and not for profit corporations affected:** Private detectives, security contractors, alarm contractors, locksmiths, and agencies and employees regulated under the Act will be affected.

   B) **Reporting, bookkeeping or other procedures required for compliance:** None
C) Types of professional skills necessary for compliance: Training and/or experience in various security or other related areas are necessary for licensure.

13) Regulatory agenda on which this rulemaking was summarized: July 2004

The full text of the proposed rules begins on the next page:
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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240
PRIVATE DETECTIVE, PRIVATE ALARM,
PRIVATE SECURITY, AND LOCKSMITH ACT OF 2004

SUBPART A: PRIVATE DETECTIVE

Section 1240.10 Application for Examination and Licensure – Private Detective

SUBPART B: PRIVATE ALARM

Section 1240.100 Application for Examination and Licensure – Private Alarm Contractor

SUBPART C: PRIVATE SECURITY

Section 1240.200 Application for Examination and Licensure – Private Security Contractor

SUBPART D: LOCKSMITH

Section 1240.300 Application for Examination and Licensure – Locksmith
1240.310 20-Hour Basic Training Course – Locksmith
1240.320 Recordkeeping Requirements – Locksmith

SUBPART E: PROPRIETARY SECURITY FORCE

Section 1240.400 Registration of Proprietary Security Force

SUBPART F: GENERAL

Section 1240.500 Definitions
1240.505 20-Hour Basic Training Course – Private Detective, Private Alarm Contractor and Private Security Contractor
1240.510 Firearm Training Course
1240.515 Approval of Firearm Training Programs and Firearm Instructors
1240.520 Permanent Employee Registration Card
1240.525 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due
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to Criminal History Record Information

1240.530  Firearm Authorization Cards
1240.535  Recordkeeping Requirements
1240.540  Reporting Requirements
1240.550  Renewals
1240.555  Endorsement
1240.560  Restoration
1240.561  Inactive Status
1240.565  Requests for Duplicate Certificates
1240.570  Fees
1240.575  Conduct of Hearings
1240.580  Investigation by the Division
1240.585  Granting Variances


SUBPART A: PRIVATE DETECTIVE
Section 1240.10 Application for Examination and Licensure – Private Detective

a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.

b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 15-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:

1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.

2) "Full-time supervisor in a law enforcement agency" shall mean a sworn peace officer serving in a full-time position responsible for the direction and performance of other law enforcement personnel.

3) "Investigator in a law enforcement agency" shall mean a sworn peace officer who serves in the capacity of a full-time detective/investigator or above rank.

c) The passing grade on the examination is 70 or above.

d) Upon notification of successful completion of the examination, the applicant may apply to the Division of Professional Regulation of the Department (Division) for licensure. The application must be complete and must be accompanied by:

1) One of the following:

A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing;

B) Out-of-state residents unable to utilize the Illinois State Police electronic fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the
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Illinois State Police, accompanied by the fee specified by the vendor; or

C) Verification, on forms provided by the Division, of proof of retirement as a peace officer within 12 months prior to application in lieu of fingerprints. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act) Such verification shall be signed by the applicant's employer;

2) Proof of at least $1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

3) The required fees specified in Section 1240.570.

e) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

SUBPART B: PRIVATE ALARM

Section 1240.100 Application for Examination and Licensure – Private Alarm Contractor

An individual seeking licensure by examination as a private alarm contractor shall make application to the Division of Professional Regulation of the Department (Division), on forms provided by the Division, at least 60 days prior to the examination. The application shall include proof acceptable to the Division that the applicant has fulfilled the required experience specified in Section 20-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:

1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
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2) Applicants qualified to sit for the examination pursuant to Section 20-10 of the Act shall have private alarm experience which shall include, but not be limited to:

   A) Private alarm contractor experience as defined in Section 5-10 of the Act gained while licensed or lawfully practicing in another jurisdiction with substantially equivalent licensure requirements as in effect in Illinois for 3 of the last 5 years; or

   B) A minimum of 3 years experience of the 5 years immediately preceding application working as a full-time manager for a licensed private alarm contractor agency or for an entity that designs, sells, installs, services, or monitors alarm systems that, in the judgment of the Board, satisfies the standards of alarm industry competence. (Section 20-10(a)(6))

b) The passing score on the examination is 70 or above.

c) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application shall include:

1) One of the following:

   A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing;

   B) Out-of-state residents unable to utilize the Illinois State Police electronic fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; or

   C) Verification, on forms provided by the Division, of proof of retirement as a peace officer within 12 months prior to application in lieu of fingerprints. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make
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arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act) Such verification shall be signed by the applicant's employer;

2) Proof of at least $1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

3) The required fees specified in Section 1240.570.

d) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

SUBPART C: PRIVATE SECURITY

Section 1240.200 Application for Examination and Licensure – Private Security Contractor

a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.

b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 25-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:

1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.

2) "Full-time supervisor in a law enforcement agency" shall mean a sworn peace officer serving in a full-time position responsible for the direction and performance of other law enforcement personnel.

c) The passing grade on the examination is 70 or above.
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d) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application must be complete and must be accompanied by:

1) One of the following:

A) Verification of electronic fingerprint processing from the Illinois State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing;

B) Out-of-state residents unable to utilize the Illinois State Police fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; or

C) Verification, on forms provided by the Division, of proof of retirement as a peace officer within 12 months prior to application in lieu of fingerprints. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act) Such verification shall be signed by the applicant's employer;

2) Proof of at least $1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

3) The required fees specified in Section 1240.570.

e) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

SUBPART D: LOCKSMITH
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Section 1240.300 Application for Examination and Licensure – Locksmith

a) An individual seeking licensure by examination as a locksmith shall make application to the Division, on forms provided by the Division, at least 60 days prior to the examination. The application form shall include questions necessary for the Division to establish that the applicant meets the qualifications for licensure specified in Section 30-10 of the Act.

b) The passing score on the examination is 70 or above.

c) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application shall include:

1) One of the following:

A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing;

B) Out-of-state residents unable to utilize the Illinois State Police fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; or

C) Verification, on forms provided by the Division, of proof of retirement as a peace officer within 12 months prior to application in lieu of fingerprints. A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act) Such verification shall be signed by the applicant's employer;

2) Proof of at least $1,000,000 of liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
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3) The required fees specified in Section 1240.570.

d) A successful examination score shall be valid for 6 years. After 6 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

Section 1240.310 20-Hour Basic Training Course – Locksmith

a) Every person employed as a registered employee of a locksmith agency certified under the Act shall complete, within 30 days after the applicant's employment, a course of basic training.

b) The training shall be a minimum of 20 hours of training related to the applicant's employment that shall be certified by the employer and shall include at a minimum the following subject areas:

1) Public Safety Codes (NFPA 80 & NFPA 101)
   A) Life Safety Codes
   B) Building Code
   C) ADA Law

2) Practical Locksmithing
   A) Master Keying
   B) Key Records and Codes
   C) Key Blanks and Keyways
   D) Product Liability
   E) Professional Installations
   F) Do Not Duplicate

3) Responsibilities as Required by the Act
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A) When to ask for identification

B) What identification is acceptable

4) Personal Employee Registration Card (PERC)

A) Cause for revoking the card

B) Disciplinary Sanctions

C) Renewal

c) Upon successful completion of the training prescribed in subsection (b), each individual shall be issued, by the employer or the instructor, a Certification of Completion of Basic and/or Refresher Training Course, which shall be signed by the instructor. The licensee-in-charge shall be responsible for the documentation of the training.

d) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Division, the Certification or a certified copy shall be filed by the employer with the employee statement and shall remain in the file during the term of employment. Upon termination of employment the original Certification shall be returned to the employee.

e) In the case of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of Basic and/or Refresher Training Course shall be kept with the employee statement in lieu of the original Certification.

f) Basic training materials will be made available to Department personnel upon request to verify content.

Section 1240.320 Recordkeeping Requirements – Locksmith

a) A locksmith who bypasses, manipulates, or originates a first key by code for a device safeguarding an area where access is meant to be limited, whether or not for compensation, shall document where the work was performed and the name, address, date of birth, telephone number, and driver's license number or other
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identification number of the person requesting the work to be done and shall obtain the signature of that person. A copy of the work order form shall be kept by the licensed locksmith for a period of 2 years and shall include the name and license number of the locksmith or the name and identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by a law enforcement agency. (Section 30-25(a) of the Act)

b) A locksmith who bypasses, manipulates, or originates a first key for a motor vehicle, whether or not for compensation, shall document the name, address, date of birth, telephone number, vehicle identification number, and driver's license number or other identification number of the person requesting entry and obtain the signature of that person. A copy of the work order form shall be kept by the licensed locksmith for a period of 2 years and shall include the name and license number of the locksmith or the name and identification number of the registered employee who performed the services. Work order forms required to be kept under this Section shall be available for inspection upon written request made 3 days in advance by a law enforcement agency. (Section 30-25(b) of the Act)

SUBPART E: PROPRIETARY SECURITY FORCE

Section 1240.400 Registration of Proprietary Security Force

a) Pursuant to Section 24-2 of the Criminal Code of 1961 [720 ILCS 5/24-2], all commercial or industrial operations who employ 5 or more persons as armed employees in accordance with Section 24-2(a)(6) and all financial institutions who employ armed employees in accordance with Section 24-2(a)(8) shall register their security forces with the Division, on forms provided by the Division, which include the following:

1) Business name and address of the proprietary security force;

2) Any doing business as (d/b/a) names of the proprietary security force;

3) The type of business (sole proprietorship, partnership, corporation, etc.):

   A) If a partnership, a listing of all partners and addresses;
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B) If a corporation, a copy of Articles of Incorporation. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois;

C) If a limited liability company, a copy of the Articles of Organization;

4) The number of armed employees; and

5) The name and title of the security director who will be registering armed employees and who is responsible for the daily activities of the force.

b) All armed security guard employees of the registered proprietary security force in subsection (a) shall be required to complete a 20-hour basic training course in accordance with Section 1240.505 and a 20-hour firearm training course in accordance with Section 1240.510.

c) Each proprietary force shall be required to apply to the Division, on forms supplied by the Division, for the issuance of a firearm authorization card, in accordance with Section 1240.530(b) and (c), for each armed employee of the security force. Each application shall include:

1) One of the following:

   A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing;

   B) Out-of-state residents unable to utilize the Illinois State Police electronic fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; or

   C) Verification, on forms provided by the Division, of proof of retirement as a peace officer as defined in subsection (j) within 12 months prior to application in lieu of the fingerprint cards. Such verification shall be signed by the applicant's employer;
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If the employee has State and federal fingerprints on file with the Division, additional fingerprints are not required;

2) Verification that the employee has completed the training required in subsection (b). If the employee's firearm training was completed more than two years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within the one year preceding the request; and

3) The fee required in Section 1240.570.

d) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Division in writing why the card was not returned.

e) No employee shall carry a firearm until the requirements of this Section have been satisfied.

f) If an employee is employed by more than one proprietary security force, that employee must possess a separate firearm authorization card for each proprietary security force for which he or she uses, carries, or possesses a firearm.

g) The Division may conduct an inspection to verify the information on the application prior to the proprietary security force being registered with the Division.

h) All armored car companies registered as proprietary security forces pursuant to this Section shall have all employees who are required to carry a firearm authorization card complete classroom and range training in weapons on an annual basis and shall maintain a copy of verification of fingerprint processing from the Illinois Department of State Police or from one of the State Police designated agents. The armored car company shall make these documents available to the Division upon request.

i) Individuals who are currently employed as peace officers in good standing are not required to obtain firearm authorization cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm authorization card in accordance with this Section. For active peace officers, the
proprietary security force shall maintain on file a copy of the current police identification card and a signed letter from the peace officer's chief of police or his/her designee indicating current status as a peace officer. The proprietary security force shall annually re-verify and maintain proof of the employee's qualifications for the peace officer exemption.

j) A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act)

SUBPART F: GENERAL

Section 1240.500 Definitions

"Participation in agency affairs" – A licensee-in-charge who is present not less than 20 hours per week at the agency's office and/or job sites within the State of Illinois. Participation in agency affairs also includes responsibility for delivery of professional services and compliance with the Act, including employee recordkeeping, training, activities and conduct, and the review and approval of contracts and proposals. Participation in agency affairs also includes responsibility of the licensee-in-charge for maintaining at a location within Illinois all files subject to audit or inspection pursuant to Section 35-10 of the Act. The address of the location where files are maintained shall be on file with the Division. If an agency does not maintain an office or jobsite within Illinois or the licensee-in-charge resides outside of the State, it may seek a variance from the requirement of this Part pursuant to Section 1240.585.

"Qualified Instructor" – A licensed private detective, private alarm contractor, private security contractor or locksmith active and in good standing who has a minimum of 3 years of work experience as a licensee employed or retained by a licensed agency under the Act who can provide the basic training as outlined in the Act.

"Related to" – The immediate family living in the same household.

"Restored" – A court has declared an individual to be competent.
"Traffic Offense" – As used in Section 35-30(1)(C) of the Act, does not include a misdemeanor or felony related to vehicle usage.

Section 1240.505 20-Hour Basic Training Course – Private Detective, Private Alarm Contractor and Private Security Contractor

a) Every person employed as a registered employee of a private detective, private alarm or private security agency certified under the Act shall complete, within 30 days after commencing employment, a course of basic training. The training shall be a minimum of 20 hours of classroom basic training related to the employment and shall be certified to by the employer. For purposes of this Section, "classroom instruction" shall mean instruction that takes place in a setting where those individuals receiving the training are seated and learn through lectures, study papers, class discussion, textbook study or other means of organized formal education techniques (i.e., video or closed-circuit instruction), as distinguished from on-the-job training.

b) Registered employees of a private security contractor agency who provide guarding or other private security related functions, in addition to the classroom training required under subsection (a), within 6 months after their employment, shall complete an additional 8 hours of training on subjects to be determined by the employer. This training may be site-specific and may be conducted on the job.

c) In addition to the basic training provided for in subsections (a) and (b), registered employees of a private security contractor agency who provide guarding or other private security related functions shall complete an additional 8 hours of refresher training on subjects to be determined by the employer each calendar year commencing with the calendar year following the employee's first employment anniversary date. The refresher training may be site-specific and may be conducted on the job.

d) Upon successful completion of the training prescribed in subsections (a) through (c), each individual shall be issued, by the employer or the instructor, a Certification of Completion of Basic and/or Refresher Training signed by the instructor. The licensee-in-charge shall be responsible for the documentation of the training.

e) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Division, the Certification or a
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certified copy shall be filed by the employer with the employee statement required by Section 35-30(b) of the Act and shall remain in the file during the term of employment. Upon termination of employment, the original Certification shall be returned to the employee.

f) In the case of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of Basic and/or Refresher Training shall be kept with the employee statement required by Section 35-30(b) of the Act in lieu of the original Certification.

g) Copies of basic training, additional training, site-specific training and refresher training materials shall be made available to Division personnel upon request.

Section 1240.510 Firearm Training Course

a) No registered employee shall be allowed to perform duties that require the use, carrying or possession of a firearm until that employee has completed the 20 hours of basic training required by the Act, and has satisfactorily completed a 20-hour firearm training course approved by the Division. The firearm training course shall include both classroom instruction and firing range experience. Classroom instruction shall include, but not be limited to, the following subject matter:

1) Legal use of firearms;

2) Ethical and moral considerations of weapons use;

3) Liability for acts while armed;

4) Use of deadly force;

5) Search, seizure and arrest procedures while armed;

6) Firearm safety and maintenance; and

7) Fundamentals of firearm use:

   A) Stance;

   B) Grip;
C) Sight alignment;

D) Sight picture; and

E) Trigger control.

b) Each student shall be allotted time on the firing range to apply, in supervised practice, the techniques and methods described in subsection (a). The personal firearm of each student or the firearm assigned to the student shall be inspected for safety and approved by the range master prior to the beginning of actual range firing. Instruction shall include double-action shooting.

c) The range where the training is to be given, whether indoor or outdoor, shall be maintained in a safe condition and shall be located in an area where the firing of live ammunition is allowed. In determining whether the range is maintained in a safe condition, the Department shall conduct an on-site inspection and shall consider the following factors:

1) Safety of participants;

2) Safety of any persons or property in the area;

3) Safety maintenance procedures; and

4) Operational rules and policy.

d) Upon application to the Division, any firearm training course approved by the Illinois Community College Board and/or Illinois Board of Higher Education that requires the firing of a minimum of 50 live rounds of ammunition and a minimum qualification score of 70% will be approved as satisfying the requirements of this Section.

e) Upon application to the Division, any Law Enforcement Firearms Instructor Course approved and registered by the National Rifle Association that requires the firing of a minimum of 50 live rounds of ammunition and a minimum qualification score of 70% will be approved for the range portion of the training.

f) Each individual shall be required to fire a minimum of 50 rounds of live ammunition (factory loaded service ammunition or factory reloaded ammunition).
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g) Each student must qualify with a minimum score of 70% with each type of weapon (revolver, semi-automatic, shotgun, rifle) he/she will be authorized to carry.

h) The range instructor shall be responsible for maintaining a safe range environment. Any student who refuses to adhere to proper safety requirements shall be dismissed from training by the instructor or the range master. The range master shall also have full authority as to whether a weapon is in safe operating condition.

i) Upon completion of the training, each student must successfully complete a written examination. A copy of the examination shall be made available to the Division upon request (e.g., course audit). The examination shall test the subjects encompassed in both classroom and range instruction. Passage of the examination shall require a score of 75%.

j) Each instructor shall file with the Division, on forms provided by the Division, Certification of Completion of Firearm Training for each student who successfully completes the training. Upon receipt by the Division of the Certification of Completion of Firearm Training, a Certificate of Training shall be issued to the student which shall bear the training number assigned by the Division.

k) The Certificate of Firearm Training shall be the permanent record of firearm training and shall be retained by the individual as proof of the training. During the term of the individual's employment with an agency licensed by the Division, the Certificate of Training or certified copy shall be filed by the employer with the employee statement required by Section 35-30(b) of the Act and shall remain in the employee file during the term of employment. Upon termination of employment, the original Certificate of Firearm Training shall be returned to the employee.

l) In the case that the employee is employed by more than one employer, a notarized copy of the Certificate of Firearm Training shall be kept with the employee statement required by Section 35-30(b) of the Act in lieu of the original Certificate of Firearm Training.

m) Those persons employed as registered armed employees on August 5, 2003 shall be considered to have completed the training prescribed in this Section.
n) The training requirements of this Section shall be waived for an individual approved by the Division as an instructor under the provisions of Section 1240.515. Such individual shall, upon application to the Division, be issued a Certificate of Firearm Training by the Division.

Section 1240.515 Approval of Firearm Training Programs and Firearm Instructors

a) Any person, business entity, agency, or institution offering the training courses described in Section 1240.505 of this Part shall first apply to and receive approval of the course, based upon compliance with Section 1240.510, from the Division. Application shall be made on forms provided by the Division.

b) Any person teaching the firearms training course described in Section 1240.510 of this Part must be approved by the Division. Application shall be on forms provided by the Division and must be accompanied by the following:

1) Proof that the applicant is recognized and approved by the National Rifle Association (NRA) having taken a Law Enforcement Firearms Instructor Course that includes Security Personnel within the course. Proof shall be a copy of the applicant's Certificate from the NRA; or

2) Proof that the applicant is approved and recognized as a range instructor by the Illinois Police Training Board. Proof shall be a copy of the Instructor's Certificate issued by the Law Enforcement Training and Standards Board. Nothing in this subsection (b)(2) shall obligate the Police Training Board to train, recognize or approve range instructors for any purpose other than as specified in the Illinois Police Training Act [50 ILCS 705] and Peace Officers Firearm Training Act [50 ILCS 710]; or

3) Proof of other firearm instructor education or experience that the Division may consider to be substantially equivalent to subsection (b)(1) or (2), such as experience or education received in military service or federal law enforcement service.

c) Upon application to the Division, any full-time or part-time faculty employed by an institution under the jurisdiction of the Illinois Board of Higher Education and/or the Illinois Community College Board to teach a firearms training course or security training course shall be approved as satisfying the requirements of this Section.
d) Any firearm training program approved by the Law Enforcement Training and Standards Board shall be approved as satisfying the requirements of this Section.

Section 1240.520 Permanent Employee Registration Card

a) Any person seeking employee registration under Section 35-30 of the Act shall file an application with the Division, on forms provided by the Division, along with the following:

1) One of the following:
   A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing;
   B) Out-of-state residents unable to utilize the Illinois State Police fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; or
   C) Verification, on forms provided by the Division, of proof of retirement as a peace officer as defined in subsection (g) within 12 months prior to application in lieu of fingerprints. Such verification shall be signed by the applicant's employer;

2) The required registration fee specified in Section 1240.570, made payable to the Division of Professional Regulation.

b) An agency may employ an applicant in a temporary capacity in accordance with Section 35-30(k) of the Act by:

1) submitting the required application in accordance with subsection (a) on behalf of the person or verifying with the Division that an application has been submitted for the individual;

2) verifying on the Department's website (www.ildpr.com) that the applicant has no criminal conviction pursuant to the Illinois Department of State Police criminal history check;
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3) maintaining a separate roster of the names of all employees whose applications are pending; and

4) meeting any other requirements set forth in this Part or the Act.

c) If no record is found relating to the fingerprints and the applicant is otherwise qualified under the Act, the Division shall issue to the applicant a permanent employee registration card that shall be valid for the period specified on the face of the card and shall be renewable upon the conditions set forth in Section 1240.550 of this Part.

d) A valid permanent employee registration card shall serve as proof to an employer that the bearer is eligible for employment.

e) Exempt employees are as follows:

1) Private Detective. Persons who have no access to confidential or detective related information and who otherwise do not provide traditional detective related services are exempt from employee registration. Examples of exempt employees include reception personnel. Confidential or detective related information is that which pertains to employee files, scheduling, client contracts or technical data.

2) Private Alarm Contractor. Persons who have no access to confidential or alarm related information and who otherwise do not provide traditional alarm related services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical alarm data.

3) Private Security Contractor. Persons who have no access to confidential or security information and who otherwise do not provide traditional security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ticket takers, cashiers, drivers, ushers and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical security data.
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4) Locksmith. Persons who have no access to confidential or security information and who otherwise do not provide traditional locksmith services, as defined in this Act, are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of key cutters, cashiers, drivers, and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts, master key charts, access codes, or technical security and alarm data. (Section 30-5(10) of the Act)

5) Individuals who are currently employed as peace officers in good standing are not required to obtain permanent employee registration cards. If the individual ceases to be employed as a peace officer, then the agency is required to obtain a permanent employee registration card in accordance with this Section.

6) A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act)

7) All employees of any agency licensed under the Act who reside outside of Illinois and who perform no duties in Illinois.

Section 1240.525 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information

a) For purposes of this Section, criminal history record information is defined as information collected by criminal justice agencies (defined in 20 ILCS 2630) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, information, or other formal criminal charges, and any disposition arising from those charges, sentencing, correctional supervision and release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.
b) In determining whether an applicant for a permanent employee registration card or firearm authorization card is unfit for such registration because of criminal history record information, the Division shall consider the following standards:

1) Whether the crime was one of armed violence or any two or more repeated acts of violence towards persons or property [720 ILCS 5/Art. 33A] or:
   A) Crimes involving dishonesty, false statement or some other element of deceit, untruthfulness or falsification (including, but not limited to perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).
   B) Drug offenses including, but not limited to, the Illinois Controlled Substances Act [720 ILCS 570/Art. I] and Federal Drug Enforcement Laws (21 USC 801 et seq.).
   C) Sex offenses including, but not limited to, all crimes listed in Article 11 of the Criminal Code of 1961 [720 ILCS 5/Art. 11].

2) Whether the crime is related to the detective, security, alarm or locksmith profession.

3) Whether more than 10 years have elapsed since the date of completion of imposed sentence.

4) Whether the conviction was from a city ordinance violation or conviction for which a jail sentence was not imposed.

5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Division shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:
   A) Completion of probation;
   B) Completion of parole supervision; or
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C) If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.

e) If any one of the following factors exists, this outweighs the presumption of rehabilitation as defined in subsection (b)(5):

1) Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);

2) Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;

3) Falsification of an application for registration with the Division;

4) Failure to furnish to the Division additional information or failure to appear for a conference with the Division in relation to the applicant's application for registration.

d) The following criminal history records shall not be considered in connection with an application for registration:

1) Juvenile adjudications;

2) Records of arrest not followed by a conviction;

3) Convictions overturned by a higher court;

4) Convictions that have been the subject of a pardon or expungement.

e) If determination is made that the applicant is unfit for registration, the applicant shall be notified in writing that the Division intends to deny or intends to refuse to renew the permanent employee registration card or firearm authorization card. The applicant/licensee shall be given an opportunity to appear at a Division conference regarding the matter. Failure to appear at the conference shall result in the denial or the refusal to renew an applicant's permanent employee registration card or firearm authorization card. If the applicant chooses not to attend the conference, he/she may request a formal hearing regarding such determination prior to final action by the Division in accordance with 68 Ill. Adm. Code 1110.
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Section 1240.530  Firearm Authorization Cards

a) Each employer shall make a request to the Division, on forms supplied by the Division, for the issuance of a firearm authorization card for each employee whose duties include the use, carrying or possession of a firearm. Each employee shall have an active permanent employee registration card issued in accordance with Section 1240.520 prior to applying for a firearm authorization card unless employed by a proprietary security force in accordance with Section 1240.400.

b) Upon verification by the Division that the individual employees have completed the required firearm training course within the 2 years preceding the request for a firearm authorization card, and meet all the requirements of the Act for issuance of a firearm authorization card, the Division shall issue a card to the employer for each employee. If the employee's firearm training was completed more than 2 years before the request for a firearm authorization card, the employer shall submit evidence that the employee has requalified on the firing range within one year preceding the request.

c) The firearm authorization card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event an employee fails to return a firearm authorization card to the employer, the employer shall notify the Division in writing of the failure and the reason why the card was not returned.

d) No employee may carry a firearm until the requirements of this Section have been satisfied.

e) If an employee is employed by more than one agency, regardless of whether the agencies are owned or operated by the same person or different persons, that employee must possess a separate firearm authorization card for each agency.

f) Individuals who are currently employed as peace officers in good standing are not required to obtain firearm authorization cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm authorization card in accordance with this Section.

g) A peace officer is defined as any person who by virtue of his/her office or public employment is vested by law with a primary duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; officers, agents or employees of the federal government.
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commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers. (Section 5-10 of the Act)

Section 1240.535 Recordkeeping Requirements

a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 35-30 of the Act. The employee file shall be maintained by the agency for 5 years after termination of the employee, shall be accessible to duly authorized representatives of the Division with 24 hours prior notice, and shall contain the following information:

1) A photograph of the employee taken within 10 days after the date the employee commences employment. The photo shall be replaced every 3 calendar years;

2) The employee's statement required in Section 35-30(b) of the Act;

3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;

4) The employee identification card of a terminated employee pursuant to Section 35-30(h);

5) A copy of the weapons discharge report, if applicable, during the course of the employee's duties or activities;

6) Application for employment;

7) Certification of Completion of Basic and/or Refresher Training as provided in Section 1240.505 of this Part;

8) Certificate of Firearm Training, if applicable (or notarized copy as provided in Section 1240.510 of this Part) verified by the licensee in charge;

9) Copy of employee's permanent employee registration card and firearm authorization card and active Firearm Owner's Identification Card (FOID), if applicable;
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10) Certification or certified copy of requalification (Section 1240.510);

11) Copy of the verification of fingerprint processing from the Illinois Department of State Police or from one of the Illinois State Police designated agents;

12) A copy of the Division's webpage (www.ildpr.com) showing that an applicant has no criminal conviction pursuant to the Illinois Department of State Police criminal history check for individuals employed prior to issuance of the permanent employee registration card; and

13) For active peace officers, the agency employee file shall include a copy of the current police identification card and a signed letter from the peace officer's chief of police or his/her designee indicating current status as a peace officer, as well as items set forth in subsections (a)(1), (4), (5) and (6). The agency shall annually re-verify and maintain proof of the employee's qualifications for the peace officer exemption.

b) Private alarm contractors who provide monitoring services shall maintain a separate roster of the names of all licensed agencies and/or individuals, including license number, from whom they accept monitoring contracts or assignments. The roster shall be made available to the Division upon 24 hours notice. It shall be considered unprofessional conduct, subject to discipline by the Division, for a licensed alarm contractor or agency to accept monitoring contracts or assignments from an unlicensed entity.

Section 1240.540 Reporting Requirements

a) All licensees and registrants shall notify the Division in writing within 30 days after any convictions, arrests, felony information, and/or indictments against him/her.

b) All agencies shall submit a monthly roster of employees with PERC applications pending with the Division.

c) All agencies shall submit a weapons discharge report, on forms provided by the Division, along with the police report of the incident, within 30 days after the incident.

Section 1240.550 Renewals
a) Beginning with the May 1999 renewal, every individual license issued under the Act shall expire on May 31 every 3 years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee set forth in Section 1240.570 and providing proof of liability insurance as evidenced by a certificate of insurance from the insurer.

b) Beginning with the May 1999 renewal, every certificate of registration for an agency and every branch office and proprietary security force certificate issued under the Act shall expire on August 31 every 3 years. The holder of a certificate of registration may renew such certificate during the month preceding the expiration date by paying the required fee.

c) Beginning with the May 2000 renewal, every employee registration card issued under the Act shall expire on May 31 every 3 years. The holder of the card may renew the card during the month preceding the expiration date by submitting the required fee to the Division.

d) It is the responsibility of each licensee and employee registration card holder to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to renew one's license or employee registration card or to pay the renewal fee. Practicing on an expired license or employee registration card is unlicensed practice and subject to discipline under Section 45-10 of the Act.

e) Every firearm authorization card shall expire on the date specified on the face of the card. The card shall be renewed upon proof that:

1) The employee has been requalified on the firing range within one year preceding the renewal date; and

2) The employee continues to be employed by the agency to which the card was issued.

f) No employer shall, after the expiration of a firearm authorization card, employ the holder of the card in an armed capacity.

Section 1240.555 Endorsement
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a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the Division, together with:

1) A certification from the licensing authority of the jurisdiction stating:

   A) The time during which the applicant was licensed in that jurisdiction;

   B) Whether the file on the applicant contains a record of any disciplinary action taken or pending; and

   C) A brief description of the examination taken and the grades received; and

2) A completed Education Certification Form, a completed Verification of Qualifying Experience Form or a completed Work History Form detailing the education and/or experience required by Section 15-10, 20-10, 25-10 or 30-10 of the Act, as applicable; and

3) The required fee specified in Section 1240.570.

b) The Division shall examine each application to determine whether the requirements at the time of licensure in the state where the applicant was licensed were substantially equivalent to the requirements in force in this State at that time and the state has similar rules for licensure by endorsement.

c) If the Division questions the documentation provided by the applicant because of discrepancies or conflicts in information, or missing information, or if the Division needs further information to determine substantial equivalence of the applicant's qualifications for licensure, the applicant will be requested to submit further information as the Division deems necessary to make such determination.

Section 1240.560 Restoration

A licensee seeking restoration of a license shall file an application on forms provided by the Division and shall also submit the following:

a) If the license has expired for 6 years or less, the application must be accompanied by the required fees specified in Section 1240.570 or an affidavit attesting to military service as provided in Section 1240.570.
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b) If the license has expired for more than 6 years, the applicant must submit proof of competence to resume practice satisfactory to the Division and the Board. The proof may include passing a written examination. The applicant must also submit the required restoration fee specified in Section 1240.570.

c) Any permanent employee registration card expired for less than one year may be restored upon payment of lapsed renewal fees. Any permanent employee registration card expired for one year or more may be restored by making application to the Division and filing proof acceptable to the Division of the licensee's fitness to have the permanent employee registration card restored, including verification of fingerprint processing through the Department of State Police and Federal Bureau of Investigation and paying the restoration fee. (Section 10-25(d) of the Act)

Section 1240.561 Inactive Status

a) Licensees who notify the Division, on forms provided by the Division, may place their licenses on inactive status for a period of not longer than six years and shall be excused from paying renewal fees until they notify the Division in writing of the intention to resume active practice.

b) Licensees seeking restoration from inactive status shall do so in accordance with Section 1240.560 of this Part.

Section 1240.565 Requests for Duplicate Certificates

a) Requests for duplicate certificates to replace ones that have been lost, stolen or destroyed shall be made in writing to the Division and shall be made by the individuals to whom the certificates were issued.

b) Any person requesting a duplicate firearm authorization card shall first file a report with the local police authority that specifies the circumstances under which the firearm authorization card was lost, stolen or destroyed.

c) Requests for a duplicate firearm authorization card shall be accompanied by an affidavit from the person making the request, specifying the date and with what police authority the above-mentioned police report was filed, and summarizing the circumstances under which the firearm authorization card was lost, stolen or
destroyed. The fee, as required by Section 1240.570, shall also accompany the request.

d) For purposes of this Section, the word "certificates" shall mean and include the following:

1) Individual licenses (private detective, private security contractor, private alarm contractor and locksmith)

2) Certificate of Registration for an agency

3) Licensee Pocket Cards

4) Permanent Employee Registration Cards

5) Certification of Completion of Firearm Training

6) Firearm Authorization Card

Section 1240.570 Fees

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

a) Application Fees

1) The fee for application for a license as a private detective, security contractor, alarm contractor, or locksmith is $500. In addition, applicants for an examination shall be required to pay, either to the Division or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.

2) The fee for application for an agency certificate is $500.

3) The fee for application for a branch office certificate is $200.

4) The fee for issuance of a permanent employee registration card is $55.
5) The fee for issuance of a firearm authorization card is $55.

6) The fee for issuance of an armed proprietary security force registration is $20.

b) Renewal Fees

1) The fee for the renewal of a license shall be calculated at the rate of $150 per year.

2) The fee for the renewal of an agency certificate is $450 for the renewal period (see Section 1240.550(b)).

3) The fee for the renewal of a branch office certificate is $200 for the renewal period (see Section 1240.550(b)).

4) The fee for the renewal of a permanent employee registration card is $45 for the renewal period (see Section 1240.550(c)).

5) The fee for the renewal of a firearm authorization card is $45 for the renewal period (see Section 1240.550(c)).

6) The fee for the renewal of an armed proprietary security force registration is $20 for the renewal period (see Section 1240.550(b)).

c) General Fees

1) The fee for the restoration of a license other than from inactive status is $50 plus payment of all lapsed renewal fees; the fee for restoration from inactive status is the current renewal fee.

2) The fee for the issuance of a duplicate/replacement license, agency certificate of registration, permanent employee registration care, Certification of Firearm Training, firearm authorization card, or a certificate issued for a change of name or address, other than during the renewal period, is $20. No fee is required for name and address changes on Division records when no duplicate license is issued.
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3) The fee for reissuance of a firearm authorization card to an agency that has changed its name is $10.

4) The fee for electronic fingerprint processing by one of the designated vendors is the cost of processing that shall be made payable to the vendor.

5) The fee for a certification of a licensee’s record for any purpose is $20.

6) The fee to have the scoring of an examination administered by the Division reviewed and verified is $20, plus any fee charged by the testing service.

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

8) The fee for a roster of licensees or registrants shall be the actual cost of producing the roster.

Section 1240.575 Conduct of Hearings

Any hearing conducted by the Division pursuant to Section 45-10 of the Act shall be conducted in accordance with the Division's Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110).

Section 1240.580 Investigation by the Division

a) The Division may conduct an investigation for the purpose of investigating an applicant or application, an agency, a licensee, a registrant or any other party for an alleged violation of the Act or this Part.

b) The Division may require an applicant, an agency, a licensee or registrant to produce relevant documents, records or any other material pertinent to the investigation of alleged violations of the Act or this Part. Failure to provide such material shall be grounds for disciplinary action, as authorized by Section 40-10 of the Act. Nothing in Section 35-10 of the Act shall be construed to interfere with the Division's authority to investigate licensees under the Act.

Section 1240.585 Granting Variances
DEPARTMENT OF FINANCE AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

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

1) The provision from which the variance is granted is not statutorily mandated;

2) No party will be injured by the granting of the variance; and

3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

b) The Director shall notify the Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Numbers: Proposed Action:
   140.452 Amendment
   140.453 Amendment
   140.454 Amendment
   140.455 Amendment
   140.456 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 93-0495 and Public Act

5) Complete Description of the Subjects and Issues Involved: These proposed amendments respond to the Children's Mental Health Act (Public Act 93-495) regarding an enhanced Screening, Assessment and Support Services (SASS) system that is designed to serve children and adolescents who are experiencing a mental health crisis and whose care will require public funding. This new initiative involves a partnership between the Department, the Department of Human Services and the Department of Children and Family Services to create a single Statewide system. The SASS program emphasizes a single point of entry for all children and adolescents using the system and will ensure that they receive crisis services in the most appropriate setting. These proposed amendments to Part 140 describe provider services and payment for those services under SASS.

Related amendments are being proposed at 89 Ill. Adm. Code 148 that establish hospital reimbursement and utilization review for intensive community-based mental health services under SASS.

The SASS program will target resources more efficiently and effectively by preventing unnecessary psychiatric hospitalizations of children and adolescents. It is estimated that this will leverage an additional $1.1 million in federal Medicaid funding.

6) Will these amendments replace any emergency amendments currently in effect? No

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

8) Does rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No
### DEPARTMENT OF PUBLIC AID

### NOTICE OF PROPOSED AMENDMENTS

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<td>140.80</td>
<td>Amendment</td>
<td>April 9, 2004 (28 Ill. Reg. 5749)</td>
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<tr>
<td>140.82</td>
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10) **Statement of statewide policy objectives:** These proposed amendments do not affect units of local government.

11) **Time, place and manner in which interested persons may comment on this proposed rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

   Joanne Scattoloni  
   Office of the General Counsel, Rules Section  
   Illinois Department of Public Aid  
   201 South Grand Avenue East, Third Floor  
   Springfield, Illinois 62763-0002  
   (217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these proposed amendments on the Internet at [http://www.dpaillinois.com/lawsrules/publicnotice.html](http://www.dpaillinois.com/lawsrules/publicnotice.html). Access to the Internet is available through any local public library. In addition, the amendments may be reviewed at the Illinois Department of Human Services' local offices (except in Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 100 West Randolph Street, Tenth Floor, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Providers of mental health services will be affected.

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2004

The full text of the proposed amendments is identical to the text of the emergency amendments that appears in this issue of the Illinois Register on page 10135:
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Hospital Services

2) **Code Citation:** 89 Ill. Adm. Code 148

3) **Section Numbers:**

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<tr>
<td>New Section</td>
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<td>Amendment</td>
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4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], House Bill 4475, Public Act 93-659, Public Act 93-495 and Public Act

5) **Complete description of the subjects and issues involved:**

*Sections 148.40, 148.240* – These proposed amendments respond to the Children's Mental Health Act (Public Act 93-495) and pertain to an enhanced screening, assessment and support services (SASS) system that is designed to serve children and adolescents who are experiencing a mental health crisis and whose care will require public funding. This new initiative involves a partnership between the Department, the Department of Human Services and the Department of Children and Family Services to create a single Statewide system. The SASS program emphasizes a single point of entry for all children and adolescents using the system and will ensure that they receive crisis services in the most appropriate setting. These proposed amendments to Part 148 establish hospital reimbursement and utilization review for the intensive community-based mental health services under SASS.

Related amendments are being proposed at 89 Ill. Adm. Code 140 that describe provider services and payment for those services under SASS.

The SASS program will target resources more efficiently and effectively by preventing unnecessary psychiatric hospitalizations of children and adolescents. It is estimated that this will leverage an additional $1.1 million in federal Medicaid funding.

*Sections 148.115, 148.140, 148.283 and 148.295* – The proposed new Section 148.283 and the changes to Section 148.295 respond to House Bill 4475 which establishes new funding for services related to Alzheimer's Disease at Qualified Academic Medical
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Center Hospitals that are designated by the National Institutes of Aging as an Alzheimer's Disease Core (or Research) Center. Currently, Alzheimer's services are funded by Direct Hospital Adjustments (DHA) under Critical Hospital Adjustment Payments. The DHA criteria and payment descriptions are being stricken from Section 148.295 and the new Alzheimer funding provisions are being proposed in new Section 148.283. The Department does not anticipate any budgetary changes on the basis of these proposed changes because current spending levels for Alzheimer's related services will continue under the newly created fund.

Technical changes are being proposed concerning RuralAdjustment Payments to exclude the previous year's payments associated with the program itself when calculating cost coverage. These proposed changes will result in a limited redistribution of funding, but spending for Rural Adjustments will remain the same.

The proposed changes concerning hospital outpatient and clinic services are intended to modify rates to hold aggregate fiscal year 2005 projected spending levels neutral. Absent these modifications, the Department estimates changes mandated by the Health Insurance Portability and Accountability Act (HIPAA) will result in increased spending above that budgeted for fiscal year 2005. These proposed changes are allowed under the Hospital Assessment provisions of Public Act 93-659.

6) Will these proposed amendments replace any emergency amendments currently in effect? No

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

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

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<td>148.90</td>
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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

10) **Statement of Statewide Policy Objectives:** These proposed amendments do not affect units of local government.

11) **Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking:** Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

   Joanne Scattoloni  
   Office of the General Counsel, Rules Section  
   Illinois Department of Public Aid  
   201 South Grand Avenue East, Third Floor  
   Springfield, Illinois 62763-0002  
   (217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these proposed amendments on the Internet at http://www.dpaillinois.com/lawsrules/publicnotice.html. Access to the Internet is available through any local public library. In addition, the amendments may be reviewed at the Illinois Department of Human Services' local offices (except in Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 100 West Randolph Street, Tenth Floor, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) **Initial Regulatory Flexibility Analysis:**
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded hospitals and clinics, including Qualified Academic Medical Center Hospitals that are designated by the National Institutes of Aging as an Alzheimer’s Disease Core (or Research) Center, will be affected. Hospitals that provide inpatient psychiatric services will also be affected.

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

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized:

Sections 148.40, 148.240 – January 2004

Sections 148.115, 148.140, 148.283 and 148.295 - These proposed amendments were not included on either of the two most recent agendas because:

This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the proposed amendments is identical to the text of the emergency amendments that appears in this issue of the Illinois Register on page 10158:
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part**: Long Term Care Reimbursement Changes

2) **Code Citation**: 89 Ill. Adm. Code 153

3) **Section Numbers**: 153.125
   **Proposed Action**: Amendment

4) **Statutory Authority**: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act___________

5) **Complete Description of the Subjects and Issues Involved**: The proposed amendments provide several reimbursement methodology changes for nursing facilities.

   Effective July 1, 2004 through June 30, 2005, the proposed changes at new subsection (n) allow for an increase of either 5.9% or 2.9% in nursing facility (SNF/ICF) rates that were in effect on June 30, 2002. Determination of which percentage rate increase will be implemented is contingent upon whether the effective date of the approval of the State Plan Amendment and waiver for the hospital assessment is effective before or after July 1, 2004. An effective date before July 1 will result in a 5.9% increase and a budgetary increase of approximately $120 million, and an effective date after July 1 will allow for a 2.9% increase and an approximate increase of $60 million.

   The proposed changes at subsection (f) and new subsection (o) pertain to the nursing facility capital rate component. These changes are being initiated by the Department to address an inequity under the current methodology affecting a small number of nursing facilities that have long term leases and have invested in significant capital improvements. The revised methodology will correct this inequity.

6) **Will this proposed amendment replace any emergency amendments currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this proposed amendments contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of statewide policy objectives**: These proposed amendments do not affect units of local government.
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois  62763-0002  
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these proposed amendments on the Internet at http://www.dpaillinois.com/lawsrules/publicnotice.html. Access to the Internet is available through any local public library. In addition, the amendments may be reviewed at the Illinois Department of Human Services' local offices (except in Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 100 West Randolph Street, Tenth Floor, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded nursing facilities
B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on Which this Rulemaking Was Summarized: this rulemaking was not included on either of the two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the proposed amendment is identical to the text of the emergency amendment that appears in this issue of the Illinois Register on page 10219:
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Child Support Enforcement

2) Code Citation: 89 Ill. Adm. Code 160

3) Section Number: Proposed Action:
   160.10 Amendment

4) Statutory Authority: Article X and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. X and12-13] and the Service Members Civil Relief Act (50 App. USC Sections 501-596)

5) Complete description of the subjects and issues involved: These proposed changes to the Department's administrative rules concerning child support enforcement respond to the Service Members Civil Relief Act (SCRA) which has replaced the Soldiers' and Sailors' Relief Act. This new Act applies to persons in the military including Reservists and National Guards who are called to active federal duty by the President, and National Guards called to State service by the Governor, "...for the purpose of responding to a national emergency declared by the President and supported by federal funds."

   The proposed amendments grant the Department the authority to appoint an attorney for non-custodial parents who are in the military service under the circumstances and for the purposes described in the SCRA. The SCRA defines "court" as a "court or an administrative agency of the United States or of any State (including any political subdivision of a State), whether or not a court or administrative agency of record." Under the SCRA, an attorney is to be appointed for a military person when he or she does not make an appearance at a civil action or proceeding and if "...it appears that the defendant is in the military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant."

   It is anticipated that these changes will result in additional costs because the Department will be required to appoint attorneys for non-custodial parents who are serving in the military under certain situations. However, since the potential number of such cases is unknown, the budgetary impact cannot be determined at this time.

6) Will these proposed amendments replace any emergency amendments currently in effect? No

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

8) Do these proposed amendments contain incorporations by reference? No
DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

9) Are there any other proposed amendments pending on this Part? No

10) Statement of statewide policy objective: These proposed amendments do not affect units of local government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

   Joanne Scattoloni
   Office of the General Counsel, Rules Section
   Illinois Department of Public Aid
   201 South Grand Avenue East, Third Floor
   Springfield, Illinois  62763-0002
   (217)524-0081

   The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

   These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) 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
NOTICE OF PROPOSED AMENDMENT

13) Regulatory agenda on which this rulemaking was summarized: These proposed amendments were not included on either of the two most recent agendas because: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the proposed amendment is identical to the text of the emergency amendment that appears in this issue of the *Illinois Register* on page 10226:
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

a) **Heading of the Part:** Issuance of Licenses

b) **Code Citation:** 92 Ill. Adm. Code 1030

c) **Section Numbers:**

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<td>1030.75</td>
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<tr>
<td>1030.92</td>
<td>Amendment</td>
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d) **Statutory Authority:** Implementing changes to Section 5/6-113 of the Illinois Vehicle Code [625 ILCS 5/6-113] and authorized by Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

e) **A complete description of the subjects and issues involved:** The amendments to 1030.13 address changes to the Illinois Vehicle Code related to the denial of a license or permit to any applicant under 18 years of age that has been charged with a violation of the Illinois Vehicle Code or the Criminal code of 1961 arising out of an accident in which the driver caused the death of or Type A injury to another person. Amendments to Sections 1030.75 and 1030.92 revise and clarify criteria related to the use of a telescopic lenses arrangement during nighttime hours.

f) **Will these proposed amendments replace any emergency amendments currently in effect?** No

g) **Does this rulemaking contain an automatic repeal date?** No

h) **Do these proposed amendments contain incorporations by reference?** No

i) **Are there any other proposed amendments pending on this Part?**

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<td>Amendment</td>
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<td>1030.82</td>
<td>New Section</td>
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j) **Statement of statewide policy objectives:** The proposed amendments do not require expenditures by units of local government.

k) **Time, place and manner in which interested persons may comment on this proposed rulemaking:** Texts of the proposed amendments are posted on Secretary of State’s web site, [www.sos.state.il.us/departments/index/home](http://www.sos.state.il.us/departments/index/home) as part of the *Illinois Register.*
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this notice to the:

Secretary of State
Department of Driver Services
JoAnn Wilson, Legislative Liaison
c/o Director’s Office
2701 South Dirksen Parkway
Springfield IL  62723
217-785-1441

I) 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

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the need for this rulemaking was not anticipated at the time the agendas were prepared.

The full text of the proposed amendments begins on the next page:
SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

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Section 1030.13 Denial of License or Permit

a) For purpose of this Section, the following definitions shall apply:

"Denial of Driver's License" – to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued in accordance with Sections 6-107(c) and 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and (d)].

"Denial of Driving Privilege" – to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107(c) and 6-108.1 of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and 6.108.1].

"Type A Injury" – includes severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from...
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b) The Secretary of State shall deny driving privileges to any applicant under 18 years of age:

1) Who has committed or has been convicted of an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of the Illinois Vehicle Code [625 ILCS 5/6-205]; or

2) Who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act or the Illinois Controlled Substance Act, while that individual was in actual control of a motor vehicle.

A) Any person placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act shall not be considered convicted.

B) The conviction shall be reported to the Secretary of State's Office in a manner prescribed by Section 6-107 of the Illinois Vehicle Code [625 ILCS 5/6-107]; or

3) Who has been charged with a violation of the Illinois Vehicle Code or the Criminal Code of 1961 arising out of an accident in which the person was involved as a driver that caused the death of or "Type A" injury to another person.

c) The Secretary of State shall deny a driver's license to any applicant under 18 years of age:

1) Who has not attained the age of 16, who has not passed an approved driver education course as defined in Section 1-103 of the Illinois Vehicle Code, or has not submitted proof of having passed the course as may be required by the Secretary of State; or

2) Who has been convicted of a violation of Section 6-101 of the Illinois Vehicle Code or a similar provision of a local ordinance or a similar out-of-state offense regarding operating a motor vehicle without a valid driver's license or permit committed on or after January 1, 1998.
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d) The Secretary of State shall deny a driver's license to any applicant under 18 years of age for a period of 6 months or until the applicant's 18th birthday, whichever period is shorter, who as of January 1, 1998 has been convicted of committing a violation of an offense defined as a serious traffic violation in Section 1-187.001 of the Illinois Vehicle Code [625 ILCS 5/1-187.001].

e) Any applicant who has been denied a license or permit under the provisions of Section 6-107 of the Illinois Vehicle Code may appeal to the Department of Administrative Hearings pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118].

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1030.75 Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)

a) For purposes of this Section the following definitions shall apply:

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Section 1-110 of the Illinois Vehicle Code and Section 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].

"Current telescopic lens vision specialist report" – any vision specialist report completed for a telescopic lens user which has been completed within 6 months prior to receipt by the Department and is signed and dated by a licensed vision specialist.

"Denial" – an entry on a person's driving record by the Department indicating a driver may not renew his/her driver's license until the conditions set forth by the Department are met pursuant to this Section or Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103].

"Department" – the Department of Driver Services of the Office of the Secretary of State.

"Driver" – any person who is currently licensed to operate a motor vehicle or any person applying for or renewing a driver's license.
"Driver Service facility representative" – an employee of the Department of Driver Services of the Office of the Secretary of State.

"Favorable telescopic lens vision specialist report" – a current telescopic lens vision specialist report which has been completed in its entirety which does not require additional information and/or clarification. A favorable telescopic lens vision specialist report contains a professional opinion that the applicant is safe to operate a motor vehicle, the monocular or binocular acuity reading through the telescopic lenses is 20/40 or better in both eyes, monocular or binocular acuity readings through the carrier lenses is 20/100 or better in both eyes, the peripheral readings meet Illinois vision standards, in accordance with Section 1030.70 of this Part, and with the lens arrangement in place and without the use of field enhancements, the applicant has had and been using the telescopic lenses at least 60 days prior to the date the examination is completed by the licensed vision specialist and the power of the telescopic lenses does not exceed 3.0 X wide angle or 2.2 X standard.

"Incomplete telescopic lens vision specialist report" – a telescopic lens vision specialist report which has not been completed in its entirety. Examples of an incomplete telescopic lens vision specialist report include, but are not necessarily limited to: a telescopic lens vision specialist report which does not include the name, address, signature or professional license number of the vision specialist or the report is not dated or contains illegible information or fails to answer any of the questions contained within the report.

"Licensed vision specialist" – a doctor licensed to practice medicine, in optometry.

"Nighttime driving" – The operation of a motor vehicle using a telescopic lens arrangement during the hours of dusk to dawn.

"Peripheral vision" – the area of vision from the outside line of direct sight toward the temporal area.

"Rescind order" – the removal by formal action of an order canceling or medically denying issuance of a driver's license to a person.

"Telescopic lens arrangement" – a non-standard adaptive device that aids in improving vision deficits.
"Telescopic lens vision specialist report" – a confidential vision questionnaire designed by the Department and approved by the Illinois Medical Advisory Board, or a statement on letterhead made by a licensed vision specialist containing the same information as the form designed by the Department. The report shall be directed to the Department and contain the date the licensed vision specialist completed the report and the name, address, signature and professional license number of the licensed vision specialist. The report must also contain the name, address, date of birth and driver's license number of the driver, if known.

"Termination order"—the ending of an order canceling or medically denying the issuance of a driver's license to a person.

"Traffic environmental screening" – a screening designed by the Department which shall consist of the driver demonstrating the ability to recognize actual traffic conditions while using the telescopic lens arrangement while riding with and being evaluated by a Driver Services facility representative. This traffic environmental screening shall consist of 4 parts and shall be as follows: stationary driver identifying a stationary object, stationary driver identifying a moving object, moving driver identifying a stationary object and a moving driver identifying a moving object.

"Unfavorable telescopic lens vision specialist report" – a telescopic lens vision specialist report signed and completed by a licensed vision specialist that indicates his/her professional opinion that the driver is not capable of safely operating a motor vehicle or the monocular or binocular acuity readings do not meet Illinois standards in accordance with this Section or the peripheral vision readings do not meet Illinois standards in accordance with Section 1030.70 or the power of the telescopic lens(es) does not meet Illinois standards in accordance with this Section.

b) A vision specialist report form or statement provided in lieu of such form, when submitted by an applicant who wishes to use a prescription spectacle mounted telescopic lens arrangement, shall contain the following:

1) A statement that the applicant has been fitted for a prescription spectacle mounted telescopic lens arrangement which the applicant has had in his possession at least 60 days prior to current application date for a driver's license.

2) A statement that the applicant has clinically demonstrated he can locate
stationary objects within the telescopic field by aligning the object directly below the telescopic lens and then moving his head down and his eyes up simultaneously.

3) A statement that the applicant has clinically demonstrated locating a moving object in a large field of vision by anticipating future movement, so that by moving the head and eyes in a coordinate fashion he is able to locate the moving object within the telescopic field.

4) A statement that the applicant has clinically demonstrated recalling what he has observed after a brief exposure, with the duration of the exposure progressively diminished to simulate reduced observation time while driving.

5) A statement that the applicant has clinically experienced levels of illumination which may be encountered during inclement weather or when driving from daylight into areas of shadow or artificial light and the applicant is visually able to successfully adjust to such changes.

6) A statement that the applicant has experienced both being a driver and riding as a passenger in a motor vehicle, so that he has practical experience of motion while objects are changing position.

c) A driver, for an initial or renewal driver's license, who desires to use a telescopic lens arrangement or other vision aid other than standard eye glasses or contact lenses, must submit a current and favorable telescopic lens vision specialist report to the Department.

1) If a current and favorable report is submitted, and the driver has satisfactorily completed the written requirements and has at least 3 years of licensed driving experience prior to the date of application, with or without the use of a telescopic lens arrangement, the driver must complete a road test accompanied by a Driver Services facility representative designated by the Department with the telescopic lens arrangement in place. Upon successful completion of the road test, a driver's license with the proper restrictions will be issued in accordance with Section 1030.92 of this Part.

2) If a current and favorable report is submitted and the driver has satisfactorily completed the written requirements and does not have at
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least 3 years licensed driving experience prior to the date of application, with or without the use of a telescopic lens arrangement, the driver must complete a traffic environmental screening with the telescopic lens arrangement in place. Upon successful completion of the traffic environmental screening, an instruction permit shall be issued with the proper restrictions in accordance with Section 1030.92 of this Part. At the end of the six month period following the date the instruction permit was issued, the driver's driving record will be reviewed. If the record is void of any suspensions, revocations or cancellations, either in effect or pending, a road test by a Drivers Services facility representative will be administered. Upon successful completion of the road test, a driver's license will be issued. If the record reflects any suspensions, revocations, or cancellations, either in effect or pending, the driver will not be eligible for a road test until his/her driving privileges have been reinstated.

3) If the report is incomplete or not current, a request shall be made to the driver or the licensed vision specialist for the necessary information required to process the report.

A) If the Department requests additional information from the driver and the Department does not receive this information within 45 days after the request, the Department shall cancel or deny the issuance or renewal of the person's driver's license pursuant to Sections 6-201 and 6-103(8) of the Illinois Vehicle Code [625 ILCS 5/6-201 and 6-103(8)].

B) If the Department requests additional information from the licensed vision specialist and the Department does not receive this information, a written request shall be made to the driver.

BC If a cancellation order is entered based upon an incomplete report or one which is not current and a favorable report is subsequently received, a rescind order shall be entered, provided an unfavorable report is not received in the interim.

4) If the Department receives an unfavorable report, the Department shall cancel or deny the driver pursuant to Sections 6-103(3) and 6-201(a)(5) of the Illinois Vehicle Code.

A) If the Department receives a subsequent favorable report, the
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Department shall rescind the unfavorable report cancellation order and allow the driver to make application for a new driver's license pursuant to Sections 1-110, 6-106 and 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-110, 6-106 and 6-109].

B) Drivers who qualify to drive with the use of a telescopic lens arrangement shall be restricted to the following:

i) Driving during daylight hours only;
ii) Eligibility for a Class "D" driver's license only;
iii) Having his/her driving record periodically reviewed by the Department in accordance with Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109].

C) Drivers who wish to qualify to drive with the use of a telescopic lens arrangement during nighttime hours shall be restricted to the following:

i) Possess a valid Class D driver's license and have operated a motor vehicle during daylight hours for a period of 12 months with a telescopic lens arrangement;
ii) Have a driving record that does not include any traffic accidents that occurred during nighttime hours, in which the driver has been found at fault, during the 12 months immediately prior to application for the special restricted license;
iii) As a driver who has been issued a restricted license, as defined by this Part, whose privileges to be driving during nighttime hours has not been suspended due to an accident at which the driver was found at fault, occurring during nighttime hours.

5) A current telescopic lens vision specialist report shall be submitted annually.

A) If a current report is not received by the last day of the month the
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updated report is due, the driver shall be canceled or denied a driver's license.

B) If a driver is canceled pursuant to this subsection and a current report is subsequently received, the cancellation shall be rescinded, provided an unfavorable report is not received in the interim.

(Source: Amended at 28 Ill. Reg. ______, effective ____________)

Section 1030.92 Restrictions

a) For purposes of this Section, the following definitions shall apply:

"Armed Forces" – the United States Army, Navy, Air Force, Marine Corps, Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USCA 106) shall also be considered service in the Armed Forces of the United States. (38 USCA 106)

"Binocular Visual Acuity" – visual reading obtained utilizing both eyes at the same time.

"Commercial Driver's License (CDL)" – a driver's license issued by the State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles. (Ill. Rev. Stat. 1991, ch. 95½, par. 6-500(3)) [625 ILCS 5/6-500(3)].

"Commercial Driver License Information System (CDLIS)" – the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 CFR Part 383), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Motor Vehicle" – a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations (49 CFR 383); or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles as defined in Section 1-169 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95½, par. 1-169).
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169) [625 ILCS 5/1-169] when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Department" – Department of Driver Services of the Office of the Secretary of State.

"Driver Services Facility Representative" – employee of the Secretary of State.

"Gross Combination Weight Rating (GCWR)" – the GVWR of the power unit plus the GVWR of the towed unit or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" – the value specified by the manufacturer(s) as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"Hazardous Materials" – substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (49 U.S.C.A. 1802)

"Mechanical Aid" – any device added to a motor vehicle which would enhance the operator's ability to safely operate the vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military of the licensee, spouse, and dependent children who are living with such licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.

"Monocular Vision Acuity" – visual acuity reading obtained utilizing individual eye.

"No Photo or Signature – Administrative Approval License" – a driver's license issued without a photograph and/or signature to a driver who having his/her photograph taken is against his/her religious convictions or has a serious facial disfigurement caused by disease, trauma, or congenital condition.

"No Photo or Signature – Military or Military Dependent" – a driver's license issued without a photograph or signature at the expiration of the driver's license of
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the licensee, spouse, and dependent children who are living with such licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.

"No Photo or Signature – Out of Country at Renewal" – a driver's license issued without a photograph or signature of the licensee to a driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license.

"No Photo or Signature – Out of State at Renewal" – a driver's license issued without a photograph or signature of the licensee to a driver who is temporarily absent from the State of Illinois at the expiration date of his/her driver's license.

"Peripheral Vision" – area of vision from the outside line of direct sight toward the temporal area.

"Prosthesis" – artificial limb such as arm or leg.

"Religious Organization Bus" – any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, that which is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of such organization.

"Restrictions" – requirements or conditions added on a driver's license that must first be met by the license holder before he/she may legally operate a motor vehicle.

"Senior Citizen Transportation Vehicle" – any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, that which is exclusively owned and operated by a senior citizen organization and is used primarily in conducting the official activities of such organization.

"Valid License" – driver's license that has not expired, been cancelled, suspended or revoked in accordance with Sections 1030.70 and 1030.75 of this Part.

"Visual Acuity Standards" – minimum vision standard in accordance with Sections 1030.70 and 1030.75 of this Part.
"Visual Peripheral Standards" – minimum vision standards in accordance with Sections 1030.70 and 1030.75 of this Part.

b) A driver services facility representative shall have the authority to determine license restrictions. No restriction shall be added until the driving test is given unless the restriction is due to a vision or hearing defect.

c) If a change in a person's physical and/or visual condition is discovered by a facility representative, such representative has the authority to add, delete, or change the restrictions.

d) A type B restriction requires corrective eye lenses. This restriction is added when a person needs corrective eye lenses to meet visual acuity standards as provided in Part 1030.70 of this Part. This restriction includes eye glasses and contact lenses in one or both eyes, and non-standard lens arrangements pursuant to Section 1030.75 of this Part.

e) A type C restriction requires the driver to use one or more mechanical aids (e.g., hand operated brake, gearshift extension, shoulder harness, and foot operated steering wheel) to assist with the proper and safe operation of the vehicle.

f) A type D restriction requires the driver to use one or more prosthetic aids (e.g., artificial legs, artificial hands, hook on right or left arm, and brace on each leg) while operating a motor vehicle.

h) A type F restriction requires left and right outside rearview mirrors when a driver is hearing impaired or has a monocular visual acuity reading of 20/100 or worse in either eye, or requires a right outside rearview mirror because he/she has problems turning his/her head while backing and/or cannot meet the peripheral vision requirements of Section 1030.70(g) of this Part and/or takes the road test in a right hand driven vehicle with the steering wheel on the right side. A driver may be restricted to both left and right rearview mirrors if minimum peripheral standards are met by the use of only one eye in accordance with Sections 1030.70 and 1030.75 of this Part.
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i) A type G restriction requires the driver to drive only in the daylight. This restriction is added when a driver has binocular visual acuity that does not meet the 20/40 minimum in accordance with Section 1030.70(b) of this Part, but is not worse than 20/70. People who wish to drive utilizing a non-standard lens arrangement pursuant to Section 1030.75 of this Part are restricted to daylight driving only in accordance with Section 1030.85 of this Part.

j) A type J restriction with appropriate numerical indicators includes other restrictions not listed in this Section. These type J restrictions and numerical indicators are as follows:

1) J01 Driver has been issued an Illinois Medical Restriction Card, which must be carried in addition to a valid Illinois license/permit.


3) J03 Driver authorized to operate a Religious Organization Bus or Van within Class D only. The driver took the Religious Organization Bus test in a Class D vehicle, but may hold a Class A, B, or C license.

4) J04 Driver authorized to operate a Religious Organization Bus or Van within Class C or a lesser classification vehicle only. The driver took the Religious Organization Bus test in a Class C vehicle, but may hold a Class A or B license.

5) J05 Driver authorized to operate a Senior Citizen Transportation Vehicle within classification. The driver operates a vehicle which is utilized solely for the purpose of providing transportation for senior citizens, as provided in Section 6-106.3 of the Illinois Driver Licensing Law of the Illinois Vehicle Code—(Ill. Rev. Stat. 1991, ch. 95½, par. 6-106.3) [625 ILCS 5/6-103.3].

6) J06 Driver authorized to operate a Senior Citizen Transportation Vehicle within Class D only. The driver took the Senior Citizen Transportation Vehicle test in a Class D vehicle, but may hold a Class A, B, or C license.
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7) J07 Driver authorized to operate a Senior Citizen Transportation Vehicle written Class C vehicle, or a lesser classification vehicle only. The driver took the Senior Citizen Transportation Vehicle test in a Class C vehicle, but may hold a Class A or B license.

8) J08 Driver authorized to operate a commuter van in a for-profit ridesharing arrangement within classification, as provided in Section 6-106.4 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1991, ch. 95½, par. 6-106.4) [625 ILCS 5/6-106.4].

9) J09 Driver who is 16 or 17 years of age authorized to operate either Class L motor driven cycles or Class M motorcycles, as provided in Section 6-103(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1991, ch. 95½, par. 6-103(2)) [625 ILCS 5/6-103(2)].

10) J10 Driver restricted to the operation of a vehicle with a GVWR of 16,000 pounds or less.

11) J11 Indicates the driver took the road test on a three wheel motorcycle (Class M) or three wheel motor driven cycle (Class L) and is restricted to a three wheel cycle of the proper class.

12) J12 Driver authorized to operate Class B or lesser classification vehicle for the passenger endorsement.

13) J13 Driver authorized to operate Class C classification vehicle for the passenger endorsement.

14) J14 Restricted to the use of a non-standard lens arrangement pursuant to Section 1030.75 of this Part when operating a motor vehicle. (Lens arrangement may be designed for monocular or binocular vision.)

15) J33 Driver authorized to operate a Class D vehicle using a non-standard lens arrangement, pursuant to Section 1030.75 of this Part, during nighttime hours.
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| 1645) J71 | No photo or signature – out of state at renewal – license issued to driver who is temporarily absent from State of Illinois at expiration date of his/her driver's license. |
| 1746) J72 | No photo or signature – out of country at renewal – license issued to driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license. |
| 1847) J73 | No photo or signature – military or military dependent – license issued at the expiration of the driver's license of the licensee, spouse, and dependent children who are living with such licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois. |
| 1948) J74 | Military deferral card issued at the expiration of the driver's license to extend the expiration while in the military of the licensee, spouse, and dependent children who are living with such licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois. |
| 2049) J75 | No photo or signature – administrative approval license to driver who having his/her photograph taken is against his/her religious convictions or has a serious facial disfigurement. |
| 2120) J99 | This restriction appears on the license if more than two J restrictions are placed on the driver. |

k) A type K restriction indicates the driver is authorized to operate a commercial motor vehicle intrastate only.

l) A type L restriction indicates that the person is not authorized to operate vehicles equipped with air brakes.

m) If an individual wishes to appeal a type of restriction which has been added to his/her driver's license he/she, depending on the type of restriction, shall:

1) For Type B, C, D, E, F, G, J01, or any other medical restriction that has been added to his/her driver's license pursuant to the restrictions contained in subsection paragraph (j) of this Section follow the manner prescribed by this Part Section 1030.16 et seq. of the Illinois
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Administrative Code (92 Ill. Adm. Code 1030.16 et seq.).

2) For any other type of restrictions which have been added to his/her driver's license pursuant to this Section appeal to the Department of Administrative Hearings pursuant to Section 2-118 of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95\(\frac{1}{2}\), par. 2-118) [625 ILCS 5/2-118].

3) Further review of any and all restrictions shall be conducted by the courts pursuant to Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 et seq.) [735 ILCS 5/Art. III\(\frac{3}{4}\)-101 et seq.].

(Source: Amended at 28 Ill. Reg. _______, effective ______________)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

1) **Heading of the Part:** Children’s Mental Health Screening, Assessment and Support Services Program

2) **Code Citation:** 59 Ill. Adm. Code 131

3) **Section Numbers:**
   - 131.10 New
   - 131.20 New
   - 131.30 New
   - 131.40 New
   - 131.50 New
   - 131.60 New
   - 131.70 New
   - 131.APPENDIX A New

4) **Statutory Authority:** Authorized by and implementing the Children’s Mental Health Act of 2003 [405 ILCS 49] and Section 5-5.23 of the Illinois Public Aid Code [305 ILCS 5/5-5.23].

5) **Effective Date of Rulemaking:** July 1, 2004

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 Illinois Register:** 28 Ill. Reg. 4826 (March 19, 2004)

10) **Has JCAR Issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version:**

    In Section 131.60, added "as found in the DPA Handbook for Providers of Screening, Assessment and Support Services (found at [www.dpaillinois.com/handbooks/])" after "policies".
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In Section 131.70(a), added "(see 89 Ill. Adm. Code 140.30, 140.444, 140.455, 140.492, 140.493; 89 Ill. Adm. Code 148.270; and 89 Ill. Adm. Code 152.200)" after "established."

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? No

14) Are there any other amendments pending on this Part? No

15) **Summary and Purpose of Rulemaking:** Section 5-5.23 of the Public Aid Code requires screening and assessment of a child prior to any Medicaid-funded admission to an inpatient hospital for psychiatric services and requires the establishment of methods and standards of payment for the screening, assessment and necessary support services. This rulemaking establishes the criteria for payment of certain mental health and related services that are provided to children enrolled in the Screening, Assessment and Support Services (SASS) Program.

16) **Information and questions regarding this adopted rulemaking shall be delivered to:**

   Tracie Drew, Bureau Chief  
   Bureau of Administrative Rules and Procedures  
   Department of Human Services  
   100 South Grand Avenue, East, Third Floor  
   Springfield, Illinois 62762  
   Telephone: (217) 785-9772

The full text of the adopted rules begins on the next page:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

TITLE 59: MENTAL HEALTH
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

PART 131
CHILDREN’S MENTAL HEALTH SCREENING, ASSESSMENT
AND SUPPORT SERVICES PROGRAM

Section
131.10  Purpose
131.20  Definitions
131.30  Eligibility
131.40  Screening Requirement
131.50  Program Services
131.60  Billing for Services
131.70  Accountability
131.APPENDIX A  DHS/DMH Target Population

AUTHORITY: Authorized by and implementing the Children’s Mental Health Act of 2003 [405 ILCS 49] and Section 5-5.23 of the Illinois Public Aid Code [305 ILCS 5/5-5.23].


Section 131.10  Purpose

This Part establishes criteria for payment of certain mental health and related services that are provided to children enrolled in the Screening, Assessment and Support Services (SASS) Program.

Section 131.20  Definitions

For the purposes of this Part, the following terms are defined:

"CARES" – Crisis and referral entry services. The agent under contract with DPA, DCFS, or DHS to perform certain administrative functions on the State agency's behalf.

"CMHS" – Community mental health services.

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"DHS/DMH" – The Illinois Department of Human Services/Division of Mental Health.

"DPA" – The Illinois Department of Public Aid.

"SASS" – Screening, assessment and support services.

"SASS agent" – A provider of CMHS, under contract with DPA, DCFS or DHS to screen children in psychiatric crisis who are believed to be in need of admission to an inpatient facility.

"SASS period" – A 90-day period beginning with the date that the SASS agent begins initial screening of a child in psychiatric crisis. The period may be extended beyond 90 days if it has been determined to be clinically necessary to do so by DCFS (for children for whom DCFS is legally responsible) or DHS (for any other child).

Section 131.30 Eligibility

A child eligible for services provided under this Part is:

a) An individual for whom DCFS is legally responsible;

b) An individual under 21 years of age who is enrolled, pursuant to 89 Ill. Adm. Code 118, 120 or 125, in one of the medical programs administered by DPA, except that any child who is enrolled in a managed care organization is not eligible; or

c) Subject to funding that is appropriated and available to DHS/DMH for the SASS program, an individual who is under 18 years of age and who meets one of the following criteria:

1) An individual who, following submission of a completed application, does not qualify under subsection (b); or

2) An individual who meets criteria for the DHS/DMH target population (see Appendix A) and requires intensive community-based services in the SASS program, has no other means of payment as determined by the
SASS provider, and is seeking public payment for services covered under this Part.

Section 131.40 Screening Requirement

a) Children in psychiatric crisis who are believed to be in need of admission to an inpatient psychiatric facility and for whom public payment for the admission may be sought must be referred to CARES.

b) If determined to be appropriate, CARES shall refer the child to a SASS agent.

c) The SASS agent shall screen and assess the mental health needs of the child.

Section 131.50 Program Services

a) Community Mental Health Services

1) Children, as a result of the mental health screening required under Section 131.40, for whom it has been determined by a SASS agent that appropriate alternative resources are available in the community shall be referred to those services by the SASS agent. Community mental health services (CMHS) shall be reimbursed by DPA, DCFS or DHS only under the following conditions:

A) The CMHS provider is enrolled with the DPA to participate in the Illinois medical assistance program and meets the requirements for certification and payment under 59 Ill. Adm. Code 132.

B) The CMHS provider is one of the following:

i) The SASS agent to which responsibility for managing the child’s care was assigned by CARES.

ii) Another CMHS provider that, through CARES, is authorized to provide CMHS to children.

C) The service is provided in accordance with the plan of care developed by the SASS agent.

D) The service is provided during the SASS period.
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E) The patient was a child at the time of screening and met eligibility requirements specified in Section 131.30(c).

2) Payment shall be made utilizing rates of reimbursement established under 59 Ill. Adm. Code 132.

b) Pharmacy Services

1) DHS shall pay for certain prescribed drugs dispensed to a child who meets DHS eligibility requirements in Section 131.30(c). Pharmacy services, other than those provided by an inpatient psychiatric facility, shall be reimbursed only under the following conditions:

A) The pharmacy provider is enrolled with DPA to participate in the Illinois medical assistance program.

B) The service is provided in accordance with the plan of care developed by the SASS agent.

C) The service was provided during the SASS period.

D) The patient was a child at the time of screening.

E) The prescribed drug has been determined by DHS/DMH as appropriate for the treatment of serious emotional disturbance or mental illness or related symptoms.

2) Payment shall be made utilizing rates of reimbursement established under the provisions of 89 Ill. Adm. Code 140.444 and 140.445.

c) Transportation Services

1) DHS shall pay for certain emergency and non-emergency transportation services provided to a child who meets DHS eligibility criteria specified in Section 131.30(c). Transportation services, other than those provided by an inpatient psychiatric facility, shall be reimbursed only under the following conditions:
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A) The transportation provider is enrolled with DPA to participate in the Illinois medical assistance program.

B) The transportation is in support of the plan of care developed by the SASS agent and is to or from a source of medical care covered under this Part.

C) The service was provided during the SASS period.

D) The patient was a child at the time of screening.

2) Payment shall be made utilizing rates of reimbursement established under 89 Ill. Adm. Code 140.492 and 140.493.

d) Inpatient Psychiatric Services

1) DHS shall pay for certain inpatient psychiatric services provided to a child who meets DHS eligibility criteria specified in Section 131.30(c). Inpatient psychiatric services, other than those provided by an inpatient psychiatric facility operated by DHS, shall be reimbursed only under the following conditions:

A) The inpatient facility is enrolled with DPA to participate in the Illinois medical assistance program and meets the special requirements for inpatient psychiatric services found at 89 Ill. Adm. Code 148.40(a).

B) Prior to admission, the individual shall be screened by a SASS agent to determine the appropriateness of an inpatient admission and the availability of alternative treatment resources in the community.

C) The admission is approved by DHS or its agent.

D) Prior to discharge, the SASS agent participated in the development of the discharge plan.

E) The date of admission was during the SASS period.

F) The patient was a child at the time of admission.
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2) Payment shall be made utilizing rates of reimbursement established for the medical assistance program under 89 Ill. Adm. Code 148.270 and 89 Ill. Adm. Code 152.200, subject to utilization review or pre- or post-payment reviews, as applicable.

Section 131.60 Billing for Services

All program services described in this Part are provided and billed to DPA in accordance with that agency’s policies as found in the DPA Handbook for Providers of Screening, Assessment and Support Services (found at www.dpaillinois.com/handbooks/), including any necessary prior authorization for the service.

Section 131.70 Accountability

a) All payments made under this Part are subject to post-payment review and audit pursuant to the applicable rules under which the rates of reimbursement were established (see 89 Ill. Adm. Code 140.30, 140.444, 140.455, 140.492, 140.493; 89 Ill. Adm. Code 148.270; and 89 Ill. Adm. Code 152.200).

b) DPA, DHS and DCFS shall implement a systematic process to assess the accessibility, effectiveness, and quality of services provided under this Part.

c) Hospitals and CMHS providers providing services under this Part will be required to participate and cooperate fully in any monitoring and quality improvement efforts undertaken by DPA, DCFS and/or DHS.

d) DHS, DCFS and DPA reserve the right to ensure that appropriate standards of treatment and service delivery are maintained for any individual child or for the system, including on-site inspection and individual consultation.
Section 131. APPENDIX A  DHS/DMH Target Population

The DHS/DMH target population, for purposes of this Part, consists of children 17 years of age or younger who meet the diagnoses criteria of subsection (a) and treatment history of subsection (b) or who meet the diagnoses criteria of subsection (a) and functional criteria of subsection (c).

a) Diagnoses

One of the following DSM-IV diagnoses that is the focus of the treatment being provided:

1) Attention Deficit/Hyperactivity Disorders (314.00, 314.01, 314.9)
2) Schizophrenia (295.xx)
3) Schizophreniform Disorder (295.4)
4) Schizo-Affective Disorder (295.7)
5) Delusional Disorder (297.1)
6) Shared Psychotic Disorder (297.3)
7) Brief Psychotic Disorder (298.8)
8) Psychotic Disorder (298.5)
9) Bipolar Disorders (296.0x, 296.4x, 296.5x, 296.6x, 296.7, 296.80, 296.89, 296.90)
10) Cyclothymic Disorder (301.11)
11) Major Depression (296.2x, 296.3x)
12) Panic Disorder with or without Agoraphobia (300.01, 300.21)
13) Obsessive-Compulsive Disorder (300.30)
14) Anorexia Nervosa (307.1)
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15) Bulimia Nervosa (307.51)

16) Post Traumatic Stress Disorder (309.81)

17) Intermittent Explosive Disorder (312.34)

18) Tourette’s Disorder (307.23)

b) Treatment History

Treatment history covers the client’s lifetime treatment and is restricted to treatment for a DSM-IV diagnosis specified in subsection (a).

The youth must meet at least ONE of the following criteria:

1) Continuous treatment of six months or more in one, or a combination of, the following:
   A) inpatient treatment;
   B) day treatment; or
   C) partial hospitalizations.

2) Six months of continuous residence in a residential treatment center.

3) Two or more admissions of any duration to inpatient treatment, day treatment, partial hospitalization or residential treatment programming within a 12 month period.

4) A history of using the following outpatient services over a one year period, either continuously or intermittently:
   A) psychotropic medication management;
   B) case management; or
   C) SASS/intensive community-based services.
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5) Previous treatment in an outpatient modality and a history of at least one mental health psychiatric hospitalization.

c) Functional Criteria

Functional criteria has been purposely narrowed to descriptors of the most serious levels of functional impairment and are not intended to reflect the full range of possible impairments.

The functional impairment must be the result of the mental health problems for which the child is, or will be, receiving care and must be expected to persist in the absence of treatment.

The youth must meet criteria for functional impairment in TWO of the following areas:

1) Functioning in self care – Impairment in age-appropriate self-care skills is manifested by a person’s consistent inability to take care of personal grooming, hygiene, clothing, and meeting of nutritional needs.

2) Functioning in community – Impairment in community functioning is manifested by a consistent lack of age-appropriate behavioral controls, decision-making, judgment and value systems that results in potential involvement in the juvenile justice system.

3) Functioning in social relationships – Impairment of social relationships is manifested by the consistent inability to develop and maintain satisfactory relationships with peers and adults.

4) Functioning in the family –

   A) Impairment in family functioning is manifested by a pattern of:

      i) disregard for the safety and welfare of self or others, e.g., fire setting, serious and chronic disruptiveness;

      ii) significantly disruptive behavior exemplified by repeated and/or unprovoked violence to siblings and/or parents; or
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iii) inability to conform to reasonable limitations and expectations.

B) The degree of impairment requires intensive (i.e., beyond age-appropriate) supervision by parent/caregiver and may result in removal from the family or its equivalent.

5) Functioning at school – Impairment in functioning at school is manifested by the inability to pursue educational goals in a normal time frame, e.g., consistently failing grades, repeated truancy, expulsion, property damage, or violence toward others that cannot be remediated in a classroom setting (whether traditional or specialized).
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1) Heading of the Part: White-Tailed Deer Hunting By Use of Bow and Arrow

2) Code Citation: 17 Ill. Adm. Code 670

3) Section Numbers: Adopted Action:

   670.10    Amendment
   670.20    Amendment
   670.40    Amendment
   670.60    Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

5) Effective date of amendments July 6, 2004

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

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.


10) Has JCAR issued a Statement of Objection to these amendments? No

11) Difference between proposal and final version:

   Section 670.60(h):

   changed "Devils" to "Devil's"

   added "Sahara Woods (1) (2)"

   deleted "Sangchris Lake State Park (the site will be closed to bow and arrow hunting during the second firearm deer season) (1) (2)"

   Section 670.60(i): deleted "Sahara Woods (1) (2)"
Section 670.60(l)(2), removed strike-outs for "Sangchris Lake" and changed language to read as follows:

"Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested; site will be closed to archery deer hunting during the 2\textsuperscript{nd} firearm deer season) (1) (2) (5)"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rulemaking: This Part was amended to update statewide open seasons and counties, statewide deer permit requirements, statewide deer hunting rules, and regulations at Department-owned or -managed sites.

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

Jack Price, Legal Counsel  
Department of Natural Resources  
One Natural Resources Way  
Springfield IL 62702-1271  
217/782-1809

The full text of the adopted amendments begins on the next page:
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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 670
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section
670.10 Statewide Open Seasons and Counties
670.20 Statewide Deer Permit Requirements
670.21 Deer Permit Requirements – Landowner/Tenant Permits
670.30 Statewide Legal Bow and Arrow
670.40 Statewide Deer Hunting Rules
670.50 Rejection of Application/Revocation of Permits
670.55 Reporting Harvest
670.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

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Section 670.10  Statewide Open Seasons and Counties

a) All regulations set forth in Section 2.26 of the Wildlife Code apply in this Part rule.

b) For Cook, DuPage, Kane and Lake counties, and that portion of Kane County east of State Route 47 – October 1 through the first Thursday after January 10.

c) For all other counties, or parts of counties – October 1 through the first Thursday after January 10, closed during the period when deer hunting with a firearm is permitted as set out in 17 Ill. Adm. Code 650, except Department of Natural Resources (Department or DNR) owned or managed sites designated in Section 670.60 by an asterisk (*) shall be open to archery deer hunting without regard to firearm deer season (no firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

d) Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum $500 and maximum $5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Hunting during the closed season or between sunset and ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting outside the set season is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 28 Ill. Reg. 9968, effective July 6, 2004)

Section 670.20  Statewide Deer Permit Requirements

a) All archery deer hunters must have a current, valid Illinois archery deer permit. Archery deer permits (except landowner/tenant property-only permits) will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner are available over-the-counter (OTC) from license vendors as combination permits, each consisting of one either-sex permit and one antlerless-only permit. The fee for resident archery combination permits shall be $25; nonresident archery combination permits shall be $225. A single either-sex resident archery deer permit will be available until the first workday in September of each year by mail only from the Permit Office. The fee for a resident archery single permit shall be
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$15; a nonresident archery single permit shall be $200. The permit will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. For the single either-sex or landowner/tenant permit applications and other information, write to: Department of Natural ResourcesArchery Deer Permit OfficeP.O. Box 19227Springfield, Illinois 62794-9227

b) Resident archery deer permits are available over-the-counter (OTC) from license vendors throughout the State as combination permits, each consisting of one either-sex permit and one antlerless-only permit. In addition, a resident single either-sex archery deer permit will be available until September 1 of each year by mail only from the Permit Office. The fee for a resident archery combination permit shall be $25; a resident archery single either-sex permit shall be $15. No more than one single either-sex permit may be purchased per individual per season. While there is no limit to the number of combination archery deer permits that an individual resident may purchase, no one may harvest more deer than allowed by the restrictions prescribed in Section 670.40. To obtain the single either-sex permit or a landowner/tenant permit, applicants must submit an application to the Permit Office using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his individual application. The resident combination archery deer permits are available from license vendors located throughout the State. The non-resident combination archery deer permits are available from license vendors at DNR offices in Chicago, Springfield, Sterling, Spring Grove, Champaign, Alton and Benton, as well as by telephone at 1-888-673-7648 until all are sold. The number of non-resident archery deer permits shall be limited to 12,843, and based upon such factors as public recreation, biological balance, numbers, health, deer herd recruitment and historical data. Successful non-resident applicants are limited to one archery combination permit or single either-sex permit per season. Hunters purchasing archery deer permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.

c) A limited number of nonresident archery deer permits is available as combination permits, each consisting of one either-sex permit and one antlerless-only permit. The fee for a nonresident archery combination permit shall be $225. The nonresident combination archery deer permit may only be purchased via telephone using DNR's toll-free telephone vendor system (1-888-673-7648).
beginning the second Saturday in July. The number of nonresident combination archery deer permits shall be limited to 15,000 and based upon such factors as public recreation, biological balance, numbers, health, deer herd recruitment, and historical data. Nonresident combination archery deer permits will be sold on a first-come, first-served basis until the quota is reached. Successful nonresident applicants may obtain no more than one archery combination permit per season. Beginning dates for acceptance of applications for the single either-sex permit will be announced publicly. Archery applications received after the first workday in September will be rejected and the fees returned. Nonresident permits shall be available beginning the second Saturday in July.

d) An unlimited number of nonresident single antlerless-only archery deer permits are available over-the-counter (OTC) from participating license vendors to nonresidents who have been issued an archery combination permit. To obtain the nonresident single antlerless-only archery permit, the hunter, in person, must show the stub from his or her archery combination permit and pay a fee of $25 to the license vendor.

e) Hunters purchasing archery deer permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.

f) Applications for the resident single either-sex permit or landowner/tenant permits may be obtained by writing to:

Department of Natural Resources
Archery Deer Permit Office
P.O. Box 19227
Springfield IL 62794-9227

To obtain the resident single either-sex permit or a landowner/tenant permit, applicants must submit an application to the Permit Office using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his/her individual application.

g) Applications for resident archery single either-sex permits will be accepted from the date on which they become available until September 1. Applications received after September 1 will be rejected and the fees returned.
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h) Permits are not transferable. Refunds will not be granted.

i) A $3 service fee will be charged for replacement permits issued by DNR, except that there will be no charge for permits lost in the mail. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.

j) There is no limit to the number of combination archery deer permits that an individual resident may purchase, but each individual is limited to one of the single either-sex permits per season. The number of deer that can be taken during any year is regulated by Section 670.40.

k) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 28 Ill. Reg. 9968, effective July 6, 2004)

Section 670.40 Statewide Deer Hunting Rules

a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the archery, muzzleloader and firearm seasons. For purposes of this subsection, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers; and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

b) The Illinois Restricted Archery Zone shall consist of Champaign, DeWitt, Macon, Moultrie, and Piatt counties. No more than 2 deer may be harvested per hunter during the archery season in the Restricted Archery Zone. During the period October 1-October 31, only antlered deer may be harvested in the Restricted Archery Zone, regardless of permits in possession. An antlered deer is defined as...
a deer having at least one antler of a length of 3 or more inches. All restrictions listed in subsection (a) also apply in the Restricted Archery Zone.

c) Recipients of any type of Archery Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting. In addition, holders of combination permits (consisting of both either-sex and antlerless-only tags on a single form) shall record their name and complete address on the check station tag portions of their permit prior to hunting.

d) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length), and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon check out at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

e) Hunters shall not have in their possession, while in the field during archery deer season, any deer permit issued to another person (permits are non-transferable).

f) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in DNR's Chronic Wasting Disease Surveillance Program, a free permit will be made available (during either the current year or the subsequent year, at the discretion of the hunter) if their tested deer is determined to have chronic wasting disease.

gh) Unlawful take or possession of one deer is a Class B misdemeanor (see 520 ILCS 5/2.24); unlawful take or possession of two or more deer in a 90-day period is a Class 4 felony (see 520 ILCS 5/2.36a); unlawful take or possession of 2 or more
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deer as a single act or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36a); and any other violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 28 Ill. Reg. 9968, effective July 6, 2004)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.

b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within archery range of one or more participating hunters.

c) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).

e) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).

f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).

h) Statewide regulations shall apply at the following sites:

* Anderson Lake Fish and Wildlife Area (2)
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Apple River Canyon State Park (2)

Argyle Lake State Park (2)

* Banner Marsh Fish and Wildlife Area (2)

* Beall Woods State Park (closed during the special site firearm deer seasons; antlerless deer only) (1) (2)

* Big Bend State Fish and Wildlife Area (1) (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season)

Castle Rock State Park (1) (2)

Crawford County Conservation Area (1) (2)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island Wildlife Management Area

Dixon Springs State Park (1) (2)
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Dog Island Wildlife Management Area (1) (2)

* Eldon Hazlet State Park (Hunting is only permitted north of Allen Branch, north of Hazlet Park Road between the park boundary and its intersection with Allen Branch Road, north of Allen Branch Road between its intersection with Hazlet Park Road and Allen Branch Boat Access Area, and west of Peppenhorst Branch. Hunting is not permitted in the controlled pheasant area during the site's controlled pheasant season (except on days when controlled pheasant hunting is closed) and the five consecutive days following the site's controlled pheasant season, or in the North Allen Branch Waterfowl Management Unit after the opening of the statewide waterfowl season. Additionally, a limited hunting opportunity exists for persons with disabilities west of the main park road going towards the Illini Campground. Disabled hunters as defined in 520 ILCS 5/3.1(c) may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from pre-determined locations. Disabled hunters may hunt during the statewide archery season as described in Section 670.10, except on days when the site's controlled pheasant hunting is open and the 5 consecutive days following the site's controlled pheasant season.) (2)

Falling Down Prairie (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (1) (2)

Fort Massac State Park (1) (2)

Franklin Creek State Natural Area (antlerless only, except in Zone A from November 1 through the end of the archery season, deer bow hunters may take an antlered deer in designated areas and during specified times) (2)

Giant City State Park (1) (2)

Goose Lake Prairie State Park (tree stands not allowed; "Texas" type tripod stands allowed; antlerless deer only) (2) (3)

Green River State Wildlife Area (1) (2)
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Hanover Bluff-Kopper Tract (2)

Heidecke State Fish and Wildlife Area (2) (3) (5)

Horseshoe Lake Conservation Area – Alexander County (Controlled Goose Hunting Area – open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)

I-24 Wildlife Management Area (1) (2)

Iroquois County State Wildlife Area/Hooper Branch only (1) (2)

* Jubilee College State Park (2) (4)

Kaskaskia River Fish and Wildlife Area (1) (2) (except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Lake Le Aqua Na State Park (antlerless deer only; November 1-30; hunting hours legal opening until 10:00 a.m.) (2)

Lowden-Miller State Forest (1) (2) (4)

Mackinaw River Fish and Wildlife Area (1) (2)

Marseilles Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only) (all tree stands must be removed from this area no later than the last day of the season) (1) (2)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (2)

Maytown Pheasant Habitat Area (hunting allowed during October only) (2)

Miller-Anderson Woods Nature Preserve (antlerless deer only; season
DEPARTMENT OF NATURAL RESOURCES

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ends the day before the second firearm deer season begins) (2)

Mississippi Fish and Waterfowl Management Area – Pools 25 and 26 (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mitchell's Grove Nature Preserve (antlerless deer only; closed during the special site firearm deer seasons; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons) (2)

Mt. Vernon Propagation Center (1) (2)

Nauvoo State Park (Max Rowe Unit Only)

Oakford Conservation Area

* Peabody River King State Fish and Wildlife Area (East and North subunits close November 1) (1) (2)

Pere Marquette State Park (area east of Graham Hollow Road) (1) (2)

Pyramid State Park (1) (2)

* Randolph County Conservation Area (1) (2)

Ray Norbut Fish and Wildlife Area (2)

* Red Hills State Park (1) (2)

Rend Lake Project Lands and Waters (1)

Rend Lake Project Lands and Waters (refuge only (south of site headquarters) from October 1 through October 31, designated area on refuge only, designated dates between October 1 – October 31) (1) (2)
DEPARTMENT OF NATURAL RESOURCES

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* Rice Lake Fish and Wildlife Area (2)

* Rock Cut State Park (only during the special firearm deer hunt on the site; hunting from DNR established blind sites only; hunting limited to holders of Class P2A disability cards and escorts) (2) (3)

* Sahara Woods (1) (2)

Saline County Fish and Wildlife Area (1) (2)

* Sam Parr State Park (1) (2)

Sandy Ford Land and Water Reserve (2)

Sangamon County Conservation Area

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

* Shabbona Lake State Park (2)

Siloam Springs State Park (Fall Creek Unit)

Sielbeck Forest Natural Area (1) (2)

* Silver Springs State Park (2)

Snakeden Hollow Fish and Wildlife Area – Ives Unit (1) (2)

* Starved Rock/Matthiessen State Park (antlerless deer only; closed during the special site firearm deer seasons; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons; archery deer hunting is closed in the Starved Rock Nature Preserve during the muzzleloader deer hunt; hunting in designated areas only) (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)
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Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (Controlled Goose Hunting Area – closed 7 days prior to the quota zone goose season through the close of the quota zone season; open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing) (1) (2)

Walnut Point Fish and Wildlife Area (1)

Wards Grove Nature Preserve (closed during the statewide Youth Deer Hunting Season and Muzzleloader Deer Hunting Seasons; antlerless deer only) (2)

* Washington County Conservation Area (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season) (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park (Cecil White Unit)

Wildcat Hollow State Forest (1)

Witkowsky State Wildlife Area (opens October 15) (2)

Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park

Horseshoe Lake State Park (Madison County) (hunting at peninsula in designated areas only; hunting will close at end of regular duck season) (1)

Hurricane Creek Habitat Area (hunter quotas filled by drawing; must have Fox Ridge site permit to be eligible)

Momence Wetland
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Pere Marquette State Park (hunting allowed in group camping areas only in designated camp areas only; season begins the first weekday after camps close)

Sahara Woods (1) (2)

State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

Clinton Lake State Recreation Area (1)

Coffeen Lake State Fish and Wildlife Area

Des Plaines Conservation Area (closed to archery deer hunting during the site's upland game hunting season) (2)

Des Plaines Game Propagation Center (2)

* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions) (4)

Fox Ridge State Park (1)

Hamilton County Conservation Area (1)

Harry "Babe" Woodyard State Natural Area (4) (4)

Hidden Springs State Forest (1)

* Horseshoe Lake State Park (Madison County – Gaberet, Mosenthein and Chouteau Island Units)

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange
NOTICE OF ADOPTED AMENDMENTS

between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season. Additionally, a limited hunting opportunity for persons with disabilities exists at the Davis Creek Bike Trail Area. Disabled hunters, as defined in 520 ILCS 5/3.1(c), may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during disabled hunting season (the first Friday in November to the day before the first firearm deer season, except two blinds will be available until the close of the archery deer season)

Kickapoo State Park (1)

Kishwaukee River State Fish and Wildlife Area Matthiessen Dells State Park (antlerless deer only; closed during the special-site firearm deer seasons and open during the statewide firearm deer seasons) (2)

Mautino State Fish and Wildlife Area (1)

Mazonia/Braidwood State Fish and Wildlife Area (4)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (1)

* Mississippi Palisades State Park (November 1 through December 31; closed during the first firearm deer season) (1)

Newton Lake Fish and Wildlife Area (check deer at site office)

* Pekin Lake Fish and Wildlife Area (1)

Pyramid State Park – Captain Unit (1) (4)

Pyramid State Park – Denmark Unit (1) (4)

Pyramid State Park – East Conant Unit (1) (4)

Pyramid State Park – Galum Unit (1) (4)

Ramsey Lake State Park (1)
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* Sam Dale Lake Conservation Area (1)

Sand Ridge State Forest (1) Sandy Ford (permits available at Starved Rock State Park Office) (2)

Shelbyville Wildlife Management Area (1)

Siloam Springs State Park – Buckhorn Unit (resident hunters only) (2) (4)
Siloam Springs State Park – Scripps Unit (resident hunters only) (2) (4)

Snakeden Hollow Fish and Wildlife Area (October 1 through start of the central zone goose season)

* Spring Lake Fish and Wildlife Area (1) Starved Rock/Matthiessen State Park (antlerless deer only; closed during the special firearm deer seasons; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm and muzzleloader deer seasons; hunting in designated areas only) (2)

* Stephen A. Forbes State Park (1)

Ten Mile Creek Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

Volo Bog State Natural Area (hunting only from November 1 through December 31; Monday through Wednesday only; except State holidays) (2)

Weinberg-King State Park – Scripps Unit (resident hunters only) (2)

Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season) (2) (3)
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Iroquois County Conservation Area (2)

Johnson Sauk Trail State Recreation Area (1) (2)

Moraine View State Park (1)

Wayne Fitzgerrell State Recreation Area (no bowhunting during controlled hunts as posted at the site; bowhunting by site issued permit; application procedure to be announced) (1) (2)

Statewide regulations shall apply at the following sites except that:

1) Nonresident hunter quotas shall be filled by mail-in drawing. Information about specific drawing dates and application procedures will be publicly announced. Successful applicants will be issued a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

2) Resident hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4)

*Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested; site will be closed to archery deer hunting during the second firearm deer season) (1) (2) (5)

Siloam Springs State Park (2) (4)

Statewide regulations shall apply at this site except that:

Hunter quotas for specific periods shall be filled by mail-in drawing. Only Illinois residents are eligible to apply. Information about drawing dates and application procedures will be publicly announced. Successful applicants will be issued a
DEPARTMENT OF NATURAL RESOURCES

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permit for the time period specified. This permit must be in possession while hunting and returned by February 15 to the site office. Failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year. Restricted Archery Zone regulations apply.

Weldon Springs State Park – Piatt County Unit

Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 28 Ill. Reg. 9968, effective July 6, 2004)
NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Regulation of Public Use of Illinois Dedicated Nature Preserves

2) Code Citation: 17 Ill. Adm. Code 1510

3) Section Numbers: Adopted Action:
   1510.10   Repeal
   1510.20   Repeal

4) Statutory Authority: Implementing and authorized by Sections 1–8 of the "State Parks Act" [20 ILCS 835/1–8]; Section 5-1 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-1]; and by Section 11 of the Conservation District Act [70 ILCS 410/11]

5) Effective Date of Repealer: July 6, 2004

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 rulemaking, including all material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 12, 2004; 28 Ill. Reg. 4449

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: 525 ILCS 30/6.08 gives the Illinois Nature Preserves Commission the authority to adopt rules regarding nature preserves. Such rules shall be promulgated after consultation with, and written approval by, the Department of Natural Resources. This Part is being repealed in conjunction with the filing of the Nature Preserves Commission's adopted rule (17 Ill. Adm. Code 4015 - Public Use of Dedicated Nature Preserves, Chapter V: Illinois Nature Preserves Commission) in this issue of the
16) Information and questions regarding this adopted repealer shall be directed to:

    Jack Price, Legal Counsel
    Department of Natural Resources
    One Natural Resources Way
    Springfield IL   62702-1271
    217/782-1809
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Revocation Procedures for Conservation Offenses

2) **Code Citation:** 17 Ill. Adm. Code 2530

3) **Section Numbers:**

<table>
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<th>Section Numbers</th>
<th>Adopted Action</th>
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<td>2530.10</td>
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<td>2530.490</td>
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4) **Statutory Authority:** Implementing and authorized by Section 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/20-105], Section 3.36 of the Wildlife Code [520 ILCS 5/3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625], Section 1.5 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1.5] and Section 1.4 of the Wildlife Code [520 ILCS 5/1.4].

5) **Effective date of amendments:** July 6, 2004
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6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.


10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version:
Section 2530.60(a)(2) – deleted "may" added "shall"
Section 2530.270, added a subsection "d)" to the text in the fourth paragraph, changed "such" to "the"; and relabeled subsection "d)" to "e)"
Section 2530.370 – restored existing subsection "b)" and relabeled it as "g)"
Section 2530.420(f) – added "Aggravation and Mitigation" after the subsection label
Section 2530.488 – changed "2530.240(i) or (j)" to "2530.240(h) or (i)" and "2530.240(i) and (j)" to "2530.240(h) and (i)"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rulemaking: Changes to this Part were made to clarify procedures for suspension. Language was added pursuant to statutory changes to allow for suspension of a timber buyer's privileges up to 75 years in some instances. Constituent groups involved in resource-related commercial interests lobbied for changes in suspension procedures. Issuance of multiple citations is quite common in conservation law enforcement and many individuals are suspended based upon one incident or
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occurrence. Constituent groups support changes that would provide leniency to a first time offender, while still addressing the chronic violator.

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

    Jack Price, Legal Counsel
    Department of Natural Resources
    One Natural Resources Way
    Springfield IL 62702-1271
    217/782-1809

The full text of the adopted amendments begins on the next page:
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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2530
DEPARTMENT REVOCATION PROCEDURES
FOR CONSERVATION OFFENSES

SUBPART A: GENERAL RULES

Section 2530.10 Applicability
2530.20 Definitions
2530.30 Filing
2530.40 Documents
2530.50 Computation of Time
2530.60 Appearances

SUBPART B: SUMMARY REVOCATION/SUSPENSION

Section 2530.110 Applicability (Recodified)
2530.130 Rules Proposed by Member of Public (Recodified)
2530.140 Authorization of Hearing (Recodified)
2530.150 Notice of Hearing (Recodified)
2530.160 Hearing Officer (Recodified)
2530.180 Written Submission (Recodified)
2530.190 Record (Recodified)
2530.200 Revision of Proposed Rules (Recodified)
2530.210 Filing and Publication of Final Rules (Recodified)
2530.220 Applicability
2530.230 Point System
2530.240 Points
2530.245 Single Incident Rule
2530.250 Groups
2530.255 Types of Offenses
2530.260 Computation of Suspension Period
2530.270 Procedures
2530.280 Appeal and Hearing
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SUBPART C: HEARINGS OF CONTESTED CASES

Section
2530.310 Applicability
2530.320 *General Procedures* Initiation of Proceedings
2530.330 Parties
2530.340 Notice and Complaint
2530.350 Service
2530.360 Notice of Hearing
2530.370 Prehearing Conferences
2530.380 Authority of Hearing Officer
2530.390 Order of *Administrative Enforcement* Hearings
2530.400 Official Notice
2530.410 Default
2530.420 Evidence
2530.430 Motions and Answers
2530.470 Record
2530.480 Briefs and Oral Arguments
2530.482 Disposition
2530.484 Compelling Appearance at Hearing
2530.486 Recording of Hearing
2530.488 Hearing on Timber Buyers – Second and Subsequent Suspensions
2530.490 Decision and Order

AUTHORITY: Implementing and authorized by Section 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/20-105], Section 3.36 of the Wildlife Code [520 ILCS 5/3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8] and the Illinois Administrative Procedure Act [5 ILCS 100] and authorized by Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625], Section 1.5 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1.5], and Section 1.4 of the Wildlife Code [520 ILCS 5/1.4].

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SUBPART A: GENERAL RULES

Section 2530.10  Applicability

The rules in this Part govern the practice and procedures related to formal hearings conducted under the jurisdiction of the Department of Natural Resources, including but not limited to, hearings conducted for rulemaking, contested cases, and revocation of licenses and suspension of privileges for conservation offenses.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.20  Definitions

In this Part the following terms shall have the meanings specified below:

"Contested case" means an adjudicatory proceeding, not including rate making, rulemaking, quasi-legislative, informational or similar proceedings, in which the individual legal rights, duties or privileges of a party are required by law to be determined by an agency only after an opportunity for hearing. [5 ILCS 100/1-30]

"Department" means the Illinois Department of Natural Resources. [520 ILCS 5/1.2d]

"Director" means the director of the Illinois Department of Natural Resources. [520 ILCS 5/1.2e]

"Hearing Officer" means the presiding officer or officers at the initial hearing before the Department and each continuation. [5 ILCS 100/1-15]

"License" includes the whole or part of any Department permit, stamp, license, certificate, approval, registration, or similar form or permission required by law. [5 ILCS 100/1-35]

"Licensing" includes the Department procedures respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license. [5 ILCS 100/1-40]

"Party" means such person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party. [5 ILCS 100/1-55]
"Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency. [5 ILCS 100/1-60]

"Rule" means each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does not include:

- Statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency,
- Informal advisory rulings issued pursuant to Section 5-150 of the Illinois Administrative Procedure Act [5 ILCS 100/5-150],
- Intra-agency memorandum, or
- The prescription of standardized forms. [5 ILCS 100/1-70]

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.30 Filing

Documents, motions, petitions for proposed rules, pleadings and other documents permitted or required to be filed with the Department shall be addressed to and mailed or filed with the Department of Natural Resources, Office of Legal Counsel, One Natural Resources Way, Springfield IL 62702-1271, Lincoln Tower Plaza, 524 South Second, Springfield, Illinois 62701.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.40 Documents

a) Documents shall clearly show the title of the proceeding in connection with which they are filed, and shall designate the nature of the relief sought or the rule proposed.

b) Except as otherwise provided, two copies of all documents including complaints, motions, petitions for proposed rules, and petitions for review shall be filed with the Department.
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e) Documents relating to rulemaking shall be submitted in the same manner as prescribed by the Secretary of State for submission to the Illinois Register.

cd) Each document filed shall be signed by the party or by his authorized representative.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.60 Appearances

a) Any person may appear in rulemaking or contested cases as follows:

1) A natural person may appear in his own behalf or by an attorney at law licensed and registered to practice in the State of Illinois, or both.

2) A business, nonprofit or government organization may appear by any bonafide officer, employee or representative, or may be represented by an attorney licensed and registered to practice in the State of Illinois, or both.

b) Attorneys not licensed and registered to practice in the State of Illinois may appear on motion.

c) An attorney appearing in a representative capacity shall file a written notice of appearance with the Department, together with proof of service on all parties or their respective attorneys.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

SUBPART B: SUMMARY REVOCATION/SUSPENSION

Section 2530.240 Points

a) For a petty offense – 3 points

b) For a Class C Misdemeanor – 6 points

c) For a Class B Misdemeanor – 9 points

d) For a Class A Misdemeanor – 12 points
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e) For a Class 4 Felony – 24 points

f) For a Class 3 Felony or Higher – 60 points

g) For any violation committed during a period of suspension – 60 points

h) For any person previously suspended once under Group C (Timber Buyers Licensing Act), a minimum of 60 points and up to a maximum of 120 points shall be assessed for a second suspension. The actual number of points to be assessed shall be determined in accordance with Section 2530.488.

i) For any person previously suspended twice under Group C (Timber Buyers Licensing Act), a minimum of 120 points and up to a maximum of 900 points shall be assessed for a third or subsequent suspension. The actual number of points to be assessed shall be determined in accordance with Section 2530.488.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.245 Single Incident Rule

a) In the event that multiple findings of guilt are entered against an individual arising out of a single incident or act (same date and location of violation), full points shall be assessed only for the finding of guilt with the highest point level with additional points assessed for the remaining findings of guilt as follows:

1) For a petty offense – 1 point

2) For a Class C misdemeanor – 2 points

3) For a Class B misdemeanor – 3 points

b) The single incident rule shall not be applied, however, in any cases where the highest level violation is a Class A misdemeanor or higher (12 points or greater) or in cases where violations occurred while the individual was suspended.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.250 Groups

a) Group A = Wildlife Code, Endangered Species Protection Act – Wildlife, and
Federal Offenses – Wildlife

b) Group B = Fish and Aquatic Life Code, Endangered Species Protection Act – Aquatic Life, and Federal Offenses – Aquatic Life

c) Group C = Timber Buyers Licensing Act, Ginseng Harvesting Act, Endangered Species Protection Act – Plants, Federal Offenses – Plants

d) Group D = Ginseng Harvesting Act, Endangered Species Protection Act – Plants, Federal Offenses – Plants

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.255 Types of Offenses

a) Type I Offenses = Those offenses related to activities covered under Timber Buyer, Taxidermist, Aquaculture, Fish Dealer, Minnow Dealer, Mussel Dealer, Game and Game Bird Breeder, Wild Game Food Dealer, Furbearing Animal Breeder, Fur Tanner or Migratory Waterfowl Hunting Area licenses and permits.

b) Type II Offenses = All other offenses related to activities covered under licenses and permits. (Example: hunting, trapping, fishing, etc.)

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.260 Computation of Suspension Period

All offenses shall be classified by type and by group for computation of points.

a) For Type I offenses, any person who, within an 18 month period, accumulates 13 or more points in a single group as set out in Section 2530.250 shall have all licenses, permits and stamps relevant to that type of activity revoked, and the person's privilege to engage in the activity shall be suspended for a period of time that equals one month for each point accumulated. All accumulated points shall remain in effect for 18 months from the date of the arrest that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension imposed upon an individual shall be served consecutively to any earlier suspension, if still in effect, commencing on the date the earliest suspension expires.
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1) Example: An individual operates as a commercial game bird breeder and a migratory waterfowl hunting area, and is found guilty of violations relating to his/her commercial game bird breeding operation, resulting in points sufficient to result in revocation/suspension. A revocation shall only be imposed upon the individual's game bird breeding license and a suspension shall be imposed only upon the activities requiring that license. All other businesses (in this instance, migratory waterfowl hunting area) may continue to operate.

2) Example: Found guilty of no taxidermy license and failure to keep proper records (both Class B Misdemeanors, normally 9 points each) as a result of a single incident. No revocation/suspension imposed, 12 points assessed.

3) Example: Found guilty of same violations as above (2 Class B Misdemeanors), but on different dates. Revocation/suspension shall be imposed, as full 18 points apply.

4) Example: Found guilty of buying timber without a license and failure to pay harvest fees (both Class A Misdemeanors, 12 points each). Revocation/suspension imposed, regardless of whether findings are the result of a single incident or separate occurrences, 24 points applied.

b) For Type II offenses: Any person who, within a 36 month period, accumulates 13 or more points in a single group as set out in Section 2530.250 shall have all licenses, permits and stamps relevant to that type and group revoked, and the person's privilege to engage in the activity covered by the type and group shall be suspended for a period of time that equals one month for each point accumulated. Lifetime licenses issued pursuant to 515 ILCS 5-20-45(f) shall only be revoked for felony violations or for violations committed during a period of suspension. The privileges of lifetime license holders shall be suspended, however, in accordance with the provisions of this Section. All accumulated points shall remain in effect for 36 months from the date of the arrest that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension imposed upon an individual shall be served consecutively to any earlier suspension, if still in effect, commencing on the date the earliest suspension expires.

1)a) Example: Found guilty of unlawful possession of freshly killed white-tailed deer during closed season (Class A Misdemeanor) and taking
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an over limit of quail (petty offense) – hunting license, trapping license, migratory waterfowl stamp and habitat stamp revoked – Type II privileges authorized under Group A suspended for 15 months from date of notice.

2) Example: Found guilty of a Class B Misdemeanor under the Wildlife Code and a Class B Misdemeanor under the Fish Code – no revocation or suspension as there is no 13 point accumulation in any one group.

3) Example: Person in subsection (a) above completes 15 month suspension; two months later (less than 36 months from first violation) the person again commits unlawful possession of freshly killed white-tailed deer during closed season, for which person is found guilty – appropriate licenses and stamps revoked and person suspended for 27 months (15 + 12).

4) Example: Found guilty of a Class B Misdemeanor (9 points) and a petty offense (normally 3 points) under the Wildlife Code for violations arising out of a single incident – 10 points are accumulated (9 + 1), no suspension is imposed.

5) Example: Person in subsection (a) is found guilty of a violation under the Wildlife Code that occurred during the time that the person's privileges were suspended – 60 additional points assessed and a second suspension is imposed, to run consecutively after the first suspension (75 months total).

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.270 Procedures

a) All circuit clerks shall report the disposition of Natural Resources cases to the Office of Law Enforcement, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271, 524 S. Second Street, Springfield IL 62701.

b) Points shall be assessed to the individual by the Department once reports of disposition are received from the circuit clerk.

c) Any person who accumulates sufficient points for suspensions as set out in Section 2530.26013 or more points in any group listed in Section 2530.260 during
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any 36 month period shall be notified, by mail, that any licenses, stamps or permits held by that person pursuant to the statutes or administrative rules of the type and group in which the points were accumulated are immediately revoked, and the notice shall further inform the person how many points have been assessed and for how long his privileges have been suspended.

d) For Type I (commercial/business type) suspensions, the notice shall also include instructions that no new business may be taken in, effective immediately with the suspension, and that existing business must cease within 30 days after the effective date of the suspension. Proof that all existing business has ceased may be in the form of written correspondence to all current clients notifying them of the suspension and their alternatives.

d) Notices shall be mailed to the last known address of the person through the U.S. mail, and an affidavit of mailing shall be proof that the notice was received 4 days after being mailed. Revocation and suspension shall be effective 4 days after notice is deposited in a U.S. mailbox.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.280 Appeal and Hearing

a) Any person who is mailed notice of suspension and revocation shall have the right to appeal by filing a Petition for Hearing with the Office of Legal Counsel, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271; 524 S. Second Street, Springfield IL 62701. Such petition must be received by the Department of Natural Resources no later than 34 days after notice was mailed for the petition to be considered. No action will be taken on an untimely petition and the revocation or suspension will be considered final.

b) The petition shall be styled "In re the suspension of__________, PETITION FOR HEARING.". The petition shall contain sufficient facts in justification of a hearing and be signed by the petitioner. Petitions shall be liberally construed.

c) Any petition not denied within 30 days after receipt by the Department shall be deemed granted and a hearing shall be set pursuant to the provisions of Subpart C: Hearings of Contested Cases.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)
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SUBPART C: HEARINGS OF CONTESTED CASES

Section 2530.310 Applicability

This Subpart governs The rules in this subpart apply to contested cases which adjudicate alleged violations of rules adopted by the Department and shall also govern hearings and related procedures used to be employed in suspension or revocation of a license issued by the Department.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.320 General Procedures Initiation of Proceedings

a) Enforcement proceedings to hear contested cases shall be initiated by the Department. This does not limit the right of the public to alert the Department to parties who violate rules adopted by the Department.

b) The Director of the Department of Natural Resources shall designate a Hearing Officer. The Hearing Officer does not have to be an attorney. Staff members of Law Enforcement, witnesses and the Director shall not serve as Hearing Officers. The appointed Hearing Officer shall not have direct involvement in the case or have an interest in the decision to be reached. Mere familiarity with the facts shall not disqualify a Hearing Officer.

c) In the case of a license revocation hearing performed by the Department to determine guilt, or in the case of a proceeding under Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], any license or permit or certificate held by the respondent may be suspended, pending the outcome of the hearing. Respondent shall be given notice of the suspension in the complaint.

d) In the case of a license revocation pursuant to Subpart B, no hearing shall be granted unless, within 34 days after mailing of Notice of Revocation and Suspension by the Department, a petition requesting hearing, citing the justification for such hearing, has been filed with the Office of Legal Counsel, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL  62702-1271524 S. Second Street, Springfield IL  62701.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)
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Section 2530.330 Parties

a) The Department, when initiating a revocation/suspension enforcement proceeding, shall be designated the Complainant. Any adverse party shall be designated as the Respondent.

b) Misnomer of a party is not ground for dismissal, but the name of any party may be corrected at any time.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.340 Notice and Complaint

a) Proceedings for revocation/suspension under this Subpart C, other than those imposed under Subpart B, shall be commenced by the service of a notice and a complaint upon all respondents and the filing of copies of the notice and complaint with the Hearing Officer, except that license revocations based upon findings of guilt by a court shall be by notice only.

b) The complaint shall contain the following:

1) A reference to the provision of the law or and rules of which the respondent was found guilty by a court of law; respondents are alleged to be in violation;

2) A description of the alleged violation or violations of the law and/or Administrative Rules complained of to an extent sufficient to advise respondents of the basis for revocation/suspension; full extent and nature of matters complained of to allow preparation of a defense;

3) A concise statement of the relief that the complainant seeks; and

4) A statement that the relief stated in the complaint shall be granted if the respondent does not answer, respond or attend a hearing as set out in this Part.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.350 Service
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a) A copy of the notice and complaint shall either be served personally on the respondent or his authorized agent, or shall be served by registered or certified mail with return receipt signed by the respondent or his authorized agent. Proof of service of the complaint shall be made by affidavit of the person making personal service, or by properly executed registered or certified mail receipt. Proof of service of the complaint shall be filed with the Hearing Officer immediately upon completion of service.

b) Any pleadings, motions or discovery notices, after issuance of the complaint, shall be served personally or by First Class United States Mail, and copies thereof shall be filed with the Hearing Officer with proof of service. Proof of service of any paper other than the complaint shall be by certificate of attorney, affidavit or acknowledgment.

c) Notice of license revocation and suspension of privileges shall be mailed to the last known address of the person through the U.S. mail. An affidavit of mailing shall be proof that the notice was received 4 days after being mailed to the last known address of the person whose license is revoked or privilege suspended. Deposit of such notice, correctly addressed, postage prepaid, shall be satisfactory to prove notice was received 4 days after the mailing.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.360 Notice of Hearing

a) Time and Location of Hearing

1) The Hearing Officer shall set a date, time and place for hearing that shall be not later than 90 days after receipt of a timely request for hearing.

2) The hearing shall be held in the offices of the Department in Springfield, Illinois or in such other place as the Hearing Officer shall for stated cause designate. He shall give notice at least 15 days prior to the date of the hearing to the parties, in accordance with this Part.

b) The Department shall give notice of each hearing in which it is the complainant, not later than 15 days prior to the date on which the hearing is scheduled, to the following:

1) any person who has complained to the Department with respect to
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respondent within 6 months preceding the date of the complaint;

2) any person in the county in which the alleged offending activity occurred who has requested notice of enforcement proceedings;

3) Those persons notified of revocation and/or suspension pursuant to Section 2530.350(c) who request a hearing within 34 days after mailing by the Department of such notice; and

4) such other persons as required by law.

b) Failure to comply with the provisions of this Part may not be used as a defense to a proceeding under this Part or enforcement action, but any person adversely affected by such failure of compliance may have the hearing postponed if prejudice is shown, upon motion to the Hearing Officer.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.370 Prehearing Conferences

a) Upon written notice by the Hearing Officer in any proceeding, parties or their attorneys may be directed to appear at a specific time and place for a conference, prior to or during the course of hearing, for the purpose of formulating issues and considering:

a) the simplification of issues;

b) the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;

c) the possibility of making admissions of certain averments of facts or stipulations concerning the use of either or both parties of matters of public record to avoid unnecessary introduction of proof;

d) the limitation of the number of witnesses;

e) the propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and

f) such other matters as may aid in the simplification of the evidence and disposition of the proceeding.
gb) Action taken at the conference shall be recorded in a memorandum prepared and certified by the Hearing Officer.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.390 Order of Administrative Enforcement Hearings

The following shall be the order of all administrative enforcement hearings, subject to modification by the Hearing Officer for good cause;

a) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint;

b) Presentation of opening statements;

c) Complainant's case in chief;

d) Respondent's case in chief;

e) Complainant's case in rebuttal;

f) Statements from interested citizens, if authorized by the Hearing Officer;

g) Respondent's closing argument, which may include legal argument;

h) Complainant's closing argument, which may include legal argument;

i) Presentation and argument of all motions prior to final order.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.420 Evidence

a) The Hearing Officer will receive evidence which is admissible under the law of the rules of evidence of Illinois pertaining to civil actions. In addition, the Hearing Officer may receive material, relevant evidence which would be relied upon by reasonably prudent persons in the conduct of serious affairs which is reasonably reliable and reasonably necessary to resolution of the issue for which it is offered.
b) The Hearing Officer shall exclude from consideration immaterial, irrelevant, and repetitious evidence.

c) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Hearing Officer shall admit such evidence.

d) The Hearing Officer may order the record of any relevant prior proceeding before the Department or part thereof incorporated into the record of the present proceeding.

e) Relevant scientific or technical articles, treatises or materials may be introduced into evidence subject to refutation or disputation through any introduction of comparable documentary evidence or expert testimony.

f) **Aggravation and Mitigation**

1) A party may introduce evidence as grounds which would demonstrate factors in mitigation or factors in aggravation of the relief sought in the complaint.

2) The Hearing Officer shall take the following matters into consideration, if applicable, in contested cases in which the relief the Department seeks is suspension or revocation of a license or permit issued by the Department:

   A) the Respondent's history of past conservation offenses;

   B) **any findings of guilt against the Respondent for offenses under other Acts that were related to those conservation offenses for which suspension or revocation is sought;**

   C) whether the Respondent's course of conduct constituted a threat to the biological balance of any species protected by the Act under which suspension or revocation is sought;

   D) whether the Respondent's course of conduct constituted a threat to the safety of the Respondent, Department Officials, or others;

   E) **any evidence of the Respondent's ignorance of a material fact which led to his unlawful conduct;**
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F) the degree of cooperation exhibited by the Respondent with Department Officials;

G) the degree to which the Respondent profited economically as a result of his unlawful conduct;

H) any other evidence offered and noted by the Hearing Officer as demonstrating factors in mitigation or factors in aggravation of the relief sought in the complaint.

3) The Hearing Officer shall take only the following matters into consideration in hearings for cases of suspension/revocation imposed under Subpart B:

A) was the Respondent found guilty of the offenses outlined in the Notice of Suspension;

B) were points for those offenses properly assessed; and

C) was suspension/revocation properly imposed.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.482 Disposition

Unless precluded by law, the Department may dispose of a contested case by stipulation, agreed settlement, consent order, or default.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.488 Hearings on Timber Buyers – Second and Subsequent Suspensions

Whenever a Timber Buyer receives notice that sufficient points have been assessed under Section 2530.240(h) or (i) for a second or subsequent suspension, a hearing shall be scheduled to determine the actual length of suspension to be imposed. In the event a default occurs, as defined in Section 2530.410, the Hearing Officer shall have authority to determine the length of suspension, taking into consideration items of evidence outlined in Section 2530.420 and the minimum and maximum points allowed under Section 2530.240(h) and (i).

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)
Section 2530.490 Decision and Order

a) The Department shall prepare a written order and opinion for all final determinations. The order shall include findings of fact and conclusions of law and shall be signed by the Director after considering the Hearing Officer's recommendations and the factors listed in Section 2530.420(f)(2).

b) Findings shall include specific references to principal supporting items of evidence in the record.

c) Findings of fact and conclusions of law must be separately stated.

d) The Department's final order may include any or all of the following:

1) A direction to cease and desist from violations of the Department's rules and orders;

2) Suspension of licenses or permits;

3) Revocation of a license or permit. A respondent who has had a license revoked or privileges suspended shall not be issued any license or permit by the Department for a period not to exceed the maximum allowed by law (5 years). Such a person shall not legally possess a license or permit or engage in the activity such a license or permit would allow should that person obtain a license or permit during that period;

4) Such other determinations that may be appropriate.

e) The Department shall notify all parties or their agents either personally or by mail of any final order.

f) The Department's order shall be the final administrative decision of the Department.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)
1) **Heading of the Part:** Public Use of Dedicated Nature Preserves

2) **Code Citation:** 17 Ill. Adm. Code 4015

3) **Section Numbers:**

4015.10 New Section
4015.20 New Section

4) **Statutory Authority:** Implementing and authorized by the Illinois Natural Areas Preservation Act [525 ILCS 30].

5) **Effective date of rules:** July 6, 2004

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Do these rules contain incorporations by reference?** No

8) A copy of the adopted rules, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) **Notice of Proposal published in Illinois Register:** March 12, 2004; 28 Ill. Reg. 4476

10) **Has JCAR issued a Statement of Objection to these rules?** No

11) **Differences between proposal and final version:**

   In Section 4015.10(b), language was changed to read as follows:

   For any person to possess or consume or be under the influence of intoxicating beverages, including beer, or to be in violation of the Illinois Controlled Substances Act [720 ILCS 570], the Cannabis Control Act [720 ILCS 550], the Use of Intoxicating Compounds Act [720 ILCS 690], the Drug Paraphernalia Control Act [720 ILCS 600], or the Hypodermic Syringes and Needles Act [720 ILCS 635] in any dedicated nature preserve.

   In Section 4015.10(c), following "master plan" added "(see 17 Ill. Adm. Code 4000.150 and 4000.160)."

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the**
agreements issued by JCAR? Yes

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

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rulemaking: 525 ILCS 30/6.08 gives the Illinois Nature Preserves Commission the authority to adopt rules regarding nature preserves. Such rules shall be promulgated after consultation with and written approval by the Department of Natural Resources. This Part was proposed in conjunction with the repeal of the Department of Natural Resources' rule in Chapter I - 17 Ill. Adm. Code 1510 – Regulation of Public Use of Illinois Dedicated Nature Preserves.

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

    Jack Price, Legal Counsel
    Department of Natural Resources
    One Natural Resources Way
    Springfield IL 62702-1271
    217/782-1809

The full text of the adopted rules begins on the next page:
Section 4015.10   Unlawful Acts

It is unlawful:

a) For any person other than the landowner, Illinois Nature Preserve Commissioners, their staff or staff of the Illinois Department of Natural Resources to enter any dedicated nature preserve or nature preserve buffer or portion thereof if that area has been closed to visitors by notice posted by the landowner or the Illinois Nature Preserves Commission.

b) For any person to possess or consume or be under the influence of intoxicating beverages, including beer, or to be in violation of the Illinois Controlled Substances Act [525 ILCS 30], the Cannabis Control Act [720 ILCS 570], the Use of Intoxicating Compounds Act [720 ILCS 550], the Drug Paraphernalia Control Act [720 ILCS 600], or the Hypodermic Syringes and Needles Act [720 ILCS 635] in any dedicated nature preserve.

c) For any person to camp or place a tent or trailer or any type of camping device in a dedicated nature preserve or nature preserve buffer unless provided for in the nature preserve or nature preserve buffer approved master plan (see 17 Ill. Adm. Code 4000.150. and 4000.160).

d) For any person to cut, break, injure, destroy, take or remove any artifact, tree, shrub, timber, flower, plant, or other natural object, including rocks, soil, or water, from a dedicated nature preserve or nature preserve buffer; except that small
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quantities of such materials may be collected and removed for scientific or educational purposes by written permit from the owner, the Illinois Department of Natural Resources and the Illinois Nature Preserves Commission, and except for management in accordance with an approved master plan (see 17 Ill. Adm. Code 4000.150 and 4000.160).

e) For any person to kill, cause to be killed, harass, pursue or take any animal, whether mammal, bird, fish, reptile, amphibian, or invertebrate, or its nest or habitat in a dedicated nature preserve or nature preserve buffer; except that small quantities of such materials may be collected and removed for scientific or educational purposes by written permit from the owner, the Illinois Department of Natural Resources and the Illinois Nature Preserves Commission, and except for management purposes in accordance with an approved master plan.

f) For any person to conduct scientific research in a dedicated nature preserve or nature preserve buffer without a written permit from the owner, the Department of Natural Resources and the Illinois Nature Preserves Commission.

g) For any person to possess a firearm, airgun, slingshot, bow and arrow, or any other weapon within the boundaries of any dedicated nature preserve or nature preserve buffer, except authorized peace officers and as authorized for management and control measures for wildlife population control in accordance with a plan approved by the Illinois Nature Preserves Commission and the landowner.

h) For any person to take, mutilate, deface, move, or destroy any structure, artifact, improvement, work, sign, stone, soil, or other natural object or material in any dedicated nature preserve or nature preserve buffer, except for management in accordance with an approved master plan.

i) For any person to operate a motor vehicle in any dedicated nature preserve or nature preserve buffer other than on designated roadways or parking areas or to park a motor vehicle in a place other than designated parking areas, except for maintenance and management vehicles operated by authorized persons.

j) For any person to operate a motor vehicle in a reckless manner or to exceed posted speed limits on roadways within any dedicated nature preserve or nature preserve buffer.
k) For any person to build or light any fire or willfully or carelessly permit any fire that has ignited or been caused to ignite or that is under his charge and care to spread or extend to or burn any part of a dedicated nature preserve or nature preserve buffer, except for prescribed burning for vegetation management in accordance with an approved master plan and for camp fires in designated locations within picnic areas located in nature preserve buffers in accordance with an approved master plan.

l) For any person to discard rubbish of any kind in any dedicated nature preserve or nature preserve buffer except in designated containers provided by the landowner or the Illinois Nature Preserves Commission.

m) For any person to bring or allow to enter into a dedicated nature preserve or nature preserve buffer any dog, cat, horse, or other animal or pet, unless provided for in an approved master plan.

n) For any person to engage in any sporting or athletic activity, including swimming, within the boundaries of any dedicated nature preserve or nature preserve buffer unless provided for in an approved master plan.

o) For admittance to be granted to groups of 25 or more persons to any nature preserve or nature preserve buffer unless written permission from the Illinois Nature Preserves Commission and the landowner has been secured in advance. Groups of 25 or more will be granted permission to visit preserves if the groups do not exceed the capacity of the facility.

p) For any group of minors to enter a dedicated nature preserve or nature preserve buffer without adequate supervision. At least one responsible adult shall accompany each group of not more than 15 minors.

q) For any person to plant or disperse any native or non-native plant or release or disperse any native or non-native animal species or their parts or any other material or object into any dedicated nature preserve or nature preserve buffer without the written approval of the landowner and the Illinois Nature Preserves Commission.

Section 4015.20 Criteria for Evaluating Requests

Criteria that will be used to evaluate requests under Section 4015.10(q) include:
ILLINOIS NATURE PRESERVES COMMISSION

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a) Is there evidence that the species formerly occurred on the nature preserve or nature preserve buffer or that the habitat was suitable and was probably occupied by the species?

b) Are the habitat and other ecological conditions presently suitable and adequate to support the species?

c) What is the source of origin and genotype of the proposed introductions and is it the same as that originally occurring in the nature preserve or nature preserve buffer?

d) Will the reintroduction threaten the population from which it is being taken?

e) Will the reintroduction threaten any species or communities presently considered desirable on the nature preserve or nature preserve buffer?
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1) **Heading of the Part:** Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds

2) **Code Citation:** 20 Ill. Adm. Code 1286

3) **Section Numbers:**

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5) Effective date of amendments: June 30, 2004

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

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including all material incorporated by reference is on file in the agency's principal office and is available for public inspection.


10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: Editing and formatting changes recommended by JCAR were made. Those changes are as follows:

   In Section 1286.10, "Accredited Law Enforcement Training Academy", changed "CALEA" to "Commission on Accreditation for Law Enforcement Agencies (CALEA), 10302 Eaton Place, Suite 100, Fairfax VA 22030-2215."

   In Section 1286.10, "Alcohol", changed "isopropropynol" to "isopropyl".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued by JCAR.

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of amendments: The proposed amendments will revise and update procedures and policies relating to the testing of breath, blood and urine for alcohol, drugs, and intoxicating compounds.

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

   Mr. Keith Jensen
   Chief Legal Counsel
   Illinois State Police
   124 East Adams Street, Room 102
DEPARTMENT OF STATE POLICE

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Post Office Box 19461
Springfield, Illinois  62794-9461
217/782-7658

The full text of the adopted amendments begins on the next page:
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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1286
TESTING OF BREATH, BLOOD AND URINE
FOR ALCOHOL, OTHER DRUGS, AND INTOXICATING COMPOUNDS

**SUBPART A: GENERAL PROVISIONS**

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SUBPART A: GENERAL PROVISIONS

Section 1286.10 Definitions

"Accredited Law Enforcement Training Academy" means a police training organization that is recognized by the Illinois Law Enforcement Training Standards Board and is accredited by Commission on Accreditation for Law
"Accuracy Check Record" means the data recorded in a logbook or stored in memory by a BAT when an accuracy check is performed on an approved evidentiary instrument. Accuracy test records will include at least the type of instrument, instrument serial number, test date, test time, reference sample value, BAT, and the readings of the two accuracy check tests.

"Agency" means a Municipal, Park District, County, State, or Federal law enforcement agency, or Circuit Court Probation Department involved in the use of approved evidentiary instruments or PBTs.

"Alcohol" means ethanol, ethyl alcohol, alcoholic beverage, or alcoholic liquor, isopropyl or methanol.

"Alcohol Concentration" means weight in grams of alcohol in a specified volume of blood, breath, or urine.


"Approved PBT" means an instrument approved for use by the Department either to obtain a BrAC pursuant to a preliminary breath screening test as described under Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5], Section 5-7.5 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-16b], Section 5-16b of the Boat Registration and Safety Act [625 ILCS 45/5-16b], and Sections that cross-reference Section 11-501.5 of the Illinois Vehicle Code [625 ILCS 5/11-501.5] or to obtain a BrAC pursuant to a breath test as described under Section 11-501.6 of the Illinois Vehicle Code [625 ILCS 5/11-501.6], and Section 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/11-501.8].

"Blood Alcohol Concentration" or "BAC" means grams of alcohol per 100
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"Breath Alcohol Concentration" or "BrAC" means grams of alcohol per 210 liters of breath ([Section 11-501.2(a)5 of the Illinois Vehicle Code [625 ILCS 5/11-501.2(a)5]).

"Breakdown" means a malfunction that affects the analytical performance of the instrument or its ability to quantitate a BrAC.

"Breath Analysis Instructor" or "BAI" means an individual who is accredited by the Department to instruct breath analysis instrument operations and to train and administer licensing examinations to BAOs.

"Breath Analysis Operator" or "BAO" means an individual licensed by the Department to operate approved evidentiary instruments and to create subject test records. BAOs can print local reports, perform basic maintenance (i.e., replace a fuse), and make minor adjustments (i.e., correct the date/time).

"Breath Analysis Reading" means the numeric value of the first two digits to the right of the decimal point of a BrAC analysis as displayed, printed, or recorded by an instrument.

"Breath Analysis Technician" or "BAT" means an individual who is authorized by the Department to conduct re-certification classes for BAOs and to administer that examination, to install, examine, certify, verify, repair, maintain, check the accuracy of approved evidentiary instruments, and create accuracy check records and service records.

"Central Repository" means the collection and maintenance by the Department of business records, maintained by an agency in the normal course of business, of subject test records, accuracy check records, and service records.

"Certified Paramedic" means an individual licensed by the Illinois Department of Public Health as an Emergency Medical Technician (Intermediate) or Emergency Medical Technician (Paramedic) acting under the direction of a licensed physician as a phlebotomist.

"Department" means the Illinois Department of State Police.
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"Director" means the Director of State Police.

"Foreign Substance" means any substance not in the subject's body when a 20-minute observation period is commenced, excluding a substance introduced due to normal breathing.

"Ingested" means eaten, chewed, swallowed or consumed by mouth in any other manner; inhaled, sniffed, snorted, sprayed, or introduced into the breathing passages in any other manner; injected or introduced into the body in any manner.

"Instrument" means any item or combination of items of equipment used to quantitate a breath analysis reading.

"Internal Memory" means the digital storage medium that is part of an approved evidentiary instrument that registers subject test records, accuracy check records, and service records.

"License" means a permit issued as evidence by the Department to an individual as proof of his or her authority and competence as a BAO, BAT, or BAI, or PBT.

"Logbook" means a business record, maintained by the agency in the normal course of business, of subject test records, and accuracy check records, and service records.

"Malfunction" means failure of an instrument to function properly.

"NHTSA's List" means the Conforming Products List of Evidential Breath Measuring Instruments produced by the National Highway Traffic Safety Administration, United States Department of Transportation.

"Other Qualified Person" means a person trained and employed by a licensed medical facility or affiliate acting under the direction of a licensed physician, as a phlebotomist, regardless of job title.

"Passive Sensor" means a unit that monitors ambient air for the presence of alcohol for an investigative purpose.

"Phlebotomist" means a person trained who uses venipuncture to collect blood from another individual through venipuncture.
"Preliminary Breath Test Device" or "PBT" means a portable device used to quantitate a breath analysis reading.

"Preliminary Breath Test Examiner" or "PBT-E" means a BAO who is authorized by the Department to perform accuracy checks on preliminary breath test devices.

"Reference Sample" means either a solution for use in a breath simulator, commonly referred to as a wet bath simulator, or a dry gas mixture, commonly referred to as a dry gas evidential standard (DGES), for the purpose of instrument certification, verification, accuracy checks, and/or calibration.

"Service Record" means the data recorded by a BAT or in the instrument when an approved evidentiary instrument is checked for accuracy verified. Service records will include at least the type of instrument, instrument serial number, date of service, time of service, service issue reported, service issue found, probable cause of service issue, corrective action taken, and BAT. Service records do not include information other than that which can be recorded in instrument memory or the central repository (i.e., a document such as a bill for repairs of an approved evidentiary instrument is not a service record).

"Subject Test Record" means the data recorded by a BAO in the logbook or printed out and stored by the instrument in memory when a subject is tested with an approved evidentiary instrument. Subject test records will include at least the type of instrument, instrument serial number, name of individual tested, test date, test time, breath analysis reading, and BAO. Subject Test Records do not include information other than that which can be recorded in instrument memory or the central repository.

"Urine Alcohol Concentration" or "UAC" means the number of grams of alcohol per 67 milliliters of urine (Section 6-500(2)(C)(c) of the Illinois Vehicle Code [625 ILCS 5/6-500(2)(C)(c)]).

"Whole Blood Equivalent" means the conversion of a blood serum or blood plasma alcohol concentration to an approximate BAC.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.20  Grievances
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Aggrieved persons who wish to contest the Department's actions with respect to their BAO license, BAT authorization, PBT-E authorization, BAI accreditation, or laboratory certification shall follow general hearing procedures outlined in 20 Ill. Adm. Code 1200.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.70 Maintenance of Records for Approved Evidentiary Instruments

Subject test records, accuracy check records, and service records will be maintained for and/or by each approved evidentiary instrument.

a) Subject test records and accuracy check records must be maintained in a logbook and/or the instrument's memory, unless the agency has obtained written permission from the Department to maintain the records for a particular instrument in the instrument memory and/or the central repository.

b) Logbook entries will be made in the logbook as contemporaneous as reasonably practicable to the time the procedure was performed.

c) Service records will be maintained by the Alcohol and Substance Testing Section or may be maintained in the instrument's memory. Malfunctions that are not breakdowns (non-analytical failures such as battery expiration, incorrect time/date, printer problems, etc.) will not be documented.

d) Only Permission to maintain records in instrument memory can only be obtained for instruments equipped with sufficient internal memory to store 100 subject test records and that can download stored information to the central repository may keep the test records in the memory of the instrument.

e) All records removed from the internal memory of an instrument shall be erased and downloaded if possible and practicable, to the central repository.

f) The central repository will maintain instrument records for not less than five years from the date downloaded.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.80 Approved Evidentiary Instrument and Logbook Availability

a) All agencies shall have their approved evidentiary instruments available for
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examination by a BAT.

b) All agencies shall have the logbooks for their approved evidentiary instruments available for examination by a BAT.

c) Agencies with portable evidentiary instruments may be required to transport the instrument to a specific location for its accuracy check.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.90 Reporting Laboratory Results

a) Laboratories shall return the original analysis report of the blood or urine sample to the submitting agency only.

b) Laboratories shall retain a duplicate copy of the analysis report in the testing laboratory for two years. c) Laboratories shall submit to the Department all blood and/or urine test results for alcohol concentration or the presence of other drugs or intoxicating compounds along with the age and sex of the individuals on a quarterly basis. When practicable, results are to be submitted to the Department's Breath-Alcohol Training Section in an electronic data transfer method approved by the Department.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

SUBPART B: APPROVAL PROCEDURES FOR PERSONS AND LABORATORIES TO PERFORM SPECIFIC FUNCTIONS

Section 1286.100 Licensing BAOs

The Director or his/her designee is authorized to license persons to be BAOs subject to the requirements of this Section. BAOs are licensed to perform all appropriate BAO functions described in this Part.

a) To be eligible to be a BAO, the individual must be employed by an agency or an accredited law enforcement training academy. BAO candidates, including those who have previously been licensed as a BAO in another state, must successfully attend the course and pass the written and proficiency examination or successfully complete a computer-based training (CBT) course.
b) Under the direction and control of a BAI, BAO candidates must:

1) Complete a training curriculum approved by the Department that includes a minimum of 2832 hours of instruction, which includes the following:

A) Presentation and discussion of the psychological, physiological, and pharmacological effects of alcohol in the human body;

B) Demonstration and discussion of instruments and the analytical processes used to measure BrAC;

C) Practical application and demonstration in the use of an approved evidentiary instrument; and

D) Discussion of current DUI issues, the administrative rules, and case law.

2) Pass the following:

A) The standardized written examination for Breath Analysis Operator provided by the Department with a minimum score of 70 percent.

B) A proficiency examination where the candidate operates approved evidentiary instruments.

A license shall be valid for a period of three years from the printed date of issuance. If the license is not renewed as provided for in Section 1286.110, it shall expire three years from the printed date of issuance.

d) Licensing classes will be held in locations approved by the Department based upon appropriate lighting, space, heating, and air conditioning conditions. Persons licensed as BAOs on December 31, 2000 by the Department of Public Health will be deemed to be licensed under this Part until expiration of their Department of Public Health license.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.110 Renewal of BAO License
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The Director or his/her designee is authorized to renew BAO licenses subject to the requirements of this Section. An individual with a renewed BAO license is a BAO. A renewed BAO license shall be subject to the same terms and conditions as an original BAO license.

a) BAO license renewal candidates must either successfully attend the renewal course and pass the written renewal examination or successfully complete the computer-based training course.

1) Under the direction and control of a BATBAI, BAO renewal candidates attending the renewal course must:

A) Complete a training curriculum approved by the Department that includes the following:

   i) Review of theory and practice with an approved evidentiary instrument;

   ii) Review of administrative rules as contained in this Part; and

   iii) Review of current and related problems in the field.

B) Pass the following:

   i) The standardized written examination for Breath Analysis Operator provided by the Department with a minimum score of 70 percent; and

   ii) A proficiency examination where the candidate operates an approved evidentiary instrument.

2) The computer-based BAO license renewal course will:

A) Review subject matter similar to the BAO classroom instruction;

B) Provide a practical examination that the BAO license renewal candidate must pass; and

C) Provide an objective examination that the BAO license renewal candidate must pass with a minimum score of 70 percent.
b) A BAO license that has either been revoked or been expired for more than one year cannot be renewed. To become licensed again, the individual must complete the initial licensure course. Appeals from this decision may be pursued in accordance with Section 1286.20.

c) The Department will designate sites and dates for renewal courses.

d) Renewal courses will be held in locations approved by the Department based upon appropriate lighting, space, heating, and air conditioning conditions. e) The renewal of a BAO license issued by the Department of Public Health will be conducted as if the Department of Public Health license was a BAO license issued under this Part.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.130 Authorization of BATs

The Director or his/her designee is authorized to license persons employed by the Department to be BATs subject to the requirements of this Section. BATs are authorized to perform all appropriate BAT functions described in this Part.

a) BATs must be BAOS and meet all BAO licensing requirements.

b) The candidate must display knowledge and understanding through specialized training in all of the following areas:

1) Psychological, physiological, and pharmacological effects of alcohol in the human body;

2) Proficiency on all approved evidentiary instruments and the analytical processes used to measure BrAC;

3) Maintenance, calibration, and repair procedures on all approved evidentiary instruments; and

4) Knowledge of current DUI issues, the administrative rules, and case law.

c) Under the direction and control of the Director or his/her designee, BAT candidates must pass a proficiency examination for each approved evidentiary
d) A BAT's authorization period coincides with his or her BAO license term. The Director or his/her designee will evaluate the appropriateness of renewing the BAT authorization when the BAO license is renewed. Other than keeping their BAO license current, BATs are not required to retake the examination in subsection (c) of this Section to retain their authorization as a BAT.

e) The Department will maintain a list of authorized BATs. A person certified as a BAT by the Department of Public Health on December 31, 2000 is deemed authorized as a BAT under this Part until December 31, 2003 or until his or her BAO license expires, whichever is later.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.150 Accrediting BAIs

The Director or his/her designee is authorized to accredit persons to be BAIs subject to the requirements of this Section. BAIs are accredited to perform all appropriate BAI functions described in this Part.

a) The BAIs must be BAOs and meet all BAO licensing requirements.

b) The candidate must display knowledge and understanding through specialized training in all of the following areas:

   1) Psychological, physiological, and pharmacological effects of alcohol in the human body;

   2) Proficiency on all approved evidentiary instruments and the analytical processes used to measure BrAC;

   3) Maintenance, calibration, and repair procedures on all approved evidentiary instruments; and

   4) Knowledge of current DUI issues, the administrative rules, and case law.

c) Under the direction and control of the Director or his/her designee, BAI candidates must pass the following:
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1) The written breath analysis operator's examination with a minimum score of 100 percent;

2) The written breath analysis instructor's examination with a minimum score of 90 percent; and

3) A proficiency examination for each approved evidentiary instrument.

d) A BAI's accreditation period coincides with his or her BAO license term. The Director or his/her designee will evaluate the appropriateness of maintaining an individual's of renewing the BAI accreditation when the BAO license is renewed. Other than keeping their BAO license current, BAIs are not required to retake the examinations in subsection (c) to retain their accreditation.

e) The Department will maintain a list of accredited BAIs. f) A person certified as a BAI by the Department of Public Health on December 31, 2000 is deemed accredited as a BAI under this Part until December 31, 2003 or until his or her BAO license expires, whichever is later.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.170 Certification of Laboratories and Laboratory Technicians

The Director or his/her designee is authorized to certify laboratories and laboratory technicians subject to the requirements of this Section.

a) Only laboratories that employ technicians who work under the supervision of a pathologist, toxicologist, or other person who has at least five years experience in the specialty of analytical chemistry may be deemed qualified to detect and/or quantitate alcohol and/or other drugs in human biological fluids will be certified by the Department. The Laboratory Director shall be responsible for the accuracy of all laboratory testing performed in the laboratory. The following conditions must be met by laboratories:

1) Prior to initial laboratory certification, and at least biannually thereafter, the Department shall request the demonstration of proficiency in the performance of the tests by the laboratory through the satisfactory examination of specimens by participation in a program of proficiency testing conducted by an agency or agencies approved by the Department.
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A) The Laboratory Director will advise the Department of the proficiency testing program in which it is participating and the program's standards and testing protocols. The Department will review the information and determine acceptability.

B) The laboratory will direct the proficiency testing agency to forward a copy of the laboratory's testing results and evaluations to the Department after each testing cycle.

2) A candidate for certification under this Part shall furnish evidence of competent supervision by a person who meets the qualifications set forth in this Section.

b) Upon evidence that a laboratory has complied with this Section, a letter of certification listing those technicians certified to perform appropriate tests shall be issued, and such certification shall be valid for two calendar years. It may be renewed upon submission by the holder of the certification of evidence that the laboratory continues to perform analyses for alcohol concentration and/or other drug content on human biological fluids under the supervision of a person meeting the qualifications set forth in this Section and upon the Department's determination that the laboratory is complying with subsection (a)(1) of this Section. c) Laboratories and technicians certified by the Department of Public Health on December 31, 2000 shall be deemed certified under this Part until December 31, 2001.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

SUBPART C: EQUIPMENT

Section 1286.200 Equipment Approval and Accuracy

The procedures contained in this Subpart are the only procedures for establishing the accuracy of breath testing instruments. A rebuttable presumption exists that an instrument was accurate at the particular time a subject test was performed when the following four conditions are met.

a) The instrument was approved under this Subpart at the time of the subject test.

b) The performance of the instrument was within the accuracy tolerance described in this Subpart according to the last accuracy check or verification (whichever is later) prior to the subject test.
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c) No accuracy check has been performed subsequent to the subject test or the performance of the instrument on the next accuracy check after the subject test was within the accuracy tolerance described in this Subpart.

d) Accuracy checks or verifications have been done in a timely manner, meaning:

1) Not more than 62 days have passed since the last accuracy check or verification (whichever is later) prior to the subject test; or

2) The period of time between the last accuracy check or verification (whichever is later) prior to the next subject test, and the accuracy check after the subject test, is not more than 62 days.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.210 Evidentiary Instrument Approval

Approved evidentiary instruments shall print and/or display a breath analysis reading. Approved evidentiary instruments can print and/or display two or three digits to the right of the decimal point. Whether the approved evidentiary instrument prints and/or displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

a) The Department shall only approve evidentiary instruments enumerated in NHTSA’s list. The Department approves the following instruments for obtaining breath analysis readings:

1) Intoxilyzer 5000, Series 64 and 66 only, manufactured by CMI, Inc.

2) Intoximeters EC-IR, all models, manufactured by Intoximeters, Inc.

3) RBT IV, in conjunction with a printer, all models, manufactured by Intoximeters, Inc.

b) Should an instrument in subsection (a) be removed from NHTSA’s list, the instrument will remain an approved evidentiary instrument under this Part for a period of 18 months subsequent to removal or until this Section is amended.

c) The Department may temporarily approve additional evidential instrumentation
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from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of evidentiary instruments temporarily approved for breath testing in addition to those provided in subsection (a). Evidentiary instruments may be temporarily approved for a maximum period of 18 months. The list of temporarily approved evidentiary instruments, if any, shall be available to the public.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.220 Checking Verifying Approved Evidentiary Instruments for Accuracy

The accuracy of all approved evidentiary instruments used to obtain a breath analysis reading from a subject shall be checked verified by a BAT.

a) Accuracy checks are verification is required:
   1) Prior to being placed in operation;
   2) After a breakdown has been repaired; and/or
   3) When an approved evidentiary instrument fails to quantitate the two required accuracy check tests within plus or minus 0.01 BrAC.

b) Approved evidentiary instruments must quantitate the reference sample within plus or minus 0.01 BrAC to be certified accurate. Accuracy beyond the second digit to the right of the decimal point is not required.

c) Approved evidentiary instruments shall be adjusted by a BAT when necessary to cause the instruments to quantitate the reference sample within plus or minus 0.01 BrAC.

d) The accuracy check verification results shall be recorded in the instrument's logbook or internal memory, or in the central repository.

e) Each approved evidentiary instrument certified accurate by the Department of Public Health on December 31, 2000 is deemed verified under this Part until the instrument breaks down or it fails to quantitate the two required accuracy check tests within plus or minus 0.01 BrAC.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)
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Section 1286.230 Checking Approved Evidentiary Instruments for Continued Accuracy

To ensure the continued accuracy of approved evidentiary instruments, a BAT or automated system shall perform accuracy checks.

a) Checks shall be performed at least once every 62 days.

b) Checks shall consist of at least two tests of the instrument in which the instrument quantitates a reference sample.

c) Approved evidentiary instruments must quantitate a reference sample within plus or minus 0.01 BrAC of the reference sample's value. Accuracy beyond the second digit to the right of the decimal point is not required.

d) The accuracy check results shall be recorded in the instrument's logbook or internal memory, or in the central repository.

e) Each approved evidentiary instrument certified accurate by the Department of Public Health on December 31, 2000 is deemed accurate under this Part until February 28, 2001.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.240 PBT Approval

PBTs shall display a breath analysis reading. PBTs can display two or three digits to the right of the decimal point. Whether the PBT displays two or three digits to the right of the decimal point, the breath analysis reading consists of the first two digits to the right of the decimal point.

a) The Department shall only approve PBTs enumerated in NHTSA's list. The Department approves the following PBTs for obtaining breath analysis readings:

1) S-D2, manufactured by CMI, Inc.

2) Alcosensor III, manufactured by Intoximeters, Inc.

3) Alcosensor III (Enhanced with serial numbers above 1,200,000), manufactured by Intoximeters, Inc.

4) Alcosensor IV, manufactured by Intoximeters, Inc.

5) S-D5, manufactured by CMI, Inc.
b) The Department may temporarily approve additional PBTs from NHTSA's list after conducting a program suitability evaluation. The Department shall maintain a list of PBTs temporarily approved for screening instrument testing in addition to those provided above. PBTs may be temporarily approved for a maximum period of 18 months. The list of temporarily approved PBTs, if any, shall be available to the public.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.250 Checking Approved PBTs for Accuracy

PBTs shall be checked for accuracy by a BAT technician or an individual specially trained to perform PBT accuracy checks at least once every 93 days. To be accurate, the PBT must quantitate a reference sample within plus or minus 0.01 BrAC of the reference sample's value. Accuracy beyond the second digit to the right of the decimal point is not required.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.260 Operation of PBTs

The following procedures shall be used to obtain a breath sample to determine a subject's BrAC with an approved PBT:

a) Each test shall be performed according to an operational procedure programmed into the instrument.

b) A test shall consist of only one breath analysis reading, based on the PBT's internal operational calculations.

1) A complete and valid breath analysis reading is denoted by a least one air blank, one subject breath test reading, and no breakdown message.

2) Messages such as "No Go", "Void", etc., are not breakdowns or malfunctions. These messages indicate the subject's failure to adequately complete the test.

c) A subject who submits an insufficient sample or otherwise fails to adequately complete the test or tests may be asked to submit to an additional test or tests.
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(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

SUBPART D: SAMPLING PROCEDURES

Section 1286.310 Approved Evidentiary Instrument Operation

The following procedures shall be used to obtain a breath sample to determine a subject's BrAC with an approved evidentiary instrument:

a) Prior to obtaining a breath analysis reading from a subject, the BAO or another agency employee shall continuously observe the subject for at least 20 minutes.

   1) During the 20 minute observation period the subject shall be deprived of alcohol and foreign substances and shall not have regurgitated or vomited.
   2) If the subject regurgitates or vomits during the observation (deprivation) period, the process shall be started over by having the individual rinse the oral cavity with water.
   3) If the individual continues to regurgitate or vomit, alternate testing shall be considered.

b) After starting the instrument's breath test sequence, the BAO will obey instrument prompts. When prompted by the instrument, the BAO shall direct the subject to blow into the instrument. The subject shall be directed to keep blowing into the instrument until he or she has submitted an adequate breath sample. Once an adequate breath sample is collected, the instrument shall complete the test cycle and print or display the breath analysis reading.

c) A breath test shall consist of only one breath analysis reading, based on the instrument's internal operational calculations.

   1) A complete and valid breath analysis reading is denoted by at least one air blank, one subject breath test reading, and no breakdown message.
   2) Messages such as "refusal", "insufficient sample", "inadequate sample", etc., are not breakdowns or malfunctions. These messages indicate the subject's failure to adequately complete a requested test or tests.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)
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Section 1286.320 Withdrawal of Blood Collection for Determining the Presence Chemical Analysis of Alcohol, Other Drugs or Intoxicating Compounds

The following procedures shall be used to obtain a blood sample from a subject to determine the alcohol concentration, or presence of other drugs or intoxicating compounds:

a) The blood sample shall be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample.

b) The blood sample shall be collected by a licensed physician authorized to practice medicine, a registered nurse, a trained phlebotomist acting under the direction of a licensed physician, or certified paramedic, or other qualified person acting under the direction of a licensed physician (Section 11-501.2(a) of the Illinois Vehicle Code).

c) A disinfectant that does not contain alcohol shall be used to clean the skin where a sample is to be collected.

d) Officers shall use DUI kits provided by the Department, if possible. If kits are not available, officers may submit two standard grey top vacuum tubes. (Pursuant to generally accepted industry standards, grey top vacuum tubes contain an anticoagulant and preservative.)

e) The individual tubes shall be labeled with the name of the subject and the date of the withdrawal and treated as biohazard evidence.

f) The blood samples shall be delivered as soon as practicable to a laboratory certified by the Department (see Section 1286.170).

g) The testing laboratory shall maintain any remaining sample for a period of six months after testing unless otherwise directed by the submitting agency or the appropriate prosecuting authority.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.330 Urine Collection for Determining the Presence of Alcohol, Other Drugs or Intoxicating Compounds Other than Alcohol
UAC testing is not a preferred method of determining the amount of alcohol in a subject and the feasibility of other testing procedures should be explored before deciding UAC testing for alcohol concentration. Urine is the preferred method for drug confirmation. The following procedures shall be used to obtain a urine sample from a subject to determine the presence of alcohol, other drugs or intoxicating compounds other than alcohol:

a) A sample of urine shall be collected in a manner to preserve the dignity of the individual and to ensure the integrity of the sample.

b) A urine sample may be collected by the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample. The officer or agency employee shall be of the same sex as the subject undergoing testing.

c) A urine sample of approximately 60 ml should be collected.

d) Urine shall be collected from the subject's first emptying of the bladder in a clean, dry container.

e) No preservatives shall be used. The containers shall be closed.

f) The container shall be labeled with the name of the subject and the date of the collection.

g) The urine samples shall be delivered as soon as practicable to a laboratory certified by the Department.

h) The testing laboratory shall maintain any remaining sample for a period of six months after testing unless otherwise directed by the submitting agency or the appropriate prosecuting authority.

(Source: Amended at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.340 Urine Collection for Determining the Concentration of Urine Alcohol (Repealed)

UAC testing is not a preferred method of determining the amount of alcohol in a subject's system and the feasibility of other testing procedures should be explored before determining to conduct UAC testing. The following procedures shall be used to obtain a urine sample from a subject to determine UAC:
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a) A sample of urine shall be collected in a manner to preserve the dignity of the individual and to ensure the integrity of the sample.

b) A urine sample shall be collected in the presence of the arresting officer, another law enforcement officer, or an agency employee who can authenticate the sample. The officer or agency employee shall be of the same sex as the subject undergoing testing.

c) The subject shall empty his or her bladder, and the urine shall be discarded or used as a sample for Section 1286.330.

d) One half hour later, the subject shall again be requested to empty the bladder, and the sample of about 60 ml shall be collected in a clean, dry container.

e) No preservative shall be included in the container. The container shall be closed.

f) The container shall be labeled with the name of the subject and the date of the collection.

g) The urine samples shall be delivered as soon as practicable to a laboratory certified by the Department.

h) The testing laboratory shall maintain any remaining sample for a period of six months after testing.

(Source: Repealed at 28 Ill. Reg. 10017, effective June 30, 2004)

Section 1286.350 Operation of PBTs (Repealed)

The following procedures shall be used to obtain a breath sample to determine a subject's BrAC with an approved PBT:

a) Each test shall be performed according to an operational procedure programmed into the instrument.

b) A test shall consist of only one breath analysis reading, based on the PBT's internal operational calculations:

1) A complete and valid breath analysis reading is denoted by at least one air
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blank, one subject breath test reading, and no breakdown message.

2) Messages such as "NoGO", "VOID", "400", etc., are not breakdowns or malfunctions. These messages indicate the subject's failure to adequately complete the test.

e) A subject who submits an insufficient sample or otherwise fails to adequately complete the test or tests may be asked to submit to an additional test or tests.

(Source: Repealed at 28 Ill. Reg. 10017, effective June 30, 2004)
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1) **Heading of the Part**: Monetary Award Program (MAP)

2) **Code Citation**: 23 Ill. Adm. Code 2735

3) **Section Numbers**:
   - Adopted Action:
     - 2735.30 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) **Effective date of amendments**: July 15, 2004

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of these adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) **Notice of Proposal published in Illinois Register**: February 6, 2004; 28 Ill. Reg. 2021

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposed and final version**: None

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 these amendments replace any emergency amendments currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and purpose of rulemaking**: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement State and federal statutory amendments, to codify improvements due to technological advances, and to clarify issues that have arisen during the previous year. We also are continuing an initiative to increase the level of standardization in procedures, format and terminology throughout our programmatic rules, in order to make them easier for our clients to use. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments:
A number of amendments have been proposed to Section 2735.30, Program Procedures, to reflect the introduction of a new system for measuring and tracking MAP usage. Most of these changes are reflected in Sections 2735.30(l), (m) and (n). Starting with the 2004-05 academic year, eligibility for a MAP Grant is being tracked by the equivalent number of semester credit hours of MAP benefits paid on a student's behalf. This is called MAP Paid Credit Hours.

The maximum number of MAP Paid Credit Hours that can be received is capped at the equivalent of 135. With this change, it is believed that most students will have sufficient MAP coverage to complete a baccalaureate degree. The 135 credit hours converts to approximately 4½ years of full-time study and will help the student who needs to enroll beyond four years (e.g., five-year programs, remedial education, late withdrawal, loss of hours due to transfer, etc.)

There is a limit of 75 MAP Paid Credit Hours that can be paid while a student is classified by the school as a freshman or a sophomore. If this intermediate maximum is reached, the student must attain junior status for MAP eligibility to resume. This system helps to ensure that students have an adequate number of hours remaining for use in completing the upper levels of a four-year degree program.

Payment for each term is being made according to the equivalent number of credit hours eligible for MAP payment, with a minimum of three and a maximum of 15 MAP Paid Credit Hours per term.

In addition to the above changes, other references to calculation of full-time and half-time awards in Sections 2735.30 and 2735.40 have been deleted, since awards will now be calculated based on credit hours instead. Also, a restriction on clock hour programs in Section 2735.30(p) has been deleted, in order to make the rules more consistent with federal student aid regulations.
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16) Information and questions regarding these adopted amendments shall be directed to:

Thomas A. Breyer  
Deputy Program Officer  
Illinois Student Assistance Commission  
1755 Lake Cook Road  
Deerfield IL  60015  
847/948-8500  
email:  tbreyer@isac.org

The full text of the adopted amendments begins on the next page:
ILLINOIS REGISTER

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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
2735.40 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 947/35 and 20(f)].


Section 2735.30 Program Procedures

a) An application for a MAP grant must be submitted annually. An applicant uses the form which the United States Department of Education (ED) designates as an
application form for federal student financial aid. (See Section 483 of the Higher Education Act of 1965, as amended (20 USCA 1070a).)

b) Applicants, spouses and the parents of applicants are required to submit financial information on the application which will be kept confidential, regarding income, asset value and non-taxable income (e.g., Temporary Assistance for Needy Families, public aid, veterans' or Social Security benefits).

c) Priority Consideration Dates
In order to receive priority consideration for a full year award, an application from a student who had applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than August 15 of, or immediately prior to, the regular school year for which the application is being made. In order to receive priority consideration for a full year award, an application from a student who had not applied for a MAP grant for the previous regular school year must have a FAFSA receipt date of no later than September 30 of the regular school year for which the application is being made.

d) Priority Processing Guidelines

1) Students who file applications will be considered for full or partial year MAP awards based on available funds and the following:

   A) For applications with a FAFSA receipt date of no later than August 15 of or preceding the regular school year for which assistance is being requested, students who had not applied for a MAP award the previous regular school year and students who did apply for a MAP award the previous regular school year will both be considered for full year awards;

   B) For applications with a FAFSA receipt date of August 16 or later, but no later than September 30, students who had not applied for MAP awards the previous regular school year will be considered for full year awards; while students who did apply for a MAP award the previous regular school year will be considered for second semester or second and third quarter awards only;

   C) For applications with a FAFSA receipt date of October 1 or later, and until the date of final suspension of award announcements for that regular school year, all students will be considered for second semester/second and third quarter awards only.
2) During the time periods referenced above, awards will be announced concurrently, both to students who had not applied for a MAP award the previous regular school year and to students who did apply for a MAP award during the previous regular school year. Award announcements will be made concurrently through the date of suspension of award announcements.

3) 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 applied for a MAP award for the previous regular school year and to students who did apply for a MAP award the previous regular school year.

4) Corrections to applications received prior to the final suspension of award announcements will be processed and announced up to two months after the final suspension date or until the completion of the processing cycle, whichever comes first.

e) Students eligible for second semester/second and third quarter awards who have a FAFSA receipt date of August 16 or later and who are graduating mid-year may request that their second semester/second or third quarter award be used for first semester/quarter.

f) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the priority consideration dates and the priority processing guidelines established by this Section.

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.
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j) MAP grants are applicable only toward tuition and mandatory fees. MAP grants may not exceed the:
   1) maximum award specified at 110 ILCS 947/35(c); 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 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 $\frac{1}{15}$ of the student's calculated term award amount, with a minimum of three hours and a maximum of 15 hours paid per term. Public community college award recipients shall be eligible for payment up to 19 hours (9.5 hours for half-time).

m) A recipient may receive the equivalent of 135 semester credit hours of MAP benefits paid 10 semesters/15 quarters of full-time MAP grant payment (see 23 Ill. Adm. Code 2700.40(h)). Eligibility may be extended for one additional term if the recipient has accumulated fewer than 135 MAP paid credit hours 60 eligibility units but does not have enough credit hours of payment units remaining for the number of hours for which he or she is enrolled for the term.

n) A recipient may use no more than 75 MAP paid credit hours while enrolled at the freshman or sophomore level. Eligibility may be extended for one additional term at the freshman or sophomore level if the recipient has accumulated fewer than 75 MAP paid credit hours, but does not have enough credit hours of payment remaining for the number of hours for which he or she is enrolled for the term. Upon progressing to the junior level or above, the recipient may use the remaining balance of MAP paid credit hours, up to the 135 credit hour maximum. Seniors in their last term of enrollment prior to receiving a baccalaureate degree and applicants enrolled in student teaching are classified as full-time students for purposes of MAP grant eligibility.

o) The MAP grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) test or for a high school diploma. (See, e.g., 23 Ill. Adm. Code 215.)
p) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, or noncredit course offerings (except qualifying remedial courses), or clock hour programs. Such course work cannot be used to meet the half-time or full-time requirement. 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). Repeat courses shall be eligible for MAP payment.

q) 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.

r) MAP paid credit hours are assessed to Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. (See 23 Ill. Adm. Code 2700.40(h).)

s) MAP grant payment is subject to the limits of dollars appropriated to ISAC by the General Assembly.

t) 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.

u) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with subsection (j) and 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 two semesters/three quarters of MAP assistance for any one qualified applicant enrolled on a full-time basis, or four semesters/six quarters of MAP for an applicant-enrolled on a half-time basis.

(Source: Amended at 28 Ill. Reg. 10043, effective July 15, 2004)

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) 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.

c) 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 above-referenced programs.

d) 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, College Illinois! (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 which 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 which 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 (d)(1) of this Section. The institution of higher learning shall
report the applicant's reduced grant award on the payment request.

e) 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.

f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. 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.

g) Institutions of higher learning shall submit payment requests to ISAC. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2735.20, Applicant Eligibility.

h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:

1) The recipient must indicate 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 full-time or half-time 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.

i) 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(u).

j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee expenses incurred.

k) 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.

l) MAP grants are divided into two semester or three quarter regular term payments and are paid directly to the approved institution of record which 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 ten days prior to the start of classes for the term for which they are requesting payment.

m) 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) Institutions are required to reconcile payments received through MAP and, as applicable, submit all necessary corrections to student records on a timely basis. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term unless ISAC has already deducted outstanding refunds from institutional payment requests during the applicable fiscal year. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Refunds showing as owed to ISAC must be
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remitted within 30 days after the end of the institution's regular school year. Should the payment arrive after the end of the regular school year, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.

3) 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.

4) 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 August 1 due to the State's fiscal year lapse period ending August 31.

5) 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 28 Ill. Reg. 10043, effective July 15, 2004)
TEACHERS’ RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1) **Heading of the Part:** The Administration and Operation of the Teachers' Retirement System

2) **Code Citation:** 80 Ill. Adm. Code 1650

3) **Section Numbers:**
   - 1650.416  New
   - 1650.1010  Amended

4) **Statutory Authority:** Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16]

5) **Effective date of amendments:** June 29, 2004

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 amendments, including any material incorporated by reference, is on file in the Teachers' Retirement System's principal office and is available for public inspection.

9) **Notice of Proposal published in Illinois Register:** May 17, 2004; 28 Ill. Reg. 5629

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version:** Section 1650.416 – revised subsection at the suggestion of JCAR to include an example illustrating the operation of the reduction refund formula for multiple upgrades set forth in subsection (a) of the rulemaking.

12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** Yes

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

14) **Are there any amendments pending on this Part?** No

15) **Summary and purpose of rulemaking:** The Teachers' Retirement System (TRS) is adding new Section 1650.416, Optional Increase in Retirement Annuity – 1% Contribution
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Reduction, which establishes a methodology for administering the contribution reduction or "3 for 1 forgiveness" provision [40 ILCS 5/16-129.1(b)] for members who elect to upgrade in one 5-year contribution window period, and subsequently upgrade additional optional service in a succeeding window period. TRS also amended Section 1650.1010, Petitions, to delete the Social Security number identification requirement to verify eligibility to participate in the election of TRS Trustees. The option of voluntarily verifying voting eligibility by telephone number is being added to the Section as an alternative.

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

Thomas S. Gray, General Counsel
Teachers' Retirement System
2815 West Washington
Springfield, Illinois 62794-9253

217/753-0375

The full text of the adopted amendments begins on the next page:
TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOIS

PART 1650
THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

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1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements
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1650.220 Reclassification of Disability Claim (Repealed)
1650.221 When Member Becomes Annuitant
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1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment
1650.250 Death Benefits
1650.260 Evidence of Age
1650.270 Reversionary Annuity – Evidence of Dependency
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1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330 Duplicate Service Credit
1650.340 Service Credit for Leaves of Absence
1650.341 Service Credit for Involuntary Layoffs
1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346 Service Credit for Periods Away From Teaching Due to Adoption
1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.355 Purchase of Optional Service – Required Minimum Payment
1650.356 Payroll Deduction Program (Repealed)
1650.357 Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance (Repealed)
1650.360 Settlement Agreements and Judgments
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Section
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1650.415 Return of Optional Increase in Retirement Annuity Contributions
1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction
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1650.430 Installment Payments (Repealed)
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SUBPART O: RETIREMENT BENEFITS

Section
1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].


SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.416 Optional Increase in Retirement Annuity – 1% Contribution Reduction

a) Section 16-129.1(b) of the Pension Code [40 ILCS 5/16-129.1(b)] entitles a member who chooses to upgrade creditable service accrued prior to July 1, 1998 to the 2.2% level established by Section 16-133(a)(B)(1) of the Code to a reduction in the cost of the upgrade. The reduction shall equal 1% of the salary.
used to calculate the contribution required for the upgrade for each 3 years of regular creditable service earned after June 30, 1998. The System will calculate this reduction at the time of retirement, when the number of years of post-June 30, 1998 service is known, and refund that amount to the member.

b) If a member has upgraded creditable service to the 2.2% level more than once (i.e., an upgrade of regular service credit and a subsequent purchase and upgrade of optional service credit) at times when different salary rates were used in determining the contribution required for the individual upgrades, the System will calculate the reduction by the following formula:

- the number of years of creditable service after June 30, 1998
- divided by 3 (omitting any fractional period)
- divided by the number of years of upgraded service
- multiplied by the member’s total upgrade contribution

EXAMPLE:

A member has 15 years of pre-July 1, 1998 service and chooses to upgrade that service to the 2.2% flat formula on August 15, 1998. The cost of the upgrade is determined as follows:

$50,000 (highest salary of the 4 years prior to 1998) x 1% = $500 x 15 years = $7500

The $7500 cost is paid in full by August 15, 2003 as required by Section 16-129.1(b) of the Code.

In early 2006, the member purchases 5 years of pre-July 1, 1998 optional service credit and must upgrade that past service to the 2.2% level as well. The cost to upgrade the 5 years of optional service credit is determined as follows:

$60,000 (highest salary of the 4 years prior to 2006) x 1% = $600 x 5 years = $3000

The $3000 cost is paid in full by the retirement date.
TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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The member retires late in 2008, having accumulate 10 years of service between July 1, 1998 and the date of retirement. The reduction to be refunded to the member is determined as follows:

\[
\frac{10 \text{ years of service}}{3} = 3\% \text{ reduction (fractional period deleted)}
\]

\[
\frac{10 \text{ years of service credit upgraded}}{20} = 15\%
\]

\[
x \$10,500 \ (\text{total upgrade cost: } \$7500 + \$3000)
\]

\[
= \$1575
\]

(Source: Added at 28 Ill. Reg. 10055, effective June 29, 2004)

SUBPART L: BOARD ELECTION PROCEDURES

Section 1650.1010 Petitions

a) All petitions shall be in the form adopted by the System. Petition forms may be obtained from the System, upon request of any individual or entity.

b) A valid petition nominating a candidate for a vacant teacher position or a vacant annuitant position on the System's Board of Trustees shall meet the following requirements:

1) The petition must bear the requisite number of original signatures of individuals eligible to nominate the candidate pursuant to subsection (a) or (b) of Section 1650.1000. A valid petition may consist of multiple pages and may contain blank signature lines; however, all valid signatures thereon must be original signatures;

2) Each signature of an eligible voter must be accompanied by the signing person's name (printed), social security number, street address, city, and state and may, at the signing person's option, be accompanied by the signing person's area code and telephone number to assist the Board's secretary in verifying voter eligibility;

3) The petition shall bear the notarized signature of the individual who
TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

circulated the petition for signatures, verifying that the signatures contained thereon were signed in that individual's presence, are genuine, and that to the best of the circulating individual's knowledge, the persons who signed the petition were eligible to do so as provided in subsection (a) or (b) of Section 1650.1000;

4) Petitions shall be filed with the Board's secretary not less than 90 nor more than 120 days prior to the election day;

5) Petitions filed less than 90 days prior to the election day are invalid and will be returned to the party submitting such petition for filing; and

6) Petitions filed more than 120 days prior to the election day will not be accepted and will be returned to the party submitting such petition for filing. Nothing in this subsection precludes the timely re-filing of petitions filed more than 120 days prior to the election day.

c) The Board's secretary shall determine the validity of all petitions not less than 75 days prior to the election day.

d) Any individual may, upon reasonable notice to the System, examine the petitions which have been filed with the System with respect to the election to take place that year; provided, however, that in order to protect the signing teachers' and annuitants' rights to privacy and confidentiality as to their names, addresses, and social security numbers, such examination shall only take place subject to the following limitations:

1) Petitions may only be examined at the System's offices after the validity of the petitions has been verified by the Board's secretary as provided above in subsection (c) of this Section;

2) Petitions may not be removed from the System's offices, copied, or duplicated by any means; and

3) Petitions, including any information thereon, shall not be subject to production or disclosure under the provisions of the Illinois Freedom of Information Act (FOIA) [5 ILCS 140].

(Source: Amended at 28 Ill. Reg. 10055, effective June 29, 2004)
DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Procedures

2) **Code Citation:** 92 Ill. Adm. Code 107

3) **Section Numbers:**

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4) **Statutory Authority:** Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)] and Section 3-704(b) of the Illinois Vehicle Code [625 ILCS 5/3-704(b)]

5) **Effective date of amendments:** July 1, 2004

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this amendment contain incorporations by reference?** Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department’s Division of Traffic Safety and is available for public inspection.

9) **Notice of Proposal published in Illinois Register:** March 26, 2004; 28 Ill. Reg. 5200

10) **Has JCAR issued a Statement of Objection to these rules?** No

11) **Differences between proposal and final version:** Various grammatical changes were made in agreement with JCAR. Additionally, at Section 107.3, the definition of “Administrator” has been revised per the CFR.

12) **Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR?** No changes were necessary.

13) **Will this amendment replace an emergency amendment currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and purpose of amendments:** By this Notice, the Department has added new definitions to Section 107.3 pursuant to 49 CFR 107.1, October 1, 2003. Additionally, at
NOTICE OF ADOPTED AMENDMENTS

Section 107.601, the Department has updated the incorporation by reference date of 49 CFR 107, Subpart G, to the October 1, 2003 edition, the most recent edition of the CFR.

The following summaries provide descriptions of federal rulemakings that are applicable to this Part, that became effective since October 1, 2001, and that are included in the October 1, 2003 edition of 49 CFR 107. Therefore, the Department has incorporated changes made by the following Dockets:

Docket HM-208E (67 FR 58343, September 16, 2002) Adopted the North American Industry Classification System to determine whether an entity is a small business. This was necessary to determine the annual hazardous material registration fee paid by small and big business.

Docket HM-189T (67 FR 61006, September 27, 2002) Corrected editorial errors, made minor regulatory changes, and improved the clarity of certain provisions in the hazardous materials regulations. This rulemaking enhances the accuracy and reduces misunderstandings of the regulations.

Docket HM-208D (68 FR 1342, January 9, 2003) Reduced the registration fees paid by persons who transport or offer for transportation in commerce certain categories and quantities of hazardous materials. It also revised the regulations to provide that not-for-profit organizations will pay the same registration fee as small businesses.

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

   Ms. Catherine Allen
   Illinois Department of Transportation
   Division of Traffic Safety
   P.O. Box 19212
   Springfield, Illinois  62794-9212
   217/785-1181

The full text of the adopted amendment begins on the next page:
PART 107
PROCEDURES

SUBPART A: GENERAL PROVISIONS

Section
107.1 Purpose and Scope
107.3 Definitions
107.5 Request for Confidential Treatment
107.11 Service
107.13 Subpoenas

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107.101 Purpose and Scope
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SUBPART E: REGISTRATION OF PERSONS WHO OFFER OR TRANSPORT HAZARDOUS MATERIALS

Section
107.601 Incorporation by Reference of 49 CFR 107, Subpart G

107 APPENDIX A Standard Conditions Applicable to Exemptions, Packages, Containers, Shipments

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)] and Section 3-704(b) of the Illinois Vehicle Code [625 ILCS 5/3-704(b)].

SUBPART A: GENERAL PROVISIONS

Section 107.3 Definitions

As used in this Part:


"Acting knowingly" means acting or failing to act while having actual knowledge of the facts giving rise to the violation, or having the knowledge that a reasonable person acting in the same circumstances and exercising due care would have had. (49 CFR 107.1, October 1, 2003)

"Administrator" means the Administrator, Research and Special Programs Administration (RSPA), US Department of Transportation or his or her delegate. (49 CFR 107.1, October 1, 2003)

"Applicant" means the person in whose name an exemption, approval, registration, a renewed or modified exemption or approval, or party status to an exemption is requested to be issued. (49 CFR 107.1, October 1, 2003)

"Application" means a request under subpart B of 49 CFR 107 for an exemption, a renewal or modification of an exemption, party status to an exemption, or a request under subpart H of 49 CFR 107 for an approval, or renewal or modification of an approval. (49 CFR 107.1, October 1, 2003)

"Approval" means written consent, including a competent authority approval, from the Associate Administrator or other designated Department official, to perform a function that requires prior consent under subchapter C of 49 CFR Chapter I (49 CFR 171 through 180). (49 CFR 107.1, October 1, 2003)
"Approval Agency" means an organization or a person designated by the RSPA to certify packagings as having been designed, manufactured, tested, modified, marked or maintained in compliance with applicable DOT regulations. (49 CFR 107.1, October 1, 2003)

"Associate Administrator" means the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, US Department of Transportation. (49 CFR 107.1, October 1, 2003)

"Competent authority" means a national agency that is responsible, under its national law, for the control or regulation of some aspect of hazardous materials (dangerous goods) transportation. Another term for competent authority is "appropriate authority", which is used in the International Civil Aviation Organization’s (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air. The Associate Administrator is the United States competent authority for purposes of 49 CFR 107. (49 CFR 107.1, October 1, 2003)

"Competent authority approval" means an approval by the competent authority that is required under an international standard (for example, the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air and the International Maritime Dangerous Goods Code). Any of the following may be considered a competent authority approval if it satisfies the requirement of an international standard:

- A specific regulation in subchapter A or C of 49 CFR Chapter I.
- An exemption or approval issued under subchapter A or C of 49 CFR Chapter I.
- A separate document issued to one or more persons by the Associate Administrator. (49 CFR 107.1, October 1, 2003)

"Department" means the Illinois Department of Transportation.

"Director" means the Director of the Division of Traffic Safety.

"Division" means the Division of Traffic Safety.
"Enforcement" means issuance of warnings or notices of violation of any provision of the Act and the Illinois Hazardous Materials Transportation Regulations (IHMTR) and prosecution of violations of the IHMTR and the Act.

"Exemption" means a document issued by the Associate Administrator under the authority of 49 USC 5117. The document permits a person to perform a function that is not otherwise permitted under subchapter A or C of 49 CFR Chapter I, or other regulations issued under 49 USC 5101 through 5127 (e.g., Federal Motor Carrier Safety routing requirements) (49 CFR 107.1, October 1, 2003)

"Federal Hazardous Material Transportation Law" means 49 USC 5101 et seq. (49 CFR 107.1, October 1, 2003)

"Filed" means received by the appropriate RSPA or other designated office within the time specified in a regulation or rulemaking document. (49 CFR 107.1, October 1, 2003)

"Holder" means the person in whose name an exemption or approval has been issued. (49 CFR 107.1, October 1, 2003)

"Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion of an administrative hearing or other formal proceeding initiated to abate the risks of those effects. (49 CFR 107.1, October 1, 2003)

"Incident" means an event resulting in the unintended and unanticipated release of a hazardous material or an event meeting incident reporting requirements in 49 CFR 171.15 or 49 CFR 171.16. (49 CFR 107.1, October 1, 2003)

"Indian tribe" has the same meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 USC 450b). (49 CFR 107.1, October 1, 2003)

"IHMTR" means the Illinois Hazardous Materials Transportation Regulations.

"Investigation" includes investigations authorized under 49 USC 5121 and inspections authorized under 49 USC 5118 and 5121. (49 CFR 107.1, October 1, 2003)
"Knowingly" (See the definition of "acting knowingly" in this Section.) means a person has actual knowledge of the facts giving rise to the violation, or a reasonable person acting in the circumstances and exercising due care would have such knowledge.

"Manufacturing exemption" means an exemption from compliance with specified requirements that otherwise must be met before representing, marking, certifying (including requalifying, inspecting, and testing), selling or offering a packaging or container as meeting the requirements of subchapter C of 49 CFR Chapter I governing its use in the transportation in commerce of a hazardous material. A manufacturing exemption is an exemption issued to a manufacturer of packagings who does not offer for transportation or transport hazardous materials in packagings subject to the exemption. (49 CFR 107.1, October 1, 2003)

"North American Uniform Out-Of-Service Criteria" means a set of guidelines recognized by all states and the provinces of Canada as acceptable standards for identifying critical violations that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced by law enforcement officers of a state or the federal government.

"Out-of-service order" means a declaration by the State Police that a hazardous material shipment is out-of-service pursuant to 92 Ill. Adm. Code 171.2(a), 171.2(b) or 171.2(c) and the North American Uniform Out-of-Service Criteria as defined in this Section.

"Party" means a person, other than a holder, authorized to act under the terms of an exemption. (49 CFR 107.1, October 1, 2003)

"Person" means an individual, firm, copartnership, corporation, company, association, or joint stock association (including any trustee, receiver, assignee, or similar representative); or a government or Indian tribe (or an agency or instrumentality of any government or Indian tribe) that transports a hazardous material to further a commercial enterprise or offers a hazardous material for transportation in commerce. Person does not include the following:

The United States Postal Service.

Any agency or instrumentality of the Federal government, for the purposes of 49 USC 5123 (civil penalties) and 5124 (criminal penalties).
Any government or Indian tribe (or agency or instrumentality of any government or Indian tribe) that transports hazardous material for a governmental purpose. (49 CFR 107.1, October 1, 2003) any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or its legal representative, agent or assigns.

"Registration" means a written acknowledgment from the Associate Administrator that a registrant is authorized to perform a function for which registration is required under subchapter C of 49 CFR Chapter I (e.g., registration in accordance with 49 CFR 178.503 regarding marking of packagings). For purposes of subparts A through E, ""registration"" does not include registration under subpart F or G of 49 CFR 107. (49 CFR 107.1, October 1, 2003)

"Report" means information, other than an application, registration or part thereof, required to be submitted to the Associate Administrator pursuant to subchapter A, subchapter B or subchapter C of 49 CFR Chapter I. (49 CFR 107.1, October 1, 2003)

"Respondent" means a person upon whom the Department has served a notice of probable violation.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"State" means the State of Illinois.

"State Police" includes any individual officer of the Illinois State Police.

"Transports" or "transportation" means the movement of property and loading, unloading, or storage incidental to the movement. (49 CFR 107.1, October 1, 2003)

(Source: Amended at 28 Ill. Reg. 10066, effective July 1, 2004)

SUBPART E: REGISTRATION OF PERSONS WHO OFFER OR TRANSPORT HAZARDOUS MATERIALS
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section 107.601  Incorporation by Reference of 49 CFR 107, Subpart G

a) 49 CFR 107, subpart G is hereby incorporated by reference as that subpart of the Hazardous Materials Transportation Regulations was in effect on October 1, 2003. No later amendments to or editions of 49 CFR 107, subpart G are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 107, subpart G shall apply for the purposes of this Subpart.

1) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 107.

2) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

3) Any reference to a section in the incorporated material shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

(Source: Amended at 28 Ill. Reg. 10066, effective July 1, 2004)
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hazardous Materials Transportation: General Information, Regulations and Definitions

2) Code Citation: 92 Ill. Adm. Code 171

3) Section Numbers: Adopted Action:
   171.15    Repeal
   171.1000   Amend

4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

5) Effective date of amendments: July 1, 2004

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

7) Do these amendments contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department’s Division of Traffic Safety and is available for public inspection.


10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: No substantive differences. Various grammatical corrections were made in agreement with JCAR.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of amendments: By this Notice, the Department has updated the incorporation by reference date of 49 CFR 171 to the October 1, 2003 edition, the most recent edition of the CFR, and, also, included the federal rulemaking adopted at 68 FR 57629, October 6, 2003.
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

The following summaries provide descriptions of federal rulemakings that are applicable to this Part, that became effective since October 1, 2001, and that are included in the October 1, 2003 edition of 49 CFR 171. Therefore, the Department has incorporated changes made by the following Dockets:

(67 FR 13095, March 21, 2002) Corrected the definitions of Psi, Psia, and Psig at section 171.8 of the October 1, 2002 edition of the CFR.


Docket HM-220D (67 FR 51626, August 8, 2002) Amended the Hazardous Materials Regulations (HMR) applicable to the maintenance, requalification, repair, and use of DOT specifications cylinders. In addition, this final rule adopted changes to revise the requirements for approval of cylinder requalifiers, independent inspection agencies, and non-domestic chemical analysis and tests.

Docket HM-226 (67 FR 53118, August 14, 2002) Revised transportation requirements for infectious substances, including regulated medical waste.


Docket HM-189T (67 FR 61006, September 27, 2002) Corrected editorial errors, made minor regulatory changes, and improved the clarity of certain provisions in the HMR.

DEPARTMENT OF TRANSPORTATION

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Docket HM-213 (68 FR 19258, April 18, 2003) Adopted a number of revisions to the HMR that update and clarify the regulations on the construction and maintenance of cargo tank motor vehicles. The effective date of this final rule was October 1, 2003.

Docket HM-232C (68 FR 23832, May 5, 2003) Required shippers and transporters of certain hazardous materials to comply with Federal security regulations that apply to motor carrier and vessel transportation.


Docket HM-220D (68 FR 32679, June 2, 2003) Corrected final rule compliance dates in a final rule published May 8, 2003 that made revisions to certain DOT specifications cylinder requirements. The effective date of this rule was June 2, 2003.

Docket HM-218B (68 FR 48562, August 14, 2003) Amended the HMR by incorporating miscellaneous changes based on petitions for rulemaking and RSPA initiatives. Intended to update, clarify or provide relief from certain regulatory requirements.

Additionally, this rulemaking incorporates by reference changes made in the following Docket:


Section 171.15 was repealed and sections 49 CFR 171.15 and 171.16 were incorporated by reference at Section 171.1000. These sections from the CFR outline incident reporting requirements for interstate and intrastate motor carriers of placarded hazardous materials. These sections were inadvertently omitted from the list of sections.
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

incorporated by reference in Section 171.1000 and replace, in substance, the existing Section 171.15.

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

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
217/785-1181

The full text of the adopted amendments begins on the next page:
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 171
HAZARDOUS MATERIALS TRANSPORTATION: GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

Section
171.1 Purpose and Scope
171.2 General Transportation Requirements
171.3 Hazardous Waste
171.4 Exemptions (Renumbered)
171.5 Agricultural Exception (Repealed)
171.6 Agricultural Exception (Renumbered)
171.7 Matter Incorporated by Reference (Repealed)
171.8 Definitions and Abbreviations (Repealed)
171.9 Rules of Construction (Repealed)
171.12 Import and Export Shipments (Repealed)
171.14 Specification Markings (Repealed)
171.15 Incident Reporting Requirements (Repealed)
171.17 Exemptions
171.18 Continuation of Effectiveness of Existing Bureau of Explosives Registrations (Repealed)
171.19 Approvals or Authorizations Issued by the Bureau of Explosives (Repealed)
171.21 Retailer Exception
171.22 Agricultural Exception
171.1000 Incorporation by Reference of 49 CFR 171

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS


Section 171.15  Incident Reporting Requirements (Repealed)

No special reporting requirements are required by these regulations; however, shippers and carriers are not relieved of their responsibilities to comply with the requirements of any other agency of the State or federal government.

(Source: Repealed at 28 Ill. Reg. 10076, effective July 1, 2004)

Section 171.1000  Incorporation by Reference of 49 CFR 171

As Part 171 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 171 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 2003, as amended at 68 FR 57629, October 6, 2003, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 171 are incorporated.

171.4   Marine Pollutants
171.7   Reference Material
171.8   Definitions and Abbreviations
171.9   Rules of Construction
171.10  Units of Measure
171.11  Use of ICAO Technical Instructions
171.12  Import and Export Shipments
171.12a  Canadian Shipments and Packagings
171.14  Transitional Provisions for Implementing Certain Requirements

171.15  Immediate Notice of Certain Hazardous Materials Incidents
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

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b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 171 shall apply for purposes of this Part.

1) All references to "this part" in the incorporated federal regulations shall mean Part 171 of the Illinois Hazardous Materials Transportation Regulations.

2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

4) All references to part 176 or to sections therein shall be read to refer to that part or sections in the federal regulations.

5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

6) All references to "these regulations" refer to the Illinois Hazardous Materials Transportation Regulations, 92 Ill. Adm. Code 107 through 180.

7) All references to a "settlement agreement", in these regulations, means a written understanding between the Department and the person being charged.

(Source: Amended at 28 Ill. Reg. 10076, effective July 1, 2004)
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Hazardous Materials Table and Hazardous Materials Communications

2) Code Citation: 92 Ill. Adm. Code 172

3) Section Numbers: Adopted Action:
   172.2000   Amend

4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

5) Effective date of amendments: July 1, 2004

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

7) Does this amendment contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department’s Division of Traffic Safety and is available for public inspection.


10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: Various grammatical corrections were made in agreement with JCAR.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this amendment replace any emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) A complete description of the subjects and issues involved: By this Notice, the Department has updated the incorporation by reference date of 49 CFR 172 to the October 1, 2003 edition, the most recent edition of the CFR, and, also, has included the federal rulemaking adopted at 68 FR 57629, October 6, 2003.
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

The following summaries provide descriptions of federal rulemakings that are applicable to this Part, that became effective since October 1, 2001, and that are included in the October 1, 2003 edition of 49 CFR 172. Therefore, the Department incorporate changes made by the following Dockets:

Docket HM-145M (67 FR 9926, March 5, 2002) Amended the Hazardous Materials Regulations (HMR) by revising the “List of Hazardous Substances and Reportable Quantities.” This action was required by the Superfund Amendments and Reauthorization Act of 1986.


Docket HM-207B (67 FR 46123, July 12, 2002) Amended the HMR to require shippers and carriers to retain a copy of each hazardous materials shipping paper, or an electronic image thereof, for a period of 365 days after the date the hazardous material is accepted by a carrier.

Docket HM-220D (67 FR 51626, August 8, 2002) Amended the HMR applicable to the maintenance, requalification, repair, and use of DOT specifications cylinders. In addition, this final rule adopted changes to revise the requirements for approval of cylinder requalifiers, independent inspection agencies, and non-domestic chemical analysis and tests.

Docket HM-226 (67 FR 53118, August 14, 2002) Revised transportation requirements for infectious substances, including regulated medical waste.


Docket HM-189T (67 FR 61006, September 27, 2002) Corrected editorial errors, made minor regulatory changes, and improved the clarity of certain provisions in the HMR.
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT


Docket HM-232 (68 FR 14510, March 25, 2003) Established new requirements to enhance the security of hazardous materials transported in commerce.

Docket HM-213 (68 FR 19258, April 18, 2003) Updated and clarified the regulations on the construction and maintenance of cargo tank motor vehicles. The effective date of this final rule was October 1, 2003.

Docket HM-215E (68 FR 44992, July 31, 2003) Amended the HMR to maintain alignment with international standards. Included changes to shipping names, hazard classes, packing groups, special provisions, and packaging authorizations. The effective date was October 1, 2003.

Docket HM-218B (68 FR 48562, August 14, 2003) Amended the HMR by incorporating miscellaneous changes based on petitions for rulemaking and RSPA initiatives. Intended to update, clarify or provide relief from certain regulatory requirements.


Additionally, this rulemaking incorporates by reference changes made in the following Docket:


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

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
217/785-1181

The full text of the adopted amendment begins on the next page:
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 172
HAZARDOUS MATERIALS TABLE AND
HAZARDOUS MATERIALS COMMUNICATIONS

Section
172.1000 General
172.2000 Incorporation by Reference of 49 CFR 172
172.2215 Permanent Shipping Papers (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].


Section 172.2000 Incorporation by Reference of 49 CFR 172

a) As Part 172 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 172 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 2003, as amended at 68 FR 57629, October 6, 2003, subject only to the
exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 172 are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 172 shall apply for purposes of this Part.

1) All references to "this part" in the incorporated federal regulations shall mean Part 172 of the Illinois Hazardous Materials Transportation Regulations.

2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

4) All references to part 174, 175 or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

6) Any changes to 49 CFR 172 made effective by U.S. DOT Rulemaking Docket HM-187 ([49 FR 21933 (May 24, 1984)] covering small arms ammunition are not incorporated.

(Source: Amended at 28 Ill. Reg. 10083, effective July 1, 2004)
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Shippers General Requirements for Shipments and Packagings

2) **Code Citation:** 92 Ill. Adm. Code 173

3) **Section Numbers:**
   
   173.3000   Amend

4) **Statutory Authority:** Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]

5) **Effective date of amendment:** July 1, 2004

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this amendment contain incorporations by reference?** Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department’s Division of Traffic Safety and is available for public inspection.

9) **Notice of Proposal published in Illinois Register:** March 26, 2004; 28 Ill. Reg. 5224

10) **Has JCAR issued a Statement of Objection to this amendment?** No

11) **Differences between proposal and final version:** Various grammatical changes were made in agreement with JCAR.

12) **Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR?** No changes were necessary.

13) **Will this amendment replace an emergency amendment currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and purpose of amendment:** By this Notice, the Department has updated the incorporation by reference date of 49 CFR 173 to the October 1, 2003 edition, the most recent edition of the CFR, and, also, included the federal rulemaking adopted at 68 FR 57629, October 6, 2003.

   The following summaries provide descriptions of federal
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

rulemakings that are applicable to this Part, that became effective since October 1, 2001, and that are included in the October 1, 2003 edition of 49 CFR 173. Therefore, the Department’s regulations have incorporated changes made by the following Dockets:


Docket HM-220D (67 FR 51626, August 8, 2002) Amended the HMR applicable to the maintenance, requalification, repair, and use of DOT specifications cylinders. In addition, this final rule adopted changes to revise the requirements for approval of cylinder requalifiers, independent inspection agencies, and non-domestic chemical analysis and tests.

Docket HM-226 (67 FR 53118, August 14, 2002) Revised transportation requirements for infectious substances, including regulated medical waste.


Docket HM-189T (67 FR 61006, September 27, 2002) Corrected editorial errors, made minor regulatory changes, and improved the clarity of certain provisions in the HMR.

Docket HM-220D (67 FR 61287, September 30, 2002) Extended the compliance dates and made minor corrections for certain requirements in the August 8, 2002 final rule.

Docket HM-213 (68 FR 19258, April 18, 2003) Adopted a number of revisions to the HMR that update and clarified the regulations on the construction and maintenance of cargo tank motor vehicles. The effective date of this final rule was October 1, 2003.


DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

Docket HM-220D (68 FR 32679, June 2, 2003) Corrected final rule compliance dates in a final rule published May 8, 2003 that made revisions to certain DOT specifications cylinder requirements. The effective date of this rule was June 2, 2003.

Docket HM-215E (68 FR 44992, July 31, 2003) Amended the HMR to maintain alignment with international standards. Included changes to shipping names, hazard classes, packing groups, special provisions, and packaging authorizations. The effective date was October 1, 2003.

Docket HM-218B (68 FR 48562, August 14, 2003) Amended the HMR by incorporating miscellaneous changes based on petitions for rulemaking and RSPA initiatives. Intended to update, clarify or provide relief from certain regulatory requirements.

This rulemaking will incorporate by reference changes made in the following Docket:


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

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
217/785-1181

The full text of the adopted amendment begins on the next page:
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 173
SHIPPERS GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Section 173.2000  General
173.3000  Incorporation by Reference of 49 CFR 173

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].


Section 173.3000  Incorporation by Reference of 49 CFR 173

a) As Part 173 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 173 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, 2003, as amended at 68 FR 57629, October 6, 2003 subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 173 are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 173 shall apply for purposes of this Part.
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

1) All references to "this part" in the incorporated federal regulations shall mean Part 173 of the Illinois Hazardous Materials Transportation Regulations.

2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

4) All references to part 174, 175 or 176 or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

6) Any changes to 49 CFR 173 made effective by U.S. DOT Rulemaking Docket HM-187 ([49 FR 21933 (May 24, 1984)]) covering small arms ammunition are not incorporated.

7) 49 CFR 173.8(d)(3) is not incorporated by reference and is replaced by the following:

A non-specification metal tank having a capacity of less than 450 liters (119 gallons) is authorized in Illinois for the transportation of flammable liquid petroleum products by an intrastate motor carrier subject to the following conditions:

A) Containers shall be tanks constructed of 18 gauge or heavier steel or equivalent gauge aluminum.

B) Tanks shall be securely fastened to prevent separation from the vehicle.

C) Tanks shall be electrically bonded to the frame of the vehicle.
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

D) **Tanks** shall be protected against leakage or damage in the event of a turnover.

E) Tanks may not be drained by gravity. Top mounted pumps must be designed and labeled for use with flammable and combustible liquids. No top mounted pump shall be higher than the highest point of the vehicle or permanently attached appurtenances (i.e., roll bars).

F) Flammable liquid petroleum products being transported on a single vehicle may not exceed 450 liters (119 gallons).

G) Flammable liquid petroleum product is offered for transportation and transported in conformance with all other applicable requirements of this Subchapter.

AGENCY NOTE: To clarify the provisions of 49 CFR 173.315(a) Note 17 (7), the transportation of anhydrous ammonia was permitted within Illinois prior to January 1, 1981 as follows: Only specifications MC-330 and MC-331 cargo tanks with a design pressure of 250 p.s.i.g., that had been in anhydrous ammonia service in Illinois prior to February 1, 1979, could continue in such service subject to continued qualification as required by all design and testing requirements specified by 49 CFR 180. Non-specification cargo tanks, other than nurse tanks (49 CFR 173.314(m)), were not authorized in Illinois for anhydrous ammonia service. All specifications MC-330 and MC-331 cargo tanks placed in such service after February 1, 1979 had to meet all requirements for the specification, including a minimum design service of 265 p.s.i.g.

AGENCY NOTE: To clarify the provisions of 49 CFR 173.315(k)(6), the transportation of liquefied petroleum gas within Illinois prior to January 1, 1981 was as follows: Non-specification cargo tanks used to transport liquefied petroleum gas were not authorized for intrastate transportation within Illinois prior to January 1, 1981.

(Source: Amended at 28 Ill. Reg. 10088, effective July 1, 2004)
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Carriage by Public Highway

2) **Code Citation:** 92 Ill. Adm. Code 177

3) **Section Numbers:**

   - 177.2000   Amend

4) **Statutory Authority:** Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]

5) **Effective date of amendments:** July 1, 2004

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this amendment contain incorporations by reference?** Yes

8) **A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department’s Division of Traffic Safety and is available for public inspection.**

9) **Notice of Proposal published in Illinois Register:** March 26, 2004; 28 Ill. Reg. 5231

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version:** Various grammatical corrections were made in agreement with JCAR.

12) **Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR?** No changes were necessary.

13) **Will this amendment replace any emergency amendments currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and purpose of amendments:** By this Notice, the Department has updated the incorporation by reference date of 49 CFR 177 to the October 1, 2003 edition, the most recent edition of the CFR, and, also, and included the federal rulemaking adopted at 68 FR 57629, October 6, 2003.

    The following summaries provide descriptions of federal
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

rulemakings that are applicable to this Part, that became effective since October 1, 2001, and that are included in the October 1, 2003 edition of 49 CFR 177. Therefore, the Department has incorporated changes made by the following Dockets:

Docket HM-207B (67 FR 46123, July 12, 2002) Amended the Hazardous Materials Regulations (HMR) to require shippers and carriers to retain a copy of each shipping paper, or an electronic image thereof, for a period of 365 days after the date the hazardous material is accepted by a carrier.

Docket HM-220D (67 FR 51626, August 8, 2002) Amended the HMR applicable to the maintenance, requalification, repair, and use of DOT specifications cylinders. In addition, this final rule adopted changes to revise the requirements for approval of cylinder requalifiers, independent inspection agencies, and non-domestic chemical analysis and tests.

Docket HM-226 (67 FR 53118, August 14, 2002) Revised transportation requirements for infectious substances, including regulated medical waste.

Docket HM-226 (67 FR 54967, August 27, 2002) Corrected the effective dates for the August 14, 2001 final rule.

Docket HM-189T (67 FR 61006, September 27, 2002) Corrected editorial errors, makes minor regulatory changes, and improves the clarity of certain provisions in the hazardous materials regulations. This rulemaking enhanced the accuracy and reduced misunderstandings of the regulations.

Docket HM-220D (67 FR 61287, September 30, 2002) Extended compliance dates and made minor corrections for certain requirements adopted in the August 8, 2002 final rule.

Docket HM-207B (67 FR 66571, November 1, 2002) Made minor changes to the July 12, 2002 final rule.

Docket HM-213 (68 FR 19258, April 18, 2003) Adopted a number of revisions to the regulations that updated and clarified regulations on the construction and maintenance of cargo tank motor vehicles. The effective date of this final rule was October 1, 2003.
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

Docket HM-232C (68 FR 23832, May 5, 2003) Required shippers and transporters of certain hazardous materials to comply with federal security regulations that apply to motor carrier and vessel transportation.


Docket HM-220D (68 FR 32679, June 2, 2003) Corrected final rule compliance dates in a final rule published May 8, 2003, that made revisions to certain DOT specifications cylinder requirements. The effective date of this rule was June 2, 2003.

Docket HM-218B (68 FR 48562, August 14, 2003) Amended the HMR by incorporating miscellaneous changes based on petitions for rulemaking and RSPA initiatives. Intended to update, clarify or provide relief from certain regulatory requirements.

This rulemaking incorporated by reference changes made in the following Docket:


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

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
217/785-1181

The full text of the adopted amendment begins on the next page:
TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 177
CARRIAGE BY PUBLIC HIGHWAY

Section
177.1000 General
177.2000 Incorporation by Reference of 49 CFR 177

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].


Section 177.2000 Incorporation by Reference of 49 CFR 177

a) As Part 177 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 177 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, 2003, as amended at 68 FR 57629, October 6, 2003, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 177 are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 177 shall apply for purposes of this Part.
NOTICE OF ADOPTED AMENDMENT

1) All references to "this part" in the incorporated federal regulations shall mean Part 177 of the Illinois Hazardous Materials Transportation Regulations.

2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

4) All references to part 174, 175 or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

6) All references to motor vehicles engaged in interstate commerce shall be deemed to include any motor vehicle engaged in commerce within the State of Illinois.

(Source: Amended at 28 Ill. Reg. 10094, effective July 1, 2004)
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Specifications for Packagings

2) **Code Citation:** 92 Ill. Adm. Code 178

3) **Section Numbers:**

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4) **Statutory Authority:** Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]

5) **Effective date of amendments:** July 1, 2004

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Do these amendments contain incorporations by reference?** Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department’s Division of Traffic Safety and is available for public inspection.

9) **Notice of Proposal published in Illinois Register:** March 26, 2004; 28 Ill. Reg. 5237

10) **Has JCAR issued a Statement of Objection to these rules?** No

11) **Differences between proposal and final version:** Various grammatical corrections were made in agreement with JCAR.

12) **Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR?** No changes were necessary.

13) **Will these amendments replace an emergency amendment currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and purpose of amendments:** By this Notice, the Department is has updated the incorporation by reference date of 49 CFR 178 to the October 1, 2003 edition, the most recent edition of the CFR, and, also, included the federal rulemaking adopted at 68 FR 57629, October 6, 2003.
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

The following summaries provide descriptions of federal rulemakings that are applicable to this Part, that became effective since October 1, 2001, and that are included in the October 1, 2003 edition of 49 CFR 178. Therefore, the Department incorporated changes made by the following Dockets:


Docket HM-220D (67 FR 51626, August 8, 2002) Amended the Hazardous Materials Regulations (HMR) applicable to the maintenance, requalification, repair, and use of DOT specifications cylinders. In addition, this final rule adopted changes to revise the requirements for approval of cylinder requalifiers, independent inspection agencies, and non-domestic chemical analysis and tests.

Docket HM-226 (67 FR 53118 August 14, 2002) Revised transportation requirements for infectious substances, including regulated medical waste.

Docket HM-226 (67 FR 54967 August 27, 2002) Corrected the effective dates for the August 14, 2001 final rule. The corrected effective date was February 14, 2003.

Docket HM-189T (67 FR 61006, September 27, 2002) Corrected editorial errors, made minor regulatory changes, and improved the clarity of certain provisions in the HMR. This rulemaking enhanced the accuracy and reduced misunderstandings of the regulations.

Docket HM-213 (68 FR 19258, April 18, 2003) Adopted a number of revisions to the HMR that update and clarify the regulations on the construction and maintenance of cargo tank motor vehicles. The effective date of this rulemaking was October 1, 2003.


Docket HM-215E (68 FR 44992, July 31, 2003) Amended the HMR to maintain alignment with international standards. Included changes to shipping names, hazard classes, packing groups, special provisions, and packaging authorizations. The effective date was October 1, 2003.
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Docket HM-218B (68 FR 48562, August 14, 2003) Amended the HMR by incorporating miscellaneous changes based on petitions for rulemaking and RSPA initiatives. Intended to update, clarify or provide relief from certain regulatory requirements.


This rulemaking incorporated by reference changes made in the following Docket:


The Department also repealed Section 178.Appendix C (Tensile Specimen) because the content of Appendix C is outdated and no longer necessary.

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

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
217/785-1181

The full text of the adopted amendments begins on the next page:
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 178
SPECIFICATIONS FOR PACKAGINGS

Section

178.321 Specification MC 300; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, or Combination of Mild Steel with High Tensile Steel, or Stainless Steel, Primarily for the Transportation of Flammable Liquids or Poisonous Liquids, Class B

178.321.0.3 [178.321-3] Thickness
178.321.0.4 [178.321-4] Joints
178.321.0.5 [178.321-5] Bulkheads, Baffles, and Ring Stiffeners
178.321.0.6 [178.321-6] Closures for Manholes
178.321.0.7 [178.321-7] Overturn Protection
178.321.0.8 [178.321-8] Outlets
178.321.0.9 [178.321-9] Vents, Valves, and Connections
178.321.1.0 [178.321-10] Protection of Fittings
178.321.1.2 [178.321-12] Shear Section
178.321.1.7 [178.321-17] Marking of Cargo Tanks
178.321.1.8 [178.321-18] Certification

178.322 Specification MC 301; Cargo Tanks Constructed of Welded Aluminum Alloy (Grade 3S), To Be Mounted On and To Form Part Of Tank Motor Vehicles for Transportation of Flammable Liquids, and Poisonous Liquids, Class B

178.322.0.1 [178.322-1] General Requirements
178.322.0.3 [178.322-3] Certification
178.322.0.5 [178.322-5] Marking of Cargo Tanks
178.322.0.9 [178.322-9] Testing Requirements
178.322.1.2 [178.322-12] Thickness of Sheets and Ring Stiffeners
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DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

178.322.1.4 [178.322-14] Joints
178.322.1.7 [178.322-17] Tank Outlets
178.322.1.8 [178.322-18] Bulkheads, Baffles, and Ring Stiffeners
178.322.1.9 [178.322-19] Tank Vents
178.322.2.0 [178.322-20] Valve and Faucet Connections
178.322.2.1 [178.322-21] Emergency Discharge Control
178.322.2.2 [178.322-22] Shear Section
178.322.2.3 [178.322-23] Protection of Valves and Faucets
178.322.2.4 [178.322-24] Overturn Protection
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178.1000  General
178.2000  Incorporation by Reference of 49 CFR 178
178.APPENDIX C  Tensile Specimen (Repealed)
178.APPENDIX D  Material Thickness (Repealed)
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AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

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NOTICE OF ADOPTED AMENDMENTS


AGENCY NOTE: In reading this Part it is necessary to read Sections 178.1000 and 178.2000 prior to reading the remaining Sections in numerical order.

Section 178.2000 Incorporation by Reference of 49 CFR 178

a) As Part 178 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 178 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, 2003, as amended at 68 FR 57629, October 6, 2003 subject only to the exceptions in subsection (f) of this Section. No later amendments to or editions of 49 CFR 178 are incorporated.

b) As Section 178.340 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.340 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.

c) As Section 178.341 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.341 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.

d) As Section 178.342 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.342 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.

e) As Section 178.343 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.343 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.

f) The following interpretations of, additions to and deletions from the 49 CFR 178 shall apply for purposes of this Part.
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

1) All references to "this part" in the incorporated federal regulations shall mean Part 178 of the Illinois Hazardous Materials Transportation Regulations.

2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

4) All references to part 174, 175 or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

(Source: Amended at 28 Ill. Reg. 10099, effective July 1, 2004)
Section 178. APPENDIX C  Tensile Specimen (Repealed)

Thickness for materials other than steel = Steel thickness from tables \times \sqrt{\frac{3 \times 10^7}{\text{Modulus of elasticity of material to be used}}}

(Source: Repealed at 28 Ill. Reg. 10099, effective July 1, 2004)
DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part**: Specifications for Tank Cars

2) **Code Citation**: 92 Ill. Adm. Code 179

3) **Section Number**: Adopted Action:
   - 179.2000    Amend

4) **Statutory Authority**: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]

5) **Effective date of amendment**: July 1, 2004

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this amendment contain incorporations by reference?** Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department’s Division of Traffic Safety and is available for public inspection.

9) **Notice of Proposal published in Illinois Register**: March 26, 2004; 28 Ill. Reg. 5251

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version**: Various grammatical corrections were made in agreement with JCAR.

12) **Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR?** No changes were necessary.

13) **Will this amendment replace any emergency amendment currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and purpose of amendment**: By this Notice, the Department has updated the incorporation by reference date of 49 CFR 179 to the October 1, 2003 edition, the most recent edition of the CFR, and, also, included the federal rulemaking adopted at 68 FR 57629, October 6, 2003.

   The following summaries provide descriptions of federal
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rulemakings that are applicable to this Part, that became effective since October 1, 2001, and that are included in the October 1, 2003 edition of 49 CFR 179. Therefore, the Department incorporated changes made by the following Dockets:

Docket HM-220D (67 FR 51626, August 8, 2002) Amended the Hazardous Materials Regulations (HMR) applicable to the maintenance, requalification, repair, and use of DOT specifications cylinders. In addition, this final rule adopted changes to revise the requirements for approval of cylinder requalifiers, independent inspection agencies, and non-domestic chemical analysis and tests.

Docket HM-189T (67 FR 61006, September 27, 2002) Corrected editorial errors, made minor regulatory changes, and improved the clarity of certain provisions in the regulations. This rulemaking enhanced the accuracy and reduced misunderstandings of the regulations.

Docket HM-218B (68 FR 48562, August 14, 2003) Amended the regulations by incorporating miscellaneous changes based on petitions for rulemaking and RSPA initiatives. Updated, clarified or provided relief from certain regulatory requirements.

This rulemaking incorporated by reference changes made in the following Docket:


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

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
217/785-1181

The full text of the adopted amendment begins on the next page:
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 179
SPECIFICATIONS FOR TANK CARS

Section 179.1000 General
179.2000 Incorporation By Reference of 49 CFR 179

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].


Section 179.2000 Incorporation By Reference of 49 CFR 179

a) As Part 179 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 179 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 2003, as amended at 68 FR 57629, October 6, 2003, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 179 of the federal regulations are incorporated.

179.1 General
179.2 Definitions and abbreviations
179.5 Certificate of Construction
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179.6 Repairs and alterations
179.7 Quality Assurance program
179.10 Tank mounting
179.11 Welding certification
179.12 Interior heater systems
179.16 Tank-head puncture-resistance systems
179.18 Thermal protection systems
179.20 Service equipment; protection systems
179.22 Marking
179.300 General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying (classes DOT-106A and 110AW)
179.301 Individual specification requirements for multi-unit tank car tanks

b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 179 shall apply for purposes of this Part.

1) All references to "this part" in the incorporated federal regulations shall mean Part 179 of the Illinois Hazardous Materials Transportation Regulations.

2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations except references to Section 179.3 shall mean 49 CFR 179.3.

4) 49 CFR 179.2(a)(4) is deleted and replaced by the following: "'DOT' means the U.S. Department of Transportation and 'Department' means the Illinois Department of Transportation."

(Source: Amended at 28 Ill. Reg. 10112, effective July 1, 2004)
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Continuing Qualification and Maintenance of Packaging

2) **Code Citation:** 92 Ill. Adm. Code 180

3) **Section Numbers:** Adopted Action:
   - 180.2000 Amend

4) **Statutory Authority:** Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]

5) **Effective date of amendment:** July 1, 2004

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this amendment contain incorporations by reference?** Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department’s Division of Traffic Safety and is available for public inspection.

9) **Notice of Proposal published in Illinois Register:** March 26, 2004; 28 Ill. Reg. 5256

10) **Has JCAR issued a Statement of Objection to these rules?** No

11) **Differences between proposal and final version:** Various grammatical corrections were made in agreement with JCAR.

12) **Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR?** No changes were necessary.

13) **Will this amendment replace an emergency amendment currently in effect?** No

14) **Are there any amendments pending on this Part?** No

15) **Summary and purpose of amendment:** By this Notice, the Department has updated the incorporation by reference date of 49 CFR 180 to the October 1, 2003 edition, the most recent edition of the CFR.

   The following summaries provide descriptions of federal rulemakings that are applicable to this Part, that became
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effective since October 1, 2001, and that are included in the October 1, 2003 edition of 49 CFR 180. Therefore, the Department incorporated changes made by the following Dockets:


Docket HM-220D (67 FR 51626, August 8, 2002) Amended the Hazardous Materials Regulations (HMR) applicable to the maintenance, requalification, repair, and use of DOT specifications cylinders. In addition, this final rule adopted changes to revise the requirements for approval of cylinder requalifiers, independent inspection agencies, and non-domestic chemical analysis and tests.

Docket HM-189T (67 FR 61006, September 27, 2002) Corrected editorial errors, made minor regulatory changes, and improved the clarity of certain provisions in the regulations. This rulemaking enhanced the accuracy and reduce misunderstandings of the regulations.

Docket HM-213 (68 FR 19258, April 18, 2003) Adopted a number of revisions to the HMR that updated and clarified the regulations on the construction and maintenance of cargo tank motor vehicles. The effective date of the final rule was October 1, 2003.

Docket HM-220D (68 FR 24653, May 8, 2003) Amended the HMR applicable to the maintenance, requalification, repair, and use of DOT specifications cylinders. The effective date of this rule was June 9, 2003.


Docket HM-215E (68 FR 44992, July 31, 2003) Amended the regulations to maintain alignment with international standards. Included changes to shipping names, hazard classes, packaging groups, special provisions, and packaging authorizations. Effective date was October 1, 2003.

Docket HM-218B (68 FR 48562, August 14, 2003) Amended the HMR by incorporating miscellaneous changes based on petitions for rulemaking and RSPA
DEPARTMENT OF TRANSPORTATION

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initiatives. Intended to update, clarify or provide relief from certain regulatory requirements.


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

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
217/785-1181

The full text of the adopted amendment begins on the next page:
NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 180
CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGING

Section
180.1000   General
180.2000   Incorporation by Reference of 49 CFR 180

AUTHORITY:  Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].


Section 180.2000  Incorporation by Reference of 49 CFR 180

a) As Part 180 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 180 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, 2003, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 180 are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 180 shall apply for purposes of this Part.

1) All references to "this part" in the incorporated federal regulations shall mean Part 180 of the Illinois Hazardous Materials Transportation Regulations.

2) All references to "this chapter" or "this Subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

3) All references to a section of the regulations in the incorporated federal
DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

4) All references to part 174, 175, or 176 or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

(Source: Amended at 28 Ill. Reg. 10116, effective July 1, 2004)
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Child Care

2) Code Citation: 89 Ill. Adm. Code 50

3) Section Numbers: Emergency Action:
   50.230 Amendment
   50.320 Amendment


5) Effective date of amendments: July 1, 2004

6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date filed with the Index Department: June 29, 2004

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency’s principal office and is available for public inspection.

9) Reason for Emergency: This emergency rulemaking is necessary to comply with provisions of P. A. 93-361 which require the Department of Human Services to update the child care income eligibility guidelines annually, at the beginning of each fiscal year.

10) A complete description of the subject and issues: Pursuant to provisions of Public Act 93-361, this rulemaking updates the child care income eligibility guidelines based on the State median income for the current fiscal year. These changes are effective July 1, 2004.

11) Are there any other amendments pending on this Part? No

12) Statement of statewide policy objectives (if applicable): This rulemaking does not create or expand a State mandate.

13) Information and questions regarding these amendments shall be directed to:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the emergency amendments begins on the next page:
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89:  SOCIAL SERVICES
CHAPTER IV:  DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a:  GENERAL PROGRAM PROVISIONS

PART 50

CHILD CARE

SUBPART A:  GENERAL PROVISIONS

Section
50.101  Incorporation by Reference
50.110  Participant Rights and Responsibilities
50.120  Notification of Available Services
50.130  Child Care Overpayments and Recoveries

SUBPART B:  APPLICABILITY

Section
50.210  Child Care
50.220  Method of Providing Child Care
50.230  Child Care Eligibility
50.235  Income Eligibility Criteria
50.240  Qualified Provider
50.250  Additional Service to Secure or Maintain Child Care

SUBPART C:  PAYMENT FEES

Section
50.310  Fees for Child Care Services
50.320  Maximum MonthlyIncome and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

SUBPART D:  CHILD CARE ABUSE AND NEGLECT

Section
50.410  Provider Eligibility
50.420  Payment for Child Care Services
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

SUBPART E: GREAT START PROGRAM

Section 50.510  Great START Program
50.520  Method of Providing the Wage Supplement
50.530  Eligibility
50.540  Employer Responsibility
50.550  Notification of Eligibility
50.560  Phase-in of Wage Supplement Scale
50.570  Wage Supplement Scale
50.580  Evaluation


SUBPART B: APPLICABILITY

Section 50.230  Child Care Eligibility

| EMERGENCY |

a)  Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Parents and other relatives eligible to receive child care services include:

1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the monthly income ceilings in subsection (b)(2) of this Section.

2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose monthly incomes do not exceed the following amounts by family size:

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Gross Monthly Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$1,960</td>
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<tr>
<td>3</td>
<td>$2,421</td>
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<td>4</td>
<td>$2,882</td>
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<tr>
<td>5</td>
<td>$3,344</td>
</tr>
<tr>
<td>6</td>
<td>$3,805</td>
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<td>7</td>
<td>$3,891</td>
</tr>
<tr>
<td>8</td>
<td>$3,978</td>
</tr>
</tbody>
</table>

The above income guidelines will be indexed annually so that the thresholds are no less than 50% of the most current State Median Income for each family size.

3) Families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first Associate Degree and/or the first Bachelor's Degree) whose monthly income does not exceed the monthly income ceilings in subsection (b)(2) of this Section. Qualifying families are eligible to receive child care services needed to attend literacy and other adult basic education, English as a Second Language, GED preparation, and vocational training for up to 24 non-consecutive months with no work requirement, after which they must work a monthly average of at least 20 hours per week in paid employment. Child care provided to a teen parent to obtain a high school professional.
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

degree, or its equivalent, does not count against this 24-month limit. Qualifying families are eligible to receive child care services to attend a 2 or 4 year college degree program if they work a monthly average of at least 10 hours per week in paid employment or a monthly average of at least 20 hours per week in a combination of paid employment and unpaid, educationally-required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Child care services shall be available during time periods that are reasonably related to the following activities performed outside the home: paid work, self-employment and education or training activity, including class hours and research, laboratory, library and transportation time. Families with a work requirement shall receive the same grace periods between jobs as persons who receive services pursuant to subsection (b)(2) of this Section. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income when added to the income of the other person does not exceed the monthly income ceiling in subsection (b)(2) of this Section for that family size.

4) Relatives (other than parents) who receive child-only TANF or General Assistance (GA) benefits as Representative Payee for children in need of care while they work outside the home.

c) All families must be residents of Illinois.

d) Payment for child care services to eligible parents may begin:

1) if care was provided at the time and all eligibility factors are met, on either:

   A) the date of the parent's signature; or

   B) one week (seven calendar days) prior to the stamped date of receipt by the Department or its agents, whichever is later; or

2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.

e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of
DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

ineligibility.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10121, effective, July 1, 2004, for a maximum of 150 days)

SUBPART C: PAYMENT FEES

Section 50.320 Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

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<th>Monthly Income</th>
<th>Monthly Co-Pay</th>
<th>Weekly Co-Pay</th>
<th>1 Child</th>
<th>1 Child</th>
</tr>
</thead>
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<tr>
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<td>655 - 818</td>
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<td>819 - 981</td>
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<tr>
<td>982 - 1,145</td>
<td>65.00</td>
<td>15.00</td>
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<td>1,146 - 1,308</td>
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<td>1,309 - 1,472</td>
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<td>1,473 - 1,636</td>
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<td>31.00</td>
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</tr>
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<td>1,637 - 1,799</td>
<td>160.32</td>
<td>37.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,800 - 1,960</td>
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<td>43.00</td>
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<th>Weekly Co-Pay</th>
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<th>1 Child</th>
<th>2 Children</th>
<th>2 Children</th>
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# DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

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<th>2 Children</th>
<th>2 Children</th>
<th>3 Children</th>
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## DEPARTMENT OF HUMAN SERVICES

### NOTICE OF EMERGENCY AMENDMENTS

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<td>21.67</td>
<td>5.00</td>
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</tr>
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### Family Size 6

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DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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ILLINOIS REGISTER

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**NOTICE OF EMERGENCY AMENDMENTS**

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**Illinois Register**  
**04**  
**Department of Human Services**  
**Notice of Emergency Amendments**  

**Monthly Fee for Number of Children in Care for Family Size of 7**

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**Monthly Fee for Number of Children in Care for Family Size of 8**

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(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days)
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1) **Heading of the Part:** Medical Payment

2) **Code Citation:** 89 Ill. Adm. Code 140

3) **Section Numbers:**
   - 140.452 Amendment
   - 140.453 Amendment
   - 140.454 Amendment
   - 140.455 Amendment
   - 140.456 Amendment

4) **Statutory Authority:** Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 93-0495 and Public Act

5) **Effective Date:** July 1, 2004

6) **Reason for Emergency:** These emergency amendments are being filed pursuant to the enactment of the State's budget plan for fiscal year 2005 and the Children's Mental Health Act (Public Act 93-0495). An enhanced Screening, Assessment and Support Services (SASS) system is being established to serve children and adolescents who are experiencing a mental health crisis and whose care will require public funding. Immediate implementation of these changes is necessary to ensure the availability of SASS to the targeted population. Emergency rulemaking is specifically authorized for the implementation of these changes for fiscal year 2005 by Section 5-45 of Public Act

7) **Effective Date:** July 1, 2004

8) **Date Filed with the Index Department:** July 1, 2004

9) **A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.**

10) **Complete Description of the Subjects and Issues Involved:** These emergency amendments respond to the Children's Mental Health Act (Public Act 93-0495) regarding an enhanced Screening, Assessment and Support Services (SASS) system that is designed to serve children and adolescents who are experiencing a mental health crisis and whose care will require public funding. This new initiative involves a partnership between the Department, the Department of Human Services and the Department of Children and Family Services to create a single Statewide system. The SASS program emphasizes a
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

single point of entry for all children and adolescents using the system and will ensure that they receive crisis services in the most appropriate setting. These emergency amendments to Part 140 describe provider services and payment for those services under SASS.

Related amendments are being filed at 89 Ill. Adm. Code 148 that establish hospital reimbursement and utilization review for intensive community-based mental health services under SASS.

The SASS program will target resources more efficiently and effectively by preventing unnecessary psychiatric hospitalizations of children and adolescents. It is estimated that this will leverage an additional $1.1 million in federal Medicaid funding.

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

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<th>Section Numbers</th>
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<td>140.645</td>
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<td>February 27, 2004 (28 Ill. Reg. 3700)</td>
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12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

13) Information and questions regarding these emergency amendments shall be directed to:

   Joanne Scattoloni
   Office of the General Counsel, Rules Section
   Illinois Department of Public Aid
   201 South Grand Avenue East, Third Floor
   Springfield, Illinois  62763-0002
   (217) 524-0081

The full text of the Emergency Amendments begins on the next page:
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section
140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

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140.22 Magnetic Tape Billings (Repealed)
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited
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140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
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140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55 Recipient Eligibility Verification (REV) System
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

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140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation On Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
NOTICE OF EMERGENCY AMENDMENTS

140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
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140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350 Copayments (Recodified)
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140.370 Rate Calculation (Recodified)
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140.372 Review Procedure (Recodified)
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140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
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140.398 Hearings (Recodified)

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140.420 Dental Services
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140.441 Pharmacy Services Not Covered
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140.444 Compounded Prescriptions
140.445 Legend Prescription Items (Not Compounded)
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140.448 Returned Pharmacy Items
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140.451 Prospective Drug Review and Patient Counseling
140.452 Mental Health Clinic Services

EMERGENCY
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

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EMERGENCY 140.454 Types of Mental Health Clinic Services

EMERGENCY 140.455 Payment for Mental Health Clinic Services

EMERGENCY 140.456 Hearings

EMERGENCY 140.457 Therapy Services
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140.470 Home Health Services
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140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
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140.483 Limitations on Family Planning Services
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140.875 Department Responsibilities (Repealed)
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DEPARTMENT OF PUBLIC AID

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140.895 Contract Monitoring (Repealed)
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140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
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140.902 Service Needs (Recodified)
140.903 Definitions (Recodified)
140.904 Times and Staff Levels (Repealed)
140.905 Statewide Rates (Repealed)
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SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.452 Mental Health Clinic Services

EMERGENCY

a) Payment will be made for mental health clinic services provided by providers:

1) certified by the Department of Mental Health and Developmental Disabilities as being in compliance with standards set forth in 59 Ill. Adm. Code 132; or

2) certified as being compliant with standards set forth in 59 Ill. Adm. Code 132 and under a multi-agency contract with the Department, DCFS and DHS to provide Screening, Assessment and Support Services (SASS).

b) To receive payment for mental health services, providers must be enrolled. Providers shall enroll for participation in the Medical Assistance Program pursuant to Sections as provided in Section 140.11 and 140.12.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days)
Section 140.453  Definitions  
**EMERGENCY**

Words which are defined in 59 Ill. Adm. Code 132.25 through 130.20 have the same meaning when used in Sections 140.452 through 140.456.

"DCFS" means the Illinois Department of Children and Family Services.

"DHS" means the Illinois Department of Human Services.

"Screening, Assessment and Support Services (SASS)" means a program of intensive mental health services provided by an agency certified by DHS or DCFS to provide screening, assessment and support services to children with a mental illness or emotional disorder who are at risk for psychiatric hospitalization.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days)

Section 140.454  Types of Mental Health Clinic Services  
**EMERGENCY**

The specific types of mental health clinic services for which payment will be made are:

a) Mental health services meeting the standards in 59 Ill. Adm. Code 132;

b) The screening and assessment authorized under 59 Ill. Adm. Code 131.40 for clients under 21 years of age; and

c) The crisis intervention and stabilization services authorized under 59 Ill. Adm. Code 131.50(a) for a period not to exceed 90 days for clients under 21 years of age.

a) Comprehensive Assessment—the mental health assessment shall be conducted by a Qualified Mental Health Professional (QMHP) under the direction of or in accordance with a protocol established by a physician. The assessment shall meet the standards in 59 Ill. Adm. Code 130.200.

b) Treatment plan development—the Individual Treatment Plan (ITP) shall be developed by a QMHP with the participation of the client and client guardian, if
applicable. The ITP will be signed by the client and client guardian, if applicable, the QMHP and the physician who is directing the formulation of the ITP. The ITP shall meet the standards in 59 Ill. Adm. Code 130.210.

e) Crisis intervention—crisis intervention services shall be provided to clients of all ages who are experiencing a psychiatric crisis and a high level of personal distress to screen and determine if inpatient psychiatric treatment is required, and to provide brief and immediate, intensive treatment to reduce symptomatology, stabilize and restore the client to a previous level of role functioning and to assist the client in functioning in the community. Crisis intervention shall be provided by or under the direction of a physician and shall meet the standards in 59 Ill. Adm. Code 130.230.

d) Psychiatric treatment—psychiatric treatment services shall be provided to clients of all ages who require interpersonal therapy and/or psychotropic medication to promote growth in role functioning or to maintain role functioning in order to assist the client in functioning in the community. Psychiatric treatment services shall be provided by or under the direction of a physician. Psychiatric treatment shall meet the standards in 59 Ill. Adm. Code 130.220.

e) Day Treatment—Day treatment shall include intensive stabilization and extended treatment and rehabilitation services provided on an integrated, comprehensive and complimentary schedule of recognized psychiatric treatment including the major diagnostic, medical, psychiatric, and psychosocial modalities addressing at least three areas of dysfunction: psychological, interpersonal, and primary role dysfunction. Day treatment shall meet the standards in 59 Ill. Adm. Code 130.240.

f) Case management—case management shall be provided to clients of all ages who require access to mental health services and to social, educational, vocational, recreational, housing, public income entitlements, and other community services to assist the client in functioning in the community. Case management shall be provided by or under the direction of a QMHP and shall meet the standards in 59 Ill. Adm. Code 130.250.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days)
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a) The amount approved for payment for mental health clinic services described in Section 140.454 shall be based on the type and amount of service required by and actually delivered to a client.

b) The payment amount is determined in accordance with the rate methodologies outlined in 59 Ill. Adm. Code 130.70 and as authorized by the Department of Public Aid for Medicaid reimbursable services for eligible clients. The Department will review the rate methodologies for accuracy and validity of statistical assumptions.

b) Rates shall be prospective and shall be generated through the application of the methodologies described in 59 Ill. Adm. Code 130.70. Each category of service shall have a specific rate which shall be calculated and determined annually. The new rate shall reconcile the prior year’s rate to actual costs and include an update for inflation. The methodology shall be applied uniformly and consistently within each treatment service category as follows:

1) Services such as psychiatric evaluation, mental health assessment and psychological evaluation shall be reimbursed at an all-inclusive per evaluation/assessment.

2) Services such as individual, group, and family therapy, psychotropic medication prescription, review, monitoring and training, crisis intervention and case management shall be reimbursed at an all-inclusive per client-hour rate payable to the nearest quarter-hour.

3) Day treatment services such as intensive stabilization and extended treatment and rehabilitation shall be reimbursed at an all-inclusive per client day rate payable for a four hour period or payable to the nearest hour, e.g., at one quarter of the day rate for clients who receive one hour of service. No more than one client day, i.e., a four hour period, shall be reimbursed for any client during any 24 hour period. A day treatment service shall not be reimbursed in combination with any individual, group, or family therapy service in a 24 hour period.

e) The total rate for each service category reimbursable under the mental health clinic program shall be established by deriving:

1) The statewide median for salary and fringe benefits of qualified mental health professionals who provide mental health clinic services which will be multiplied by
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2) The statewide median ratio of the total program/service cost to the salaries and fringe benefits of the qualified mental health professionals (QMHP) who provide mental health clinic services.

3) The rate will be the product of the median salary and fringe benefits multiplied by the median ratio of program/service cost to salaries and fringe benefits of the QMHP.

d) Payments for mental health clinic services shall be made to certified mental health clinics by the Department of Mental Health and Developmental Disabilities (DMH/DD) in accordance with 59 Ill. Adm. Code 130.

e) Psychiatric services provided by a physician will be reimbursed in accordance with Section 140.410.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days)

Section 140.456 Hearings

EMERGENCY

The Department shall initiate administrative proceedings pursuant to 89 Ill. Adm. Code Part 104, Subpart C, and Sections 140.13 through 140.19 of this Part to suspend or terminate the eligibility of providers of mental health clinic services to participate in the Illinois Medical Assistance Program where:

a) The provider has failed to comply with 59 Ill. Adm. Code 132.130, and/or

b) Any of the grounds for termination set forth in Section 140.16 of this Part are present.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days)
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1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Numbers: Emergency Action:
   148.40 Amendment
   148.115 Amendment
   148.140 Amendment
   148.240 Amendment
   148.283 New Section
   148.295 Amendment


5) Effective Date: July 1, 2004

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed with the Index Department: July 1, 2004

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency amendments are being filed pursuant to the enactment of the State's budget plan for fiscal year 2005 and the Children's Mental Health Act (Public Act 93-0495). An enhanced Screening, Assessment and Support Services (SASS) system is being established to serve children and adolescents who are experiencing a mental health crisis and whose care will require public funding. The amendments are also being filed pursuant to House Bill 4475 which establishes separate funding for services related to Alzheimer's Disease, and to other technical matters affecting hospital services. The amendments affect Qualified Academic Medical Center Hospitals, hospitals that receive Rural Adjustment Payments, and hospital outpatient and clinic services. Immediate implementation of these changes is necessary to ensure the availability of SASS to the targeted population, and to implement the amendments affecting other hospital services. Emergency rulemaking is specifically authorized for the implementation of these changes for fiscal year 2005 by Section 5-45 of Public Act _________.
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10) Complete Description of the Subjects and Issues Involved:

Sections 148.40, 148.240 – These emergency amendments respond to the Children's Mental Health Act (Public Act 93-0495) and pertain to an enhanced screening, assessment and support services (SASS) system that is designed to serve children and adolescents who are experiencing a mental health crisis and whose care will require public funding. This new initiative involves a partnership between the Department, the Department of Human Services and the Department of Children and Family Services to create a single Statewide system. The SASS program emphasizes a single point of entry for all children and adolescents using the system and will ensure that they receive crisis services in the most appropriate setting. These proposed amendments to Part 148 establish hospital reimbursement and utilization review for the intensive community-based mental health services under SASS.

Related amendments are being filed at 89 Ill. Adm. Code 140 that describe provider services and payment for those services under SASS.

The SASS program will target resources more efficiently and effectively by preventing unnecessary psychiatric hospitalizations of children and adolescents. It is estimated that this will leverage an additional $1.1 million in federal Medicaid funding.

Sections 148.115, 148.140, 148.283 and 148.295 - New Section 148.283 and the changes to Section 148.295 respond to House Bill 4475 which establishes new funding for services related to Alzheimer's Disease at Qualified Academic Medical Center Hospitals that are designated by the National Institutes of Aging as an Alzheimer’s Disease Core (or Research) Center. Currently, Alzheimer's services are funded by Direct Hospital Adjustments (DHA) under Critical Hospital Adjustment Payments. The DHA criteria and payment descriptions are being stricken from Section 148.295 and the new Alzheimer funding provisions are established in new Section 148.283. The Department does not anticipate any budgetary changes on the basis of these emergency changes because current spending levels for Alzheimer's related services will continue under the newly created fund.

Technical changes are being made concerning Rural Adjustment Payments to exclude the previous year's payments associated with the program itself when calculating cost coverage. These proposed changes will result in a limited redistribution of funding, but spending for Rural Adjustments will remain the same.

The emergency changes concerning hospital outpatient and clinic services are intended to modify rates to hold aggregate fiscal year 2005 projected spending levels neutral. Absent these modifications, the Department estimates changes mandated by the Health Insurance
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Portability and Accountability Act (HIPAA) will result in increased spending above that budgeted for fiscal year 2005. These proposed changes are allowed under the Hospital Assessment provisions of Public Act 93-0659.

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

<table>
<thead>
<tr>
<th>Section Numbers</th>
<th>Proposed Action</th>
<th>Illinois Register Citation</th>
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<tbody>
<tr>
<td>148.85</td>
<td>New Section</td>
<td>April 9, 2004 (28 Ill. Reg. 5808)</td>
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<tr>
<td>148.90</td>
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<tr>
<td>148.310</td>
<td>Amendment</td>
<td>April 9, 2004 (28 Ill. Reg. 5808)</td>
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12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any state mandates affecting units of local government.

13) Information and questions regarding this amendment shall be directed to:

Joanne Scattoloni  
Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois  62763-0002  
(217) 524-0081

The full text of the Emergency Amendments begins on the next page:
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CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

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HOSPITAL SERVICES

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148.100 Liver Transplants (Repealed)
148.105 Psychiatric Adjustment Payments
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148.115 Rural Adjustment Payments

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148.120 Disproportionate Share Hospital (DSH) Adjustments
148.122 Medicaid Percentage Adjustments
148.126 Safety Net Adjustment Payments
148.130 Outlier Adjustments for Exceptionally Costly Stays
148.140 Hospital Outpatient and Clinic Services

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148.340 Subacute Alcoholism and Substance Abuse Treatment Services
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25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10158, effective July 1, 2004, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 148.40 Special Requirements

<table>
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<tbody>
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<td>a) Inpatient Psychiatric Services</td>
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1) Payment for inpatient hospital psychiatric services shall be made only to:
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A) A hospital that is a general hospital, as defined in Section 148.25(b), with a functional unit, as defined in Section 148.25(c)(1), that specializes in, and is enrolled with the Department to provide, psychiatric services; or

B) A hospital, as defined in Section 148.25(b), that holds a valid license as, and is enrolled with the Department as, a psychiatric hospital, as defined in 89 Ill. Adm. Code 149.50(c)(1).

2) Inpatient psychiatric services are those services provided to patients who are in need of short-term acute inpatient hospitalization for active treatment of an emotional or mental disorder.

3) Inpatient psychiatric services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

4) Federal Medicaid regulations preclude payment for patients over 20 or under 65 years of age in any Institution for Mental Diseases (IMD). Therefore, psychiatric hospitals may not receive reimbursement for services provided to patients over the age of 20 and under the age of 65. In the case of a patient receiving psychiatric services immediately preceding his/her 21st birthday, reimbursement for psychiatric services shall be provided until the earliest of the following:

A) The date the patient no longer requires the services; or

B) The date the patient reaches 22 years of age.

5) A psychiatric hospital must be accredited by the Joint Commission on the Accreditation of Health Care Organizations to provide services to program participants under 21 years of age or be Medicare certified to provide services to program participants 65 years of age and older. Distinct part psychiatric units and psychiatric hospitals located in the State of Illinois, or within a 100 mile radius of the State of Illinois, must execute an interagency agreement with a Department of Human Services (DHS) operated mental health center (State-operated facility) for coordination of services including, but not limited to, crisis screening and discharge planning to ensure linkage to aftercare services with private practitioners or community mental health services, as described in subsection (a)(6) of
6) Coordination of Care – Purpose. In accordance with subsection (a)(5) of this Section, distinct part psychiatric units and psychiatric hospitals located in the State of Illinois, or within a 100 mile radius of the State of Illinois, must execute a Coordination of Care Agreement in order to participate as a provider of inpatient psychiatric services. The Coordination of Care Agreement shall set forth an agreement between the DHS operated mental health center (State-operated facility) and the hospital for the coordination of services, including but not limited to crisis screening and discharge planning to ensure efficient use of inpatient care. The agreement shall also set forth the manner in which linkage to aftercare services with community mental health agencies or private practitioners shall be carried out.

7) Coordination of Care – General Provisions. The general provisions of the Coordination of Care Agreement described in subsection (a)(6) of this Section are as follows:

A) The hospital shall agree, on a continuing basis, to comply with applicable licensing standards as contained in State laws or regulations and shall maintain accreditation by JCAHO;

B) The provider shall comply with Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973 and regulations promulgated thereunder which prohibit discrimination on the grounds of sex, race, color, national origin or handicap;

C) The provider shall comply with the following applicable federal, State and local statutes pertaining to equal employment opportunity, affirmative action, and other related requirements: 42 USCA 2000e, 29 USCA 203 et seq. and 775 ILCS 25;

D) The Coordination of Care Agreement shall remain in effect until amended by mutual consent or cancelled in writing by either party having given 30 days prior notification.

8) Coordination of Care – Special Requirements. The hospital shall:

A) Provide on its premises, the facilities, staff, and programs for the diagnosis, admission, and treatment of persons who may require
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inpatient care and/or assessment of mental status, mental illness, emotional disability, and other psychiatric problems;

B) Notify the community mental health agency that serves the geographic area from which the recipient originated to allow the agency to prescreen the case prior to referring the individual to the designated State-operated facility. The community mental health agency’s resources and other appropriate community alternatives shall be considered prior to making a referral to the State-operated facility for admission;

C) Complete any forms necessary and consistent with the Mental Health and Developmental Disabilities Code in the event of a referral for involuntary or judicial admission;

D) Notify the community mental health agency or private practitioner of the date and time of discharge and invite their participation in the discharge planning process;

E) Refer to the State-operated facility only those individuals for whom less restrictive alternatives are documented not to be appropriate at the time based on a clinical determination by the community mental health agency, a private practitioner (if applicable), or the hospital; and

F) Notify the State-operated facility prior to planned transfer of an individual and transfer the individual at such time as to assure arrival of the person prior to 11 a.m. Monday through Friday. In unusual situations, transfers may be made at other times after prior discussion between the hospital and the State-operated facility. The individual will only be transported to the State-operated facility when, based on a clinical determination, he/she is medically stable as determined by the transferring physician. A copy of the transfer summary from the hospital must accompany the recipient at the time of admission to the State-operated facility.

9) Coordination of Care – Special Requirements of the State-Operated Facility. The State-operated facility shall:

A) Admit individuals who have been screened as defined in the Coordination of Care Agreement and are appropriate for admission
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consistent with the provisions of the Mental Health and Developmental Disabilities Code.

B) Evaluate individuals for whom the hospital has executed a Petition and Certificate for involuntary/judicial admission consistent with the Mental Health and Developmental Disabilities Code.

C) Consider for admission voluntary individuals for whom less restrictive alternatives are documented not to be appropriate at the time, based on a clinical determination by the community mental health agency, private practitioner (if applicable), the hospital, or the State-operated facility.

10) Coordination of Care – Special Requirements for the Children's Mental Health Screening, Assessment and Support Services (SASS) Program. For patients under 21 years of age, all inpatient admissions must be authorized through the SASS Program. The hospital shall:

A) Prior to admission, contact the Crisis and Referral Entry Service (CARES), the Department's statewide centralized intake and referral point for a mental health screening and assessment of the patient, pursuant to 59 Ill. Adm. Code 131.40;

B) For admissions authorized through a SASS screening, involve the SASS provider in the patient's treatment plan during the inpatient stay and in the development of a discharge plan in order to facilitate linkage to appropriate aftercare resources.

11) A participating hospital not enrolled for inpatient psychiatric services may provide psychiatric care as a general inpatient service only on an emergency basis for a maximum period of 72 hours or in cases in which the psychiatric services are secondary to the services for which the period of hospitalization is approved.

b) Inpatient Rehabilitation Services

1) Payment for inpatient rehabilitation services shall be made only to a general hospital, as defined in Section 148.25(b), with a functional unit of the hospital, as defined in Section 148.25(c)(2), which specializes in, and is enrolled with the Department to provide, physical rehabilitation services or a hospital, as defined in 89 Ill. Adm. Code 149.50(c)(2), which holds a
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valid license as, and is enrolled with the Department as, a physical rehabilitation hospital.

2) The primary reason for hospitalization is to provide a structured program of comprehensive rehabilitation services, furnished by specialists, to the patient with a major handicap for the purpose of habilitating or restoring the person to a realistic maximum level of functioning.

3) Inpatient rehabilitation services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

4) For payment to be made, a rehabilitation facility, which includes a distinct part unit as described in Section 148.25(c)(2), must be certified by the Health Care Financing Administration for participation under the Medicare Program (Title XVIII) and must be licensed and/or certified by the Department of Public Health (DPH) to provide comprehensive physical rehabilitation services. Out-of-state hospitals that specialize in physical rehabilitation services must be licensed or certified to provide comprehensive physical rehabilitation services by the authorized licensing agency in the state in which the hospital is located.

5) A rehabilitation facility must meet the following criteria:

A) Have a full-time (at least 35 hours per week) director of rehabilitation; a participating general hospital with a functional rehabilitation unit must have a part-time (at least 20 hours per week) director of rehabilitation;

B) Have an organized medical staff;

C) Have available consultants qualified to perform services in appropriate specialties;

D) Have adequate space and equipment to provide comprehensive diagnostic and treatment services;

E) Maintain records of diagnosis, treatment progress (notations must be made at regular intervals) and functional results; and

F) Submit reports as required by the Department of Public Aid
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(DPA).

6) A rehabilitation facility must provide, or have a contractual arrangement with an appropriate entity or agency to provide, the following minimal services:

A) Full-time nursing services under the supervision of a registered nurse formally trained in rehabilitation nursing;

B) Full-time physical therapy and occupational therapy services; and

C) Social casework services as an integral part of the rehabilitation program.

7) A rehabilitation facility must have available the following minimal services:

A) Psychological evaluation services;

B) Prosthetic and orthotic services;

C) Vocational counseling;

D) Speech therapy;

E) Clinical laboratory and x-ray services; and

F) Pharmacy services.

8) The director of rehabilitation must meet the following criteria:

A) Provide services to the hospital and its patients as specified in subsection (b)(5) of this Section;

B) Be a doctor of medicine or osteopathy;

C) Be licensed under State law to practice medicine or surgery; and

D) Must have, after completing a one-year hospital internship, at least two years of training or experience in the medical management of inpatients requiring rehabilitation services.
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9) Personnel of the rehabilitation facility must meet the following minimum standards:

A) Physicians shall have unlimited licenses to practice medicine and surgery in the state in which they practice. Consultants shall be Board Qualified or Board Certified in their specialty.

B) Physical therapists shall be licensed by the Illinois Department of Professional Regulation.

C) Occupational therapists shall be licensed by the Illinois Department of Professional Regulation.

D) Registered nurses and licensed practical nurses shall be currently licensed by the Illinois Department of Professional Regulation or comparable licensing agency in the State in which the facility is located.

E) Social workers shall have completed two years of graduate training leading to a Master's Degree in social work from an accredited graduate school of social work.

F) Psychologists shall have a Master's Degree in clinical psychology.

G) Vocational counselors shall have a Master's Degree in Rehabilitation Counseling, Psychology or Guidance from a school accredited by the North Central Association or its equivalent.

H) An orthotist or prosthetist, certified by the American Board of Certification in Orthotics and Prosthetics, shall fabricate or supervise the fabrication of all limbs and braces.

c) End-Stage Renal Disease Treatment (ESRDT) Services. The Department provides payment to hospitals, as defined in Section 148.25(b), for ESRDT services only when the hospital is Medicare certified for ESRDT and services are provided as follows:

1) Inpatient hospital care is provided for the evaluation and treatment of acute renal disease;
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2) Outpatient chronic renal dialysis treatments are provided in the outpatient renal dialysis department of the hospital, a satellite unit of the hospital that is professionally associated with the center for medical direction and supervision, or a free-standing chronic dialysis center certified by Medicare, pursuant to 42 CFR 405, Subpart U (1994); or

3) Home dialysis treatments are provided through the outpatient renal dialysis department of the hospital, a satellite unit of the hospital that is professionally associated with the center for medical direction and supervision, in a patient's home, or through a free-standing chronic dialysis center certified by Medicare, pursuant to 42 CFR 405, Subpart U (1994).

d) Hospital-Based Organized Clinic Services. Hospital-based clinics, as described in Section 148.25(b)(4), must meet the requirements of 89 Ill. Adm. Code 140.461(a). The following two categories of hospital-based organized clinic services are recognized in the Medical Assistance Program:

1) Psychiatric Clinic Services

A) Psychiatric Clinic Services (Type A). Type A psychiatric clinic services are clinic service packages consisting of diagnostic evaluation; individual, group and family therapy; medical control; optional Electroconvulsive Therapy (ECT); and counseling, provided in the hospital clinic setting.

B) Psychiatric Clinic Services (Type B). Type B psychiatric clinic services are active treatment programs in which the individual patient is participating in no less than social, recreational, and task-oriented activities at least four hours per day at a minimum of three half days of active treatment per week. The duration of an individual patient's participation in this treatment program is limited to six months in any 12 month period.

C) Coverage. Psychiatric clinic services are covered for all Medicaid-eligible individuals. The services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

D) Approval. The Department of Human Services and DPA are responsible for approval and enrollment of community hospitals
providing psychiatric clinic services. In order to participate as a provider of psychiatric clinic services, a hospital must be enrolled for the provision of inpatient psychiatric services and execute a Psychiatric Clinic Services Type A and B Enrollment Assurance with DHS and DPA, which assures that the hospital is enrolled for the provision of inpatient psychiatric services and meets the following requisites:

i) The hospital must be accredited by, and be in good standing with, the Joint Commission on Accreditation of Health Care Organizations (JCAHO);

ii) The hospital must have executed a Coordination of Care Agreement between the hospital and the designated DHS State-operated facility serving the mentally ill in the appropriate geographic area;

iii) The clinical staff of the psychiatric clinic must collaborate with the mental health service network to provide discharge, linkage and aftercare planning for recipients of outpatient services;

iv) The hospital must agree to participate in Local Area Networks in compliance with P.L. 99-660 and P.A. 86-844; and

v) The hospital must be enrolled to participate in Medicaid Program (Title XIX) and must meet all conditions and requirements set forth by DPA.

E) Duration of Approval. The approval described in subsection (d)(1)(D) of this Section shall be in effect for a period of two years from the date DPA approves the psychiatric clinic's enrollment. The approval may be terminated by DPA or DHS with cause upon 30 days written notice to the hospital. Accordingly, the hospital must submit a 30 day written notification to DPA and DHS when terminating delivery of psychiatric clinic services.

2) Physical Rehabilitation Clinic Services

A) Physical rehabilitation clinic services include the same
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rehabilitative services provided to inpatients by hospitals enrolled to provide the services described in Section 148.40(b). Clinic services should be utilized when the patient's condition is such that it does not necessitate inpatient care and adequate care and treatment can be obtained on an outpatient basis through the hospital's specialized clinic.

B) Physical rehabilitation clinic services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

e) Maternal and Child Health Managed Care Clinics. Maternal and Child Health Managed Care Clinics, as described in 89 Ill. Adm. Code 140.461(f) and Section 148.25(b)(5), must meet the requirements of 89 Ill. Adm. Code 140.461(f).

f) Transition to the Diagnosis Related Grouping Prospective Payment System (DRG PPS) (see 89 Ill. Adm. Code 149)

1) Effective with admissions occurring on or after September 1, 1991, and before October 1, 1992, hospitals shall be reimbursed in accordance with the statutes and administrative rules governing the time period when the services were rendered.

2) Effective with admissions occurring on or after October 1, 1992, hospitals that, on August 31, 1991, had a contract in effect with the Department under the Illinois Health Finance Reform Act [20 ILCS 2215] and that elected, effective September 1, 1991, to be reimbursed at rates stated in such contracts, may elect to continue to be reimbursed at rates stated in such contracts for general and specialty care in accordance with subsection (g) of this Section.

3) In the case of a hospital that was determined by the Department to be a rural hospital at the beginning of the rate period described in Section 148.25(g)(2)(A), those hospitals that shall be treated as sole community hospitals, as described in 89 Ill. Adm. Code 149.125(b), shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient services during the rate period described in Section 148.25(g)(2)(A):

A) the DRG PPS, as described in 89 Ill. Adm. Code 149, or
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B) the rate calculated under Section 148.260.

4) In the case of a hospital that was not determined by the Department to be a rural hospital at the beginning of the rate period described in Section 148.25(g)(2)(A), but was subsequently reclassified by the Department as a rural hospital, as described in Section 148.25(g)(3), on July 14, 1993, those hospitals that shall be treated as sole community hospitals, as described in 89 Ill. Adm. Code 149.125(b), shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient admissions, or, if applicable, for inpatient services provided on October 1, 1993, and for the duration of the rate period described in Section 148.25(g)(2)(A):

A) the DRG PPS, as described in 89 Ill. Adm. Code 149, subject to the provisions of 89 Ill. Adm. Code 149.100(c)(1), or

B) the rate calculated under Section 148.260 that would have been in effect for the rate period described in Section 148.25(g)(2)(A) if the hospital had been designated as a sole community hospital on October 1, 1992.

5) For the rate periods described in Section 148.25(g)(2)(B), hospitals, as described in 89 Ill. Adm. Code 149.125(b), shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient admissions, or, if applicable, for inpatient services provided during such rate periods described in Section 148.25(g)(2)(B):

A) the DRG PPS, as described in 89 Ill. Adm. Code 149, subject to the provisions of 89 Ill. Adm. Code 149.100(c)(1), or

B) the rate calculated under Section 148.260.

g) Annual Irrevocable Election

1) Hospitals described in subsections (f)(2) and (f)(3) of this Section may elect to be reimbursed under the special arrangements described in subsections (f)(2) and (f)(3) at the beginning of each rate period.

2) Hospitals described in subsection (f)(4) of this Section may elect to be reimbursed under the special arrangements described in subsection (f)(4) effective with admissions, or, if applicable, with inpatient services
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provided, on October 1, 1993, and for the duration of the rate period described in Section 148.25(g)(2)(A).

3) Hospitals described in subsection (f)(5) of this Section may elect to be reimbursed under the special arrangements described in subsection (f)(5) at the beginning of each rate period described in Section 148.25(g)(2)(B).

4) Once a sole community hospital elects to be reimbursed under the DRG PPS, it may not later in that rate period elect to be classified as exempt. Once a sole community hospital elects to be reimbursed as exempt, it may not later in that rate period elect to be reimbursed under the DRG PPS.

5) Hospitals that, on August 31, 1991, had a contract with the Department under the Illinois Health Finance Reform Act may elect to continue to be reimbursed at rates stated in such contracts for general and specialty care. Once such election has been made, the hospital may not later in that rate period elect to be reimbursed under any other methodology.

6) Hospitals that, on August 31, 1991, had a contract with the Department under the Illinois Health Finance Reform Act and have elected to be reimbursed under the DRG PPS may not later elect to be reimbursed at rates stated in such contracts.

h) Notification of Reimbursement Methodology

1) Hospitals shall receive notification from the Department with respect to the reimbursement methodologies that shall be in effect for admissions occurring during the rate period.

2) Hospitals described in subsections (f)(2), (f)(3), (f)(4), and (f)(5) of this Section shall receive notification of their reimbursement options accompanied by a Choice of Reimbursement form. Each hospital described in subsections (f)(2), (f)(3), (f)(4), and (f)(5) shall have 30 days after the date of such notification to file, with the Department, the reimbursement method of choice for the rate period. In the event the Department has not received the hospital's Choice of Reimbursement form within 30 days after the date of notification, as described in this Section, the hospital will automatically be reimbursed for the rate period under the reimbursement methodology that would have been in effect without benefit of the election described in subsection (g) of this Section.
i) Zero Balance Bills. The Department requires a hospital to submit a bill for any inpatient service provided to an Illinois Medicaid eligible person, including newborns, regardless of payor. A "zero balance bill" is one on which the total "prior payments" are equal to or exceed the Department's liability on the claim. The Department requires that zero balance bills be submitted subsequent to discharge in the same manner as are other bills so that information can be available for the maintenance of accurate patient profiles and diagnosis-related grouping (DRG) data, and information needed for calculation of disproportionate share and other rates. The provisions of this subsection apply to all hospitals regardless of the reimbursement methodology under which they are reimbursed.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10158, effective July 1, 2004, for a maximum of 150 days)

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.115 Rural Adjustment Payments

a) Qualifying Criteria
   Rural Adjustment Payments shall be made to all qualifying general acute care hospitals that are designated as a Critical Access Hospital or a Necessary Provider, as designated by the Illinois Department of Public Health, in accordance with 42 CFR 485, Subpart F (2001), as of the first day of July in the Rural Adjustment Payment rate period.

b) Rural Adjustment Rates

   1) Inpatient Component
      For a hospital qualifying under subsection (a) of this Section, a Rural Adjustment Payment inpatient component shall be calculated as follows:

      A) Total inpatient payments, as described in subsection (d)(2) of this Section, shall be divided by the total inpatient days, as described in subsection (d)(4) of this Section, to derive an inpatient payment per day.

      B) Total inpatient charges, associated with inpatient days as described in subsection (d)(4) of this Section, shall be multiplied by the
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hospital's cost to charge ratio, as described in subsection (d)(1) of this Section, to derive total inpatient cost.

C) Total inpatient costs, as defined in subsection (b)(1)(B) of this Section, are divided by the total inpatient days, as described in subsection (d)(4) of this Section, to derive an inpatient cost per day.

D) Inpatient payment per day, as defined in subsection (b)(1)(A) of this Section, shall be subtracted from the inpatient cost per day, as described in subsection (b)(1)(C) of this Section, to derive an inpatient cost coverage deficit per day. The minimum result shall be no lower than zero.

E) Inpatient cost coverage deficit per day, as described in subsection (b)(1)(D) of this Section, shall be multiplied by the total inpatient days, as described in subsection (d)(4) of this Section, to derive a total hospital specific inpatient cost coverage deficit.

F) The inpatient cost deficits, as described in subsection (b)(1)(E) of this Section, for all qualifying hospitals, shall be summed to determine an aggregate Rural Adjustment Payment base year inpatient cost deficit.

2) Outpatient Component

For a hospital qualifying under subsection (a) of this Section, a Rural Adjustment Payment outpatient component shall be calculated as follows:

A) Total outpatient payments, as defined in subsection (d)(3) of this Section, shall be divided by the total outpatient services, as described in subsection (d)(5) of this Section, to derive an outpatient payment per service unit.

B) Total outpatient charges, associated with outpatient services, as defined in subsection (d)(5) of this Section, shall be multiplied by the hospital's cost to charge ratio, as described in subsection (d)(1) of this Section, to derive total outpatient cost.

C) Total outpatient costs, as defined in subsection (b)(2)(B) of this Section, are divided by the total outpatient services, as described in
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subsection (d)(5) of this Section, to derive an outpatient cost per service unit.

D) Outpatient payment per service unit, as defined in subsection (b)(2)(A) of this Section, shall be subtracted from the outpatient cost per service unit, as described in subsection (b)(2)(C) of this Section, to derive an outpatient cost coverage deficit per service unit. The minimum result shall be no lower than zero.

E) Outpatient cost coverage deficit per service unit, as described in subsection (b)(2)(D) of this Section, shall be multiplied by the total outpatient services, as described in subsection (d)(5) of this Section, to derive a total hospital specific outpatient cost coverage deficit.

F) The outpatient cost coverage deficits, as described in subsection (b)(2)(e) of this Section, for all qualifying hospitals, shall be summed to determine an aggregate Rural Adjustment Payment base year outpatient cost deficit.

3) Payment Methodology

A $7 million total pool shall be allocated to the program, and proportioned between inpatient services and outpatient services as follows:

A) The total inpatient cost coverage deficit, as described in subsection (b)(1)(F) of this Section, is added to the total outpatient cost coverage deficit, as described in subsection (b)(2)(F) of this Section, to derive a total Rural Adjustment Payment base year deficit.

B) The inpatient pool allocation percentage shall be the quotient of the fraction, the numerator of which is the total inpatient cost deficit, as described in subsection (b)(1)(F) of this Section, the denominator of which is the total Rural Adjustment Payment base year deficit, as described in subsection (b)(3)(A) of this Section.

C) The outpatient pool allocation percentage shall be the quotient of the fraction, the numerator of which is the total outpatient cost deficit, as described in subsection (b)(2)(F) of this Section, the denominator of which is the total Rural Adjustment Payment base year deficit, as described in subsection (b)(3)(A) of this Section.
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D) An inpatient pool allocation shall be the product of the inpatient pool allocation percentage, as described in subsection (b)(3)(B) of this Section, multiplied by the $7 million pool, as described in subsection (b)(3) of this Section.

E) The outpatient pool allocation shall be the product of the outpatient pool allocation percentage, as described in subsection (b)(3)(C) of this Section, multiplied by the $7 million pool, as described in subsection (b)(3) of this Section.

F) An inpatient residual cost coverage factor shall be the quotient of the fraction, the numerator of which shall be the inpatient pool allocation, as described in subsection (b)(3)(D) of this Section, the denominator of which shall be the total inpatient cost deficit as described in subsection (b)(1)(F) of this Section.

G) An outpatient residual cost coverage factor shall be the quotient of the fraction, the numerator of which shall be the outpatient pool allocation, as described in subsection (b)(3)(E) of this Section, the denominator of which shall be the total outpatient cost deficit as described in subsection (b)(2)(F) of this Section.

H) The hospital specific inpatient cost coverage adjustment amount shall be the product of the inpatient residual cost coverage factor, as described in subsection (b)(3)(F) of this Section, multiplied by the hospital specific inpatient cost coverage deficit, as described in subsection (b)(1)(E) of this Section.

I) The hospital specific outpatient cost coverage adjustment amount shall be the product of the outpatient residual cost coverage factor, as described in subsection (b)(3)(G) of this Section, multiplied by the hospital specific outpatient cost coverage deficit, as described in subsection (b)(2)(E) of this Section.

c) Payment to a Qualifying Hospital

1) The total annual adjustment amount to a qualified hospital shall be the sum of the hospital specific inpatient cost coverage adjustment amount, as described in subsection (b)(3)(H) of this Section, plus the hospital specific
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outpatient cost coverage adjustment amount, as described in subsection (b)(3)(I) of this Section.

2) The total annual adjustment amount shall be paid to the hospital during the Rural Adjustment Payment rate period, as described in subsection (d)(7) of this Section, on at least a quarterly basis.

d) Definitions

1) "Hospital cost to charge ratio" means the quotient of the fraction, the numerator of which is the cost as reported on Form CMS 2552, worksheet C, Part 1, column 1, row 101, the denominator of which is the charges as reported on Form CMS 2552, worksheet C, Part 1, column 8, row 101. The base year for State Fiscal Year (SFY) 2003 shall be the hospital's fiscal year 1999 Medicare cost report, and, for SFY 2004, the hospital's fiscal year 2000 cost report shall be utilized. The base year for any SFY shall be determined in this manner.

2) "Inpatient payments" shall mean all payments associated with total days provided, as described in subsection (d)(4) of this Section, and all quarterly adjustment payments paid, as described throughout Part 148, excluding the Rural Adjustment Payments described in this Section.

3) "Outpatient payments" shall mean all payments associated with total outpatient services provided, as described in subsection (d)(5) of this Section, and all quarterly adjustment payments paid, as described in this Part, excluding the Rural Adjustment Payments described in this Section.

4) "Total days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's claims data for admissions occurring in the Rural Adjustment Payment base year that were subsequently adjudicated through the last day of June preceding the Rural Adjustment Payment rate period.

5) "Total outpatient services" means the number of outpatient services provided during the Rural Adjustment Payment base year to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding services for individuals eligible for Medicare under Title XVIII.
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of that Act (Medicaid/Medicare crossover days), as tabulated from the Department’s claims data for services occurring in the Rural Adjustment Payment base year that were subsequently adjudicated through the last day of June preceding the Rural Adjustment Payment rate period.

6) "Rural Adjustment Payment base year" means, for the Rural Adjustment Payment rate period beginning October 1, 2002, SFY 2001; for the Rural Adjustment Payment rate period beginning July 1, 2003, SFY 2002. The Rural Adjustment Payment base year for subsequent rate periods shall be determined in this manner.

7) "Rural Adjustment Payment rate period" means, beginning October 1, 2002, the nine month period beginning October 1 and ending June 30 of the following year, and beginning July 1, 2003, the 12 month period beginning July 1 of that year and ending June 30 of the following year.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10158, effective July 1, 2004, for a maximum of 150 days)

Section 148.140 Hospital Outpatient and Clinic Services

a) Fee-For-Service Reimbursement

1) Reimbursement for hospital outpatient services shall be made on a fee-for-service basis, except for:

A) Those services that meet the definition of the Ambulatory Procedure Listing (APL) as described in subsection (b) of this Section.

B) End stage renal disease treatment (ESRDT) services, as described in subsection (c) of this Section.

C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D).

D) Those services provided by a Critical Clinic Provider as described in subsection (e) of this Section.
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2) Except for the procedures under the APL groupings described in subsection (b) of this Section, fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.

3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in subsection (a)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

4) Maternal and Child Health Program rates, as described in 89 Ill. Adm. Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C), and Section 148.25(b)(5)(C). Maternal and Child Health Program rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Maternal and Child Health Program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).

5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89
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Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.

6) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

7) With the exception of the retrospective adjustment described in subsection (a)(3) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this Section.

b) Ambulatory Procedure Listing (APL)

Effective July 1, 2004, the Department will reimburse hospitals for certain hospital outpatient procedures as described in subsection (b)(1) of this Section.

1) APL Groupings

Under the APL, a list was developed that defines those technical procedures that require the use of the hospital outpatient setting, its technical staff or equipment. These procedures are separated into separate groupings based upon the complexity and historical costs of the procedures. The groupings are as follows:

A) Surgical Groups

i) Surgical group 1(a) consists of intense surgical procedures. Group 1(a) surgeries require an operating suite with continuous patient monitoring by anesthesia personnel. This level of service involves advanced specialized skills and highly technical operating room personnel using high technology equipment. The rate for this procedure shall be $1,709.00.

ii) Surgical group 1(b) consists of moderately intense surgical procedures. Group 1(b) surgeries generally require the use of an operating room suite or an emergency room treatment suite, along with continuous monitoring by anesthesia personnel and some specialized equipment. The rate for this procedure shall be $999.00.

iii) Surgical group 1(c) consists of low intensity surgical
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procedures. Group 1(c) surgeries may be done in an operating suite or an emergency room and require relatively brief operating times. Such procedures may be performed for evaluation or diagnostic reasons. The rate for this procedure shall be $716.00 / $752.00.

iv) Surgical group 1(d) consists of surgical procedures of very low intensity. Group 1(d) surgeries may be done in an operating room or emergency room, have a low risk of complications, and include some physician-administered diagnostic and therapeutic procedures. The rate for this procedure shall be $273.00 / $287.00.

B) Diagnostic and Therapeutic Groups

i) Diagnostic and therapeutic group 2(a) consists of advanced or evolving technologically complex diagnostic or therapeutic procedures. Group 2(a) procedures are typically invasive and must be administered by a physician. The rate for this procedure shall be $896.00 / $941.00.

ii) Diagnostic and therapeutic group 2(b) consists of technologically complex diagnostic and therapeutic procedures that are typically non-invasive. Group 2(b) procedures typically include radiological consultation or a diagnostic study. The rate for this procedure shall be $290.00 / $304.00.

iii) Diagnostic and therapeutic group 2(c) consists of other diagnostic tests. Group 2(c) procedures are generally non-invasive and may be administered by a technician and monitored by a physician. The rate for this procedure shall be $168.00 / $176.00.

iv) Diagnostic and therapeutic group 2(d) consists of therapeutic procedures. Group 2(d) procedures typically involve parenterally administered therapeutic agents. Either a nurse or a physician is likely to perform such procedures. The rate for this procedure shall be $130.00 / $136.00.
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C) Group 3 reimbursement for services provided in a hospital emergency department will be made in accordance with one of the three levels described in this Section. Emergency Services mean those services that are for a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect that the absence of immediate attention would result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions or serious dysfunction of any bodily organ or part. The determination of the level of service reimbursable by the Department shall be based upon the circumstances at the time of the initial examination, not upon the final determination of the client's actual condition, unless the actual condition is more severe.

i) Emergency Level I refers to Emergency Services provided in the hospital's emergency department for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries that pose an immediate significant threat to life or physiologic function or requires an intense level of physician or nursing intervention. An"intense level" is defined as more than two hours of documented one-on-one nursing care or interactive treatment. The rate for this service shall be $172.00.

ii) Emergency Level II refers to Emergency Services that do not meet the definition in this Section of Emergency Level I care, but that are provided in the hospital emergency department for a medical condition manifesting itself by acute symptoms of sufficient severity. The rate for this service shall be $64.00.

iii) Non-Emergency/Screening Level means those services provided in the hospital emergency department that do not meet the requirements of Emergency Level I or II stated in this Section. For such care, the Department will reimburse the hospital either applicable current FFS rates for the services provided or a screening fee, but not both. The rate for this service shall be $25.00.
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D) Group 4 for observation services is established to reimburse such services that are provided when a patient's current condition does not warrant an inpatient admission but does require an extended period of observation in order to evaluate and treat the patient in a setting that provides ancillary resources for diagnosis or treatment with appropriate medical and skilled nursing care. The hospital may bill for both observation and other APL procedures but will be reimbursed only for the procedure (group) with the highest reimbursement rate. Observation services will be reimbursed under one of three categories:

i) for at least 60 minutes but less than six hours and 31 minutes of services, the rate shall be $70.00; or

ii) for at least six hours and 31 minutes but less than 12 hours and 31 minutes of services, the rate shall be $211.00; or

iii) for at least 12 hours and 31 minutes or more of services, the rate shall be $422.00.

E) Group 5 for psychiatric treatment services is established to reimburse for certain outpatient treatment psychiatric services that are provided by a hospital that is enrolled with the Department to provide inpatient psychiatric services. Under this group, the Department will reimburse, at different rates, Type A and Type B Psychiatric Clinic Services, as defined in Section 148.40(d)(1). A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

i) The rate for Type A psychiatric clinic services shall be $68.00.

ii) The rate for Type A psychiatric clinic services provided by a Children's Hospital shall be $102.00.

iii) The rate for Type B psychiatric clinic services shall be $101.00.
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iv) The rate for Type B psychiatric clinic services provided by a Children's Hospital shall be $102.00.

F) Group 6 for physical rehabilitation services is established to reimburse for certain outpatient physical rehabilitation services. Under this group, the Department will reimburse for services provided by a hospital enrolled with the Department to provide outpatient-physical rehabilitation services at a different rate than will be reimbursed for physical rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation services. A different rate will also be reimbursed to children's hospitals as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

i) The rate for rehabilitation services provided by a hospital enrolled with the Department to provide outpatient physical rehabilitation shall be $130.00.

ii) The rate for rehabilitation services provided by a hospital that is not enrolled with the Department to provide physical rehabilitation shall be $115.00.

iii) The rate for rehabilitation services provided by Children's Hospitals shall be $130.00.

2) Each of the groups described in subsection (b)(1) of this Section will be reimbursed by the Department considering the following:

A) The Department will provide cost outlier payments for specific devices and drugs associated with specific APL procedures. Such payments will be made if:

i) The device or drug is on an approved list maintained by the Department. In order to be approved, the Department will consider requests from medical providers and shall base its decision on medical appropriateness of the device or drug and the costs of such device or drug; and

ii) The provision of such devices or drugs is deemed to be medically appropriate for a specific client, as determined by the Department's physician consultants.
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B) Additional payment for such devices or drugs, as described in subsection (b)(2)(A) of this Section, will require prior authorization by the Department unless it is determined by the Department's professional medical staff that prior authorization is not warranted for a specific device or drug. When such prior authorization has been denied for a specific device or drug, the decision may be appealed as allowed by 89 Ill. Adm. Code 102.80(a)(7) and in accordance with the provisions for assistance appeals at 89 Ill. Adm. Code 104.

C) The amount of additional payment for devices or drugs, as described in subsection (b)(2)(A) of this Section, will be based on the following methodology:

i) The product of a cost to charge ratio that, in the case of cost reporting hospitals as described in Section 148.130(d), or in the case of other non-cost reporting providers, equals 0.5 multiplied by the provider's total covered charges on the qualifying claim, less the APL payment rate multiplied by four;

ii) If the result of subsection (b)(2)(C)(i) of this Section is less than or equal to zero, no additional payment will be made. If the result is greater than zero, the additional payment will equal the result of subsection (b)(2)(C)(i) of this Section, multiplied by 80 percent. In such cases, the provider will receive the sum of the APL payment and the additional payment for such high cost devices or drugs.

D) For county-owned hospitals located in an Illinois county with a population greater than three million, reimbursement rates for each of the reimbursement groups shall be equal to the amounts described in subsection (b)(1) of this Section multiplied by a factor of 2.72, except that physical rehabilitation services provided by a general care hospital not enrolled with the Department to provide outpatient physical rehabilitation services shall be reimbursed at a rate of $230.00 and the reimbursement rate for Type B psychiatric clinic services shall be $224.00.

E) Reimbursement rates for hospitals not required to file an annual
cost report with the Department may be lower than those listed in this Section.

F) Reimbursement for each APL group described in this subsection (b) shall be all-inclusive for all services provided by the hospital, regardless of the amount charged by a hospital. No separate reimbursement will be made for ancillary services or the services of hospital personnel. Exceptions to this provision are that hospitals shall be allowed to bill separately, on a fee-for-service basis, for professional outpatient services of a physician providing direct patient care who is salaried by the hospital, and occupational or speech therapy services provided in conjunction with rehabilitation services as described in subsection (b)(1)(F) of this Section. For the purposes of this Section, a salaried physician is a physician who is salaried by the hospital; a physician who is reimbursed by the hospital through a contractual arrangement to provide direct patient care; or a group of physicians with a financial contract to provide emergency department care. Under APL reimbursement, salaried physicians do not include radiologists, pathologists, nurse practitioners, or certified registered nurse anesthetists and no separate reimbursement will be allowed for such providers.

3) The assignment of procedure codes to each of the reimbursement groups in subsection (b)(1) of this Section are detailed in the Department's Hospital Handbook and in notices to providers.

4) A one-time fiscal year 2000 payment will be made to hospitals. Payment will be based upon the services, specified in this Section, provided on or after July 1, 1998, and before July 1, 1999, which were submitted to the Department and determined eligible for payment (adjudicated) by the Department on or prior to April 30, 2000, excluding services for Medicare/Medicaid crossover claims and claims which resulted in a zero payment by the Department. A one-time amount of:

A) $27.75 will be paid for each service for procedure code W7183 (Psychiatric clinic Type A for adults).

B) $24.00 will be paid for each service for APL Group 5 (Psychiatric clinic Type A only) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).
C) $15.00 will be paid for each service for APL Group 6 (Physical rehabilitation services) provided by a children's hospital as defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

5) County Facility Outpatient Adjustment

A) Effective for services provided on or after July 1, 1995, county owned hospitals in an Illinois county with a population of over three million shall be eligible for a county facility outpatient adjustment payment. This adjustment payment shall be in addition to the amounts calculated under this Section and are calculated as follows:

i) Beginning with July 1, 1995, hospitals under this subsection shall receive an annual adjustment payment equal to total base year hospital outpatient costs trended forward to the rate year minus total estimated rate year hospital outpatient payments, multiplied by the resulting ratio derived when the value 200 is divided by the quotient of the difference between total base year hospital outpatient costs trended forward to the rate year and total estimated rate year hospital outpatient payments divided by one million.

ii) The payment calculated under this subsection (b)(5)(A) may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations.

iii) The county facility outpatient adjustment under this subsection shall be made on a quarterly basis.

B) County Facility Outpatient Adjustment Definition. The definitions of terms used with reference to calculation of the county facility outpatient adjustment are as follows:

i) "Base Year" means the most recently completed State fiscal year.

ii) "Rate Year" means the State fiscal year during which the
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county facility adjustment payments are made.

iii) "Total Estimated Rate Year Hospital Outpatient Payments" means the Department's total estimated outpatient date of service liability, projected for the upcoming rate year.

iv) "Total Hospital Outpatient Costs" means the statewide sum of all hospital outpatient costs derived by summing each hospital's outpatient charges derived from actual paid claims data multiplied by the hospital's cost-to-charge ratio.

6) No Year-End Reconciliation
With the exception of the retrospective rate adjustment described in subsection (b)(8) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (b).

7) Rate Adjustments
With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(5) of this Section shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in subsection (b)(5) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

8) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.
Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:

1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.

2) For outpatient services or home dialysis treatments provided pursuant to Section 148.40(c)(2) or (c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163 (1994). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 and 413.170 (1994).

3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Section 148.40(c)(2) or (c)(3) but are not defined as a routine service under 42 CFR 405.2163 (1994), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and 140.475 through 140.481, respectively.

4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.

5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent
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annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

6) With the exception of the retrospective rate adjustment described in subsection (c)(5) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).

7) Hospitals described in Section 148.25(b)(2)(A) and (b)(2)(B) of this Section shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

d) Non Hospital-Based Clinic Reimbursement

1) County-Operated Outpatient Facility Reimbursement

Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as either a Maternal and Child Health Program managed care clinics, as described in 89 Ill. Adm. Code 140.461(f), or as a Critical Clinic Provider, as described in subsection (e) of this Section, shall be on an all-inclusive per encounter rate basis as follows:

A) Base Rate. The per encounter base rate shall be calculated as follows:

i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.

ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.

iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) of this Section, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) of this Section to determine the per encounter base rate.
iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) of this Section, shall be the per encounter base rate.

B) Supplemental Rate

i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.

ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter.

iii) The quotient derived in subsection (d)(1)(B)(i) of this Section, shall be added to the product derived in subsection (d)(1)(B)(ii) of this Section, to determine the per encounter supplemental rate.

iv) The resulting sum, as described in subsection (d)(1)(B)(iii) of this Section, shall be the per encounter supplemental rate.

C) Final Rate

i) The per encounter base rate, as described in subsection (d)(1)(A)(iv) of this Section, shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv) of this Section, to determine the per encounter final rate.

ii) The resulting sum, as determined in subsection (d)(1)(C)(i) of this Section, shall be the per encounter final rate.

iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) of this Section, shall be adjusted in accordance with subsection (d)(2) of this Section.

2) Rate Adjustments
Rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) of this Section, shall be calculated as follows:
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A) The reimbursement rates described in subsections (d)(1)(A) through (d)(1)(C) and (e)(2) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

C) The final rate described in subsection (d)(1)(C) of this Section shall be no less than $147.09 per encounter.

3) County-operated outpatient facilities, as described in Section 148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).

4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

e) Critical Clinic Providers

1) Effective for services provided on or after September 27, 1997, a clinic owned or operated by a county with a population of over three million, that is within or adjacent to a hospital, shall qualify as a Critical Clinic Provider if the facility meets the efficiency standards established by the Department. The Department's efficiency standards under this subsection (e) require that the quotient of total encounters per facility fiscal year for
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the Critical Clinic Provider divided by total full time equivalent physicians providing services at the Critical Clinic Provider shall be greater than:

A) 2700 for reimbursement provided during the facility's cost reporting year ending during 1998,

B) 2900 for reimbursement provided during the facility's cost reporting year ending during 1999,

C) 3100 for reimbursement provided during the facility's cost reporting year ending during 2000,

D) 3600 for reimbursement provided during the facility's cost reporting year ending during 2001, and

E) 4200 for reimbursement provided during the facility's cost reporting year ending during 2002.

2) Reimbursement for all services provided by any Critical Clinic Provider shall be on an all-inclusive per-encounter rate which shall equal reported direct costs of Critical Clinic Providers for each facility's cost reporting period ending in 1995, and available to the Department as of September 1, 1997, divided by the number of Medicaid services provided during that cost reporting period as adjudicated by the Department through July 31, 1997.

3) Critical Clinic Providers, as described in this subsection (e), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (e).

4) The reimbursement rates described in this subsection (e) shall be no less than the reimbursement rates in effect on July 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

f) Critical Clinic Provider Pharmacies
Prescribed drugs, dispensed by a pharmacy that is a Critical Clinic Provider, that are not part of an encounter reimbursable under subsection (e) of this Section shall be reimbursed at the rate described in subsection (e)(2) of this Section.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10158, effective July 1, 2004, for a maximum of 150 days)

Section 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements

a) Utilization Review

The Department, or its designated peer review organization, shall conduct utilization review in compliance with Section 1152 of the Social Security Act and 42 CFR Subchapter F (October 1, 2001). A peer review shall be conducted by a Physician Peer Reviewer who is licensed to practice medicine in all its branches, engaged in the active practice of medicine, board certified or board eligible in his or her specialty and has admitting privileges in one or more Illinois hospitals. Payment will only be made for those admissions and days approved by the Department or its designated peer review organization. Utilization review may consist of, but not be limited to, preadmission, concurrent, prepayment, and postpayment reviews to determine, pursuant to 42 CFR Part 476, Subpart C (October 1, 2001), the following:

1) Whether the services are or were reasonable and medically necessary for the diagnosis and treatment of illness or injury;

2) The medical necessity, reasonableness and appropriateness of hospital admissions and discharges, including, but not limited to, the coordination of care requirements defined in Section 148.40(a)(10) for the Children’s Mental Health Screening, Assessment and Support Services (SASS) Program;

3) Through DRG (Diagnosis Related Grouping) (see 89 Ill. Adm. Code 149) validation, the validity of diagnostic and procedural information supplied by the hospital;

4) The completeness, adequacy and quality of hospital care provided;

5) Whether the quality of the services meets professionally recognized standards of health care; or
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6) Whether those services furnished or proposed to be furnished on an inpatient basis could, consistent with the provisions of appropriate medical care, be effectively furnished more economically on an outpatient basis or in an inpatient health care facility of a different type.

b) Notice of Utilization Review
The Department shall provide hospitals with notice 30 days before a service is subject to utilization review, as described in subsections (c), (d), (e) and (f) of this Section, that the service is subject to such review. In determining whether a particular service is subject to utilization review, the Department may consider factors that include:

1) Assessment of appropriate level of care;
2) The service could be furnished more economically on an outpatient basis;
3) The inpatient hospital stays for the service deviate from the norm for inpatient stays using accepted length of stay criteria;
4) The cost of care for the service;
5) Denial rates; and
6) Trends or patterns that indicate potential for abuse.

c) Preadmission Review
Preadmission review may be conducted prior to admission to a hospital to determine if the services are appropriate for an inpatient setting. The Department shall provide hospitals with notice of the criteria used to determine medical necessity in preadmission reviews 30 days before a service is subject to preadmission review.

d) Concurrent Review
Concurrent review consists of a certification of admission and, if applicable, a continued stay review.

1) The certification of admission is performed to determine the medical necessity of the admission and to assign an initial length of stay based on the criteria for the admission.
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2) The continued stay review is conducted to determine the medical necessity and appropriateness of continuing the inpatient hospitalization. More than one continued stay review can be performed in an inpatient stay.

e) Prepayment Review
The Department may require hospitals to submit claims to the Department for prepayment review and approval prior to rendering payment for services provided.

f) Postpayment Review
Postpayment review shall be conducted on a random sample of hospital stays following reimbursement to the hospital for the care provided. The Department may also conduct postpayment review on specific types of care.

g) Hospital Utilization Control
Hospitals and distinct part units that participate in Medicare (Title XVIII) must use the same utilization review standards and procedures and review committee for Medicaid as they use for Medicare. Hospitals and distinct part units that do not participate in Medicare (Title XVIII) must meet the utilization review plan requirements in 42 CFR, Ch. IV, Part 456 (October 1, 2001). Utilization control requirements for inpatient psychiatric hospital care in a psychiatric hospital, as defined in 89 Ill. Adm. Code 149.50(c)(1) shall be in accordance with the federal regulations.

h) Denial of Payment as a Result of Utilization Review

1) If the Department determines, as a result of utilization review, that a hospital has misrepresented admissions, length of stay, discharges, or billing information, or has taken an action that results in the unnecessary admission or inappropriate discharge of a program participant, unnecessary multiple admissions of a program participant, unnecessary transfer of a program participant, or other inappropriate medical or other practices with respect to program participants or billing for services furnished to program participants, the Department may, as appropriate:

A) Deny payment (in whole or in part) with respect to inpatient hospital services provided with respect to such an unnecessary admission, inappropriate length of stay or discharge, subsequent readmission or transfer of an individual or failure to comply with the coordination of care requirements of Section 148.40.
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B) Require the hospital to take action necessary to prevent or correct the inappropriate practice.

2) When payment with respect to the discharge of an individual patient is denied by the Department or its designated peer review organization, under subsection (h)(1)(A) of this Section as a result of prepayment review, a reconsideration will be provided within 30 days upon the request of a hospital or physician if such request is the result of a medical necessity or appropriateness of care denial determination and is received within 60 days after receipt of the notice of denial. The date of the notice of denial is counted as day one.

3) When payment with respect to the discharge of an individual patient is denied by the Department or its designated peer review organization under subsection (h)(1)(A) of this Section as a result of a preadmission or concurrent review, the hospital or physician may request an expedited reconsideration. The request for expedited reconsideration must include all the information, including the medical record, needed for the Department or its designated peer review organization to make its determination. A determination on an expedited reconsideration request shall be completed within one business day after the Department's or its designated peer review organization's receipt of the request. Failure of the hospital or physician to submit all needed information shall toll the time in which the reconsideration shall be completed. The results of the expedited reconsideration shall be communicated to the hospital by telephone within one business day and in writing within three business days after the determination.

4) A determination under subsection (h)(1) of this Section, if it is related to a pattern of inappropriate admissions, length of stay and billing practices that has the effect of circumventing the prospective payment system, may result in:

A) withholding Medicaid payment (in full or in part) to the hospital until the hospital provides adequate assurances of compliance; or

B) termination of the hospital's Provider Agreement.

i) Furnishing of Inpatient Hospital Services Directly or Under Other Arrangements

1) The applicable payments made under Sections 148.82, 148.120, 148.130,
148.150, 148.160, 148.170, 148.175 and 148.250 through 148.300 are payment in full for all inpatient hospital services other than for the services of nonhospital-based physicians to individual program participants and the services of certain hospital-based physicians as described in subsections (i)(1)(B)(i) through (i)(1)(B)(v) of this Section.

A) Hospital-based physicians who may not bill separately on a fee-for-service basis:

i) A physician whose salary is included in the hospital's cost report for direct patient care may not bill separately on a fee-for-service basis.

ii) A teaching physician who provides direct patient care may not bill separately on a fee-for-service basis if the salary paid to the teaching physician by the hospital or other institution includes a component for treatment services.

B) Hospital-based physicians who may bill separately on a fee-for-service basis:

i) A physician whose salary is not included in the hospital's cost report for direct patient care may bill separately on a fee-for-service basis.

ii) A teaching physician who provides direct patient care may bill separately on a fee-for-service basis if the salary paid to the teaching physician by the hospital or other institution does not include a component for treatment services.

iii) A resident may bill separately on a fee-for-service basis when, by the terms of his or her contract with the hospital, he or she is permitted to and does bill private patients and collect and retain the payments received for those services.

iv) A hospital-based specialist who is salaried, with the cost of his or her services included in the hospital reimbursement costs, may bill separately on a fee-for-service basis when, by the terms of his or her contract with the hospital, he or she may charge for professional services and do, in fact, bill private patients and collect and retain the payments.
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received.

v) A physician holding a nonteaching administrative or staff position in a hospital or medical school may bill separately on a fee-for-service basis to the extent that he or she maintains a private practice and bills private patients and collects and retains payments made.

2) Charges are to be submitted on a fee-for-service basis only when the physician seeking reimbursement has been personally involved in the services being provided. In the case of surgery, it means presence in the operating room, performing or supervising the major phases of the operation, with full and immediate responsibility for all actions performed as a part of the surgical treatment.

j) "Designated peer review organization" means an organization designated by the Department that is experienced in utilization review and quality assurance, which meets the guidelines in Section 1152 of the Social Security Act and 42 CFR 475 (October 1, 2001).

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10158, effective July 1, 2004, for a maximum of 150 days)

Section 148.283 Excellence in Alzheimer's Disease Center Treatment Payments

Payments for Qualified Academic Medical Center Hospitals that are designated by the National Institutes of Aging as an Alzheimer's Disease Core (or Research) Center shall be made for inpatient admissions occurring on or after July 1, 2004, as follows:

a) Subject to the availability of funds within the Alzheimer's Disease Center Clinical Fund, payments shall be made to qualified hospitals under the following criteria:

1) Each institution defined as a Qualified Academic Medical Center Hospital – Pre 1996 Designation shall be eligible for payments from the Alzheimer's Disease Center Clinical Fund.

A) Hospitals that qualify under the Qualified Academic Medical Center Hospital – Pre 1996 Designation shall be paid a rate of $55.50 for each Medicaid inpatient day of care.
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B) No qualifying hospital shall receive payments under this Section that exceed $1,200,000.

2) Payments under this Section shall be made at least quarterly.

b) Subject to the availability of funds within the Alzheimer's Disease Center Expanded Clinical Fund, payments shall be made to qualified hospitals under the following criteria:

1) Each institution defined as a Qualified Academic Medical Center Hospital – Pre 1996 Designation or as a Qualified Academic Medical Center Hospital – Post 1996 Designation shall be eligible for payments from the Alzheimer's Disease Center Expanded Clinical Fund.

A) Hospitals that are defined as a Qualifying Academic Medical Center Hospital – Pre 1996 Designation shall be paid $13.90 for each Medicaid inpatient day of care.

B) Hospitals that are defined as a Qualifying Academic Medical Center Hospital – Post 1996 Designation and do not meet the Pre 1996 Designation criterion shall be paid $10.75 for each Medicaid inpatient day of care.

C) Hospitals that qualify under the Pre and Post 1996 Designation shall qualify for payments under this Section according to the payment guidelines for Pre 1996 Designated hospitals.

D) No qualifying hospital shall receive payments under this Section that exceed $300,000.

2) Payments under this Section shall be made at least quarterly.

c) Definitions

1) "Academic medical center hospital" means a hospital located in Illinois that is either under common ownership with the college of medicine of a college or university, or a free standing hospital for which the majority of the clinical chiefs of service are department chairmen in the affiliated medical school.
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2) "Qualified Academic Medical Center Hospital – Pre 1996 Designation" means any academic medical center hospital that was designated by the National Institutes of Health and National Institutes on Aging as an Alzheimer's Disease Core (or Research) Center prior to calendar year 1996.

3) "Qualified Academic Medical Center Hospital – Post 1996 Designation" means any academic medical center hospital that was designated by the National Institutes of Health and National Institutes on Aging as an Alzheimer's Disease Core (or Research) Center in or after calendar year 1996 through calendar year 2003.

4) "Medicaid inpatient day of care" means each day contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring during State fiscal year 1998 and adjudicated through June 30, 1999.

(Source: Added by emergency rulemaking at 28 Ill. Reg. 10158, effective July 1, 2004, for a maximum of 150 days)

Section 148.295 Critical Hospital Adjustment Payments (CHAP)

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Critical Hospital Adjustment Payments (CHAP) shall be made to all eligible hospitals excluding county-owned hospitals, as described in Section 148.25(b)(1)(A), unless otherwise noted in this Section, and hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), for inpatient admissions occurring on or after July 1, 1998, in accordance with this Section.

a) Trauma Center Adjustments (TCA)
The Department shall make a TCA to Illinois hospitals recognized, as of the first day of July in the CHAP rate period, as a Level I or Level II trauma center by the Illinois Department of Public Health (IDPH) in accordance with the provisions of subsections (a)(1) through (a)(3) of this Section.

1) Level I Trauma Center Adjustment.

A) Criteria. Illinois hospitals that, on the first day of July in the CHAP rate period, are recognized as a Level I trauma center by the
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Illinois Department of Public Health shall receive the Level I trauma center adjustment.

B) Adjustment. Illinois hospitals meeting the criteria specified in subsection (a)(1)(A) of this Section shall receive an adjustment as follows:

i) Hospitals with Medicaid trauma admissions equal to or greater than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of $21,365.00 per Medicaid trauma admission in the CHAP base period.

ii) Hospitals with Medicaid trauma admissions less than the mean Medicaid trauma admissions, for all hospitals qualifying under subsection (a)(1)(A) of this Section, shall receive an adjustment of $14,165.00 per Medicaid trauma admission in the CHAP base period.

2) Level II Rural Trauma Center Adjustment. Illinois rural hospitals, as defined in Section 148.25(g)(3), that, on the first day of July in the CHAP rate period, are recognized as a Level II trauma center by the Illinois Department of Public Health shall receive an adjustment of $11,565.00 per Medicaid trauma admission in the CHAP base period.

3) Level II Urban Trauma Center Adjustment. Illinois urban hospitals, as described in Section 148.25(g)(4), that, on the first day of July in the CHAP rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of $11,565.00 per Medicaid trauma admission in the CHAP base period, provided that such hospital meets the criteria described below:

A) The hospital is located in a county with no Level I trauma center; and

B) The hospital is located in a Health Professional Shortage Area (HPSA) (42 CFR 5), as of the first day of July in the CHAP rate period, and has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (a)(3) of this Section; or the hospital is not located in an HPSA and has a Medicaid trauma admission percentage that is at
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least the mean plus one standard deviation of the individual facility values determined in subsection (a)(3) of this Section.

b) Rehabilitation Hospital Adjustment (RHA)
Illinois hospitals that, on the first day of July in the CHAP rate period, qualify as rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), and that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), shall receive a rehabilitation hospital adjustment in the CHAP rate period that consists of the following three components:

1) Treatment Component. All hospitals defined in subsection (b) of this Section shall receive $4,215.00 per Medicaid Level I rehabilitation admission in the CHAP base period.

2) Facility Component. All hospitals defined in subsection (b) of this Section shall receive a facility component that shall be based upon the number of Medicaid Level I rehabilitation admissions in the CHAP base period as follows:

   A) Hospitals with fewer than 60 Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of $229,360.00 in the CHAP rate period.

   B) Hospitals with 60 or more Medicaid Level I rehabilitation admissions in the CHAP base period shall receive a facility component of $527,528.00 in the CHAP rate period.

3) Health Professional Shortage Area Adjustment Component. Hospitals defined in subsection (b) of this Section that are located in an HPSA on July 1, 1999, shall receive $276.00 per Medicaid Level I rehabilitation inpatient day in the CHAP base period.

c) Direct Hospital Adjustment (DHA) Criteria

1) Qualifying Criteria
Hospitals may qualify for the DHA under this subsection (c) under the following categories:

   A) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals
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and long term stay hospitals, all other hospitals located in Health Service Area (HSA) 6 that either:

i) were eligible for Direct Hospital Adjustments under the CHAP program as of July 1, 1999, and had a Medicaid inpatient utilization rate (MIUR) equal to or greater than the statewide mean in Illinois on July 1, 1999;

ii) were eligible under the Supplemental Critical Hospital Adjustment Payment (SCHAP) program as of July 1, 1999, and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999; or

iii) were county owned hospitals as defined in 89 Ill. Adm. Code 148.25(b)(1)(A), and had an MIUR equal to or greater than the statewide mean in Illinois on July 1, 1999.

B) Illinois hospitals located outside of HSA 6 that had an MIUR greater than 60 percent on July 1, 1999, and an average length of stay less than ten days. The following hospitals are excluded from qualifying under this subsection (c)(1)(B): children's hospitals; psychiatric hospitals; rehabilitation hospitals; and long term stay hospitals.

C) Children's hospitals, as defined under 89 Ill. Adm. Code 149.50(c)(3), on July 1, 1999.

D) Illinois teaching hospitals, with more than 40 graduate medical education programs on July 1, 1999, not qualifying in subsection (c)(1)(A), (B), or (C) of this Section.

E) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals qualifying in subsection (c)(1)(A), (B), (C) or (D) of this Section, all other hospitals located in Illinois that had an MIUR equal to or greater than the mean plus one-half standard deviation on July 1, 1999, and provided more than 15,000 Total days.

F) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals,
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long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A), (B), (C), (D), or (E) of this Section, all other hospitals that had an MIUR greater than 40 percent on July 1, 1999, and provided more than 7,500 Total days and provided obstetrical care as of July 1, 2001.

G) Illinois teaching hospitals with 25 or more graduate medical education programs on July 1, 1999, that are affiliated with a Regional Alzheimer's Disease Assistance Center as designated by the Alzheimer's Disease Assistance Act [410 ILCS 405/4], that had an MIUR less than 25 percent on July 1, 1999, and provided 75 or more Alzheimer days for patients diagnosed as having the disease.

H) Except for hospitals operated by the University of Illinois, children's hospitals, psychiatric hospitals, rehabilitation hospitals, long term stay hospitals and hospitals otherwise qualifying in subsection (c)(1)(A) through (c)(1)(G) of this Section, all other hospitals that had an MIUR greater than 50 percent on July 1, 1999.

2) DHA Rates

A) For hospitals qualifying under subsection (c)(1)(A) of this Section, the DHA rates are as follows:

i) Hospitals that have a Combined MIUR that is equal to or greater than the Statewide mean Combined MIUR, but less than one standard deviation above the Statewide mean Combined MIUR, will receive $69.00 per day for hospitals that do not provide obstetrical care and $105.00 per day for hospitals that do provide obstetrical care.

ii) Hospitals that have a Combined MIUR that is equal to or greater than one standard deviation above the Statewide mean Combined MIUR, but less than one and one-half standard deviation above the Statewide mean Combined MIUR, will receive $105.00 per day for hospitals that do not provide obstetrical care and $142.00 per day for hospitals that do provide obstetrical care.
iii) Hospitals that have a Combined MIUR that is equal to or greater than one and one-half standard deviation above the Statewide mean Combined MIUR, but less than two standard deviations above the Statewide mean Combined MIUR, will receive $124.00 per day for hospitals that do not provide obstetrical care and $160.00 per day for hospitals that do provide obstetrical care.

iv) Hospitals that have a Combined MIUR that is equal to or greater than two standard deviations above the Statewide mean Combined MIUR will receive $142.00 per day for hospitals that do not provide obstetrical care and $179.00 per day for hospitals that do provide obstetrical care.

B) Hospitals qualifying under subsection (c)(1)(A) of this Section will also receive the following rates:

i) County owned hospitals as defined in Section 148.25 with more than 30,000 Total days will have their rate increased by $455.00 per day.

ii) Hospitals that are not county owned with more than 30,000 Total days will have their rate increased by $330.00 per day.

iii) Hospitals with more than 80,000 Total days will have their rate increased by an additional $423.00 per day.

iv) Hospitals with more than 4,500 Obstetrical days will have their rate increased by $101.00 per day.

v) Hospitals with more than 5,500 Obstetrical days will have their rate increased by an additional $194.00 per day.

vi) Hospitals with an MIUR greater than 74 percent will have their rate increased by $147.00 per day.

vii) Hospitals with an average length of stay less than 3.9 days will have their rate increased by $41.00 per day.
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viii) Hospitals with an MIUR greater than the statewide mean plus one standard deviation that are designated a Perinatal Level 2 Center and have one or more obstetrical graduate medical education programs as of July 1, 1999, will have their rate increased by $227.00 per day.

ix) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an average length of stay less than four days will have their rate increased by $182.25 per day.

x) Hospitals receiving payments under subsection (c)(2)(A)(ii) of this Section that have an MIUR greater than 60 percent will have their rate increased by $202.00 per day.

xi) Hospitals receiving payments under subsection (c)(2)(A)(iv) of this Section that have an MIUR greater than 70 percent and have more than 20,000 days will have their rate increased by $98.00 per day.

C) Hospitals qualifying under subsection (c)(1)(B) of this Section will receive the following rates:

i) Qualifying hospitals will receive a rate of $421.00 per day.

ii) Qualifying hospitals with more than 1,500 Obstetrical days will have their rate increased by $369.00 per day.

D) Hospitals qualifying under subsection (c)(1)(C) of this Section will receive the following rates:

i) Hospitals will receive a rate of $28.00 per day.

ii) Hospitals located in Illinois and outside of HSA 6 that have an MIUR greater than 60 percent will have their rate increased by $55.00 per day.

iii) Hospitals located in Illinois and inside HSA 6 that have an MIUR greater than 80 percent will have their rate increased by $573.00 per day.
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iv) Hospitals that are not located in Illinois that have an MIUR greater than 45 percent will have their rate increased by $32.00 per day for hospitals that have fewer than 4,000 Total days; or $246.00 per day for hospitals that have more than 4,000 Total days but fewer than 8,000 Total days; or $178.00 per day for hospitals that have more than 8,000 Total days.

v) Hospitals with more than 3,200 Total admissions will have their rate increased by $248.00 per day.

E) Hospitals qualifying under subsection (c)(1)(D) of this Section will receive the following rates:

i) Hospitals will receive a rate of $41.00 per day.

ii) Hospitals with an MIUR between 18 percent and 19.75 percent will have their rate increased by an additional $14.00 per day.

iii) Hospitals with an MIUR equal to or greater than 19.75 percent will have their rate increased by an additional $87.00 per day.

iv) Hospitals with a combined MIUR that is equal to or greater than 35 percent will have their rate increased by an additional $41.00 per day.

F) Hospitals qualifying under subsection (c)(1)(E) of this Section will receive $188.00 per day.

G) Hospitals qualifying under subsection (c)(1)(F) of this Section will receive a rate of $55.00 per day.

H) Hospitals that qualify under subsection (c)(1)(G) of this Section will receive the following rates:

i) Hospitals with an MIUR greater than 19.75 percent will receive a rate of $69.00 per day.
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ii) Hospitals with an MIUR equal to or less than 19.75 percent will receive a rate of $11.00 per day.

H) Hospitals qualifying under subsection (c)(1)(H) of this Section will receive a rate of $268.00 per day.

I) Hospitals that qualify under subsection (c)(1)(A)(iii) of this Section will have their rates multiplied by a factor of two. The payments calculated under this Section to hospitals that qualify under subsection (c)(1)(A)(iii) of this Section may be adjusted by the Department to ensure compliance with aggregate and hospital specific federal payment limitations. A portion of the payments calculated under this Section may be classified as disproportionate share adjustments for hospitals qualifying under subsection (c)(1)(A)(iii) of this Section.

3) DHA Payments

A) Payments under this subsection (c) will be made at least quarterly, beginning with the quarter ending December 31, 1999.

B) Payment rates will be multiplied by the Total days.

C) Total Payment Adjustments

i) For the CHAP rate period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (c)(2) of this Section. For the period April 1, 2004, to June 30, 2004, payment will equal the State fiscal year 2004 amount less the amount the hospital received under DHA for the quarters ending September 30, 2003, December 31, 2003, and March 31, 2004.

ii) For CHAP rate periods occurring after State fiscal year 2004, total payments will equal the methodologies described in subsection (c)(2) of this Section.

d) Rural Critical Hospital Adjustment Payments (RCHAP)
RCHAP shall be made to rural hospitals, as described in 89 Ill. Adm. Code 140.80(j)(1), for certain inpatient admissions. The hospital qualifying under this
subsubsection that has the highest number of Medicaid obstetrical care admissions during the CHAP base period shall receive $367,179.00 per year. The Department shall also make an RCHAP to hospitals qualifying under this subsubsection at a rate that is the greater of:

1) the product of $1,367.00 multiplied by the number of RCHAP Obstetrical Care Admissions in the CHAP base period, or

2) the product of $138.00 multiplied by the number of RCHAP General Care Admissions in the CHAP base period.

e) Total CHAP Adjustments
Each eligible hospital's critical hospital adjustment payment shall equal the sum of the amounts described in subsections (a), (b), (c) and (d) of this Section. The critical hospital adjustment payments shall be paid at least quarterly.

f) Critical Hospital Adjustment Limitations
Hospitals that qualify for trauma center adjustments under subsection (a) of this Section shall not be eligible for the total trauma center adjustment if, during the CHAP rate period, the hospital is no longer recognized by the Illinois Department of Public Health as a Level I trauma center as required for the adjustment described in subsection (a)(1) of this Section, or a Level II trauma center as required for the adjustment described in subsection (a)(2) or (a)(3) of this Section. In these instances, the adjustments calculated shall be pro-rated, as applicable, based upon the date that such recognition ceased.

g) Critical Hospital Adjustment Payment Definitions
The definitions of terms used with reference to calculation of the CHAP required by this Section are as follows:

1) "Alzheimer days" means total paid days contained in the Department's paid claims database with a ICD-9-CM diagnosis code of 331.0 for dates of service occurring in State fiscal year 2001 and adjudicated through June 30, 2002.

2) "CHAP base period" means State Fiscal Year 1994 for CHAP calculated for the July 1, 1995, CHAP rate period; State Fiscal Year 1995 for CHAP calculated for the July 1, 1996, CHAP rate period; etc.

3) "CHAP rate period" means, beginning July 1, 1995, the 12 month period beginning on July 1 of the year and ending June 30 of the following year.
"Combined MIUR" means the sum of Medicaid Inpatient Utilization Rate (MIUR) as of July 1, 1999, and as defined in Section 148.120(k)(5), plus the Medicaid obstetrical inpatient utilization rate, as described in Section 148.120(k)(6), as of July 1, 1999.

"Medicaid general care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, excluding admissions for normal newborns, Medicare/Medicaid crossover admissions, psychiatric and rehabilitation admissions.

"Medicaid Level I rehabilitation admissions" means those claims billed as Level I admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 054.3, 310.1 through 310.2, 320.1, 336.0 through 336.9, 344.0 through 344.2, 344.8 through 344.9, 348.1, 801.30, 803.10, 803.84, 806.0 through 806.19, 806.20 through 806.24, 806.26, 806.29 through 806.34, 806.36, 806.4 through 806.5, 851.06, 851.80, 853.05, 854.0 through 854.04, 854.06, 854.1 through 854.14, 854.16, 854.19, 905.0, 907.0, 907.2, 952.0 through 952.09, 952.10 through 952.16, 952.2, and V57.0 through V57.89, excluding admissions for normal newborns.

"Medicaid Level I rehabilitation inpatient day" means the days associated with the claims defined in subsection (g)(5) of this Section.

"Medicaid obstetrical care admission" means hospital inpatient admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with Diagnosis Related Grouping (DRG) of 370 through 375; and specifically excludes Medicare/Medicaid crossover claims.

"Medicaid trauma admission" means those claims billed as admissions that were subsequently adjudicated by the Department through the last day of June preceding the CHAP rate period and contained within the
Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19, 854.0 through 854.19, 860.0 through 860.5, 861.0 through 861.32, 862.8, 863.0 through 863.99, 864.0 through 864.19, 865.0 through 865.19, 866.0 through 866.13, 867.0 through 867.9, 868.0 through 868.19, 869.0 through 869.1, 887.0 through 887.7, 896.0 through 896.3, 897.0 through 897.7, 900.0 through 900.9, 902.0 through 904.9, 925, 926.8, 929.0 through 929.99, 958.4, 958.5, 990 through 994.99.

9) "Medicaid trauma admission percentage" means a fraction, the numerator of which is the hospital's Medicaid trauma admissions and the denominator of which is the total Medicaid trauma admissions in a given 12 month period for all Level II urban trauma centers.

10) "RCHAP general care admissions" means Medicaid General Care Admissions, as defined in subsection (g)(4) of this Section, less RCHAP Obstetrical Care Admissions, occurring in the CHAP base period.

11) "RCHAP obstetrical care admissions" means Medicaid Obstetrical Care Admissions, as defined in subsection (g)(7) of this Section, with a Diagnosis Related Grouping (DRG) of 370 through 375, occurring in the CHAP base period.

12) "Total admissions" means total paid admissions contained in the Department's paid claims database, including obstetrical admissions multiplied by two and excluding Medicare crossover admissions, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

13) "Total days" means total paid days contained in the Department's paid claims database, including obstetrical days multiplied by two and excluding Medicare crossover days, for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999.

14) "Total obstetrical days" means hospital inpatient days for dates of service occurring in State fiscal year 1998 and adjudicated through June 30, 1999,
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with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; V27 through V27.9; V30 through V39.9; or any ICD-9-CM principal diagnosis code that is accompanied with a surgery procedure code between 72 and 75.99; and specifically excludes Medicare/Medicaid crossover claims.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10158, effective July 1, 2004, for a maximum of 150 days)
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1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Number: Emergency Action:
   153.125 Amendment


5) Effective Date: July 1, 2004

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date filed with the Index Department: June 30, 2004

8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: These emergency amendments are being filed pursuant to the enactment of the State's budget plan by the 93rd General Assembly and pursuant to Public Act ________ under which the Department is making several reimbursement methodology changes. Emergency rulemaking is specifically authorized for the implementation of the changes for fiscal year 2005 by Section 5-45 of Public Act ________.

10) Complete description of the subjects and issues involved: These emergency amendments provide several reimbursement methodology changes for nursing facilities.

Effective July 1, 2004 through June 30, 2005, the changes at new subsection (n) allow for an increase of either 5.9 percent or 2.9 percent in the nursing facility (SNF/ICF) rates that were in effect on June 30, 2002. Determination of which percentage rate increase will be implemented is contingent upon whether the effective date of the approval of the State Plan Amendment and waiver for the hospital assessment is effective before or after July 1, 2004. An effective date before July 1 will result in a 5.9 percent increase and a budgetary increase of approximately $120 million, and an effective date after July 1 will allow for a 2.9 percent increase and an approximate increase of $60 million.

The emergency changes at subsection (f) and new subsection (o) pertain to the nursing facility capital rate component. These changes are being initiated by the Department to
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address an inequity under the current methodology affecting a small number of nursing facilities that have long term leases and have invested in significant capital improvements. The revised methodology will correct this inequity.

11) Are there any other amendments pending on this Part? No

12) Statement of statewide policy objective: These emergency amendments neither create nor expand any state mandates affecting units of local government.

13) Information and questions regarding this amendment shall be directed to:

    Joanne Scattoloni
    Office of the General Counsel, Rules Section
    Illinois Department of Public Aid
    201 South Grand Avenue East, Third Floor
    Springfield, Illinois 62763-0002
    (217) 524-0081

The full text of the emergency amendment begins on the next page:
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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153
LONG TERM CARE REIMBURSEMENT CHANGES

Section
153.100 Reimbursement for Long Term Care Services
153.125 Long Term Care Facility Rate Adjustments
153.150 Quality Assurance Review (Repealed)


SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 11088, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18880, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 10219, effective July 1, 2004, for a maximum of 150 days.
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Section 153.125  Long Term Care Facility Rate Adjustments

EMERGENCY

a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996, shall be increased by 6.8 percent for services provided on or after January 1, 1997.

b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, $1.10 shall also be added to the nursing component of the rate.

c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:

1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;

2) an additional increase of $3.00 per resident day for ICF/MR rates; and

3) an increase of $10.02 per person, per month for developmental training rates.

d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by $4.00 per resident day for services provided on or after October 1, 1999.

e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.

f) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2001, shall be computed using the most recent cost reports on file with the Department no later than April 1, 2000, updated for inflation to January 1, 2001.

1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code 140.570(b)(10), except that, as of July 1, 2001, the definition of current year is the year 2000.
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2) The real estate tax bill that was due to be paid in 1999 by the nursing facility shall be used in determination of the capital component of the rate. The real estate tax component shall be removed from the capital rate if the facility's status changes so as to be exempt from assessment to pay real estate taxes.

3) Wages shall be calculated according to 89 Ill. Adm. Code 147.150, except that wages will be updated for inflation to January 1, 2001.

4) Capital and support rates in effect on July 1, 2001, shall be adjusted based on audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.

5) For rates effective July 1, 2001, only, rates shall be the greater of the rate computed for July 1, 2001, or the rate effective on June 30, 2001.

6) All accounting records and other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under Section 153.125(f) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.

g) Notwithstanding the provisions set forth in Section 153.100, intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).

h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by DHS.

i) Notwithstanding the provisions set forth in Section 153.100, daily rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 2.247 percent for services provided during the
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period beginning on April 11, 2002, and ending on June 30, 2002.

j) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2002, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be reduced to the level of the rates in effect on April 10, 2002.

k) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2002 will be 5.9 percent less than the rates in effect on June 30, 2002.

l) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2003, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3.59 percent.

m) Notwithstanding the provisions set forth in Section 153.100, developmental training rates effective on July 1, 2003, shall be increased by 4 percent.

n) Notwithstanding the provisions set forth in Section 153.100, pending the approvals described in this subsection (n), nursing facility (SNF/ICF) rates effective July 1, 2004, shall be either equal to the rates in effect on June 30, 2002, or 3 percent less than the rates in effect on June 30, 2002. The amount of the increase is contingent on the effective date of the approval of both the payment methodologies required under Article 5A-12 of the Public Aid Code [305 ILCS 5/5A-12] and the waiver granted under 42 CFR 433.68. An effective date prior to July 1, 2004, shall result in nursing facility rates being equal to rates in effect on June 30, 2002. An effective date on or after July 1, 2004 shall result in an increase that is three percent less than the rates in effect on June 30, 2002. The rate increase shall be in effect until June 30, 2005. The rates in effect July 1, 2005, shall be 5.9 percent less than the rates in effect on June 30, 2002.

o) Notwithstanding the provisions set forth in Section 153.100, the "Original Building Base Cost" for nursing facilities (SNF/ICF) which have been rented continuously from an unrelated party since prior to January 1, 1978, effective on July 1, 2004, shall be added to the capital rate calculation using the most recent cost reports on file with the Department no later than June 30, 2004. The "Original Building Base Cost" as defined in 89 Ill. Adm. Code 140.570 shall be calculated from the original lease information that is presently on file with the Department. This original lease information will be used to capitalize the oldest
available lease payment from the unrelated party lease that has been in effect since prior to January 1, 1978, and continued to be in effect on December 31, 1999. Before the lease payment is capitalized, a 15 percent portion will be removed from the oldest available lease payment for movable equipment costs. After the lease payment is capitalized, a portion of the capitalized amount will be removed for land cost. The land cost portion is 4.88 percent. The remaining amount will be the facility's building cost. The construction/acquisition year for the building will be the date the pre-1978 lease began. The allowable cost of subsequent improvements to the building will be included in the original building base cost. The original building base cost will not change due to sales or leases of the facility after January 1, 1978.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10219, effective July 1, 2004, for a maximum of 150 days)
NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Child Support Enforcement
2) Code Citation: 89 Ill. Adm. Code 160
3) Section Number: Emergency Action:
   160.10 Amendment
4) Statutory Authority: Article X and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. X and 12-13] and the Service Members Civil Relief Act (50 App. USC Sections 501-596)
5) Effective Date: July 1, 2004
6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
7) Date filed with the Index Department: June 30, 2004
8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
9) Reason for Emergency: These emergency changes concerning child support enforcement are being filed pursuant to the Service Members Civil Relief Act (SCRA) which has replaced the Soldiers' and Sailors' Relief Act. This new Act applies to persons in the military who are called to active federal duty by the President, and National Guards called to State service by the Governor, "...for the purpose of responding to a national emergency declared by the President and supported by federal funds." Under the Act, the Department is granted authority to appoint an attorney for non-custodial parents who are in the military service under the circumstances and for the purposes described in the SCRA. Immediate implementation of these changes is necessary in order to comply with the SCRA.
10) Complete description of the subjects and issues involved: These emergency changes to the Department's administrative rules concerning child support enforcement respond to SCRA which has replaced the Soldiers' and Sailors' Relief Act. This new Act applies to persons in the military including Reservists and National Guards who are called to active federal duty by the President, and National Guards called to State service by the Governor, "...for the purpose of responding to a national emergency declared by the President and supported by federal funds."
NOTICE OF EMERGENCY AMENDMENT

The changes amendments grant the Department the authority to appoint an attorney for non-custodial parents who are in the military service under the circumstances and for the purposes described in the SCRA. The SCRA defines "court" as a "court or an administrative agency of the United States or of any state (including any political subdivision of a state), whether or not a court or administrative agency of record." Under the SCRA, an attorney is to be appointed for a military person when he or she does not make an appearance at a civil action or proceeding and if "...it appears that the defendant is in the military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant."

It is anticipated that these changes will result in additional costs because the Department will be required to appoint attorneys for non-custodial parents who are serving in the military under certain situations. However, since the potential number of such cases is unknown, the budgetary impact cannot be determined at this time.

11) Are there any other amendments pending on this Part? No

12) Statement of statewide policy objectives: These emergency amendments neither create nor expand any State mandates affecting units of local government.

13) Information and questions regarding this amendment shall be directed to:

    Joanne Scattoloni  
    Office of the General Counsel, Rules Section 
    Illinois Department of Public Aid 
    201 South Grand Avenue East, Third Floor 
    Springfield, Illinois  62763-0002 
    (217) 524-0081

The full text of the emergency amendment begins on the next page:
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER f: COLLECTIONS

PART 160
CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section
160.1 Incorporation by Reference
160.5 Definitions
160.10 Child Support Enforcement Program

EMERGENCY
160.12 Administrative Accountability Process
160.15 Application Fee for IV-D Non-TANF Cases
160.20 Assignment of Rights to Support
160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section
160.30 Cooperation With Support Enforcement Program
160.35 Good Cause for Failure to Cooperate with Support Enforcement
160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
160.45 Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF CHILD SUPPORT ORDERS

Section
160.60 Establishment of Support Obligations
160.61 Uncontested and Contested Administrative Paternity and Support Establishment
160.62 Cooperation with Paternity Establishment and Continued Eligibility Demonstration Program (Repealed)
160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

160.70 Enforcement of Support Orders
160.71 Credit for Payments Made Directly to the Title IV-D Client
160.75 Withholding of Income to Secure Payment of Support
160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
160.80 Amnesty – 20% Charge (Repealed)
160.85 Diligent Efforts to Serve Process
160.88 State Case Registry

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

Section
160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section
160.95 State Disbursement Unit
160.100 Distribution of Child Support for TANF Recipients
160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
160.130 Distribution of Intercepted Federal Income Tax Refunds
160.132 Distribution of Child Support for Non-TANF Clients
160.134 Distribution of Child Support For Interstate Cases
160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section
160.140 Statement of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section
160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

amendment at 27 Ill. Reg. 11216, effective July 1, 2003; for a maximum of 150 days; emergency expired November 27, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10226, effective July 1, 2004, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 160.10 Child Support Enforcement Program

EMERGENCY

a) Under Title IV-D of the Social Security Act (42 USC 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:

1) children receiving Temporary Assistance for Needy Families (TANF);
2) children receiving AFDC MANG;
3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 USC 670 et seq.);
4) children of applicants for TANF, where the caretaker or specified relative is the putative father or relative of the putative father;
5) children of applicants for TANF, where the mother and putative father of the children born out of wedlock are living together;
6) children of applicants for TANF, where the caretaker relative is reapplying for cash or medical assistance and was in sanctioned status for noncooperation at the time the case was previously canceled;
7) a spouse or former spouse when the former spouse/spouse lives with the child;
8) former AFDC and TANF recipients following AFDC and TANF cancellation pursuant to subsection (g) of this Section;
9) persons not receiving TANF, AFDC MANG, or Foster Care Services
DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

under Title IV-E upon application to the Department for such services;

10) persons receiving AFDC MANG that previously received AFDC or TANF cash assistance;

11) persons similarly situated to subsections (a)(1) through (10) above and receiving Title IV-D support services in other states; and

12) persons similarly situated to those described in subsections (a)(1) through (10) above and receiving support services in other countries or subdivisions thereof which have been declared to be foreign reciprocating countries by the Secretary of State under Section 459A of the Social Security Act (42 USC 659A).

b) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.

c) The Division of Child Support Enforcement has sole responsibility for:

1) identifying and locating the absent parent;

2) establishing the parentage of a child born out of wedlock;

3) establishing support obligations;

4) enforcing and collecting support;

5) receiving and distributing support payments;

6) maintaining accurate records of location and support activities; and

7) advising the local office of circumstances which may affect the family's eligibility for TANF or AFDC MANG (for example, the father is living in the home, or a child no longer lives in the home, etc.).

d) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.

e) The Department shall explain to each TANF applicant or recipient his or her
DEPARTMENT OF PUBLIC AID

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responsibility to cooperate with the Department in obtaining support from absent parents and enforcing support obligations and the consequence of noncooperation.

f) Whenever a family ceases to receive TANF cash assistance, IV-E foster care or medical assistance, the Department shall notify the family that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (for example, filing fees) and distribution policies. (45 CFR 302.33(a) and (d) and 303.7(d)(4) and (5) (1989))

g) Whenever a family ceases to receive AFDC MANG assistance:

1) if the family previously received TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) of this Section; or

2) if the family did not previously receive TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in (f) of this Section.

h) Whenever in the course of an administrative proceeding, as provided for under the Public Aid Code [305 ILCS 5/10] and in accordance with this Part, it appears that the non-custodial parent is in the military service and the Service Members Civil Relief Act (SCRA) (50 App. USC Sections 501-596) requires the appointment of counsel, the Department shall have the authority to appoint counsel for the service member non-custodial parent. The appointed attorney will perform the duties required under the SCRA that include locating members, advising them of proceedings and requesting stays if the members' military duties materially affect their ability to participate in cases.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 10226, effective July 1, 2004, for a maximum of 150 days)
The following second notices were received by the Joint Committee on Administrative Rules during the period of June 29, 2004 through July 5, 2004 and have been scheduled for review by the Committee at its August 10, 2004 meeting in Chicago. 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.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

110)

8/15/04 Department of Commerce and Economic Opportunity, Illinois Film Production Services Tax Credit Program (14 Ill. Adm. Code 528) 1/9/04 8/10/04 28 Ill. Reg. 474
DEPARTMENT OF TRANSPORTATION

NOTICE OF AGENCY RESPONSE TO RECOMMENDATION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Procedures

2) Code Citation: 92 Ill. Adm. Code 107

3) Section Numbers: Action:
   107.3 No action required
   107.601

4) Date Notice of Proposed Amendments Published in the Illinois Register: 28 Ill. Reg. 5200, March 26, 2004

5) Date JCAR Statement of Recommendation on Proposed Rulemaking Published in the Illinois Register: 28 Ill. Reg. 9187, July 2, 2004

6) Summary of Action Taken by the Agency:

Recommendation

At its meeting on June 15, 2004, the Joint Committee recommended that the department seek the repeal of 430 ILCS 30/9. That statute sets out rulemaking provisions that predate and conflict with the Illinois Administrative Procedure Act, thereby causing confusion over which provisions must be followed.

Response

In response to the Joint Committee’s recommendation of June 15, 2004, the department intends to pursue a statutory amendment to repeal Section 9 of the Illinois Hazardous Materials Transportation Act (the Act) [430 ILCS 30/9] to eliminate the confusion that exists between Section 9 of the Act and the Illinois Administrative Procedure Act.
DEPARTMENT OF TRANSPORTATION

NOTICE OF AGENCY RESPONSE TO RECOMMENDATION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Hazardous Materials Transportation: General Information, Regulations and Definitions

2) Code Citation: 92 Ill. Adm. Code 171

3) Section Numbers: Action:
   171.15 No action required
   171.1000

4) Date Notice of Proposed Amendments Published in the Illinois Register: 28 Ill. Reg. 5211, March 26, 2004

5) Date JCAR Statement of Recommendation on Proposed Rulemaking Published in the Illinois Register: 28 Ill. Reg. 9188, July 2, 2004

6) Summary of Action Taken by the Agency:

Recommendation

At its meeting on June 15, 2004, the Joint Committee recommended that the department seek the repeal of 430 ILCS 30/9. That statute sets out rulemaking provisions that predate and conflict with the Illinois Administrative Procedure Act, thereby causing confusion over which provisions must be followed.

Response

In response to the Joint Committee’s recommendation of June 15, 2004, the department intends to pursue a statutory amendment to repeal Section 9 of the Illinois Hazardous Materials Transportation Act (the Act) [430 ILCS 30/9] to eliminate the confusion that exists between Section 9 of the Act and the Illinois Administrative Procedure Act.
DEPARTMENT OF TRANSPORTATION

NOTICE OF AGENCY RESPONSE TO RECOMMENDATION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Hazardous Materials Table and Hazardous Materials Communications

2) Code Citation: 92 Ill. Adm. Code 172

3) Section Numbers: Action:
   172.2000 No action required

4) Date Notice of Proposed Amendments Published in the Illinois Register: 28 Ill. Reg. 5218, March 26, 2004

5) Date JCAR Statement of Recommendation on Proposed Rulemaking Published in the Illinois Register: 28 Ill. Reg. 9189, July 2, 2004

6) Summary of Action Taken by the Agency:

  Recommendation

  At its meeting on June 15, 2004, the Joint Committee recommended that the department seek the repeal of 430 ILCS 30/9. That statute sets out rulemaking provisions that predate and conflict with the Illinois Administrative Procedure Act, thereby causing confusion over which provisions must be followed.

  Response

  In response to the Joint Committee’s recommendation of June 15, 2004, the department intends to pursue a statutory amendment to repeal Section 9 of the Illinois Hazardous Materials Transportation Act (the Act) [430 ILCS 30/9] to eliminate the confusion that exists between Section 9 of the Act and the Illinois Administrative Procedure Act.
DEPARTMENT OF TRANSPORTATION

NOTICE OF AGENCY RESPONSE TO RECOMMENDATION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Shippers General Requirements for Shipments and Packagings

2) Code Citation: 92 Ill. Adm. Code 173

3) Section Number: Action:
   173.3000 No action required

4) Date Notice of Proposed Amendments Published in the Illinois Register: 28 Ill. Reg. 5224; March 26, 2004

5) Date JCAR Statement of Recommendation on Proposed Rulemaking Published in the Illinois Register: 28 Ill. Reg. 9190, July 2, 2004

6) Summary of Action Taken by the Agency:

   Recommendation

   At its meeting on June 15, 2004, the Joint Committee recommended that the department seek the repeal of 430 ILCS 30/9. That statute sets out rulemaking provisions that predate and conflict with the Illinois Administrative Procedure Act, thereby causing confusion over which provisions must be followed.

   Response

   In response to the Joint Committee’s recommendation of June 15, 2004, the department intends to pursue a statutory amendment to repeal Section 9 of the Illinois Hazardous Materials Transportation Act (the Act) [430 ILCS 30/9] to eliminate the confusion that exists between Section 9 of the Act and the Illinois Administrative Procedure Act.
DEPARTMENT OF TRANSPORTATION

NOTICE OF AGENCY RESPONSE TO RECOMMENDATION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Carriage by Public Highway

2) Code Citation: 92 Ill. Adm. Code 177

3) Section Numbers: Action:
   177.2000 No action required

4) Date Notice of Proposed Amendments Published in the Illinois Register: 28 Ill. Reg. 5231, March 26, 2004

5) Date JCAR Statement of Recommendation on Proposed Rulemaking Published in the Illinois Register: 28 Ill. Reg. 9191, July 2, 2004

6) Summary of Action Taken by the Agency:

Recommendation

At its meeting on June 15, 2004, the Joint Committee recommended that the department seek the repeal of 430 ILCS 30/9. That statute sets out rulemaking provisions that predate and conflict with the Illinois Administrative Procedure Act, thereby causing confusion over which provisions must be followed.

Response

In response to the Joint Committee’s recommendation of June 15, 2004, the department intends to pursue a statutory amendment to repeal Section 9 of the Illinois Hazardous Materials Transportation Act (the Act) [430 ILCS 30/9] to eliminate the confusion that exists between Section 9 of the Act and the Illinois Administrative Procedure Act.
DEPARTMENT OF TRANSPORTATION

NOTICE OF AGENCY RESPONSE TO RECOMMENDATION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) **Heading of the Part**: Specifications for Packagings

2) **Code Citation**: 92 Ill. Adm. Code 178

3) **Section Numbers**: Action:
   - 178.2000 No action required

4) **Date Notice of Proposed Amendments Published in the Illinois Register**: 28 Ill. Reg. 5237, March 26, 2004

5) **Date JCAR Statement of Recommendation on Proposed Rulemaking Published in the Illinois Register**: 28 Ill. Reg. 9192, July 2, 2004

6) **Summary of Action Taken by the Agency**:

   **Recommendation**

   At its meeting on June 15, 2004, the Joint Committee recommended that the department seek the repeal of 430 ILCS 30/9. That statute sets out rulemaking provisions that predate and conflict with the Illinois Administrative Procedure Act, thereby causing confusion over which provisions must be followed.

   **Response**

   In response to the Joint Committee’s recommendation of June 15, 2004, the department intends to pursue a statutory amendment to repeal Section 9 of the Illinois Hazardous Materials Transportation Act (the Act) [430 ILCS 30/9] to eliminate the confusion that exists between Section 9 of the Act and the Illinois Administrative Procedure Act.
DEPARTMENT OF TRANSPORTATION

NOTICE OF AGENCY RESPONSE TO RECOMMENDATION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Specifications for Tank Cars

2) Code Citation: 92 Ill. Adm. Code 179

3) Section Numbers: Action:
   179.2000 No action required

4) Date Notice of Proposed Amendments Published in the Illinois Register: 28 Ill. Reg. 5251, March 26, 2004

5) Date JCAR Statement of Recommendation on Proposed Rulemaking Published in the Illinois Register: 28 Ill. Reg. 9193, July 2, 2004

6) Summary of Action Taken by the Agency:

Recommendation

At its meeting on June 15, 2004, the Joint Committee recommended that the department seek the repeal of 430 ILCS 30/9. That statute sets out rulemaking provisions that predate and conflict with the Illinois Administrative Procedure Act, thereby causing confusion over which provisions must be followed.

Response

In response to the Joint Committee’s recommendation of June 15, 2004, the department intends to pursue a statutory amendment to repeal Section 9 of the Illinois Hazardous Materials Transportation Act (the Act) [430 ILCS 30/9] to eliminate the confusion that exists between Section 9 of the Act and the Illinois Administrative Procedure Act.
DEPARTMENT OF TRANSPORTATION

NOTICE OF AGENCY RESPONSE TO RECOMMENDATION BY THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) **Heading of the Part:** Continuing Qualification and Maintenance of Packaging

2) **Code Citation:** 92 Ill. Adm. Code 180

3) **Section Numbers:**
   - **Action:**
     - 180.2000 No action required

4) **Date Notice of Proposed Amendments Published in the Illinois Register:** 28 Ill. Reg. 5256, March 26, 2004

5) **Date JCAR Statement of Recommendation on Proposed Rulemaking Published in the Illinois Register:** 28 Ill. Reg. 9194, July 2, 2004

6) **Summary of Action Taken by the Agency:**

   **Recommendation**

   At its meeting on June 15, 2004, the Joint Committee recommended that the department seek the repeal of 430 ILCS 30/9. That statute sets out rulemaking provisions that predate and conflict with the Illinois Administrative Procedure Act, thereby causing confusion over which provisions must be followed.

   **Response**

   In response to the Joint Committee’s recommendation of June 15, 2004, the department intends to pursue a statutory amendment to repeal Section 9 of the Illinois Hazardous Materials Transportation Act (the Act) [430 ILCS 30/9] to eliminate the confusion that exists between Section 9 of the Act and the Illinois Administrative Procedure Act.
DRYCLEANER ENVIRONMENTAL RESPONSE TRUST FUND
COUNCIL OF ILLINOIS

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) **Heading of the Part:** General Program

2) **Code Citation:** 35 Illinois Adm. Code 1500

3) **Section Numbers:**
   - 1500.20 Action: Refusal
   - 1500.30 Refusal
   - 1500.40 Refusal
   - 1500.50 Refusal
   - 1500.55 Refusal
   - 1500.70 Refusal

4) **Date Notice of Proposed Rules Published in the Register (if applicable):**
   - February 13, 2004; 28 Ill. Reg. 2522

5) **Date JCAR Statement of Objection Published in the Register:**
   - June 4, 2004; 28 Ill. Reg. 7717

6) **Summary of Action Taken by the Agency:**
The Council has statutory authority to adjust the fees and taxes subject to public hearings (415ILCS 135/75). Only active, licensed retail drycleaning facilities are subject to payment of the license fees and solvent taxes. The Council proposed changes to the license fees and solvent taxes at their July 2003 Council meeting. In August of 2003, a mailing (in English and Korean) was sent to all licensed drycleaners, solvent distributors and drycleaner associations notifying them of the proposed changes in the license fees and solvent taxes and informing them that four public hearings would be held in September 2003. The mailing stated that written or oral comments were acceptable. The public hearings were held in Fairview Heights, Bloomington, Lincolnwood, and Bolingbrook. Based on the written comments received and the oral testimony presented at the four public hearings, the Council adopted the proposed solvent tax rates and reduced the proposed license fees, effective January 1, 2004. The Council refused to modify the assessed license fees (Subsection 1500.30(c)) and solvent taxes (Subsection 1500.55 (a)) that are in excess of those statutorily provided prior to the adoption of this rulemaking.
NOTICE OF AGREEMENT IN RESPONSE TO THE RECOMMENDATION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

7) Heading of the Part: General Program

8) Code Citation: 35 Illinois Administrative Code 1500

9) Section Numbers: 1500.20  
Action: Agreement to seek legislation  
1500.30  
1500.40  
1500.50  
1500.55  
1500.70

10) Date Notice of Proposed Rules Published in the Register:  
February 13, 2004; 28 Ill. Reg. 2522

11) Date JCAR Statement of Recommendation Published in the Register:  
June 4, 2004; 28 Ill. Reg. 7717

12) Summary of Action Taken by the Agency:  
The Council accepted JCAR’s recommendation that it seek specific statutory authority to require the quantity of solvent purchased the previous year to be used to determine a renewal applicant’s license fee if the amount used cannot readily be calculated. The Council will seek this statutory authority during the 2005 legislative session.
a) Part(s) (Heading and Code Citation): Program Content and Guidelines for Division of Specialized Care for Children, 89 Ill. Adm. Code 1200

1) Rulemaking:

A) Description: Complete a general review of the rule. Make an adjustment to Financial Eligibility Scale, using the most current Federal Poverty Scale. Replace the term "authorization" with "prior approval" so that the use of "authorization" will be consistent with usage in the Health Insurance Portability and Accountability Act. Technical revisions will also be made.

B) Statutory Authority: Implementing the Specialized Care for Children Act [110 ILCS 345] and authorized by Section 7 of the University of Illinois Act [110 ILCS 305/7].

C) Scheduled meeting/hearing dates: The public will have the opportunity to comment on these amendments during the First Notice period.

D) Date agency anticipates First Notice: October 2004

E) Affect on small businesses, small municipalities or not for profit corporations: The Division does not anticipate that the amendments will impact small business.

F) Agency contact person for information:

Charles N. Onufer, M.D., Director
Division of Specialized Care for Children
2815 West Washington, Suite 300
P.O. Box 19481
Springfield IL  62794-9481
217/793-2340
Fax: 217/793-0773

G) Related rulemakings and other pertinent information: None
a) Part (Heading and Code Citation): Special Education; 23 Ill. Adm. Code 226

1) Rulemaking:

A) **Description:** Amendments will be proposed to the rules for special education pursuant to a review of Part 226 that has been conducted in response to HR 359 of 2003.

B) **Statutory Authority:** 105 ILCS 5/Art. 14

C) **Scheduled meeting/hearing date:** To be announced

D) **Date agency anticipates First Notice:** December 3, 2004

E) **Effect on small businesses, small municipalities, or not-for-profit corporations:** None

F) **Agency contact person for information:**

   Sally Vogl  
   Agency Rules Coordinator  
   Illinois State Board of Education  
   100 North First Street  
   Springfield, Illinois 62777  
   217/782-5270

G) **Related rulemakings and other pertinent information:** See item (b) below

b) Part (Heading and Code Citation): Nonpublic Special Education Facilities; 23 Ill. Adm. Code 401

1) Rulemaking:

A) **Description:** Part 401 will be updated with respect to its cross-references to the rules for Special Education (23 Ill. Adm. Code 226), as well as to strengthen several procedural aspects. In addition, this Part will be made applicable to all the entities contemplated by Section 14-7.02 of the School Code (i.e., not only nonpublic facilities but also “a public out-of-state school or a special education facility owned and operated by a county government unit”).
B) **Statutory Authority:** 105 ILCS 5/14-7.02

C) **Scheduled meeting/hearing date:** To be announced

D) **Date agency anticipates First Notice:** October 1, 2004

E) **Effect on small businesses, small municipalities, or not-for-profit corporations:** None; those nonpublic facilities that are small businesses or not-for-profit corporations are already regulated by Part 401.

F) **Agency contact person for information:**

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
217/782-5270

G) **Related rulemakings and other pertinent information:** None

c) **Part (Heading and Code Citation):** Charter Schools; 23 Ill. Adm. Code 650

1) **Rulemaking:**

A) **Description:** Provisions will be added to Part 650 to address issues that arise when a charter school closes.

B) **Statutory Authority:** 105 ILCS 5/Art. 27A

C) **Scheduled meeting/hearing date:** To be announced

D) **Date agency anticipates First Notice:** September 3, 2004

E) **Effect on small businesses, small municipalities, or not-for-profit corporations:** Not-for-profit corporations that operate charter schools would be affected by the proposed requirements, chiefly in terms of the transfer of records.
STATE BOARD OF EDUCATION

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F) **Agency contact person for information:**

   Sally Vogl  
   Agency Rules Coordinator  
   Illinois State Board of Education  
   100 North First Street  
   Springfield, Illinois 62777  
   217/782-5270

G) **Related rulemakings and other pertinent information:** None
DEPARTMENT OF HUMAN SERVICES
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a) Part(s) (Heading and Code Citation): Child Care, 89 Ill. Adm. Code 50

1) Rulemaking: Emergency Amendments

A) Description: Make required annual adjustment to the income eligibility standards based on current State median income levels.


C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 7/1/04

E) Effect small business, small municipalities or not for profit corporations: This rulemaking may affect child care providers.

F) Agency contact person for information:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois 62762
   217/785-9772

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Child Care, 89 Ill. Adm. Code 50

1) Rulemaking: Amendment

A) Description: Provide rules regarding documentation for self-employed persons working in or out of their home.
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B) **Statutory Authority:** Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]

C) **Scheduled Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** 9/15/04

E) **Effect small business, small municipalities or not for profit corporations:** This rulemaking may affect small business owners.

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois  62762
   217/785-9772

G) **Related rulemakings and other pertinent information:** None

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c) **Part(s) (Heading and Code Citation):** Temporary Assistance for Needy Families, 89 Ill. Adm. Code 112

1) **Rulemaking:** Amendment to 112.101 and 112.130

   A) **Description:** Eliminate the budgeting of income of a stepparent living with their stepchildren who are receiving TANF. The revision is being done as an agency initiative to simplify policy that has historically affected very few TANF families. The revision makes the policy consistent with policy for medical benefits.

   B) **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].
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C) **Scheduled Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** 12/15/04

E) **Effect small business, small municipalities or not for profit corporations?** None

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois 62762
   217/785-9772

G) **Related rulemakings and other pertinent information:** None

d) **Part(s) (Heading and Code Citation):** Temporary Assistance for Needy Families, 89 Ill. Adm. Code 112

1) **Rulemaking:** Amendment to 112.150 through 112.153

   A) **Description:** Eliminate the consideration of assets in the determination of TANF eligibility. This revision is being done as an agency initiative to simplify policy and make policy consistent with policy for Family Health Plans medical benefits.

   B) **Statutory Authority:** Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Ant. IV and 12-13].

   C) **Scheduled Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

   D) **Date agency anticipates First Notice:** 9/1/04
E) Effect small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

    Tracie Drew, Bureau Chief
    Bureau of Administrative Rules and Procedures
    Department of Human Services
    100 South Grand Avenue, East
    Springfield, Illinois  62762
    217/785-9772


e) Part(s) (Heading and Code Citation): Aid to the Aged, Blind or Disabled, 89 Ill. Adm. Code 113

1) Rulemaking: This proposed rule change may be an Emergency Amendment.

A) Description: Provide AABD cash payments to refugees who lose their SSI due to the federal 7-year limit.


C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 7/1/04

E) Effect small business, small municipalities or not for profit corporations? None

F) Agency contact person for information:

    Tracie Drew, Bureau Chief
DEPARTMENT OF HUMAN SERVICES

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Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
217/785-9772

G) Related rulemakings and other pertinent information:  None

f) Part(s) (Heading and Code Citation):  Aid to the Aged, Blind or Disabled, 89 Ill. Adm. Code 113

1) Rulemaking: This proposed rule change maybe an Emergency Amendment.

A) Description: A 10% increase in sheltered care rates proposed by HB 4818, contingent upon approval by the Governor.


C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 7/1/04

E) Effect small business, small municipalities or not for profit corporations: This rulemaking may affect licensed group care facilities.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
217/785-9772

G) Related rulemakings and other pertinent information:  None
DEPARTMENT OF HUMAN SERVICES
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Part(s) (Heading and Code Citation): General Assistance, 89 Ill. Adm. Code 114

1) Rulemaking: Amendment to 114.250 through 114.252

A) Description: Eliminate the consideration of assets in the determination of General Assistance eligibility. This revision is being done as an agency initiative to simplify policy.

B) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 9/1/04

E) Effect small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois 62762
   217/785-9772


Part(s) (Heading and Code Citation): Food Stamps, 89 Ill. Adm. Code 121

1) Rulemaking: Peremptory Amendment

A) Description: Benefits amounts are adjusted annually based on 100% of the USDA’s Thrifty Food Plan.
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B) **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].

C) **Scheduled Meeting/Hearing Date:** Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** 10/1/04

E) **Effect small business, small municipalities or not for profit corporations:** None

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois 62762
   217/785-9772

G) **Related rulemakings and other pertinent information:** None

i) **Part(s) (Heading and Code Citation):** Food Stamps, 89 Ill. Adm. Code 121

1) **Rulemaking:** Peremptory Amendment

   A) **Description:** The amount of the maximum excess shelter deduction is adjusted annually for households not having a qualifying member.

   B) **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].

   C) **Scheduled Meeting/Hearing Date:** Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

   D) **Date agency anticipates First Notice:** 10/1/04
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E) Effect small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
217/785-9772

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Food Stamps, 89 Ill. Adm. Code 121

1) Rulemaking: Peremptory Amendment

A) Description: The gross and net income eligibility standards are annually adjusted.

B) 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].

C) Scheduled Meeting/Hearing Date: Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 10/1/04

E) Effect small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
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Springfield, Illinois  62762
DEPARTMENT OF HUMAN SERVICES

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G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Confidentiality of Information 89 Ill. Adm. Code 505

1) Rulemaking: Amendment

A) Description: This rule will be amended to add HIPAA related information.


C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 10/1/04

E) Effect small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois  62762
   217/785-9772

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Assessment for Determining Eligibility and Rehabilitation Needs, 89 Ill. Adm. Code 553
1) **Rulemaking**: Amendment

A) **Description**: This rule will be amended to clarify and change language regarding the transfer of cases to another field office.

B) **Statutory Authority**: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].
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C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 12/1/04

E) Effect small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

    Tracie Drew, Bureau Chief
    Bureau of Administrative Rules and Procedures
    Department of Human Services
    100 South Grand Avenue, East
    Springfield, Illinois  62762
    217/785-9772

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Customer Financial Participation, 89 Ill. Adm. Code 562

1) Rulemaking: Amendment

   A) Description: This rule will be amended to clarify and change language regarding revised Standard Budget Allowances, based on federal figures.

   B) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

   C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

   D) Date agency anticipates First Notice: 10/1/04
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E) Effect small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

    Tracie Drew, Bureau Chief
    Bureau of Administrative Rules and Procedures
    Department of Human Services
    100 South Grand Avenue, East
    Springfield, Illinois  62762
    217/785-9772

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Individualized Plan for Employment (IEP), 89 Ill. Adm. Code 572

1) Rulemaking: Amendment

A) Description: This rule will be amended to clarify and change language regarding recommendations concerning informed choice.

B) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 12/1/04

E) Effect small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

    Tracie Drew, Bureau Chief
DEPARTMENT OF HUMAN SERVICES

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Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
217/785-9772

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation): Services, 89 Ill. Adm. Code 590

1) Rulemaking: Amendment

A) Description: This rule will be amended to clarify and change language regarding the academic and vocational training rules and the self-employment program rules.

B) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 12/1/04

E) Effect small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois  62762
   217/785-9772

G) Related rulemakings and other pertinent information: None
q) Part(s) (Heading and Code Citation): Eligibility, 89 Ill. Adm. Code 682

1) Rulemaking: Amendment

A) Description: This rule will add information on who will be allowed to complete a Physician statement. It also changes re-determination timeframes for persons with a Physically Disabled Waiver.

B) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

C) Schedule D Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 9/1/04

E) Effect small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Service Planning and Provision, 89 Ill. Adm. Code 684

1) Rulemaking: Amendment
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A) **Description:** This rulemaking will amend information on what financial data must be collected for interim status. It also will amend the information to identify when a physician certification must be completed.

B) **Statutory Authority:** Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

C) **Schedule**
   **Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** 9/1/04

E) **Effect small business, small municipalities or not for profit corporations:** No.

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief  
   Bureau of Administrative Rules and Procedures  
   Department of Human Services  
   100 South Grand Avenue, East  
   Springfield, Illinois 62762  
   217/785-9772

G) **Related rulemakings and other pertinent information:** None

s) **Part(s) (Heading and Code Citation):** Provider Requirements, Types of Service, and Rates of Payments, 89 Ill. Adm. Code 686

1) **Rulemaking:** Amendment

A) **Description:** This rulemaking will change what information must be collected from a PA before he/she can start work; adds information on when a PA evaluation is to be completed; changes language regarding what financial data is to be included in the Minimum Direct Service worker Costs for Homemakers agencies; and provides clarification in the Emergency Home Response section for providing instruction on the use of the EHRS Unit.
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B) **Statutory Authority:** Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

C) **ScheduleD Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** 9/1/04

E) **Effect small business, small municipalities or not for profit corporations:** No.

F) **Agency contact person for information:**

   Tracie Drew, Bureau Chief
   Bureau of Administrative Rules and Procedures
   Department of Human Services
   100 South Grand Avenue, East
   Springfield, Illinois 62762
   217/785-9772

G) **Related rulemakings and other pertinent information:** None

1) **Part(s) (Heading and Code Citation):** Grants, 59 Ill. Adm. Code 103

   A) **Description:** This rule will be reviewed and revised to reflect changes necessary for the fee-for-service payment system.

   B) **Statutory Authority:** Implementing Sections 15, 34 and 34.1 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/15, 34 and 34.1] and the Community Services Act [405 ILCS 30] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].
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C) **ScheduleD Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** 12/1/04

E) **Effect small business, small municipalities or not for profit corporations:** Grants are one mechanism by which the Department pays community mental health providers.

F) **Agency contact person for information:**

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) **Related rulemakings and other pertinent information:** None

u) **Part(s) (Heading and Code Citation):** Treatment and Habilitation Services, 59 Ill. Adm. Code 112

1) **Rulemaking:** Amendment

A) **Description:** This proposed amendment would detail the process for seeking to conduct research with patients who are unfit to stand trial or not guilty by reason of insanity. It also would detail the process for seeking to conduct research on the conduct of an institutional review board.

B) **Statutory Authority:** Implementing Sections 1-110.5, 1-121.5, 2-102, 2-107.1, 2-107.2, 2-110, 2-110.1, 2-200, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709, of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-110.5, 1-121.5, 2-102, 2-107.1, 2-107.2, 2-110, 2-110.1, 2-200, 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704, and 4-709] and Sections 5.1 and 7 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5.1 and 7] and authorized by Section 5-104 of the Mental Health and Developmental
Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

C) **Scheduled Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) **Date agency anticipates First Notice:** 12/31/04

E) **Effect small business, small municipalities or not for profit corporations:** No

F) **Agency contact person for information:**

> Tracie Drew, Bureau Chief  
> Bureau of Administrative Rules and Procedures  
> Department of Human Services  
> 100 South Grand Avenue, East  
> Springfield, Illinois 62762  
> 217/785-9772

G) **Related rulemakings and other pertinent information:** None

v) **Part(s) (Heading and Code Citation):** Recipient Discharge/Linkage/Aftercare, 59 Ill. Adm. Code 125

1) **Rulemaking:** Amendment

A) **Description:** This amendment will implement changes from P.A. 93-636 and to update the rule to comply with current administrative structure.

B) **Statutory Authority:** Implementing and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Sections 5, 15, 15.1, 15a, 15b and 16 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5, 15, 15.1, 15a, 15b and 16].

C) **Scheduled Meeting/Hearing Date:** The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be
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held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 12/31/04

E) Effect small business, small municipalities or not for profit corporations:
This public act requires the Department to create certain standards that affect nursing homes where the Department discharges people. Those nursing homes would qualify as a small business.

F) Agency contact person for information:

Tracie Drew, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois 62762
217/785-9772

G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Sexually Violent Persons, 59 Ill. Adm. Code 299

1) Rulemaking: Amendment

A) Description: This rulemaking will amendment various sections to reflect changes in treatment, administrative structure and changes concerning persons who are conditionally released.

B) Statutory Authority: Implementing and authorized by the Sexually Violent Persons Commitment Act [725 ILCS 20].

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 12/31/04
DEPARTMENT OF HUMAN SERVICES

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E) Effect small business, small municipalities or not for profit corporations? No

F) Agency contact person for information:

    Tracie Drew, Bureau Chief
    Bureau of Administrative Rules and Procedures
    Department of Human Services
    100 South Grand Avenue, East
    Springfield, Illinois 62762
    217/785-9772

G) Related rulemakings and other pertinent information: None

x) Part(s) (Heading and Code Citation): Unified Delinquency Intervention Services (UDIS), 77 Ill. Adm. Code

1) Rulemaking: New Rule

A) Description: The Bureau of Youth Services and Delinquency Prevention intends to promulgate rules applicable to the Unified Delinquency Intervention Services (UDIS) program, consistent with program standards that have been developed by the Bureau.

B) Statutory Authority: Implementing and authorized by Section 17a-4 of the Children and Family Services Act [20 ILCS 505/17a-4]

C) Scheduled Meeting/Hearing Date: The public will have an opportunity to comment on these rules during the First Notice Period. Hearings will be held if necessary as required by the Illinois Administrative Procedures Act [5 ILCS 100].

D) Date agency anticipates First Notice: 12/31/04

E) Effect small business, small municipalities or not for profit corporations: No

F) Agency contact person for information:

    Tracie Drew, Bureau Chief
DEPARTMENT OF HUMAN SERVICES

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Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue, East
Springfield, Illinois  62762
217/785-9772

G) Related rulemakings and other pertinent information: None
a) Part(s) (Heading and Code Citation): Americans with Disabilities Act Grievance Procedure (4 Ill. Adm. Code 1150)

1) Rulemaking:

   A) Description: Provides grievance procedure for individuals with disabilities in compliance with the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.).


   C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

   D) Date agency anticipates First Notice: No First Notice date has been determined.

   E) Effect on small business, small municipalities or not for profit corporations: None

   F) Agency contact person for information:

      Brent A. Harzman
      Staff Attorney
      Illinois Department of Human Rights – Legal Division
      100 W. Randolph St., Ste. 10-100
      Chicago IL  60601
      312/814-1906 or 312/263-1579 (TTY)

   G) Related rulemaking and other pertinent information: None

b) Part(s) (Heading and Code Citation): Procedures of the Department of Human Rights (56 Ill. Adm. Code 2520).

1) Rulemaking:

   A) Description: In 2002, the Department of Human Rights amended Subpart F of this rule and entered into a work-sharing agreement with the
DEPARTMENT OF HUMAN RIGHTS

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U.S. Department of Housing and Urban Development. The proposed amendments will update the Department’s rules in accordance with these changes.

B) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

D) Date agency anticipates First Notice: No First Notice date has been determined.

E) Effect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Brent A. Harzman
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago IL  60601
312/814-1906 or 312/263-1579 (TTY)

G) Related rulemaking and other pertinent information: None

c) Part(s) (Heading and Code Citation): Housing Discrimination (71 Ill. Adm. Code 2300).

1) Rulemaking:

A) Description: In 2002, the Department of Human Rights entered into a work-sharing agreement with the U.S. Department of Housing and Urban Development. The proposed repealer will update the Department’s rules in accordance with this agreement.
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B) Statutory Authority: Implementing Articles 3, 6 and 7B of the Illinois Human Rights Act [775 ILCS 5/Arts. 3, 6 and 7B], and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A)].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

D) Date agency anticipates First Notice: No First Notice date has been determined.

E) Effect on small business, small municipalities or not for profit corporations: None

F) Agency contact person for information:

   Brent A. Harzman
   Staff Attorney
   Illinois Department of Human Rights – Legal Division
   100 W. Randolph St., Ste. 10-100
   Chicago IL 60601
   312/814-1906 or 312/263-1579 (TTY)

G) Related rulemaking and other pertinent information: None
DEPARTMENT OF NATURAL RESOURCES

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a) Part(s) (Heading and Code Citation): Public Use of State Parks and Other Properties of the Department of Natural Resources – 17 Ill. Adm. Code 110

1) Rulemaking:

A) Description: This Part contains regulations for the public use of Department-owned properties.

B) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: October 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Camping on Department of Natural Resources Properties – 17 Ill. Adm. Code 130

1) Rulemaking:

A) Description: This Part contains information regarding camping.
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B) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

C) Scheduled meeting/hearing dates: None

Date agency anticipates First Notice: November 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

    Jack Price, Legal Counsel
    One Natural Resources Way
    Springfield IL  62702-1271
    217/782-1809

G) Related rulemakings and other pertinent information: None

 c) Part(s) (Heading and Code Citation): General Hunting and Trapping on Department-Owned or –Managed Sites – 17 Ill. Adm. Code 510

1) Rulemaking:

    A) Description: This Part contains the Department's regulations for hunting and trapping on Department-owned or –managed sites.

    B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-515].

    C) Scheduled meeting/hearing dates: None

    D) Date agency anticipates First Notice: November 2004
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E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

   Jack Price, Legal Counsel
   One Natural Resources Way
   Springfield IL  62702-1271
   217/782-1809

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Scientific Permits – 17 Ill. Adm. Code 520

1) Rulemaking:

   A) Description: This Part governs the taking and/or possession of Illinois Fauna for scientific purposes and the issuance of said permits for such activities.

   B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-135 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-135, 20-100] and Sections 1.2, 1.3, 2.1, 2.4, 3.22 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.1, 2.4, 3.22 and 3.26].

   C) Scheduled meeting/hearing dates: None

   D) Date agency anticipates First Notice: November 2004

   E) Affect on small businesses, small municipalities or not for profit corporations: None

   F) Agency contact person for information:

   Jack Price, Legal Counsel
   One Natural Resources Way
   Springfield IL  62702-1271
   217/782-1809

   G) Related rulemakings and other pertinent information: None
e) Part(s) (Heading and Code Citation): Special Purpose Permits – 17 Ill. Adm. Code 522

1) Rulemaking:

A) Description: This new Part establishes regulations for wildlife rehabilitation special purpose permittees.

B) Statutory Authority: Implementing and authorized by Sections 1-125, 5-5, 20-100 and 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 5-5, 20-100 and 20-105] and Sections 2.1, 3.22 and 3.36 of the Wildlife Code [520 ILCS 5/2.1, 3.22 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

   Jack Price, Legal Counsel
   One Natural Resources Way
   Springfield IL 62702-1271
   217/782-1809

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Nuisance Wildlife Control Permits – 17 Ill. Adm. Code 525

1) Rulemaking:

A) Description: This Part contains regulations for the issuance of nuisance wildlife control permits.

B) Statutory Authority: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].
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C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation and Transportation of Game Mammals, Game Birds or Exotic Wildlife – 17 Ill. Adm. Code 630

1) Rulemaking:

A) Description: This Part contains provisions for certification, quarantine, hearings, remedial actions and penalties.

B) Statutory Authority: Implementing and authorized by Sections 1.10, 3.23, 3.25, 3.27, 3.34 and 3.36 of the Wildlife Code [520 ILCS 5/1.10, 3.23, 3.25, 3.27, 3.34 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: October 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
DEPARTMENT OF NATURAL RESOURCES

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217/782-1809

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting By Use of Firearms – 17 Ill. Adm. Code 650

1) Rulemaking:

A) Description: This Part contains regulations for hunting deer by use of firearms.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: December 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Muzzleloading Rifles – 17 Ill. Adm. Code 660

1) Rulemaking:

A) Description: This Part contains the regulations for hunting deer with muzzleloading rifles.
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B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: December 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

    Jack Price, Legal Counsel
    One Natural Resources Way
    Springfield IL  62702-1271
    217/782-1809

G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow – 17 Ill. Adm. Code 670

1) Rulemaking:

   A) Description: This Part contains the regulations for deer bow and arrow hunting.

   B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

   C) Scheduled meeting/hearing dates: None

   D) Date agency anticipates First Notice: December 2004

   E) Affect on small businesses, small municipalities or not for profit corporations: None
DEPARTMENT OF NATURAL RESOURCES

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F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL  62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation):  White-Tailed Deer Hunting by Use of Handguns – 17 Ill. Adm. Code 680

1) Rulemaking:

A) Description: This Part contains the regulations for hunting of white-tailed deer with handguns.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL  62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation):  Youth Hunting Season – 17 Ill. Adm. Code 685

1) Rulemaking:
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A) Description: This Part contains the regulations for the Department's youth hunting programs.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

    Jack Price, Legal Counsel
    One Natural Resources Way
    Springfield IL  62702-1271
    217/782-1809

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Spring Season – 17 Ill. Adm. Code 710

1) Rulemaking:

A) Description: This Part contains regulations for turkey hunting for the spring season.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: July 2004
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E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL  62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Sport Fishing Regulations for the Waters of Illinois – 17 Ill. Adm. Code 810

1) Rulemaking:

A) Description: This Part contains the regulations for sport fishing.

B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: November 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL  62702-1271
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G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Fish Salvage – 17 Ill. Adm. Code 860

1) Rulemaking:
   A) Description: This Part contains regulations for fish salvage.
   C) Scheduled meeting/hearing dates: None
   D) Date agency anticipates First Notice: October 2004
   E) Affect on small businesses, small municipalities or not for profit corporations: None
   F) Agency contact person for information:
      Jack Price, Legal Counsel
      One Natural Resources Way
      Springfield IL  62702-1271
      217/782-1809

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation: Fish Removal With Chemicals– 17 Ill. Adm. Code 890

1) Rulemaking:
   A) Description: This Part contains the regulations for fish removal with chemicals.
   B) Statutory Authority: Implementing and authorized by Sections 1-135, 1-150 and 5-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-135, 1-150 and 5-5].
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C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: October 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

    Jack Price, Legal Counsel
    One Natural Resources Way
    Springfield IL 62702-1271
    217/782-1809

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citation): Field Trials on Department-Owned or Managed Sites – 17 Ill. Adm. Code 910

   1) Rulemaking:

      A) Description: This Part contains the regulations for conducting field trials on department-owned or managed sites.

      B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5].

      C) Scheduled meeting/hearing dates: None

      D) Date agency anticipates First Notice: October 2004

      E) Affect on small businesses, small municipalities or not for profit corporations: None

      F) Agency contact person for information:

          Jack Price, Legal Counsel
          One Natural Resources Way
          Springfield IL 62702-1271
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G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Field Trials on Non-Department Owned or Managed Sites – 17 Ill. Adm. Code 930

1) Rulemaking:
   A) Description: This Part contains the regulations for conducting field trials on non-department owned or managed sites.
   B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.30, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.30, 2.34, 3.1 and 3.5].
   C) Scheduled meeting/hearing dates: None
   D) Date agency anticipates First Notice: October 2004
   E) Affect on small businesses, small municipalities or not for profit corporations: None
   F) Agency contact person for information:
      Jack Price, Legal Counsel
      One Natural Resources Way
      Springfield IL  62702-1271
      217/782-1809

G) Related rulemakings and other pertinent information: None

s) Part(s) (Heading and Code Citation): Urban and Community Forestry Grant Program – 17 Ill. Adm. Code 1538

1) Rulemaking:
   A) Description: This grant program provides financial assistance to local units of government for the development of plans and implementation of
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programs for the establishment, management, conservation, and preservation of the urban and community forest.

B) Statutory Authority: Implementing and authorized by the Urban and Community Forestry Assistance Act [30 ILCS 735].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL  62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

t) Part(s) (Heading and Code Citation): Land and Water Conservation Fund (LWCF) Grant Program – 17 Ill. Adm. Code 3030

1) Rulemaking:

A) Description: This Part contains regulations regarding the Land and Water Conservation Fund Grant Program.


C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None
DEPARTMENT OF NATURAL RESOURCES

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F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL  62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Special Wildlife Funds Grant Program – 17 Ill. Adm. Code 3060

1) Rulemaking:

A) Description: New Part containing regulations for administration of four funds established with the intent to support the activities of the Department or other managers of land to preserve, protect, acquire and manage wildlife habitat for future generations.

B) Statutory Authority: Implementing and authorized by the Habitat Endowment Act [520 ILCS 25], Sections 1.28, 1.29, 1.31 and 1.32 of the Wildlife Code [520 ILCS 5/1.28, 1.29, 1.31 and 1.32], the Civil Administrative Code of Illinois [801 ILCS 63], the Real Property Conservation Rights Act [765 ILCS 120] and the Illinois Grant Funds Recovery Act [30 ILCS 705].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: October 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL  62702-1271
217/782-1809
G) Related rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citation): General – 62 Ill. Adm. Code 1700

1) Rulemaking:

A) Description: This Part contains general regulations for mining.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Jack Price, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

w) Part(s) (Heading and Code Citation): Areas Designated by Act of Congress – 62 Ill. Adm. Code 1761

1) Rulemaking:

A) Description: This Part contains regulations for mining areas designated by an Act of Congress.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
PART (Heading and Code Citation): Criteria for Designating Areas as Unsuitable for Surface Coal Mining Operations - 62 Ill. Adm. Code 1762

1) Rulemaking:

A) Description: This Part contains regulations for designating areas as unsuitable for surface coal mining operations.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 2004

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Virginia Yang, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
G) Related rulemakings and other pertinent information: None

y) Part(s) (Heading and Code Citation): Requirements for Coal Exploration – 62 Ill. Adm. Code 1772

1) Rulemaking:

A) Description: This Part contains requirements for coal exploration.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 2004

E) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

Virginia Yang, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

z) Part(s) (Heading and Code Citation): Requirements for Permits and Permit Processing – 62 Ill. Adm. Code 1773

1) Rulemaking:

A) Description: This Part contains the regulations for mining permits and permit processing.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
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C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: September 2004

E) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

Virginia Yang, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

G) Related rulemakings and other pertinent information: None

aa) Part(s) (Heading and Code Citation): Permanent Program Performance Standards – Surface Mining Activities; 62 Ill. Adm. Code 1816

1) Rulemaking:

A) Description: This Part contains performance standards for surface mining activities.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2004

E) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

Virginia Yang, Legal Counsel
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
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G) Related rulemakings and other pertinent information: None

bb) Part(s) (Heading and Code Citation): Permanent Program Performance Standards – Underground Mining Operations – 62 Ill. Adm. Code 1817

1) Rulemaking:

A) Description: This Part contains performance standards for underground mining operations.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2004

E) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

   Virginia Yang, Legal Counsel  
   One Natural Resources Way  
   Springfield IL  62702-1271  
   217/782-1809

G) Related rulemakings and other pertinent information: None

cc) Part(s) (Heading and Code Citation): Special Program Performance Standards -- Operations on Prime Farmland – 62 Ill. Adm. Code 1823

1) Rulemaking:

A) Description: This Part contains performance standards for mining operations on prime farmland.

B) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
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C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: August 2004

E) Affect on small businesses, small municipalities or not for profit corporations: Yes

F) Agency contact person for information:

    Virginia Yang, Legal Counsel
    One Natural Resources Way
    Springfield IL  62702-1271
    217/782-1809

G) Related rulemakings and other pertinent information: None
DEPARTMENT OF PUBLIC AID

JULY 2004 REGULATORY AGENDA

a) Part (Heading and Code Citation): General Administrative Provisions (89 Ill. Adm. Code 101)

1) Rulemaking

A) **Description:** The Department plans to propose a new rulemaking to permit the Director to issue shields or other distinctive identification to employees, who are not exercising the powers of a peace officer, if the Director determines that a shield or distinctive identification is needed by the employees to carry out their responsibilities.

B) **Statutory Authority:** Implementing Articles I, II and VIIIA, and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I, II and VIIIA and 12-13]

C) **Schedule of meeting or hearing dates:** The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) **Date agency anticipates First Notice:** The Department has not determined when a Notice of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) **Effect on small businesses, small municipalities, and not-for-profit corporations:** The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this Regulatory Agenda.

F) **Agency contact person for information:**

   Joanne Scattoloni  
   Office of the General Counsel  
   Illinois Department of Public Aid  
   201 South Grand Avenue East, Third Floor  
   Springfield, Illinois 62763-0002  
   217/524-0081

G) **Related rulemakings and other pertinent information:** None
DEPARTMENT OF PUBLIC AID
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b) Part (Heading and Code Citation): Practice in Administrative Hearings (89 Ill. Adm. Code 104)

1) Rulemaking:

A) : A new rule is planned to propose expansion of the length of termination of Medicaid vendors for health care fraud convictions.

B) Statutory Authority: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25(D) and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25(D) and 12-13]

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
217/524-0081

G) Related rulemakings and other pertinent information: None
c) Part (Heading and Code Citation): Medical Assistance Programs (89 Ill. Adm. Code 120)

1) Rulemaking:

A) Description: The Department may propose rulemaking to increase the income eligibility threshold for parents under the Kid Care Parent Coverage waiver (FamilyCare) to 133 percent of the federal poverty level.

Public Act 93-0163 created a Medicaid Buy-In Revolving Fund into which premium payments collected through the Buy-In would be kept. The Department will propose amendments pursuant to the Act to describe how the fund will be spent, which generally may include both program services and operations.

The Department plans to propose changes concerning persons with breast or cervical cancer to extend coverage under the Medical Assistance Program to include certain precancerous conditions. Other changes will exempt this coverage group from estate claims.

A new rule will be promulgated to implement a pre-pay spenddown program in Illinois. Currently the only way for a client to meet spenddown is to provide copies of medical bills or receipts to an eligibility worker. Under the planned rule, a client will also be able to meet his or her spenddown by sending a payment to the Department. This will allow persons to meet spenddown and have medical coverage before the start of the month.

The Department plans to amend existing rules to clarify that the amount of the medical expense that can be used to meet spenddown for persons receiving services from a DHS funded community-based medical or rehabilitative agency is the usual, customary, or competitive rate as established by the community-based provider.

B) Statutory Authority: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS
C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

   Joanne Scattoloni  
   Office of the General Counsel  
   Illinois Department of Public Aid  
   201 South Grand Avenue East, Third Floor  
   Springfield, Illinois 62763-0002  
   217/524-0081

G) Related rulemakings and other pertinent information: None

d) Part (Heading and Code Citation): Medical Payment (89 Ill. Adm. Code 140)

1) Rulemaking:

A) Description: Clarifications will be proposed that in all cases where a vendor has previously been terminated or barred from the Medical Assistance Program, said vendor has the burden of proof at any hearing regarding his re-application for entry into the Program.

   New provisions are planned that state the Department may, in its discretion, utilize available, recognized computer software programs
Amendments will be proposed to clarify the Department's relationship with alternate payees. The changes will require alternate payees to enroll with the Department; permit the Department to terminate, suspend, or bar the eligibility of alternate payees; further limit the circumstances under which individual vendors could utilize alternate payees; further restrict the types of entities which would be permitted to serve as alternate payees; and provide that alternate payees would have joint and several liability with vendors for any violations of the Public Aid Code or Department regulations.

Amendments are planned to provide that an entity that has been terminated, suspended, or barred by the Department, may not, while such sanction remains in effect, serve as a billing agent of a vendor.

A new rule is planned that authorizes the Department to require vendors of non-emergency transportation services to post a surety bond. The new provisions will establish the criteria and requirements on when a bond must be posted, as well as the value of the bond.

Changes will be proposed regarding criminal background checks on non-emergency transportation providers. The rule will require the submission or updating of criminal background checks from non-emergency transportation providers only if requested by the Department. In addition, the changes will exempt transportation providers enrolled as privately owned autos and government agencies.

The Department will propose an expansion of the definition for the term "non-emergency transportation vendor" to include those who act as billing agents for a vendor. The definition of the term "vendor" will be revised to include those who provide goods and services to a recipient.

Several amendments will be proposed to permit the Department, in certain situations, to refuse to accept prior approval and post approval requests and cancel existing prior approvals for specific transportation vendors. Another amendment will decrease the time frame in which a non-emergency transportation vendor may request post approval for a service.
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that requires a prior approval. This change will also permit vendors' post approval requests to be made to agents of the Department.

Proposed amendments are planned regarding the In-Home Care Program to reflect a more complete list of programs, including the University of Illinois Chicago Division of Specialized Services for Children (medically fragile, technology dependent children), and to provide updates on current agency names.

The Department plans to propose rulemaking to amend the current provisions on audits to allow vendors 45 days to respond to audit findings, to allow additional documentation for reaudit and to provide that only two reaudits will be conducted.

A new rule is planned to implement changes under the Alternative Health Care Delivery Act [210 ILCS 3/35]. The rule will establish the conditions a Children's Community-Based Health Care Center must meet in order to participate in the Medicaid Program; outline the services provided by the Children's Community-Based Care Center; and, describe the Department's reimbursement for those services.

Rules changes are planned to implement the Illinois Children's Mental Health Act (Public Act 93-0495). The new provisions will establish the criteria and reimbursement for intensive community-based mental health services (screening, assessment and support services (SASS)) and a crisis referral hotline. Additionally, provisions will be proposed to align the changes rule with 59 Ill. Adm. Code 132, Department of Human Services' rules governing the provision of behavioral health services.

The Department intends to propose changes to the process for determining whether prior approval is required for reimbursement of specific drugs.

Proposed amendments are planned to broaden the scope of organizations with whom the Department will consult in determining which drugs require prior approval.

B) Statutory Authority: Section 1915(c) of the Social Security Act (42 USC 1396n(c)) (Federal Waiver Authority) and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid
Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13, the Alternative Health Care Delivery Act [210 ILCS 3/35], and the Illinois Children's Mental Health Act [305 ILCS 5/5-5.23] (and anticipated new legislation)

C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information: Joanne Scattoloni
   Office of the General Counsel
   Illinois Department of Public Aid
   201 South Grand Avenue East, Third Floor
   Springfield, Illinois  62763-0002
   217/524-0081

G) Related rulemakings and other pertinent information: None

e) Part (Heading and Code Citation): Specialized Health Care Delivery systems (89 Ill. Adm. Code 146)

1) Rulemaking:

   A) Description: The Department intends to propose changes regarding dental services performed in Ambulatory Surgical Treatment Centers (ASTCs) or outpatient hospital settings.
The Department plans to propose amendments relating to Supportive Living Facilities (SLFs). Because of program growth, additional requirements and clarifying provisions will be added to the rules.


C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when the Notice of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:

Joanne Scattoloni  
Office of the General Counsel  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois  62763  
217/524-0081

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Hospital Services (89 Ill. Adm. Code 148)

1) Rulemaking:

A) Description: Rule changes are A new rule is planned to implement the Illinois Children's Mental Health Act (Public Act 93-0495). The new
provisions will establish hospital reimbursement and utilization review for intensive community-based mental health services (screening, assessment and support services (SASS)).

The Department intends to propose changes regarding dental services performed in outpatient hospital settings or Ambulatory Surgical Treatment Centers (ASTCs).

Proposed amendments are planned for the Hemophilia Program. The Illinois Hemophilia Program pays only for Illinois residents that have financially qualified for the Program. The Program is a payer of last resort: after Medicare and/or private insurance, after other government agencies, and after a patient's determined participation fee, if applicable, and if the patient is not eligible for public assistance at the time of the service being billed.

The Department intends to propose changes to clarify existing practices relating to filing hospital cost reports.


C) Schedule of meeting or hearing dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) Date agency anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on small businesses, small municipalities, and not-for-profit corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency contact person for information:
DEPARTMENT OF PUBLIC AID

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Joanne Scattoloni
Office of the General Counsel
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
217/524-0081

G) Related rulemakings and other pertinent information: None

1) Rulemaking:

A) Description: Changes will be proposed pursuant to Senate Bill 2690. Upon the termination date stated in the order for support or upon the youngest child's emancipation date, if there is an unpaid arrearage or delinquency equal to at least one month's support obligation, then the periodic amount required to be paid for current support shall automatically continue to be an obligation, not as current support but as a periodic payment towards the satisfaction of that unpaid arrearage or delinquency. The rules will provide that this periodic payment shall be in addition to any periodic payment previously ordered for satisfaction of arrearage or delinquency.

Changes will be proposed pursuant to House Bill 4310 which directs the Department to adopt a debit authorization for child support and to notify banks and other financial institutions that it has done so. The changes will provide that if an obligor does not have an employer to serve income withholding and has been ordered to make periodic payments of child support to the State Disbursement Unit, the obligor may authorize a bank or other financial institution where an obligor maintains an account to debit his or her account periodically for that payment.

A new Section is planned to establish that each year, a State's Attorney, in cooperation with the appropriate county officials, may submit to the Department a Plan for a Unified Child Support Services Program that includes all of the components set forth in Section 15 of Public Act 92-876 and that includes a projected budget of the necessary and reasonable direct and indirect costs for operation of the Program. The Plan may provide for phasing in the Program with different implementation dates.
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C) **Schedule of meeting or hearing dates:** The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

D) **Date agency anticipates First Notice:** The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) **Effect on small businesses, small municipalities, and not-for-profit corporations:** The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) **Agency contact person for information:**

   Joanne Scattoloni  
   Office of the General Counsel  
   Illinois Department of Public Aid  
   201 South Grand Avenue East, Third Floor  
   Springfield, Illinois 62763  
   217/524-0081

G) **Related rulemakings and other pertinent information:** None
h) **Part (Heading and Code Citation):** Americans with Disabilities Act Grievance Procedures (4 Ill. Adm. Code 250)

1) **Rulemaking**

   A) **Description:** The Department may propose new rules that will govern grievance procedures under the Americans with Disabilities Act.

   B) **Statutory Authority:** Implementing the Americans with Disabilities Act of 1990 (42 USC 12101) and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

   C) **Schedule of meeting or hearing dates:** The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking.

   D) **Date agency anticipates First Notice:** The Department plans to file this proposed rulemaking during July 2004.

   E) **Effect on small businesses, small municipalities, and not-for-profit corporations:** The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this Regulatory Agenda.

   F) **Agency contact person for information:**

      Joanne Scattoloni  
      Office of the General Counsel  
      Illinois Department of Public Aid  
      201 South Grand Avenue East, Third Floor  
      Springfield, Illinois 62763-0002  
      217/524-0081

   G) **Related rulemakings and other pertinent information:** None
a) Part Heading and Code Citation: Subacute Care Hospital Demonstration Program Code (77 Ill. Adm. Code 270); Hospital Licensing Requirements (77 ILL. Adm. Code 250); Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)

1) Rulemaking:

A) Description: Parts 300 and 250 will be amended to include requirements for licensure of locations that hold themselves out to be a subacute facility or a subacute unit. Part 270 will be amended to allow facilities that are currently licensed under those rules to continue to be licensed.

B) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]; Hospital Licensing Act [210 ILCS 85]; and Nursing Home Care Act [210 ILCS 45]

C) Scheduled meeting/hearing dates: Long-Term Care Facility Advisory Board, November 2004; Hospital Licensing Board, Fall 2004; State Board of Health, Fall 2004

D) Date agency anticipates First Notice: Fall 2004

E) Effect on small businesses, small municipalities, or not-for-profit corporations: These rules will not affect small business, small municipalities, or not-for-profit corporations.

F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson
Springfield, Illinois 62761
217/782-2043

G) Related rulemaking and other information: None

b) Part Heading and Code Citation: Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300); Illinois Veterans’ Homes Code (77 Ill. Adm. Code 340);
1) Rulemaking

A) **Description:** This amendment will require at least one qualified certified nurse aide, habilitation aide, or child care aide to be working at all times that a resident is present at the facility.

B) **Statutory Authority:** Nursing Home Care Act [210 ILCS 45]

C) **Scheduled meeting/hearing dates:** Long Term Care Facility Advisory Board July 2004 meeting

D) **Date agency anticipates First Notice:** Fall 2004

E) **Effect on small businesses, small municipalities, or not-for profit corporations:** These amendments may affect long-term care facilities that are small businesses and not-for-profit corporations.

F) **Requests for information concerning this regulatory agenda shall be directed to:**

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson  
Springfield, Illinois  62761  
217-782-2043

G) **Related rulemaking and other information:** None
c) Part Heading and Code Citation: End Stage Renal Disease Facility Code (77 Ill. Adm. Code 235)

1) Rulemaking:

A) Description: These rules will implement the End Stage Renal Disease Facility Act [210 ILCS 62]. The rules will include standards for infection control, personnel, patient-care services, records, physical plant, and quality assessment and improvement. Procedures, including licensure application, inspections, notice of violation, plans of correction, sanctions, and hearings, will be defined.

B) Statutory Authority: End Stage Renal Disease Facility Act [210 ILCS 62]

C) Scheduled meeting/hearing dates: Pending appointment of advisory committee

D) Date agency anticipates First Notice: December 2004

E) Effect on small businesses, small municipalities, or not-for profit corporations: These amendments may affect small businesses and not-for-profit corporations that become licensees.

F) Requests for information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761
217-782-2043

G) Related rulemaking and other information: None
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d) Innovations in Long-Term Care Quality Grant Code (77 Ill. Adm. Code __)

1) Rulemaking:

A) **Description:** This new Part will define the requirements for a facility to apply for a grant under the Innovations in Long-Term Care Quality Grant Act.

B) **Statutory Authority:** Innovations in Long-Term Care Quality Grant Act (P.A. 92-0784)

C) **Scheduled meeting/hearing dates:** Pending appointment of the advisory committee

D) **Date agency anticipates First Notice:** Winter 2004

E) **Effect on small businesses, small municipalities, or not-for-profit corporations:** This may affect small businesses and not-for-profit corporations that are licensed under the Nursing Home Care Act [210 ILCS 45].

F) **Requests for information concerning this regulatory agenda shall be directed to:**

   Susan Meister
   Division of Legal Services
   Illinois Department of Public Health
   535 West Jefferson
   Springfield, Illinois 62761
   217-782-2043

G) **Related rulemaking and other information:** None

e) **Part Heading and Code Citation:** Children’s Respite Care Center Demonstration Program Code (77 Ill. Adm. Code 260)

1) **Rulemaking:**
A) **Description:** These rules will be amended in response to P.A. 93-0402 (effective January 1, 2004), which amended the Alternative Health Care Delivery Act to change the name and the scope of service provided by this model. Children’s community-based health care center models will be allowed to provide the same services as children’s respite care centers, with the addition of providing transitional stays of up to 120 days, medical day care weekend camps, and diagnostic studies that are typically done in the home. The centers will service “children with special health care needs” who are younger than 22 years of age.

B) **Statutory Authority:** Alternative Health Care Delivery Act [210 ILCS 3]

C) **Scheduled meeting/hearing dates:** None scheduled at this time. These amendments will be reviewed by the State Board of Health prior to publication as a proposed rulemaking.

D) **Date agency anticipates First Notice:** Fall 2004

E) **Effect on small businesses, small municipalities, or not-for-profit corporations:** There is currently one licensee in this program. It is a not-for-profit corporation.

F) **Requests for information concerning this regulatory agenda shall be directed to:**

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson  
Springfield, Illinois 62761  
217/782-2043

G) **Related rulemaking and other information:** None

f) **Part Heading and Code Citation:** Hospital Report Card Code (77 Ill. Adm. Code _____)
A) **Description:** These rules will implement the Hospital Report Card Act (Public Act 93-0563). The rules will include specific clinical procedures for reporting nosocomial infection rates for Class I surgical site infection, ventilator-assisted pneumonia, and central line-related bloodstream infections. The rules will also establish a format for quarterly reports to be submitted by hospitals to the Department April 30, July 31, October 31, and January 31 each year for the previous quarter. The format for annual reports, to be submitted by December 31 of each year, will also be included.

B) **Statutory Authority:** Hospital Report Card Act [Public Act 93-0563].

C) **Schedule of meeting/hearing dates:** No schedule has been established at this time.

D) **Date agency anticipates First Notice:** Unknown at this time.

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** This rulemaking should not affect small businesses, but small municipalities and not-for-profit corporations that own or operate hospitals may be affected.

F) **Information concerning this regulatory agenda shall be directed to:**

   Susan Meister  
   Division of Legal Services  
   535 W. Jefferson, 5th Floor  
   Springfield, Illinois  62761  
   217/782-2043

G) **Related rulemakings and other pertinent information:** After the Hospital Report Card Code is adopted, the Hospital Licensing Requirements (77 Ill. Adm. Code 250) will be amended to reference these rules.

g) **Part Heading and Code Citation:** Illinois Health and Hazardous Substances Registry (77 Ill. Adm. Code 840)
A) **Description:** The rules will be amended to allow registries to follow best practices in conducting surveillance of cancers and adverse pregnancy outcomes. The amendments include provisions for the Illinois State Cancer Registry to conduct rapid case ascertainment and patient contact activities and for the Adverse Pregnancy Outcomes Reporting System (APORS) to eliminate “Designated Patient Care Unit (DPU) stay only” from its case reporting criteria; add prenatal exposure to sexually transmitted diseases to the case definition; and define the age range for birth defect reporting as up to two years after birth.


C) **Scheduled meeting/hearing dates:** These amendments were based on a year-long evaluation of APORS by UIC faculties and recommendation of the Illinois Health And Hazardous Substances Registry Coordinating Council.

D) **Date agency anticipates First Notice:** October 2004

E) **Affect on small businesses, small municipalities or not for profit corporations:** These amendments will not affect small businesses, small municipalities or not-for-profit corporations.

F) **Requests for information concerning this regulatory agenda shall be directed to:**

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) **Related rulemakings and other pertinent information:** None
h) **Part Heading and Code Citation:** Shellfish Certification Code (77 Ill. Adm. Code ___)

1) **Rulemaking**

A) **Description:** Public Act 92-769, effective January 1, 2003, authorizes the Department to issue an Illinois shellfish certificate, upon request, to shellfish firms in compliance with the Interstate Shellfish Sanitation Conference. The rules will specify application procedures for shellfish certification. The rules will also incorporate federal guidelines and regulations relating to shellfish sanitations, including guidelines and regulations of the Food and Drug Administration titled A National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish© and A Fish and Fishery Products (21 CFR 123), respectively.

B) **Statutory Authority:** Section 21.3 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21.3]

C) **Schedule of meeting/hearing dates:** These amendments will be reviewed by the State Board of Health.

D) **Date agency anticipates First Notice:** November 2004

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** It is anticipated that the proposed changes will have a minimum impact on the regulated industry.

F) **Information concerning this regulatory agenda shall be directed to:**

Susan Meister  
Division of Legal Services  
535 W. Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) **Related rulemakings and other pertinent information:** None.

i) **Part Heading and Code Citation:** Tanning Facilities Code (77 Ill. Adm. Code 795)
1) Rulemaking:

A) **Description**: This rulemaking will provide a general revision and update of the rules for the Tanning Facilities Inspection Program.

B) **Statutory Authority**: Tanning Facility Permit Act (10 ILCS 145)

C) **Schedule of meeting/hearing dates**: These amendments will be reviewed by the State Board of Health.

D) **Date agency anticipates First Notice**: October 2004.

E) **Effect on small businesses, small municipalities or not-for-profit corporations**: These amendments will clarify the regulatory procedures for the application for permits and the operation of tanning facilities.

F) **Information concerning this regulatory agenda shall be directed to**: Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) **Related rulemakings and other pertinent information**: None.

j) **Part Heading and Code Citation**: Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790)

1) **Rulemaking**

A) **Description**: This rulemaking will clarify the Department’s authority and procedures for the addition of multiple-source drug products to the Illinois Formulary that are not subject to a New Drug Application (NDA) or Abbreviated New Drug Application (ANDA) by the federal Food and Drug Administration (FDA). It will also clarify the general procedures for
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inclusion in the Illinois Formulary of products listed in the FDA’s publication, Approved Drug Products with Therapeutic Equivalence Evaluations.


C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: December 2004

E) Effect on small businesses, small municipalities or not for-profit corporations: These amendments will provide for the inclusion of additional generic drug products in the Illinois Formulary, available for Illinois pharmacists’ prescription interchange.

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None.

k) Part Heading and Code Citation): Asbestos Abatement for Public and Private Schools and Commercial and Public Buildings in Illinois (77 Ill. Adm. Code 855)

1) Rulemaking

A) Description: This rulemaking involves revisions to the rules governing asbestos abatement activities in public and private schools and commercial and public buildings in Illinois. Proposed changes to the rules include: 1) clarification of incorporated materials to eliminate specific areas of inconsistency and to update referenced documents; 2) addition of
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definitions for Ademolition®, Aincidental breakage® and other terms associated with non-friable floor tile removal; 3) increased licensing fees for workers and professionals; 4) clarification of notification requirements and procedures and clearance air sampling procedures for abatement of asbestos in commercial and public buildings; 5) addition of whole floor tile removal procedures for commercial and public buildings and schools; 6) provision of standards for floor tile supervisor and worker training.

B) Statutory Authority: Section 6 (b)(i)(2)(d) of the Asbestos Abatement Act [105 ILCS 105] and the Commercial and Public Building Asbestos Abatement Act [225 ILCS 207].

C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health. Public Hearings will be scheduled during the first notice period for this rulemaking.

D) Date agency anticipates First Notice: December 2004

E) Effect on small businesses, small municipalities or not-for-profit corporations: It is anticipated that the proposed changes will have minimum impact on the regulated industry.

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None.

1) Part Heading and Code Citation): Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)

1) Rulemaking

A) Description: The existing rules set forth requirements for the approval of training providers and the licensing of persons who conduct lead
abatement and mitigation activities in dwellings and child care facilities. Additionally, the regulations cite the minimum work practices to be used when conducting lead investigations and remediation services to protect the public from associated hazards of lead exposure. This rulemaking involves a number of revisions to the lead poisoning prevention rules. Proposed changes include: 1) clarifying existing definitions applicable to lead activities; 2) eliminating redundancies of referenced incorporated federal regulations; 3) clarifying the work practices to be used by the Department or delegate agency for conducting investigations of regulated facilities that have been associated with a child with an elevated blood lead level; 4) establishing minimum work practices for lead investigations to be utilized by the regulated industry for conducting lead investigations in regulated facilities that are not associated with a child identified with an elevated blood lead level; 5) clarifying and expanding the minimum requirements for training course providers to receive Department approval to offer certified lead training for professionals seeking lead certification and licensing in Illinois; 6) clarifying the work practices to be prescribed by the Department or delegate agency for persons conducting lead mitigation or abatement of identified lead hazards in response to an investigation of regulated facilities associated with a child with an elevated blood lead level; 7) establishing minimum work practices for lead mitigation and abatement to be used by the regulated industry for conducting lead mitigation and abatement in regulated facilities that are not associated with a child identified with an elevated blood lead level; 8) clarifying existing requirements for licensed lead contractors to establish safe, effective and appropriate mitigation and abatement control plans to protect occupants of regulated facilities from lead hazards that may occur as a result of disturbed lead or generated as part of their lead work; 9) establishing record keeping requirements for licensed lead professionals and contractors; 10) clarifying the existing requirements for a licensed lead supervisor to oversee, manage and direct activities on lead mitigation and abatement projects; 11) clarifying existing requirements and standards for identification of lead, lead-bearing substances and lead hazards to be consistent with federal requirements; 12) establishing new regulations to be applied for fines and penalties applicable to licensed lead professionals, lead contractors and approved lead training course providers for violations of the Act or Code; and 13) establishing standards for administrative hearings.
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B) **Statutory Authority:** Sections 11.1, 11.2, 13 and 14 of the Illinois Lead Poisoning Prevention Act [410 ILCS 45].

C) **Schedule of meeting/hearing dates:** Amendments were reviewed and approved by the State Board of Health on March 11, 2004.

D) **Date agency anticipates First Notice:** July 2004

E) **Effect on small businesses, small municipalities or not for profit corporations:** It is anticipated that the proposed changes will have minimum impact on the regulated industry.

F) **Information concerning this regulatory agenda shall be directed to:**

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) **Related rulemakings and other pertinent information:** None.

m) **Part Heading and Code Citation:** Certificates of Free Sale and Health Certificates (77 Ill. Adm. Code 792)

1) **Rulemaking:**

A) **Description:** This rulemaking will provide definitions and describe the procedures for firms requesting certificates of free sale and/or health certificates from the Department. Instructions for completing Department-provided application forms, preparation of certificates, preparation of certificates of authority, and payment of fees are detailed.

B) **Statutory Authority:** Section 21.3 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/1 et seq.]

C) **Schedule of meeting/hearing dates:** none scheduled

D) **Date agency anticipates First Notice:** September 2004
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E) **Effect on small businesses, small municipalities or not-for-profit corporations**: None known at this time

F) **Information concerning this regulatory agenda shall be directed to:**

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) **Related rulemakings and other pertinent information**: None

n) **Part Heading and Code Citation**: HIV/AIDS Confidentiality and Testing Code (77 Ill. Adm.Code 697)

1) **Rulemaking**:

A) **Description**: This rulemaking will allow the use of a U.S. Food and Drug Administration approved HIV test to detect HIV infection and provide for the release of preliminary HIV test results to physicians and individuals receiving HIV tests. Changes to Section 697.140 further clarify the provision for release of HIV test results.

B) **Statutory Authority**: AIDS Confidentiality Act [410 ILCS 305]; AIDS Registry Act [410 ILCS 310]; Communicable Disease Prevention Act [410 ILCS 315]; and Sections 55, 55.11, 55.41 and 55.45 of the Civil Administrative Code of Illinois [20 ILCS 2310/55 et seq.]

C) **Schedule of meeting/hearing dates**: These amendments will be reviewed by the State Board of Health.

D) **Date agency anticipates First Notice**: August 2004

E) **Effect on small businesses, small municipalities or not-for-profit corporations**: None known at this time.
F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None

o) Part Heading and Code Citation:
Safe Bottled Drinking Water Code (77 Ill. Adm. Code _____)

1) Rulemaking:

A) Description: This rulemaking will incorporate by reference those federal regulations applicable to the safe bottling of drinking water and will provide guidance for the issuance of permits, conduct of inspections, collection of samples and establishment of enforcement procedures as needed to implement the Act.

B) Statutory Authority: Safe Bottled Drinking Water Act, [410 ILCS ____]

C) Schedule of meeting/hearing dates: These rules will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: December 2004

E) Effect on small businesses, small municipalities or not-for-profit corporations: Rules will require that businesses apply for permits and be inspected routinely.

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
DEPARTMENT OF PUBLIC HEALTH

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535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information:

p) Part Heading and Code Citation: Illinois Water Well Construction Code (77 Ill. Adm. Code 920)

1) Rulemaking:

A) Description: This rulemaking will clarify the requirements for grouting drilled wells; establish the minimum time to grout a well following the removal of the drill rig from the drill site; establish requirements for bored well construction materials; clarify the notification requirement for sealing abandoned wells; and establish the setback requirements between closed-loop wells, water wells and sources of contamination.

B) Statutory Authority: Illinois Water Well Construction Code [415 ILCS 30]

C) Schedule of meeting/hearing dates: This rulemaking will be reviewed by the Illinois Water Well and Pump Installation Contractor’s License Board.

D) Date agency anticipates First Notice: October 2004

E) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will have no effect on small businesses, small municipalities, and not-for-profit corporations.

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None
q) Part Heading and Code Citation: Water Well and Pump Installation Contractor’s License Code (77 Ill. Adm. Code 915)

1) Rulemaking:

A) Description: This rulemaking will specify the documentation required to verify that an individual has the required experience installing water wells and water well pumps; increase the time period that requests for continuing education sessions must be submitted to the Department from 4 weeks to 120 days before any training session is presented; specify the time the Department must be notified in advance by those conducting required continuing education sessions; and establish requirements for approving continuing education topics.

D) Statutory Authority: Water Well and Pump Installation Contractor’s License Act [415ILCS 30/1 et. Seq.]

E) Schedule of meeting/hearing dates: This rulemaking will be reviewed by the Illinois Water Well and Pump Installation Contractor’s License Board.

F) Date agency anticipates First Notice: September 2004

G) Effect on small businesses, small municipalities or not-for-profit corporations: The rulemaking will have no effect on small businesses, small municipalities, and not-for-profit corporations.

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Local Health Protection Grant (77 Ill. Adm. Code 615)
1) **Rulemaking:**

A) **Description:** These rules specify standards of eligibility and operation of food protection, potable water, private sewage disposal and infectious disease programs for grants issued to certified local health departments. These amendments will change the training requirements for local health department food program personnel from every two years to every three years.

B) **Statutory Authority:** Illinois Food, Drug and Cosmetic Act [410 ILCS 60]

C) **Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation:** These amendments will be reviewed by the State Board of Health.

D) **Date Agency Anticipates First Notice:** October 2004

E) **Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations:** The rulemaking will have no effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations.

F) **Agency Contact Person for Information:**

Susan Meister  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
217/782-2043

G) **Other Pertinent Information Concerning this Rulemaking:** None

s) **Part(s) (Heading and Code Citation):** Immunization Code (77 Ill. Adm. Code 695)

1) **Rulemaking:**

A) **Description:** Existing rules set forth the required immunizations and acceptable exemptions for children entering school operated programs below the kindergarten level and kindergarten through 12th grade. Proposed changes in the immunization rules will further define “6 months
DEPARTMENT OF PUBLIC HEALTH

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of age” as required for the third dose of Hepatitis B vaccine to be “equal to or greater than” (> 24 weeks of age. This change is consistent with the ruling of the Advisory Committee on Immunization Practices as voted in October 2003 and will be evident in the production of the 2004 harmonized recommended schedule.


C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: Proposed amendments will be reviewed by the Immunization Advisory Committee in 2004. The State Board of Health will then review proposed amendments. The State Board of Health will schedule and conduct public hearings, if indicated.

D) Date Agency Anticipates First Notice: Changes in the rules will not be filed until the State Board of Health approves revisions.

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: It is anticipated that the proposed changes will have little impact on schools.

F) Agency Contact Person for Information:

Susan Meister
Division of Legal Services
535 West Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Other Pertinent Information Concerning this Rulemaking: These changes also affect the Immunization Code (77 Ill. Adm. Code 665)

t) Part(s) (Heading and Code Citation): Child Health Examination Code (77 Ill. Adm. Code 665)

1) Rulemaking:

A) Description: Existing rules set forth the required immunizations and acceptable exemptions for children entering school operated programs
below the kindergarten level and kindergarten through 12th grade. Proposed changes in the immunization rules will further define “6 months of age” as required for the third dose of Hepatitis B vaccine to be “equal to or greater than” (> 24 weeks of age. This change is consistent with the ruling of the Advisory Committee on Immunization Practices as voted in October 2003 and will be evident in the production of the 2004 harmonized recommended schedule.


C) Schedule of Dates for Hearings, Meetings, or Other Opportunities for Public Participation: Proposed amendments will be reviewed by the Immunization Advisory Committee at their first meeting in 2004. The State Board of Health will then review proposed amendments. The State Board of Health will schedule and conduct public hearings, if indicated.

D) Date Agency Anticipates First Notice: Changes in the rules will not be filed until the State Board of Health approves revisions.

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: It is anticipated that the proposed changes will have little impact on schools.

F) Agency Contact Person for Information:

Susan Meister
Division of Legal Services
535 West Jefferson, 5th Floor
Springfield, Illinois 62761
217/782-2043

G) Other Pertinent Information Concerning this Rulemaking: These changes also affect the Immunization Code (77 Ill. Adm. Code 695)

u) Part Heading and Code Citation:
77 Ill. Adm. Code Grade A Pasteurized Milk and Milk Products Act; 77 Ill. Adm. Code 775

1) Rulemaking:
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A) **Description:** This rulemaking will update references to several documents that are incorporated by reference in the Grade A Pasteurized Milk and Milk Products rules. Documents that are being updated include the Grade A Pasteurized Milk Ordinance (PMO), Methods of Making Sanitation Ratings of Milk Supplies (MMSR), and Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration (FDA) Program for Certification of Interstate Milk Shippers, all published by the FDA. References to other documents will be updated to reflect the most current editions.

B) **Statutory Authority:** Grade A Pasteurized Milk and Milk Products Act, [410 ILCS 635].

C) **Schedule of meeting/hearing dates:** These amendments will be reviewed by the State Board of Health.

D) **Date agency anticipates First Notice:** September 2004

E) **Effect on small businesses, small municipalities or not-for-profit corporations:** It is anticipated that the proposed changes will have minimum impact on dairy producers and processors.

F) **Information concerning this regulatory agenda shall be directed to:**

   Susan Meister
   Division of Legal Services
   535 W. Jefferson, 5th Floor
   Springfield, Illinois 62761
   217/782-2043

G) **Related rulemakings and other pertinent information:** None

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v) **Part Heading and Code Citation:** Child Health Examination Code (77 Ill. Adm. Code 665)

1) **Rulemaking:**

   A) **Description:** These rules will be amended to implement Public Act 93-0530, which amended the School Code to require the
Department of Public Health to specify that a diabetes screening, as defined by rule, shall be included as a part of each health examination. The rulemaking will also include a definitions section, a referenced materials section, requirements for tuberculosis screening, and expansion of the health care professionals who may perform health examinations, in accordance with Public Act 92-0703.


C) Schedule of meeting/hearing dates: These amendments will be reviewed by the State Board of Health.

D) Date agency anticipates First Notice: September 2004

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will not affect small businesses, small municipalities or not-for-profit corporations.

F) Information concerning this regulatory agenda shall be directed to:

Susan Meister
Division of Legal Services
535 W. Jefferson, 5th floor
Springfield, Illinois 62761
217/782-2043

G) Related rulemakings and other information: none

w) Part Heading and Code Citation: Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640)

1) Rulemaking:

A) Description: This rulemaking will update most sections of the Code. Changes include updates to referenced materials and statutory citations; changes to the composition of the Perinatal Advisory Committee, which is appointed by the Director; amendments to the standards for perinatal care; amendments to requirements for designation and redesignation of
perinatal facilities at one of five levels of care; amendments to the requirements for designation as a perinatal center; amendments to requirements for letters of agreement between designated perinatal facilities and their perinatal center; amendments to provisions for composition and funding of regional perinatal networks; amendments to the perinatal reporting system; and amendments to requirements for high-risk follow-up programs.

B) **Statutory Authority:** Developmental Disability Prevention Act [410 ILCS 250]

C) **Schedule of meeting/hearing dates:** This rulemaking will be reviewed by the State Board of Health.

D) **Date agency anticipates First Notice:** September 2004

E) **Effect on small businesses, small municipalities and not-for-profit corporations:** This rulemaking may affect not-for-profit corporations that own hospitals.

F) **Information concerning this regulatory agenda shall be directed to:**

   Susan Meister  
   Division of Legal Services  
   535 W. Jefferson St., 5th Floor  
   Springfield, Illinois 62761  
   217/782-2043

G) **Related rulemakings and other pertinent information:** None

x) **Part Heading and Code Citation:** Community Health Center Expansion Grants Code (77 Ill. Adm. Code New Part)

1) **Rulemaking:**

   A) **Description:** These rules will establish the application solicitation, review and award selection process for the grants authorized by the Community Health Center Expansion Act.
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B) **Statutory Authority:** Community Health Center Expansion Act [410 ILCS 66]

C) **Scheduled meeting/hearing dates:** No schedule has been established at this time. These rules will be reviewed by the State Board of Health.

D) **Date agency anticipates First Notice:** Unknown at this time.

E) **Effect on small businesses, small municipalities or not for profit corporations:** This rulemaking should not affect small businesses but certain not-for-profit corporations may be affected.

F) **Agency contact person for information:**

   Susan Meister, Division of Legal Services

   535 W. Jefferson, 5th Floor, Springfield, IL 62761

   217-782-2043

G) **Related rulemakings and other pertinent information:** None known at this time.

y) **Part Heading and Code Citation:** Health Facilities Planning Board (77 Ill. Adm. Code Parts 1100, 1110, 1120, 1130, 1190)

2) **Rulemaking:**

   A) **Description:** The rules will be amended to update and clarify review criteria and standards and to eliminate duplicative or unnecessary requirements.

   B) **Statutory Authority:** Health Facilities Planning Act [20 ILCS 3960]

   C) **Scheduled meeting/hearing dates:** A public hearing will be scheduled during the first notice comment period.
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D) Date agency anticipates First Notice: Amendments for proposal must be approved by the Illinois Health Facilities Planning Board prior to Illinois Register publication. A December 2004 first notice publication is anticipated.

E) Effect on small businesses, small municipalities or not for profit corporations: Proposed amendments are not anticipated to have an adverse impact upon healthcare facilities.

F) Agency contact person for information:

Susan Meister, Division of Legal Services

535 W. Jefferson, 5th Floor, Springfield, Il. 62761

217/782-2043

Related rulemakings and other pertinent information: None
a) Part(s) (Heading and Code Citation): Concurrent Service Adjustments (80 Ill. Adm. Code 1600.123)

1) Rulemaking: No docket number presently assigned.
   
   A) Description: Implementing a rule that would allow the adjustment of the average percent time worked calculations done with respect to concurrent service under Section 15-134.1.
   
   
   C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
   
   D) Date agency anticipates First Notice: September 2004
   
   E) Effect on small businesses, small municipalities or not for profit corporations: None
   
   F) Agency contact person for information:

   Dan M. Slack, General Counsel
   State Universities Retirement System
   1901 Fox Drive
   Champaign, IL 61820
   217/378-8855

   G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Dependency of Beneficiaries (80 Ill. Adm. Code 1600.20)

1) Rulemaking: No docket number presently assigned.

   A) Description: Modification of current dependency rule to clarify elements of dependency and the burden of proof.
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C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: September 2004

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

    Dan M. Slack, General Counsel
    State Universities Retirement System
    1901 Fox Drive
    Champaign, IL 61820
    217/378-8855

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Debt collection. (80 Ill. Adm. Code 1600.135)

1) Rulemaking: No docket number presently assigned.

A) Description: SURS has been exempted from the Debt Collection Board. SURS will promulgate rules as to its debt collection practices.


C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.
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D) Date agency anticipates First Notice: September 2004

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:
Dan M. Slack, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-8855

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Beneficiary Designations; Powers of Attorney. (80 Ill. Adm. Code 1600.25)

1) Rulemaking: No docket number presently assigned.

A) Description: SURS will promulgate a rule that clarifies the effectiveness of a beneficiary designation on file with the System. This rule will also describe when agents under a Power of Attorney are authorized to sign beneficiary designation forms and transact other business with the System.


C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: September 2004

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:
STATE UNIVERSITIES RETIREMENT SYSTEM  
OF THE STATE OF ILLINOIS  

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Dan M. Slack, General Counsel  
State Universities Retirement System  
1901 Fox Drive  
Champaign, IL  61820  
217/378-8855  

G) Related rulemakings and other pertinent information: None  

e) Part(s) (Heading and Code Citation): Election to Make Contributions for Military Service  

1) Rulemaking: No docket number presently assigned.  

A) Description: A rule promulgated in accordance with Section 15-157 to allow participants in the defined benefit plans to make contributions for military service.  


C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.  

D) Date agency anticipates First Notice: August 2004  

E) Effect on small businesses, small municipalities or not for profit corporations: None  

F) Agency contact person for information:  

Dan M. Slack, General Counsel  
State Universities Retirement System  
1901 Fox Drive  
Champaign, IL  61820  
217/378-8855
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OF THE STATE OF ILLINOIS

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G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay (80 Ill. Adm. Code 1600.40)

1) Rulemaking: No docket number presently assigned.

A) Description: Revision to the current rule to refer to the “effective rate” of interest instead of the “prescribed rate” under paragraph c. Also change the heading to read: Election to Make Contributions Covering Eligible Leave of Absence.


C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: September 2004

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Dan M. Slack, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL  61820
217/378-8855

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Freedom of Information Act (80 Ill. Adm. Code 1600.100)
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1) Rulemaking: No docket number presently assigned.

A) Description: A revision to the current rule further defining “public
records” and describing “personal information” under paragraph f (2)(A).

B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS
5/15-177.

C) Scheduled meeting/hearing dates: Written comments may be submitted
during the 45-day public comment period following publication of the
proposed rule in the Illinois Register. No public hearing is anticipated.

D) Date agency anticipates First Notice: September 2004

E) Effect on small businesses, small municipalities or not for profit
corporations: None

F) Agency contact person for information:

Dan M. Slack, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-8855

G) Related rulemakings and other pertinent
information: None

h) Part(s) (Heading and Code Citation): Procurement (80 Ill. Adm. Code 1600.130)

1) Rulemaking: No docket number presently assigned.

A) Description: A revision will be made to the current rule regarding
investment management.

B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS
5/15-177.

C) Scheduled meeting/hearing dates: Written comments may be submitted
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during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.  

D) Date agency anticipates First Notice: September 2004  
E) Effect on small businesses, small municipalities or not for profit corporations: None.  

F) Agency contact person for information:  

Dan M. Slack, General Counsel  
State Universities Retirement System  
1901 Fox Drive  
Champaign, IL 61820  
217/378-8855  

G) Related rulemakings and other pertinent information: None  

i) Part(s) (Heading and Code Citation): Americans With Disabilities Act Grievance Procedures (80 Ill. Adm. Code 1650)  

1) Rulemaking: No docket number presently assigned.  

A) Description: This new Section of rules will implement grievance procedures required under the federal Americans With Disabilities Act.  


C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the Illinois Register. No public hearing is anticipated.  

D) Date agency anticipates First Notice: July 2004  
E) Effect on small businesses, small municipalities or not for profit corporations: None.
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F) Agency contact person for information:

Dan M. Slack, General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL  61820
217/378-8855

G) Related rulemakings and other pertinent information: None
DEPARTMENT OF TRANSPORTATION

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a) Part(s) (Heading and Code Citation): Illinois Hazardous Materials Transportation Regulations (IHMTTR); 92 Ill. Adm. Code 107-180

1) Rulemaking:

A) Description: These amendments will update the IHMTTR for consistency with the federal regulations.

B) Statutory Authority: 430 ILCS 30/4(a)

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small businesses that own or operate commercial motor vehicles that transport hazardous materials in Illinois.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 South Dirksen Parkway
Springfield IL  62764
217/782-3215

G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Oversize and Overweight Permit Movements on State Highways; 92 Ill. Adm. Code 554

1) Rulemaking:

A) Description: These revisions will clarify existing procedures for trucking firms involved in the movement of oversize and overweight loads on State highways.
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B) Statutory Authority: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will not impact small businesses differently than any other business seeking a permit to move oversize and overweight loads.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 311
2300 South Dirksen Parkway
Springfield IL  62764
217/782-3215

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Prequalification of Contractors and Issuance of Plans and Proposals; 44 Ill. Adm. Code 650

1) Rulemaking:

A) Description: Part 650 will be revised and updated to reflect current practice, to address poor contractor performance, and to increase competition among the larger contractors.

B) Statutory Authority: [30 ILCS 500/5-25 and 500/20-45] and [605 ILCS 5/4-103 and 5/4-201.1]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months
E) **Effect on small businesses, small municipalities or not for profit corporations:** No effect on small businesses.

F) **Agency contact person for information:**

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 311  
2300 South Dirksen Parkway  
Springfield IL  62764  
217/782-3215

G) **Related rulemakings and other pertinent information:** None

d) **Part(s) (Heading and Code Citation):** Business Logo Signing Program; 92 Ill. Adm. Code 542

1) **Rulemaking:**

A) **Description:** The department will be proposing amendments that extend the program further north into the Chicago metro area and, also, that modify the hours of operation for food establishments.

B) **Statutory Authority:** 225 ILCS 440/4.08 and 605 ILCS 5/4-201.1

C) **Scheduled meeting/hearing date:** None scheduled

D) **Date agency anticipates First Notice:** Within six months

E) **Effect on small businesses, small municipalities or not for profit corporations:** These amendments will affect small businesses desiring to participate in the program.

F) **Agency contact person for information:**

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 311  
2300 South Dirksen Parkway  
Springfield IL  62764
DEPARTMENT OF TRANSPORTATION

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217/782-3215

G) Related rulemakings and other pertinent information: None
PROCLAMATIONS

2004-192
National Child Support Awareness Month

WHEREAS, the full and timely payment of child support is essential to providing for our children’s needs and ensuring that they have the best possible opportunities to lead fulfilling lives; and

WHEREAS, child support is not only a financial issue but is also a means of including both parents in the lives of their children; and

WHEREAS, in 2002, the Federal Office of Child Support Enforcement reported that almost 20 million children in the United States were involved in a child support arrangement, almost one million of which were in Illinois. In addition, the same report showed that Illinois’ child support collection rate in 2002 was 52%, a large improvement from the 2001 level, but still below the national average; and

WHEREAS, the Illinois Department of Public Aid works closely with the Departments of Human Services, Public Health, Children and Family Services, Corrections, Aging, Revenue, other state and county agencies, and various community groups, to help identify children’s natural fathers, and thereby ensure that child support services are sufficiently provided to those children; and

WHEREAS, my administration has actively worked to improve child support enforcement mechanisms by establishing successful partnerships with the federal government, and by creating the “Deadbeat Parents” web site (http://www.ilchildsupport.com/deadbeats/), which aims to extract outstanding child care payments from delinquent parents:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim August 2004 as NATIONAL CHILD SUPPORT AWARENESS MONTH in Illinois, and encourage all citizens to recognize the importance of child support in helping our children have better futures.

Issued by the Governor June 30, 2004.
Filed by the Secretary of State July 1, 2004.

2004-193
Gynecologic Cancer Awareness Month

WHEREAS, gynecologic cancers, like other forms of cancer, are caused by the uncontrolled growth and spread of abnormal cells; and

WHEREAS, each year, approximately 82,000 women across the nation are diagnosed with one of these types of cancer: ovarian, uterine, cervical, vulvar, vaginal, or tubal; and

WHEREAS, gynecologic cancers account for 14 percent of cancer diagnoses and 11 percent of all cancer deaths in the United States. A similar pattern is seen among Illinois women, in which case, 12 percent of all cancer cases (approximately 3,500 cases per year), are diagnosed as a gynecologic cancer, and 10 percent of all cancer deaths, or approximately 1,200 cases, are the result of gynecologic cancers; and
PROCLAMATIONS

WHEREAS, signs of gynecologic cancer vary and may not always appear in a physical form. Women who are experiencing abnormal symptoms should seek medical attention as soon as possible to obtain proper diagnosis; and

WHEREAS, diet, exercise, and lifestyle choices play a significant role in the prevention of cancer. Additionally, knowing your family history can increase your chance of early diagnosis and can help you take action towards prevention; and

WHEREAS, early detection is the key to successfully treating gynecologic cancer, so it is imperative that that women receive regular screenings and conduct self-examinations; and

WHEREAS, the Gynecologic Cancer Foundation (GCF) is a not-for-profit organization that was established to raise funds in support of philanthropic programs benefiting women who are currently living with gynecologic cancer, or are at risk of developing the disease; and

WHEREAS, GCF was founded in 1991 by the members of the Society of Gynecologic Oncologists. Their mission is to raise public awareness of preventative measures, warning signs, and treatment options associated with gynecologic cancers; and

WHEREAS, through the Illinois Breast and Cervical Cancer Program, sponsored by the Illinois Department of Public Health’s (DPH) Office of Women’s Health, women between the ages of 35 and 64 who are low income and lack health insurance, can receive free breast and cervical cancer screenings:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as GYNECOLOGIC CANCER AWARENESS MONTH in Illinois, and encourage all women to educate themselves on the issues related to gynecologic cancers and other diseases that pose a threat to their health and vitality.

Issued by the Governor June 30, 2004.
Filed by the Secretary of State July 1, 2004.

2004-194
MDA Telethon Celebration Month

WHEREAS, the Muscular Dystrophy Association (MDA) is a voluntary health agency working to defeat neuromuscular diseases through research, professional and public health education, and by offering comprehensive medical services to patients suffering from the disorder; and

WHEREAS, children and adults nationwide directly benefit from the support provided by MDA. Each year, the organization sends over 4,000 children to summer camps, at no cost to their families, provides free flu vaccinations to help prevent potentially deadly respiratory complications, and offers financial assistance to families toward the purchase of wheelchairs, leg braces, and communication devices; and

WHEREAS, over one-million Americans are currently affected by a neuromuscular disease. In Illinois, 5000 families are suffering from some form of this disease and are registered with MDA; however, there are other families that are not registered and have not benefited from their services; and
WHEREAS, since its founding in 1950, MDA has provided medical services to tens of thousands of people with neuromuscular diseases at more than 200 hospital-affiliated clinics across the country; and

WHEREAS, being the largest nongovernmental sponsor of neuromuscular disease research, the MDA relies almost entirely on private contributions for its operation, and receives no government funds; and

WHEREAS, the Jerry Lewis Labor Day Telethon is MDA’s single largest fund-raising event. Last year’s production raised more than $60 million nationally, including approximately $2 million from the state of Illinois; and

WHEREAS, the first-ever Jerry Lewis MDA Labor Day Telethon was broadcast in 1966, and raised more than $1 million in pledges, the first televised fund-raising event of its kind to achieve this feat. This year represents the 39th annual telethon to be held on Labor Day weekend:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as MDA TELETHON CELEBRATION MONTH in Illinois and encourage all citizens to join MDA in their fight to cure this debilitating disease.

Issued by the Governor June 30, 2004.
Filed by the Secretary of State July 1, 2004.

2004-195
Youth Soccer Month

WHEREAS, the popularity of youth soccer is steadily increasing in the United States, with more than 19 million children ranging from ages 6-19 playing the game. In Illinois alone, over 80,000 youth participate in soccer; and

WHEREAS, the Illinois Youth Soccer Association, the governing body for youth soccer in Illinois, has become the largest youth sport organization in the state; and

WHEREAS, soccer provides a healthy environment that reinforces values crucial to the maturation of youth of all ages and backgrounds, including: having a positive self-esteem, the importance of physical fitness, the value of hard work, and the ideals of teamwork, commitment, and sportsmanship; and

WHEREAS, in an attempt to capitalize on the benefits soccer provides to youth and their families in their everyday lives, US Youth Soccer is spearheading Youth Soccer Month – Celebrating Soccer in America; and

WHEREAS, in its second year, the goals of Youth Soccer Month are to: raise awareness of youth soccer and its benefits, emphasize soccer as the number one youth participation sport in America, bring youths of all ages and abilities and their families together for fun, friendship, and fitness, and highlight the various programs available to all children regardless of their economic situation, physical disabilities, or skill level; and

WHEREAS, the messages of Youth Soccer Month mirror those of the President’s Council in Physical Fitness and Sports, and communicate the importance of physical activity, and how exercise plays a role in good health:
PROCLAMATIONS

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as YOUTH SOCCER MONTH in Illinois, and encourage all citizens to realize the benefits soccer and other positive youth activities play in raising healthy, productive citizens.

Issued by the Governor June 30, 2004.
Filed by the Secretary of State July 1, 2004.

2004-196
SPECIAL SESSION PROCLAMATION

WHEREAS, the Department of Human Services has proposed the transition of payment methodology for certain health care and social service providers from a grant methodology to a fee-for-service methodology; and
WHEREAS, the General Assembly has proposed legislative action addressing this issue;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 2, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly any fee-for-service initiatives proposed to be implemented by the Department of Human Services.

Issued by the Governor: July 1, 2004
Filed by the Secretary of State: July 1, 2004

2004-197
SPECIAL SESSION PROCLAMATION

WHEREAS, the Illinois Constitution requires the General Assembly to make appropriations for the expenditure of public funds for the fiscal year for State departments, authorities, and public agencies; and
WHEREAS, the General Assembly has not made appropriations for fiscal year 2005 for the expenditure of public funds for the Domestic Violence Shelters and Services Program within the Department of Human Services; and
WHEREAS, thousands of Illinois citizens throughout the State are victims of domestic violence every year; and
WHEREAS, the Domestic Violence Shelters and Services Program provides a safe haven and the most basic needs of food, clothing, and shelter for domestic violence victims throughout the State;
THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 93rd General Assembly in a special session to commence on July 6, 2004, at 12:00 p.m., to consider any legislation (new or pending), which will address directly the budget of the Department of Human Services for the Domestic Violence Shelters and Services Program for fiscal year 2005.
PROCLAMATIONS

Issued by the Governor: July 2, 2004
Filed by the Secretary of State: July 2, 2004
ILLINOIS ADMINISTRATIVE CODE
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