

2003

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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Editor’s Note 1: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedules for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

Issue 28 - July 11, 2003: Data through	June 30, 2003 (2nd Quarter)
Issue 41 - October 10, 2003: Data through	September 29, 2003 (3rd Quarter)
Issue 2 - January 9, 2004: Data through	December 29, 2003 (Annual)
Issue 15 - April 00, 2004: Data through	March 31, 2004 (1stQuarter)

Editor’s Note 2: Submit all rulemaking documentation to the following address:

Secretary of State
Department of Index
Administrative Code Division
111 East Monroe Street
Springfield, Illinois 62756

Editor’s Note3:

To: All State Agencies – Springfield Area
From: Secretary of State
Department of Index
Administrative Code Division

The Code Division will be conducting a monthly workshop. This is the opportunity for the Administrative Code Division to ask the question “How can we help you?” Each month will consist of different discussion topics. State agencies will be able to select one or more workshops to attend. Please return the included registration form at least two weeks prior to the scheduled workshop. Topics will come from the Secretary of State’s Style Manual and 1 Ill. Adm. Code 100. All workshops will be scheduled from 8:30am to 12:00pm on selected dates. Unless otherwise announced workshops will be held at the Illinois State Library, 300 S. Second St., Rm. 403-404, Springfield, IL. 62701. If you have any questions or concerns please contact our office (217)782-6537.

To: All State Agencies in the Chicago Area
From: Secretary of State
Department of Index
Administrative Code Division

Our department will be conducting a bi-monthly workshop. This is the opportunity for the Administrative Code Division to ask the Chicago area “How can I help you?” Each session will consist of different discussion topics. Topics will range from – Trouble shooting with formatting, Secretary Style Manual and 1 Illinois Administrative Code 100.

WORKSHOP I DATE IS
MAY 28th
100 West Randolph, Room 9040
from 9:00 A. M. to 4:00 P.M.

Workshop Schedule and Signup Sheet on following page:

**Secretary of State
Department of Index
Administrative Code Division**
SPRINGFIELD AREA - Workshop Schedule and Signup Sheet

<p><u>Springfield</u> - June 25, 2003 Topics:</p> <ul style="list-style-type: none"> • Miscellaneous Information <ul style="list-style-type: none"> Emergency Rules Second Notices Executive Orders/Proclamations Regulatory Agenda Other Notices • Checklists 	Number Attending
<p><u>Springfield</u> – July – Specific Date to Be announced Topics:</p> <ul style="list-style-type: none"> • Proposed Rulemaking <ul style="list-style-type: none"> ○ Regulatory Agenda ○ 1st Notice - Proposed ○ 2nd Notice – JCAR Approval ○ Final Notice - Adopted 	Number Attending

Agency Name: _____
Contact Name: _____
Address: _____
City/Zip: _____
Phone Number: _____

Please return this registration sheets to: Springfield Workshops Chicago Workshops

Secretary of State
Department of Index
Administrative Code Division
Attn: Brenna Boston
111 E. Monroe
Springfield, IL 62756
Fax Number: (217) 524-0308

Illinois State Library
300 S. Second St.
Rm. 403-404
Springfield, IL 62701
8:30am – 12:00pm

Thompson Center
100 West Randolph
Room 9040
Chicago, IL
9:00 am – 4:00pm

If you have any question please call (217) 782-6537.

**Secretary of State
Department of Index
Administrative Code Division**
CHICAGO AREA - Workshop Schedule and Signup Sheet

<p><u>CHICAGO - May 28, 2003</u> Topics: : 9:00 am – 4:00pm - Room 9040</p> <ul style="list-style-type: none"> • Problems with Word - Sharing Documents • Introduction to the Secretary of State Style Manual • Rulemaking Process in Illinois • Organization and Format of Rules • Authority Notes • Source Notes • Filing and Publication Procedures 	<p>Number Attending</p>
<p><u>CHICAGO – End of July – Date to be announced</u> Topics</p> <ul style="list-style-type: none"> • Miscellaneous Information <ul style="list-style-type: none"> ○ Emergency Rules ○ Second Notices ○ Executive Orders/Proclamations ○ Regulatory Agenda ○ Other Notices • Checklists • Proposed Rulemaking <ul style="list-style-type: none"> ○ Regulatory Agenda ○ 1st Notice - Proposed ○ 2nd Notice – JCAR Approval • Final Notice - Adopted 	<p>Number Attending</p>

Agency Name: _____
Contact Name: _____
Address: _____
City/Zip: _____
Phone Number: _____

Please return this registration sheets to:
Secretary of State
Department of Index
Administrative Code Division
Attn: Brenna Boston
111 E. Monroe
Springfield, IL 62756
Fax Number: (217) 524-0308

Chicago Workshops
Thompson Center
100 West Randolph

Chicago, IL

If you have any question please call (217) 782-6537.

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

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

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

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

2003 REGISTER SCHEDULE VOLUME # 27

Issue#	Copy Due by 4:30 pm	Publication Date	Issue#	Copy Due by 4:30 pm	Publication Date
Issue 1	December 23, 2002	January 03, 2003	Issue 38	September 08, 2003	September 19, 2003
Issue 2	December 31, 2002	January 10, 2003	Issue 39	September 15, 2003	September 26, 2003
Issue 3	January 06, 2003	January 17, 2003	Issue 40	September 22, 2003	October 03, 2003
Issue 4	January 13, 2003	January 24, 2003	Issue 41	September 29, 2003	October 10, 2003
Issue 5	January 21, 2003	January 31, 2003	Issue 42	October 06, 2003	October 17, 2003
Issue 6	January 27, 2003	February 07, 2003	Issue 43	October 14, 2003	October 24, 2003
Issue 7	February 03, 2003	February 14, 2003	Issue 44	October 20, 2003	October 31, 2003
Issue 8	February 10, 2003	February 21, 2003	Issue 45	October 27, 2003	November 07, 2003
Issue 9	February 18, 2003	February 28, 2003	Issue 46	November 03, 2003	November 14, 2003
Issue 10	February 24, 2003	March 07, 2003	Issue 47	November 10, 2003	November 21, 2003
Issue 11	March 03, 2003	March 14, 2003	Issue 48	November 17, 2003	November 28, 2003
Issue 12	March 10, 2003	March 21, 2003	Issue 49	November 24, 2003	December 05, 2003
Issue 13	March 17, 2003	March 28, 2003	Issue 50	December 01, 2003	December 12, 2003
Issue 14	March 24, 2003	April 04, 2003	Issue 51	December 08, 2003	December 19, 2003
Issue 15	March 31, 2003	April 11, 2003	Issue 52	December 15, 2003	December 26, 2003
Issue 16	April 07, 2003	April 18, 2003			
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Issue 18	April 21, 2003	May 02, 2003			
Issue 19	April 28, 2003	May 09, 2003			
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Issue 21	May 12, 2003	May 23, 2003			
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Issue 23	May 27, 2003	June 06, 2003			
Issue 24	June 02, 2003	June 13, 2003			
Issue 25	June 09, 2003	June 20, 2003			
Issue 26	June 16, 2003	June 27, 2003			
Issue 27	June 23, 2003	July 04, 2003			
Issue 28	June 30, 2003	July 11, 2003			
Issue 29	July 07, 2003	July 18, 2003			
Issue 30	July 14, 2003	July 25, 2003			
Issue 31	July 21, 2003	August 01, 2003			
Issue 32	July 28, 2003	August 08, 2003			
Issue 33	August 04, 2003	August 15, 2003			
Issue 34	August 11, 2003	August 22, 2003			
Issue 35	August 18, 2003	August 29, 2003			
Issue 36	August 25, 2003	September 05, 2003			
Issue 37	September 02, 2003	September 12, 2003			

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July 2001 - 675 - GA -82

ILLINOIS PURCHASED CARE REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Governor's Purchased Care Review Board
- 2) Code Citation: 89 Ill. Adm. Code 900
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
900.110	Amendment
900.310	Amendment
900.315	New
900.320	Amendment
900.321	Amendment
900.322	Amendment
900.330	Amendment
900.331	Amendment
900.342	Amendment
900.343	Amendment
900.344	Amendment
900.345	Amendment
900.346	Repeal
900.347	Repeal
900.351	Repeal
- 4) Statutory Authority: 105 ILCS 5/14-7.02
- 5) A Complete Description of the Subjects and Issues Involved: This set of amendments involves mainly technical updating and clarification. For example, the rules need to be revised because the title of the Review Board was changed by statute. In several places, language that refers to individuals with disabilities has been updated to reflect more current usage. Numerous other changes have been made to improve syntax, update statutory references, or reflect currently accepted rulemaking style.

In addition, a new Section has been added to answer questions regarding the effective dates of rate determinations. The discussions of allowable costs and reasonable costs have been considerably amplified. Finally, procedural details have been added to the provisions regarding appeals.
- 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 proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

ILLINOIS PURCHASED CARE REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (W-475)
Springfield, Illinois 62777
(217)782-52750

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Some of the facilities that offer special educational and related services to individuals with disabilities are small businesses.
- B) Reporting, bookkeeping or other procedures required for compliance: Recording and reporting of costs are required.
- C) Types of professional skills necessary for compliance: General bookkeeping.
- 13) This rule was not included on either of the 2 most recent regulatory agendas because:
It was included on the regulatory agenda for July 2000.

The full text of the proposed amendments begins on the next page:

ILLINOIS PURCHASED CARE REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER V: ~~GOVERNOR'S~~ ILLINOIS PURCHASED CARE REVIEW BOARD

PART 900

~~GOVERNOR'S~~ ILLINOIS PURCHASED CARE REVIEW BOARD

Section	
900.110	Applicability
900.310	General Provisions Relating to Determining Allowable Costs
<u>900.315</u>	<u>Effective Dates of Rate Determinations</u>
900.320	Cost Reports -- General Requirements
900.321	Attested Cost Reports <u>Non-Allowable Costs and Revenue Offsets</u>
900.322	Definitions Governing Allowable Costs
900.330	<u>Reasonable</u> Cost Finding <u>Provisions</u>
900.331	Reimbursement for Allowable Costs
900.340	Notice and Filing of Appeal
900.341	Principles of Appeals Process
900.342	Basis for Increase in Allowable Costs <u>Appeals</u>
900.343	Effective Date <u>Dates of Rates Changed on Appeal</u>
900.344	Conditional Increases
900.345	Procedure for Filing Appeals
900.346	Review by Appeals Committee (<u>Repealed</u>)
900.347	Review by Board (<u>Repealed</u>)
900.348	Final Decision of Board
900.349	Mathematical and Clerical Errors in Calculation
900.351	Factors in Evaluating Appeals (<u>Repealed</u>)

AUTHORITY: Implementing and authorized by Section 14-7.02 of the School Code [105 ILCS 5/14-7.02].

SOURCE: Filed May 8, 1979, effective May 18, 1978; amended at 4 Ill. Reg. 9, pp. 241, 244 and 247, effective February 15, 1980; amended at 5 Ill. Reg. 4171, effective April 7, 1981; amended at 5 Ill. Reg. 5633, effective May 15, 1981; amended at 5 Ill. Reg. 9095, effective September 1, 1981; codified at 6 Ill. Reg. 12452; amended at 7 Ill. Reg. 6079, effective May 4, 1983; amended at 9 Ill. Reg. 9551, effective June 10, 1985; amended at 11 Ill. Reg. 20552, effective December 8, 1987; amended at 16 Ill. Reg. 5311, effective March 23, 1992; emergency amendment at 19 Ill. Reg. 13590, effective September 25, 1995, for a maximum of 150 days; emergency expired; amended at 27 Ill. Reg. _____, effective _____.

Section 900.110 Applicability

- a) ~~These rules apply~~ This Part applies to the activities of the ~~Governor's~~ Illinois Purchased Care Review Board, established pursuant to Section 14-7.02 of the

ILLINOIS PURCHASED CARE REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

School Code (~~Ill. Rev. Stat. 1981, ch. 122, par. 14-7.02~~) [[105 ILCS 5/14-7.02](#)].

- b) Should any rule, subdivision, clause, phrase, or provision of ~~these rules~~ [this Part](#) be held unconstitutional or invalid for any reason whatsoever, such holding shall not affect the validity of the remaining portions of ~~these rules~~ [this Part](#).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 900.310 General Provisions Relating To Determining Allowable Costs

- a) The ~~Governor's~~ [Illinois](#) Purchased Care Review Board (Board) approves costs for facilities providing special educational and related services and also room and board to children whose educational needs, because of their ~~handicap~~ [disabilities](#), cannot be met by the special education program of the district in which they reside.
- b) ~~The placement and services to be provided are~~ [Each such program is](#) subject to prior approval of the Illinois State Board of Education (ISBE).
- c) Providers must comply with the minimum educational standards as found in the ~~Rules and Regulations for Approval of Nonpublic Facilities Educating Handicapped Students under Section 14-7.02 of The School Code~~ [rules of the State Board of Education regarding Nonpublic Special Education Facilities \(23 Ill. Adm. Code 401\)](#).
- d) A “private for-profit facility” is an agency which is registered as for-profit by the Secretary of State in the agency's principal location and recognized as a for-profit entity by the Internal Revenue Service.
- e) “School health services” are ~~defined as~~ those direct or indirect services normally associated with the function of a school nurse, limited to health counseling, health education, personal hygiene/grooming, first aid/emergency care, safety, and health protection (prevention) services provided by licensed, registered, or certified nurses or other non-physician health care professionals employed by a nonpublic special education facility for the purpose of providing such services to students placed in such facilities and those services required by the students' ~~Individual Education Plans~~ [Individualized Education Programs](#) (IEP).
- f) “Occupancy costs” are ~~defined as~~ those costs associated with the operation and maintenance of the physical plant, and all depreciation, all lease or rental, and all interest.
- g) “Support costs” are ~~defined as~~ those costs normally associated with the provision

ILLINOIS PURCHASED CARE REVIEW BOARD

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of food and dietary services, laundry services, housekeeping services, and other costs associated with the provision of domestic services, including salaries, wages, fringe benefits, and supplies used in providing such services.

- h) ~~Administration~~ “Administrative costs” are ~~defined as~~ those costs normally associated with the overall organizational leadership and direction of the various program service entities with the agency. Such costs include salaries, wages, fringe benefits and supplies related to executive officers and assistants, clerical and bookkeeping staff and other costs and fees associated with agency leadership and direction.
- i) Costs incurred by a provider for lease/rent, interest, management fees, contracts for goods or services, or other contractual agreements with a related organization shall be disallowed when such costs to the provider are greater than the costs to the related organization. Related organizations include:
- 1) Those organizations comprised of one or more individuals, or persons related to individuals, who are appointed or elected by, employed by, or serve as paid or unpaid members of the provider's board of control;
 - 2) Organizations established for the primary purpose of providing capital asset management for the provider;
 - 3) Organizations ~~who~~ that are limited in their authority to acquire or dispose of any asset of interest to the provider, by any provision, agreement, covenant, or contract with the provider's board of control;
 - 4) Organizations where, upon dissolution of the organization or liquidation of any asset of interest to the provider, such assets and/or proceeds revert ~~back~~ to, or benefit, the provider through any provision, agreement, covenant, or contract with the provider's board of control.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

[Section 900.315 Effective Dates of Rate Determinations](#)

[In each instance when the Board determines the rate of reimbursement applicable to a particular program, the Board shall identify the effective date of the rate.](#)

- a) [For an original rate applicable to tuition, the Board shall identify the effective date as either the beginning of the affected school year or the date on which the program was approved, whichever is later.](#)

ILLINOIS PURCHASED CARE REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- b) When the Board establishes the rate for room and board in a residential facility, the applicable provisions of this subsection (b) shall apply.
- 1) If the facility operates throughout the year, the new rate shall take effect no sooner than September 1 of the school year to which the rate applies.
- 2) If the facility does not operate during the summer, the new rate shall take effect on the date when the regular school term begins.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 900.320 Cost Reports-General Requirements

- a) ~~To the extent that financial information filed with ISBE meets the requirements of the Board, such information shall be used as the basis for approving costs.~~
- b) ~~In addition, the~~ The Board shall require the annual filing of an attested cost report on such financial schedules as the Board may prescribe ~~for such reporting (see Section 900.321).~~ The time period covered by this report must correspond with the provider's fiscal year. Whenever possible, the ~~The~~ Board may designate cost reports filed with other state agencies as suitable for fulfilling this requirement. Cost reports submitted to the Board for purposes of determining allowable costs must be accompanied by a certified audit for the most recently ended fiscal year unless this requirement is waived by the Board. Factors to be considered in waiving this requirement would include but not be limited to:
- 1) the absolute number of pupils placed by Illinois ~~local~~ school districts in an individual facility,
 - 2) the total enrollment of that facility, or
 - 3) the magnitude of the annual operating budget for the school.
- b)e) Unless prior arrangements are made with the Board, this report must be filed on or before the latter of either January 15 or 90 days after the end of the provider's fiscal year. ~~The Board will notify the ISBE on at least a monthly basis of those facilities which do not comply with this provision.~~
- c)d) Financial data must be reported in accordance with generally accepted accounting principles using the accrual basis for accounting, unless prior arrangements are made with the Board.
- d)e) The Board may request such additional financial information as is necessary to

ILLINOIS PURCHASED CARE REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

fulfill its duties. Circumstances which would cause the Board to request additional information include substantial revisions in the provider's program or substantial revisions in the population of the provider's facility. This may include requiring a provider to submit a certified financial statement if ~~it~~ [the Board](#) determines that such a statement is needed.

- ~~e)f) No provider shall receive payment from a public education agency for special education and related services provided to a handicapped individual unless cost reporting requirements are met.~~ Providers shall cooperate in audits undertaken to verify the truth, accuracy and completeness of reported costs.

(Source: Amended at 27 Ill. Reg. ____, effective _____)

Section 900.321 ~~Attested Cost Reports~~ [Non-Allowable Costs and Revenue Offsets](#)

- ~~a) Wherever possible, the Board will approve cost reporting formats already being used by other State agencies. The Board may also encourage other State agencies to adopt cost reporting formats which it approves if such formats meet the mutual needs of the agencies involved.~~
- ~~b) The format for cost reporting approved by the Board will specify the reporting of costs in the four categories of special education costs, related service costs, room and board costs, and non-reimbursable service costs.~~
- ~~1) Special education costs. The following shall be considered special education costs:~~
- ~~A) Salaries, wages and fringe benefits for staff and fees for consultants involved in the direct planning and delivery of educational services, including teachers, teacher aides, and child workers insofar as they are carrying out tasks which are necessary as specified in the student's individual education plan.~~
 - ~~B) Supplies used by the above personnel in carrying out their activities.~~
 - ~~C) Overhead costs incurred in the provision of services by the above personnel and breakfast and lunch costs during school days.~~
- ~~2) Related service costs. The following shall be considered related service costs:~~
- ~~A) Salaries, wages and fringe benefits for staff and fees for~~

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~~consultants involved in the direct delivery of related services including: certified speech and language clinicians; qualified audiologists; qualified physical therapists; qualified occupational therapists; certified, licensed or registered social workers; certified, licensed or registered psychologists; qualified recreation workers; certified counselors; qualified personnel providing school health services, as defined in Section 900.310(e); and such other qualified personnel as required by the individualized education plan.~~

~~B) Supplies used by the above personnel in carrying out their activities.~~

~~C) Overhead costs incurred in the provision of services by the above personnel.~~

~~3) Room and board costs. The following shall be considered room and board costs:~~

~~A) Salaries, wages and fringe benefits for recreational staff, aides and child care workers to the extent these services are primarily custodial.~~

~~B) Supplies used by the above personnel in carrying out their activities.~~

~~C) Overhead costs incurred in the provision of services by the above personnel and evening, weekend and holiday meals.~~

~~a)4) Non-reimbursable Non-allowable service costs. The following shall be considered non-allowable or non-reimbursable service costs:~~

~~1)A) Salaries, wages and fringe benefits for staff and fees for consultants not involved in the delivery of educational services listed in subsection (b)(1) of this Section or related services listed in subsection (b)(2) of this Section, including Medical care provided by licensed physicians, and therapy services provided by psychiatrists except for their diagnostic or evaluation services and consultation to education staff; licensed dentists, except for diagnosis or evaluation and consultation to education staff; other health or medical personnel, including nursing services, except as they are providing school health services, as defined in Section 900.310(e); and other medical personnel involved in the provision of ongoing medical care. Nursing services necessary to meet state child care~~

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licensing requirements are allowable. ~~Costs attributable to the exceptions specified should be reported in subsection (b)(1) of this Section and/or subsection (b)(2) of this Section as appropriate.~~

- ~~2)B)~~ Supplies used by the above medical care personnel in carrying out activities which are not reimbursable ~~under subsection (b)(4)(A) of this Section.~~
- ~~3)C)~~ Overhead costs incurred by the above medical care personnel in the provision of services which are not reimbursable ~~under subsection (b)(4)(A) of this Section.~~
- e) ~~Disallowed costs. The following costs shall not be considered for inclusion in any of the above costs components:~~
- ~~4)4)~~ Expenses resulting from transactions with related organizations which are greater than the expense to the related organization.
- A) Where the provider makes rent/lease payments to a related organization, as defined in Section 900.310(i) of this Part, rent/lease expense is disallowed and the capital costs of the related organization must be used.
- B) Interest expense paid to a related organization is disallowed. However, interest expense incurred by the related organization is allowable.
- C) The cost of goods and services purchased from a related organization shall be allowable to the extent that the cost to the provider does not exceed the cost to the related organization.
- D) Providers may be required to submit evidence to substantiate or refute any claim of relatedness in determining allowable costs.
- E) Providers shall identify all transactions with related ~~organization~~ organizations in their annual filing of the cost report.
- F) ~~Related organization allowable~~ Allowable costs of related organizations shall be added to the provider's costs for the same cost centers for determination of reasonable cost standards applicable to the provider's costs.

ILLINOIS PURCHASED CARE REVIEW BOARD

NOTICE OF PROPOSED AMENDMENTS

- ~~5)2)~~ ~~Non-straightline~~ Non-straight-line depreciation. (However, straight-line depreciation is an allowable cost.)
- ~~6)3)~~ Research cost, other than costs for program evaluation.
- ~~7)4)~~ Bad debt.
- ~~8)5)~~ Special benefits to owners including owner and keyman life insurance, except insofar as required by lending institutions.
- ~~9)6)~~ Compensation to non-working owners and non-working ~~officer's~~ officers' salary.
- ~~10)7)~~ Discounts, rebates, allowances and charity grants.
- ~~11)8)~~ Entertainment expenses.
- ~~12)9)~~ Fund raising.
- ~~13)10)~~ ~~Revenue producing expenses, including expenses generated from the sale of goods and services, but excluding expenses for workshops and for craft activities, even if these generate revenue.~~ Costs of production, including wages paid to students, incurred solely for the purpose of generating revenue from the sale of goods and services. Wages paid to students and other services approved by the State Board of Education for vocational training or educational arts and craft activities are allowable, even if they generate revenue.
- ~~14)11)~~ Interest payments related to non-program assets.
- ~~15)12)~~ Costs incurred by owners or boards of directors for non-program activities, including that portion of overhead which should be allocated to these activities.
- ~~16)13)~~ Printing expenses not related to the program.
- ~~17)14)~~ ~~Conferences and conventions as specified hereafter.~~ Travel, lodging, food and registration expenses ~~related to attending~~ attend conferences, ~~and conventions, and meetings related to lobbying activities, association business, or entertainment.~~ ~~beyond 50 miles of Illinois are not allowable.~~ Costs to attend conferences and conventions held in state, or within 50 miles of the state where the facility is located, ~~Illinois~~ are allowable under

ILLINOIS PURCHASED CARE REVIEW BOARD

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the following conditions:

- A) The conference or convention is specifically ~~of an educational nature (i.e., improvement of skill levels)~~ related to special education, or the conference, convention or meeting was sponsored by the State. Meetings directed towards lobby activities or devoted primarily to association business are not considered educational.
- ~~B)~~ ~~Staff in attendance are those involved in supervising and providing direct care to clients.~~
- ~~C)~~ ~~Costs associated with other than direct care staff (i.e., accountant, bookkeeper, etc.) are allowable when attendance at a conference was at the request of, or sponsored by, the state.~~
- ~~B)D)~~ Allowable conference and convention expenses ~~must shall~~ be grouped ~~with the~~ under administrative costs ~~center~~ and subject to the administrative ceiling in accordance with Section 900.330(b)(1) of this Part.
- ~~C)~~ Allowable employee development or training costs incurred to meet staff certification or licensure requirements of any State governmental unit may be reported under program costs.

~~18)15)~~ Dues to national, state and parent organizations.

~~19)16)~~ Scholarships or awards and grants to individuals ~~should never be included as special education and related services costs or as room and board costs.~~

~~20)17)~~ Fees for ~~nonprogram related~~ professional, technical, social or other organizations unrelated to the program.

~~21)18)~~ Nonclient transportation, including staff transportation to and from work. ~~excluding program-related~~ Program-related staff transportation ~~which~~ is an allowable cost.

~~22)~~ Meals provided to individuals who are not clients.

~~23)19)~~ Intra-agency fund loan interest.

~~24)20)~~ Fines and penalties.

~~25)21)~~ Mortgage and loan principal payments.

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- ~~26)22)~~ Contributions and donations by the agency.
- ~~27)23)~~ Asset acquisition costs. (That is, costs of items reported on the agency's books when those costs exceed \$500 for items having a life of one year or more. Depreciation for these items is, however, an allowable expense.)
- ~~28)24)~~ Contingencies.
- ~~29)25)~~ ~~Special legal fees, such as legal work relating to non-program work of the owners or legal fees for suing the State~~ Legal expenses incurred on behalf of clients for non-program activities or for litigation against governmental agencies.
- ~~30)26)~~ Imputed value of goods and services.
- ~~31)27)~~ Severance pay.
- ~~32)28)~~ Sales tax for not-for-profit organizations.
- ~~33)29)~~ Income tax.
- ~~34)30)~~ Student transportation to and from the facility, as a responsibility of the placing school district, reimbursable under Section ~~14-31.01~~ 14-13.01 of the School Code [105 ILCS 5/14-13.01].
- ~~35)31)~~ Clothing and allowances.
- ~~36)32)~~ Costs of advertising for clients and public relations.
- ~~b)d)~~ ~~Revenues to be offset.~~ Private contributions and non-governmental revenues granted to a provider for improving or enhancing its program shall not be offset. The following sources of revenue shall be offset. ~~as appropriate, against costs itemized in subsections (b)(1), (b)(2) or (b)(3) of this Section:~~
- 1) Revenues from government-funded school breakfast and lunch programs must be offset against the cost of meals. ~~(These would be offset against the cost of meals only in the special educational component of costs as defined in subsection (b)(1) of this Section.)~~
 - 2) Revenues from the rental of portions of the building must be offset against property costs. ~~(These would be offset against occupancy cost in all three components of costs.)~~

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- 3) Revenues from unrestricted investments must be offset against interest costs; revenues from unrestricted investments exceeding interest expenses need not be offset. ~~(These should be offset against interest costs in all three components of costs.)~~
- 4) Revenues from local educational agencies for diagnostic services.
- 5) Revenues from workshop programs must be offset against the cost of those programs in whichever of the above components they were reported.
- 6) Revenues for special education, related services, and room and board, insofar as any ~~nonclient-specific~~ income not related to a specific client is received from any governmental ~~state or federal~~ agency.
- 7) A gain on a sale of an asset, in which the ~~state~~ State has any monetary interest, shall be offset against the cost center in which the asset was reported.
 - A) The total offset taken shall not exceed the ~~state's~~ State's interest in said asset.
 - B) The offset shall not be applied against other cost centers unless an expense allocation has been made to more than one cost center.
 - C) An offset schedule shall be developed any time a ~~single-year~~ single-year offset creates a financial difficulty for the provider. The length of an offset schedule shall not exceed the length of the original expense schedule (depreciation) as reported to the Board on the annual cost report or certified audit.
- 8) Fees paid by any governmental unit for specific client services in addition to the per diem cost approved by the Board, insofar as the fees are for services included in program costs reported to the Board. The Board may waive the offset if the provider stops charging these fees and there is documentation with respect to the necessity for specific client services from the State agency or department that is responsible for program approval or that purchases services from the provider.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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- a) The definitions used in the determination of allowable costs shall be in accordance with ~~Ill. Rev. Stat. 1991, ch. 122, pars. 14-1.08 and 14-7.02~~ Sections 14-1.08 and 14-7.02 of the School Code [105 ILCS 5/14-1.08 and 14-7.02 and applicable rules governing educational services to children with disabilities, including 23 Ill. Adm. Code 226 and 23 Ill. Adm. Code 401. The following shall be considered allowable costs except as excluded pursuant to Section 900.321 of this Part:
- 1) Salaries, wages and fringe benefits for qualified staff and fees for consultants involved in the direct planning and delivery of classroom educational services, including teachers, teacher aides, and the supplies and overhead costs necessary to carry out these activities.
 - 2) Salaries, wages and fringe benefits for qualified staff and fees for consultants involved in the direct delivery of program-related services including: speech and language clinicians; audiologists; occupational therapists; social workers; counselors; psychologists; recreation workers; vocational training personnel; school health services personnel; and the supplies and overhead costs necessary to carry out these activities.
 - 3) Salaries, wages and fringe benefits for qualified staff and fees for consultants involved in the direct delivery of residential care services including: habilitation/child care workers, and the supplies and overhead costs necessary to carry out these activities.
 - 4) Food and dietary, transportation and other costs essential to the program.
- b) For those providers whose cost reports to other agencies are used by the Board, the definition of allowable costs used by the agency which collected the original report will be considered.
- c) The manner in which allowable costs are assigned to residential and education cost centers will be subject to review and adjustment by the Board. The Board may assign all costs other than the cost of instructional services to the residential cost center for Medicaid-eligible, hospital, psychiatric care, or juvenile correctional programs or when reported costs are not assigned to education or residential cost centers.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 900.330 Reasonable Cost Provisions ~~Finding~~

- a) ~~Allowable costs, except as specified below, and in Section 900.321(e), shall be~~

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~~those costs reported on the State of Illinois Interagency Statistical and Financial Report, which are supported by an audited financial statement for the same period. These reported costs must also be consistent with Section 900.321. Budgeted costs will be acceptable within the parameters of Section 900.330 (b) where there are no historical costs available.~~

- b) Only reasonable costs ~~which~~ that are necessary for the accomplishment of program goals and objectives ~~will~~ shall be allowable. ~~Allowable costs shall not exceed costs which would be incurred by a "prudent buyer."~~ A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by a prudent buyer under the circumstances prevailing at the time the decision was made to incur the costs. Accordingly, the Board shall seek to approve expenditures for goods and services at a cost which is as low as possible without sacrificing the quality of goods or services received. Parameters for frequently incurred costs, including staffing costs, will may be developed by the Board through comparison of costs incurred by all reporting schools by type of program. For programs with budgeted costs, the allowable staffing, consultant services, and other costs shall be determined as follows:
- 1) The Board shall establish parameters for determining allowable program staff salaries and allowable staffing levels. For new educational programs, the Board shall consult with the Illinois State Board of Education to determine allowable salaries and allowable program staff and consultant services.
 - 2) Allowable employee fringe benefits, supplies, travel, and other costs shall not exceed costs that would be incurred by a "prudent buyer."
 - 3) For new residential programs, allowable costs may be determined based on costs approved by another child care agency of the State of Illinois.
 - 4) The special education and related services that will be required in response to the unique characteristics of the children being served by new programs will be considered in determining allowable costs.
- b)4) Reasonable cost ~~calculations~~ ceilings for support, administration and occupancy costs shall be determined as follows:
- 1)A) All facilities will be grouped by type of program offered on the basis of actual costs for support, administration, and occupancy. Allowable costs for support, administration and occupancy utilize a cost range ceiling of 125% of the median as a reasonable upper limit.

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- ~~2)B)~~ For a private for-profit facility, reimbursement will be allowable at 115% of the median cost for support, administration and the physical plant operation and maintenance portion of the occupancy costs for all facilities operating a similar type of program. When actual costs exceed 115% of these medians, a cost ceiling of 125% of these medians will be utilized.
- ~~3)C)~~ Calculation of median costs for the coming rate year will be based on cost reports received prior to April 15 ~~for the coming rate year~~. Cost reports not received prior to April 15 may be included in the median calculation using the prior ~~year~~ year's cost report, adjusted for inflation, as established by the Board.
- ~~c)2)~~ Reported costs will be updated for inflation experienced and projected for the time between the period covered on the cost report and the middle of the current school year. The Board will develop an appropriate index for inflation factors each year using the component method to update costs in programs for the same time periods.
- ~~d)e)~~ Allowable costs approved by the ~~Governor's Illinois~~ Purchased Care Review Board for any nonpublic school program or segment thereof shall not exceed the allowable costs for that school which are approved by any other Illinois ~~state~~ State agency for the same program or program segment.
- ~~e)d)~~ Each Illinois ~~state~~ State agency which ~~purchases-approves room and board rates services from~~ for nonpublic schools shall ~~certify to notify~~ the ~~Governor's Illinois~~ Purchased Care Review Board of the approved rate for each nonpublic school receiving funding (subject to Section 14-7.02 of the School Code) ~~the means by which rates are determined. This certification shall include a statement of the services purchased and their itemized cost. (For the purposes of this rule a local school district is not a state agency.)~~
- ~~f)e)~~ ~~Allowable costs may be adjusted for the cost of excess or idle capacity. Adjustments for these costs shall be described in subsection (f) of this Section.~~ The Board may use as bases for allowable costs those costs reimbursed by the state in which the facility is located. These may, however, be adapted to meet known differences in cost determination methodologies ~~to insure that no costs are allowed which should be disallowed under Illinois' cost finding methodology.~~ The Board may waive allowable cost provisions for an out-of-state facility. ~~Factors to be considered in~~ Circumstances that would lead the Board to waive allowable cost provisions ~~determining whether to adopt the costs reimbursed by other states shall~~ include but are not limited to the following:
- 1) ~~The number of Illinois children treated by the out-of-state facility;~~ Only a

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small number of Illinois children receives treatment services in the out-of-state facility;

- 2) ~~the unique nature of services provided by the out-of-state facility;~~ The out-of-state facility submits a substitute cost report as prescribed by the Board, and/or the facility requests that the Board adopt the official rate of another state or local governmental agency;
- 3) ~~unique characteristics of the children being served by the out-of-state facility;~~ The out-of-state facility will only provide treatment services at a non-negotiable or stated cost, and the treatment services are not available in other settings;
- 4) ~~the difficulty in obtaining treatment for these children in other settings.~~ The placement of a child in the out-of-state facility is the result of a court order.

g)† Allowable costs may be adjusted for the cost of excess or idle capacity.

Per-student allowable costs shall be determined in the following manner:

- 1) Per-student allowable costs for room and board will be determined on the basis of actual enrollment or 90% of licensed capacity, whichever is larger.
- 2) Per-student allowable education costs shall be determined on the basis of program enrollment, as reported by the facility and verified by the Illinois State Board of Education. Such verification shall be based on the total reimbursement days claimed by all school districts for each facility. In the event of a discrepancy between the enrollment reported by the facility and the enrollment reported by the Illinois State Board of Education, the higher enrollment figure shall be used in determining the per-student allowable education cost, except as provided for in Section 900.342(a)(6) of this Part.

h)g) Cost determination for an ~~out-of-state~~ out-of-state public school program shall be made on the basis of documented prior costs or the an operating budget for the public program.

- 1) ~~Such budget Cost~~ Cost information shall be reported annually, ~~prior to the first day of each school year,~~ by an authority representing the ~~out-of-state out-of-state~~ public school district or other public entity operating the program.
- 2) Additional information such as enrollment, school calendar, weighting factors, or budget detail may be required if such information is not

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included ~~in~~ with the ~~operating budget~~ cost information submitted for review.

- 3) Any increase in the actual costs of a program, determined after the original cost determination, shall be submitted to the Board in the form of an appeal, to be approved by the Board prior to payment being made by any Illinois school district. Appeals will only be considered which address changes in the current school year.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 900.331 Reimbursement for Allowable Costs

- a) Reimbursement shall be made on the basis of days of enrollment in a program at a nonpublic school approved by the Illinois State Board of Education.
- b) Reimbursement to the local educational agency shall be made on the basis of ~~an~~ allowable ~~cost determination~~ costs approved ~~in advance~~ by the ~~Governor's Illinois~~ Purchased Care Review Board.
- ~~c) Except as specified below, the Illinois State Board of Education will reimburse local educational agencies for the allowable costs of educational programs provided by nonpublic schools and out of state public schools under Chapter 122, Section 14-7.02 of the School Code.~~
- ~~d) The local educational agency that has placed the student in a nonpublic school or out of state public school pursuant to Section 14-7.02 shall reimburse that nonpublic school for allowable costs of special education and related services and room and board except as specified below.~~
- ~~e) Reimbursement to the nonpublic school or the out of state public school shall only be made for services required for the individualized educational program of the student which are contracted for by a local educational agency.~~
- ~~f) Terms of enrollment shall be as contracted for by the local educational agency.~~
- ~~g) A portion of any grant made by the Department of Mental Health and Developmental Disabilities (DMH/DD) directly to a nonpublic school which is not linked to specific pupils/clients may be taken as a credit against reimbursement for allowable educational costs in the following manner:~~
 - 1) ~~The grant amount will first be applied to any costs as defined in Section 900.321(b)(4).~~

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- 2) ~~The grant amount will next be applied against the per student allowable educational costs of those students who were not placed by a local educational agency. (Since this will be done prospectively, the calculation will be made on the basis of information from the most recently filed cost report prior to establishment of allowable costs by the Board.)~~
 - 3) ~~The grant amount will then be applied to costs as defined in Section 900.321(b)(2).~~
 - 4) ~~One half of the grant amount which remains will be applied to reduce special educational costs.~~
- d)h) ~~Wherever a pupil/client meets the eligibility requirements of some other state agency and that state agency has approved the placement of that pupil/client in accordance with its own rules and procedures the other state agency shall be responsible for the reimbursement for the pupil/client.~~ The Illinois State Board of Education will reimburse for room and board payments only when no other state agency is involved in the placement of the child. [\(See Sections 14-7.02 and 14-8.01 of the School Code \[105 ILCS 5/14-7.02 and 14-8.01.\]](#))
- i) ~~All payments by an insurer or other third party payor which have not been taken as a credit against special education or related services costs and which can be used for room and board will be taken as credit against room and board costs.~~
- j) ~~The Illinois State Board of Education will not reimburse costs which are considered nonreimbursable in Section 900.321(b)(4).~~
- e)k) Other state agencies may reimburse for costs which are otherwise nonreimbursable, but their responsibility for so doing shall be limited by their own rules and procedures regarding such payments. ~~To the extent no other state agency has responsibility for these costs, parents or other responsible parties will be assumed to have accepted responsibility for these costs. In no event shall state agencies parents or other parties be allowed to pay for special education, related services and room and board fees in excess of those determined allowable by the Board for a child placed only by a local school district. Any such payments made by other than the Illinois State Board of Education for a child placed only by the local school district would be used to offset the allowable costs for special education, related services and/or room and board approved by the Board for that particular student.~~
- l) ~~Other state agencies will continue to maintain effort as required by statute and regulation.~~

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(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 900.340 Notice and Filing of Appeal

Providers will be informed in writing of the allowable costs for their services. Appeals of allowable costs shall be limited to the circumstances described in Section 900.342 of this Part and shall be submitted in writing within 60 days ~~of~~ after the postmark date of the notice. ~~Notice shall be effective upon the date of mailing to the provider's address. Appeals submitted more than 60 days after the notice will not be considered by the Board, except for good cause as determined by a majority of the members of the Board.~~ Thereafter, an appeal shall be considered only when submitted within 30 days after the provider becomes aware that one of the circumstances described in Section 900.342 of this Part has arisen, as documented by the affected provider. Upon a facility's written request, the Board shall provide in writing a detailed cost calculation including a description of each cost amount disallowed. No adjustment to allowable costs shall be made with respect to any prior school year.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 900.342 Basis for ~~Increase in Allowable Costs~~ Appeals

- a) ~~Increases in allowable costs can be granted by the~~ The Board can grant an increase in allowable costs for any of the following reasons:
- 1) There has been an extraordinary increase in program operating costs which are beyond the reasonable control of the provider and which substantially threaten the program's financial ~~stability~~ viability.
 - 2) Mechanical or clerical errors were committed by the provider or the Board as depicted on required cost reports and in the rate calculation process used by the Board in determination of allowable costs.
 - 3) Statutory or regulatory requirements of any ~~state~~ governmental unit ~~which has have~~ or will have generated or will generate a substantial increase in allowable costs during the current cost reporting period.
 - 4) There has been or will be a substantial decrease in external funding, subsidies, grants, gifts, or donations which constitute a substantial portion of the funding for the core functions ~~provided by a standard purchase of~~ the program to the extent that such revenues were considered available when the Board approved the allowable costs for the provider.
 - 5) A substantial program change has been or will be undertaken, ~~which has or will result~~ resulting in a substantial increase in costs. ~~The~~ Each such

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appeal must ~~in all cases~~ contain documentation with respect to the necessity of these program costs from the state agency or state department that is responsible for program approval or that purchases services from the provider.

- 6) ~~Where a~~ A provider believes a significant discrepancy exists between its enrollment figures as submitted and the enrollment figures determined by the State Board of Education, ~~the~~ The provider may resolve the discrepancy with the appropriate local school districts and appeal the initial per-student allowable cost determination. Such an appeal will only be considered where the local school districts amend their enrollment figures with the State Board of Education.
- b) If a provider elects not to submit costs to the Board for approval because the tuition charge for special education and related services has not increased by more than 10% over the prior school year and does not exceed \$4500 per year, the provider may not then submit its costs for review after the beginning of the school year. Such costs will not be approved by the Board. Any provider electing to submit a cost report used for allowable cost determination may not revert to this provision in subsequent years.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 900.343 Effective ~~Date~~ Dates of Rates Changed on Appeal

When the Board changes a rate of reimbursement as a result of an appeal, it shall determine the effective date of the change as part of its final decision on the appeal.

- a) ~~The effective date of any determination of allowable costs which is increased on appeal shall be determined by the Board as part of its final decision on the appeal. Factors to be considered in determining the effective date will include the date the appeal was filed and the basis for the appeal.~~ In no case shall the effective date of any rate change appeal be ~~granted~~ prior to the date on which the program was approved or prior to the first day of the school year in which the appeal is received ~~by the Executive Director, whichever was later.~~
- b) The Board shall not change a rate of tuition reimbursement applicable to a particular school year later than its first meeting in the month of July following the end of the regular school term.
- c) For room and board rates involving the coordination of rates with other states or other Illinois State agencies, the Board may change the applicable rate for the school year no later than its first meeting in the month of August following the

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[end of the regular school term.](#)

Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 900.344 Conditional Increases

The Board will grant a conditional increase prior to the occurrence of the reason for the appeal if that reason conforms to the provisions of Section 900.342(a)(3), (a)(4) or (a)(5) [of this Part](#), as appropriate, and if such projected ~~increases~~ [increase](#) in cost is predictable both as to effective date and amount. ~~An appeal requesting this conditional increase will be considered if it conforms to the provisions of Section 900.345. Within 45 days of the effective date of an increase under this section, or of notification of such an increase, whichever is later, the provider must submit such documentation from the principal purchasing governmental unit or licensing authority as appropriate, that the costs upon which said appeal is based have occurred. Upon receipt of such documentation within the period described above, the allowable costs approved under the conditional increase shall be approved as allowable costs. If such documentation is not received within the above period, the Board will approve the prior allowable costs as of the effective date of the costs approved under the conditional increase.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 900.345 Procedure for Filing Appeals

- a) An appeal for an increase in allowable costs shall be submitted in writing to ~~the Executive Director of the Governor's Illinois~~ [Illinois](#) Purchased Care Review Board and ~~shall~~ [should](#) contain the following:
- 1) The name and address of the provider ~~and the governmental unit which makes payment to the provider.~~
 - 2) The current, approved allowable costs and the allowable costs sought pursuant to the appeal.
 - 3) A clear, concise statement of the reasons for the appeal, the requested effective date of the increased allowable costs which are sought, and the reasons for this effective date.
 - 4) A detailed statement of financial, statistical and related information in support of the appeal which indicates the relationship between the additional costs submitted and the change of circumstances or other reasons for the higher costs.
 - 5) ~~A citation to~~ [Documentation of](#) any statutory, regulatory, or contractual requirement pertinent to the appeal.

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- 6) In the case of appeals based on Section 900.342(a)(3), (a)(4) or (a)(5) of this Part, ~~such appeals shall be accompanied by~~ a written statement secured by the provider from the governmental unit(s) which purchases ~~come~~ services from the provider that the governmental unit(s) considers the costs claimed in the application for administrative adjustment to be warranted.
- 7) Certification by either the chief executive officer or the financial officer of the provider that the application and all information reports, schedules, budgets, books and records submitted are true, correct and accurate. False certification shall be subject to whatever penalties are appropriate under the criminal statutes of the State of Illinois.
- b) ~~The Board will not accept or process an appeal which does not meet the requirement of this subsection. In addition, no~~ No appeal can be acted upon unless the provider has filed an attested cost report ~~for its fiscal year ending in the calendar year prior to the year in which the appeal is being made~~ in accordance with Section 900.320(a) of this Part. Attested reports from more recently completed fiscal years may also be considered in an appeal, as may other relevant documents.
- c) Documentation submitted in support of the appeal, but subsequent to filing of the appeal, ~~shall~~ should contain the certification described in Section 900.342 of this Part.
- d) Any appeal under this ~~section~~ Section shall contain sufficient information to permit the Board to translate the expenditure(s) giving rise to the appeal into reimbursable allowable costs. The provider shall provide any other information, books and records which the Board may reasonably request. If the provider fails to provide such information, books and records within forty-five (45) days ~~of~~ after such a request, the application will be rejected.
- e) The Board shall process an appeal filed in accordance with this Section within 120 days after receiving it except that, if the Board requests additional information, the response period shall be extended by the amount of time taken in providing that information. The Board may delay an appeal decision beyond 120 days at the request of the affected provider.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 900.346 Review by Appeals Committee (Repealed)

- a) ~~The Appeals Committee, (Committee), shall consist of one staff member from the~~

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~~office of each board member. This Committee will review each appeal for adequacy of documentation and appropriateness of request and will advise the Board in preparation for hearing. The Chairman of the Board shall designate a chairman of the Appeals Committee.~~

- b) ~~The Appeals Committee may request a meeting with representatives of the provider prior to submission of its recommendation to the Board. The purposes of such a meeting shall include:~~
- ~~1) clarification, formulation and simplification of issues;~~
 - ~~2) resolution of matters in controversy;~~
 - ~~3) exchange of documents and information;~~
 - ~~4) stipulation of fact so as to avoid unnecessary presentation before the Board;~~
 - ~~5) identification of all documents which the provider or the staff intend to present to the Board;~~
 - ~~6) such other matters as may aid in the simplification of the evidence and disposition of the issues.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

Section 900.347 Review by Board ([Repealed](#))

~~When a provider has filed an appeal with the Board, the Board shall acknowledge in writing that it has received it. Within 60 days of receipt of an appeal which has complied with the principles and requirements of this section, or within 30 days of a scheduled meeting between the Appeals Committee and the provider, whichever is later, the Appeals Committee will make a recommendation to the Board on this matter. The Board will consider this Committee recommendation at a regularly scheduled Board meeting. The provider shall be notified of the Committee recommendation and be invited to attend the meeting and discuss the Committee recommendation. The provider may present documents to the Board at a formal Board meeting which were not presented previously to the Appeals Committee. The Board may postpone consideration of a facility's appeal until the Committee has had an opportunity to review the additional documents.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

Section 900.351 Factors in Evaluating Appeals ([Repealed](#))

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~~For those providers whose cost reports to other agencies are used by the Board, the definition of allowable costs used by the agency which collected the original report will be considered. The manner in which allowable costs were allocated to room and board versus tuition (special education and related services excluding room and board) cost centers may also be considered.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Illinois State Treasurer and Office of Banks and Real Estate Joint Rules Governing the Uniform Disposition of Unclaimed Property Act
- 2) Code Citation: 38 Ill. Adm. Code 321
- 3) Section Numbers: N/A Adopted Action: N/A
- 4) Statutory Authority:
Implementing and authorized by the State Treasurer's Act [15 ILCS 505/0.05].
- 5) Effective Date of Rule: May 13, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? Yes
- 8) A copy of the adopted rule is on file in the Office of Banks and Real Estate's principal office and is available for public inspection.
- 9) Notice(s) of Proposal Published in Illinois Register:
26 Ill. Reg. 8078 on May 31, 2002
- 10) Has JCAR issued a Statement of Objections to this rule? If answer is "yes," please complete the following: No
- 11) Difference(s) 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 rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule: This rule establishes authority for the Office of Banks and Real Estate to conduct Unclaimed Property examinations on behalf of the State Treasurer.
- 16) Information and questions regarding this adopted rule shall be directed to:

Jeff Riley
Legislative Liaison

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

Office of Banks and Real Estate
500 E. Monroe Street
Springfield, IL 62701
217/782-6167

The full text of the adopted rule begins on the next page:

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 321

ILLINOIS STATE TREASURER AND OFFICE OF BANKS AND REAL ESTATE JOINT
RULES GOVERNING THE UNIFORM DISPOSITION OF UNCLAIMED PROPERTY

SOURCE: Adopted at 27Ill. Reg. 8548, effective May 13, 2003.

(Agency Note: This Part is a joint rule of the Illinois State Treasurer and the office of Banks and Real Estate. The text of the Part appears at 74 Ill. Adm. Code 761.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Travel Regulation Council
- 2) Code Citation: 80 Ill. Adm. Code 3000
- 3) Section Numbers: Adopted Action:
3000.300 Amend
- 4) Statutory Authority: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3].
- 5) Effective Date of Amendments: May 12, 2003
- 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 amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register:
January 10, 2003
27 Ill. Reg. 386
- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version. Several minor editing changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation/Issue Date
3000.Appendix A	Amend	27 Ill. Reg. 1798, February 7, 2003
- 15) Summary and Purpose of Amendments: 30 ILCS 105/12-2(b) ties the auto mileage reimbursement rate to the federal rate and goes on to say that changes to the federal rate made during the State's fiscal year will not be effective until the following July 1. The intent of this language was to protect agency budgets should the federal government

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

increase the mileage reimbursement rate in the middle of the State's fiscal year. On January 1, 2003, the federal rate decreased. To effectuate the intent and to save the State unneeded and unaffordable expense, this amendment will clarify that federal rate changes to decrease the mileage reimbursement rate go into effect immediately and changes that increase the rate go into effect the following July 1.

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

Ben Bagby
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706
(217)782-9669

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE I: GENERAL TRAVEL CONTROL
CHAPTER IV: TRAVEL REGULATION COUNCILPART 3000
THE TRAVEL REGULATION COUNCIL

SUBPART A: GENERAL

Section	
3000.100	Authority
3000.110	Philosophy
3000.120	Policy
3000.130	Scope and Interpretation
3000.140	Definitions

SUBPART B: TRAVEL CONTROL SYSTEM

Section	
3000.200	Travel Control System
3000.210	Designation of Headquarters
3000.220	Expenses at Headquarters or Residence
3000.230	Preparation and Submission of Vouchers or Travel Expenses

SUBPART C: TRANSPORTATION

Section	
3000.300	Modes of Transportation
3000.310	Routing

SUBPART D: LODGING

Section	
3000.400	Lodging Allowances
3000.410	Least Costly Lodging
3000.420	Conference Lodging
3000.430	Employee Owned or Controlled Housing

SUBPART E: PER DIEM/MEALS

Section	
3000.500	Per Diem Allowance
3000.510	Meal Allowance

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: MISCELLANEOUS RULES

Section	
3000.600	Reimbursable and Non-Reimbursable Expenses
3000.610	Expenses Related to Transportation
3000.620	Receipts Required
3000.630	Meals for Other Persons

SUBPART G: EXCEPTIONS

Section	
3000.700	Exceptions to the Rules
3000.710	Board/Agency Rules
3000.720	Non/Required Travel

Appendix A	Reimbursement Schedule
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AUTHORITY: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12697, effective July 2, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 18188, effective January 1, 1987; peremptory amendment at 11 Ill. Reg. 14854, effective August 25, 1987; amended at 12 Ill. Reg. 11626, effective July 1, 1988; amended at 14 Ill. Reg. 10014, effective July 1, 1990; amended at 19 Ill. Reg. 7852, effective July 1, 1995; amended at 20 Ill. Reg. 7372, effective May 13, 1996; amended at 20 Ill. Reg. 9025, effective July 1, 1996; amended at 21 Ill. Reg. 8899, effective July 1, 1997; amended at 22 Ill. Reg. 11713, effective July 1, 1998; emergency amendment at 23 Ill. Reg. 11332, effective August 27, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 245, effective December 27, 1999; emergency amendment at 24 Ill. Reg. 861, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 1908, effective January 2, 2000; amended at 24 Ill. Reg. 7737, effective May 9, 2000; amended at 26 Ill. Reg. 14985, effective October 8, 2002; emergency amendment at 27 Ill. Reg. 557, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 8551, effective May 12, 2003.

SUBPART C: TRANSPORTATION

Section 3000.300 Modes of Transportation

- a) All travel shall be by the most economical mode of transportation available considering travel time, costs, and work requirements. Modes of transportation authorized for official travel include automobiles, railroads, airlines, buses, taxicabs and other usual means of conveyance.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) State vehicles may be used when most economical. When applicable, Vehicle Rules (44 Ill. Adm. Code 5040) issued by the Department of Central Management Services shall govern use of State-owned vehicles. Agency rules further defining use of vehicles may also apply. Specific instructions covering service and repairs of these vehicles are to be found in the glove compartment of each vehicle.
- c) Arrangements on airplanes, trains, or boats shall be the least costly reasonably available alternative.
- d) Chartered aircraft, boats, trains, buses, or other such conveyance, shall be used only as a last resort or if proven to be most economical for the circumstances. A full explanation for the use of such transportation must accompany the voucher.
- e) The rental of an automobile while on travel status is allowed, if circumstances require. The most economical vehicle available that is suitable for the State's business shall be obtained. The collision damage waiver and personal accident insurance on rented vehicles are not reimbursable.
- f) Privately owned vehicles may be used when authorized by appropriate agency personnel.
 - 1) Employees using private vehicles while on State business must have insurance coverage in an amount not less than that required by Section 10-101(b) of the Illinois Vehicle Code [625 ILCS 5/10-101(b)]. Prior to such authorization the Agency Head shall require employees to file a statement certifying that they are duly licensed and carry at least the minimum insurance coverage or shall require such certification to be noted on the travel voucher.
 - 2) Reimbursement for use of a private vehicle shall be on a mileage basis and shall be in accordance with the rate promulgated pursuant to 5 USC 5707(b)(2) and is shown in Appendix A, Reimbursement Schedule. ~~However, if~~ In the event the rate set under the federal regulations increases changes during the course of the State's fiscal year, the effective date of the new rate shall be the July 1 immediately following the change in the federal rate. In the event the rate set under the federal regulations decreases during the course of the State's fiscal year, the effective date of the new rate shall be the effective date of the change in the federal rate.
- g) Agency Heads may authorize the use of privately owned aircraft on State business.
 - 1) Employees using privately owned aircraft on State business shall be duly

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

licensed by the appropriate licensing body for the particular aircraft to be flown, shall carry insurance in at least the amount of \$500,000 combined single limit, and shall certify this to the Agency Head. Such certification shall be available for review and shall also be noted on the travel voucher.

- 2) Reimbursement for the use of privately owned aircraft may be set by the individual Boards, but shall not exceed the rate set by the Federal Government pursuant to 5 USC 5707(b)(2) and 41 CFR 301-4.2(a)(2), as revised (September 8, 1998, Federal Register, Vol. 63, #173, Government Printing Office). No later amendments or editions shall act to vary this rate.

(Source: Amended at 27 Ill. Reg. 8551, effective May 12, 2003)

ILLINOIS DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Fees and Charges
- 2) Code Citation: 50 Ill. Adm. Code 2505
- 3) Section Number: Adopted Action:
2505.10 Amendment
2505.20 Amendment
2505.60 Amendment
- 4) Statutory Authority: Implementing Section 408 and authorized by Sections 401 and 409(5) of the Illinois Insurance Code [215 ILCS 5/401, 408 and 409(5)].
- 5) Effective Date of Amendments: May 12, 2003
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
October 25, 2002, 26 Ill. Reg. 15166
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: No substantive changes have been made.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the Agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: These changes are being made to raise the per Diem fee insurance companies are charged for market conduct examiners to \$300. This will allow the Department to recover a greater percentage of examination related expense of salaries, retirement, Social Security, and group insurance. The current per

ILLINOIS DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

diem fee of \$175 has been in effect since 1989. In FY02, only 74% of the examination staff costs were recovered from the revenue generated by market conduct examinations; the Department estimates that only 64% of such FY03 costs will be recovered.

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

Larry Wieties
Market Conduct Section
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-5043

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

ILLINOIS DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER ee: FEES, CHARGES AND TAXES

PART 2505
 FEES AND CHARGES

Section

2505.10	Purpose
2505.20	Applicability
2505.30	Severability
2505.40	Definitions
2505.50	Fees and Charges
2505.60	Performance (Market Conduct) Examination Expenses and Fees
2505.70	Financial Regulation Fee for Domestic Companies
2505.80	Financial Regulation Fee for Foreign and Alien Companies
2505.90	Financial Examination Expenses and Fees
2505.100	Payment Due Date of Fees and Charges
2505.110	Civil Penalties and Interest
2505.120	Hearings
2505.ILLUSTRATION A	Calculation of Financial Regulation Fee for Affiliated Domestic Companies
2505.ILLUSTRATION B	Calculation of Financial Regulation Fee for Affiliated Foreign or Alien Companies

AUTHORITY: Implementing Section 408 and authorized by Sections 401 and 409(5) of the Illinois Insurance Code [215 ILCS 5/401, 408 and 409(5)] (~~see P.A. 90-583, effective May 29, 1998~~).

SOURCE: Adopted at 23 Ill. Reg. 279, effective December 21, 1998; amended at 27 Ill. Reg. 8557, effective May 12, 2003.

Section 2505.10 Purpose

This Part sets forth certain procedural requirements and the fees and charges collected from domestic, foreign and alien insurance companies pursuant to Section 408 of the Illinois Insurance Code [215 ILCS 5/408] (~~see P.A. 90-583, effective May 29, 1998~~).

(Source: Amended at 27 Ill. Reg. 8557, effective May 12, 2003)

Section 2505.20 Applicability

ILLINOIS DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

This Part applies to any person or company conducting or transacting any of the actions addressed by Section 408 of the Illinois Insurance Code in which a fee or charge can be assessed by the Director of the Department of Insurance [215 ILCS 5/408] (~~see P.A. 98-583, effective May 29, 1998~~).

(Source: Amended at 27 Ill. Reg. 8557, effective May 12, 2003)

Section 2505.60 Performance (Market Conduct) Examination Expenses and Fees

The Director may charge the expenses incurred in any performance examination authorized by law to be paid by the company or person being examined pursuant to Section 408(3) of the Code [215 ILCS 5/408(3)]. The Director may charge, but is not limited to:

- a) A per diem charge of ~~\$300~~ ~~\$175~~ per examiner for examinations pursuant to Section 408(3) of the Code [215 ILCS 5/408(3)] plus lodging and travel expenses, as assessed pursuant to subsection (b) of this Section.
- b) The travel and lodging expenses shall be calculated in accordance *with the applicable travel regulations as published by the Department of Central Management Services and approved by the Governor's Travel Control Board, except that out-of-state lodging and travel expenses related to examinations authorized under Section 132 of the Code [215 ILCS 5/132] shall be in accordance with travel rates prescribed under paragraph 301-7.2 of the Federal Travel Regulations, 41 CFR 301-7.2, for reimbursement of subsistence expenses incurred during official travel* [215 ILCS 5/408(3)].

(Source: Amended at 27 Ill. Reg. 8557, effective May 12, 2003)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 6, 2003 through May 12, 2003 and have been scheduled for review by the Committee at its June 10, 2003 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.

Second Notice		Start Of First Notice	JCAR Meeting
Expires	Agency and Rule	Notice	Meeting
6/19/03	<u>Department of Professional Regulation</u> , Dietetic and Nutrition Services Practice Act (68 Ill. Adm. Code 1245)	2/21/03 27 Ill. Reg. 2844	6/10/03
6/19/03	<u>Department of Professional Regulation</u> , The Professional Engineering Practice Act of 1989 (68 Ill. Adm. Code 1380)	12/27/02 26 Ill. Reg. 18197	6/10/03
6/20/03	<u>Department of Insurance</u> , Standards for Safeguarding Customer Information (50 Ill. Adm. Code 4003)	10/11/02 26 Ill. Reg. 14743	6/10/03
6/20/03	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)	2/14/03 27 Ill. Reg. 2554	6/10/03
6/20/03	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)	2/14/03 27 Ill. Reg. 2562	6/10/03
6/20/03	<u>Department of Natural Resources</u> , White-Tailed Deer Hunting by Use of Firearms (17 Ill. Adm. Code 650)	2/14/03 27 Ill. Reg. 2544	6/10/03
6/20/03	<u>Department of State Police</u> , Imaging Products (20 Ill. Adm. Code 1298)	3/21/03 27 Ill. Reg. 5016	6/10/03
6/21/03	<u>Office of the Attorney General</u> , Motor Vehicle Advertising (14 Ill. Adm. Code 475)	2/28/03 27 Ill. Reg.	6/10/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

		3187	
6/25/03	<u>Sex Offender Management Board, Sex Offender Management Board Standards and Guidelines for the Evaluation, Treatment and Monitoring of Adult Sex Offenders (20 Ill. Adm. Code 1900)</u>	6/28/02 26 Ill. Reg. 9180	6/10/03

EXECUTIVE ORDERS

2003-13**Executive Order on Project Labor Agreements**

WHEREAS, the State of Illinois has a compelling interest in awarding public works contracts so as to ensure the highest standards of quality and efficiency at the lowest responsible cost; and

WHEREAS, a project labor agreement, which is a form of pre-hire collective bargaining agreement covering all terms and conditions of employment on a specific project, can ensure the highest standards of quality and efficiency at the lowest responsible cost on appropriate public works projects; and

WHEREAS, the State of Illinois has a compelling interest that a highly skilled workforce be employed on public works projects to ensure lower costs over the lifetime of the completed project for building, repairs and maintenance; and

WHEREAS, project labor agreements provide the State of Illinois with a guarantee that public works projects will be completed with highly skilled workers; and

WHEREAS, project labor agreements provide for peaceful, orderly and mutually binding procedures for resolving labor issues without labor disruption, which has historically resulted in significant lost-time on construction projects; and

WHEREAS, project labor agreements allow public agencies to predict more accurately the actual cost of the public works project; and

WHEREAS, the use of project labor agreements can be of specific benefit to complex construction projects;

THEREFORE, I hereby order the following:

1. On a project-by-project basis, a state department, agency, authority, board or instrumentality, which is under the control of the Governor, shall include a project labor agreement on a public works project where said department, agency, authority, board or instrumentality has determined that such agreement advances the state's interests of cost, efficiency, quality, safety, timeliness, skilled labor force, labor stability or the state's policy to advance minority- and women-owned businesses and minority and female employment.

2. Where it has been determined that a project labor agreement is appropriate for a particular public works project, the state department, agency, authority, board or instrumentality responsible for implementing the project shall in good faith negotiate a project labor agreement with labor organizations engaged in the construction industry. In the event that the state department, agency, authority, board or instrumentality and the labor organizations engaged in the construction industry (the parties) cannot agree to the terms of the project labor agreement, the Governor shall appoint a designee to assist the parties in reaching an agreement.

3. Pursuant to this Order, any project labor agreement:

a) shall set forth effective, immediate and mutually binding procedures for resolving jurisdictional labor disputes and grievances arising before the completion of work;

b) shall contain guarantees against strikes, lockouts, or similar actions;

c) shall ensure a reliable source of skilled and experienced labor;

d) shall further public policy objectives as to improved employment opportunities for minorities and women in the construction industry to the extent permitted by state and federal law;

e) shall permit the selection of the lowest qualified responsible bidder, without regard to union or non-union status at other construction sites;

EXECUTIVE ORDERS

f) shall be made binding on all contractors and subcontractors on the public works project through the inclusion of appropriate bid specifications in all relevant bid documents; and

g) shall include such other terms as the parties deem appropriate.

4. Any decision to use a project labor agreement in connection with a public works project by a state department, agency, authority, board or instrumentality shall be supported by a written, publicly disclosed finding by such department, agency, authority, board or instrumentality setting forth the justification for use of the project labor agreement.

5. All state departments, agencies, authorities, boards and instrumentalities are hereby ordered to ensure that all public works projects are implemented in a manner consistent with the terms of this Order and are in full compliance with all statutes, regulations and Executive Orders.

6. Nothing in this Executive Order shall be construed to contravene any state or federal law or to jeopardize the state's entitlement to federal funding. If any provision of this Executive Order or its application to any person or circumstance is held invalid

Issued by the Governor May 07, 2003

Filed by the Secretary of State May 07, 2003

PROCLAMATIONS

2003-123**Gubernatorial Proclamation**

Severe storms and devastating tornadoes accompanied by heavy rain occurred on May 6, 2003, in Southern Illinois and on May 9, 10 and 11, 2003, throughout the entire State. This system of severe weather has caused death, injuries and the destruction of homes, businesses and public property in nearly all parts of the State. Essential services have been disrupted and local governments statewide have requested assistance from state agencies.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists within the State of Illinois, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will facilitate the Illinois Emergency Management Agency in coordinating the State's efforts in responding to local government requests for assistance and in determining if there is a need for federal disaster assistance in those counties impacted by these severe storms, heavy rain and devastating tornadoes.

Issued by the Governor May 12, 2003

Filed by the Secretary of State May 12, 2003

OFFICE OF THE STATE FIRE MARSHALL

NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 170
- 3) Register citation of adopted rulemaking and other pertinent action:
27 Ill Reg. 8311, May 9, 2003 Emergency Rulemaking
- 4) Explanation: On the Notice Page of the Notice of Emergency Amendments published in 27 Ill. Reg. 8311, the Effective Date of Amendment was incorrectly listed as April 28, 2003. The correct date should be listed as May 2, 2003.

OFFICE OF THE STATE FIRE MARSHALL

NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 170
- 3) Register citation of adopted rulemaking and other pertinent action: 27 Ill Reg. 8311, May 9, 2003 Emergency Rulemaking
- 4) In Section 170.544: Tester of Underground Storage Tanks, Cathodic Protection and UST Equipment, Paragraph a) 2) was published as follows:
 - 2) Precision tanks and piping. To qualify as a tester to perform precision tests on tanks or piping, an individual must ~~be certified by ICC in the tank tightness testing module~~ designate the testing method(s) for which a license is sought and show proof that they are certified by the manufacturer of the testing equipment.

The corrected listing should read as follows:

- 2) Precision tanks and piping. To qualify as a tester to perform precision tests on tanks or piping, an individual must ~~be certified by ICC in the tank tightness testing module~~ designate the testing method(s) for which a license is sought and show proof that they are certified by the manufacturer of the testing equipment.

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: 32 Ill. Adm. Code 335
- 2) Code Citation: Use of Radionuclides in the Healing Arts
- 3) Register citation of proposed rulemaking and other pertinent action:
27 Ill. Reg 5080
- 4) Explanation: Section 335.20 Definitions inadvertently omitted a couple of underscores and a comma.

"Reportable event" means the administration of:

a therapeutic radiopharmaceutical dosage other than iodine-125 or iodine-131 as sodium iodide:

involving the wrong patient, wrong radiopharmaceutical, the wrong route of administration; or

when the administered dosage differs from the prescribed dosage by more than 20 percent of the prescribed dosage;

a radiopharmaceutical dosage in quantities greater than 1.11 MBq (30 microCi) of iodine-125 or iodine-131 as sodium iodide:

involving the wrong patient, wrong radiopharmaceutical the wrong route of administration; or

Should Be:

"Reportable event" means the administration of:

a therapeutic radiopharmaceutical dosage other than iodine-125 or iodine-131 as sodium iodide:

involving the wrong patient, wrong radiopharmaceutical, the wrong route of administration; or

when the administered dosage differs from the prescribed dosage by more than 20 percent of the prescribed dosage;

a radiopharmaceutical dosage in quantities greater than 1.11 MBq (30 microCi) of iodine-125 or iodine-131 as sodium iodide:

involving the wrong patient, wrong radiopharmaceutical, the

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PUBLICATION ERROR

[wrong route of administration](#); or

ILLINOIS ADMINISTRATIVE CODE

Issue Index

Rules acted upon in Volume 27, Issue 21 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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