

2005

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 29 Issue 38
September 16, 2005
Pages 13937-14144

Index Department
Administrative Code Div.
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Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

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ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Price Gouging
- 2) Code Citation: 14 Ill. Adm. Code 465
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
465.10	New
465.20	New
465.30	New
- 4) Statutory Authority: Sections 2 and 4 of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2 and 4]
- 5) A Complete Description of the Subjects and Issues Involved: The Consumer Fraud and Deceptive Business Practices Act makes it unlawful to use unfair methods of competition and unfair or deceptive acts or practices in the conduct of commerce and authorizes the Attorney General to enforce the Act and to promulgate rules having the force of law as deemed necessary to accomplish the objectives of the Act. This Part sets forth the factors that will be considered in determining whether sudden spikes in fuel prices in market emergency conditions are truly market driven or constitute price gouging in violation of the Act. Adding clarity in this important respect through rulemaking signals that special enforcement attention is being paid to this problem and should deter unlawful actions and decrease some of the extreme volatility in fuel prices.
- 6) Will this rulemaking replace any emergency rulemaking 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 proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Neither creates nor enlarges a State mandate within the meaning of 30 ILCS 805/3b of the State Mandates Act.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: During the first notice period by writing:

Deborah Hagan, Chief
Consumer Protection Division
Office of the Attorney General

ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

500 S. Second Street
Springfield IL 62705

(217) 782-9021

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small business that sell fuel will need to avoid price gouging.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: No new skills required
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: it responds to an emergency situation that was not anticipated.

The full text of the Proposed Rules is identical to the text of the Emergency Rules that appears on page 14066 of this issue of the *Illinois Register*.

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Approval of Voting Systems
- 2) Code Citation: 26 Ill. Adm. Code 204
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
204.10	Amend
204.20	Amend
204.30	Repealed
204.40	Amend
204.45	New Section
204.50	Amend
204.60	Amend
204.70	Amend
204.95	New Section
204.160	Repealed
204.180	Amend
- 4) Statutory Authority: Implementing Article 24C and authorized by Section 1A-8(9) and 24C-17 of the Election Code [10 ILCS 5/24C-17, 1A-8(9)].
- 5) A Complete Description of the Subjects and Issues Involved: The emergency rulemaking implements Articles 24A, 24B, 24C of the Election Code to provide a uniform procedure regarding how a voting system would be approved in the State of Illinois. The emphasis of this emergency rulemaking is upon the approval of direct recording electronic voting systems and their approval consistent with the requirements and procedures of State and federal election laws and regulations. Section 24C-4 provides in part "Direct Recording Electronic Voting Systems" may be used in elections provided that such systems are approved for use by the State Board of Elections. Once the rulemaking is in effect, direct recording electronic voting systems will be uniformly approved resulting in more efficiently run elections and most importantly, Illinois voters, and particularly the voter with disabilities, will be assured that their vote is being tabulated correctly by State approved voting systems.
- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No

STATE BOARD OF ELECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or expand a State mandate on local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Steven S. Sandvoss
General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708
- 217-557-9939
Ssandvoss@elections.state.il.us
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Voting system vendors
- 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: It was not certain that the amendments would be submitted for publication within the following 6 months. These amendments were in a continuous state of revision and it was thought best to withhold a regulatory agenda given the uncertainty of the amendments submission.

The full text of the Proposed Amendments is identical to the Emergency Amendments that begins on page 14070 of this *Illinois Register*:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Accident and Health Risk Ratio Notice
- 2) Code Citation: 50 Ill. Adm. Code 938
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
938.10	Repeal
938.20	Repeal
938.30	Repeal
938.40	Repeal
938.45	Repeal
938.50	Repeal
938.60	Repeal
938.EXHIBIT A	Repeal
938.EXHIBIT B	Repeal
- 4) Statutory Authority: Implementing and authorized by Section 144.2 of the Illinois Insurance Code [215 ILCS 5/144.2].
- 5) A Complete Description of the Subjects and Issues Involved: This Part requires all licensed insurance companies meeting certain accident and health criteria to file an Accident and Health Reporting Form on a quarterly basis. This Part is being repealed because the policyholder surplus and premium information required to be reported on the form is now available to the Division through the National Association of Insurance Commissioners' (NAIC) Internet-State Interface Technology Enhancement (I-SITE) network. Repealing this Part will reduce unnecessary paperwork. There is no filing fee, so the elimination of this filing requirement would have no financial impact on the Division.
- 6) Will this repealer replace an emergency rule currently in effect? No
- 7) Does this repealer contain an automatic repeal date? No
- 8) Does this repealer contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

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

James Rundblom, Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-8559

or

Barb Smith, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-0813

- 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 repealer was summarized: July 2005

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION~~INSURANCE~~

SUBCHAPTER I: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 938

ACCIDENT AND HEALTH RISK RATIO NOTICE (REPEALED)

Section

938.10	Authority
938.20	Purpose and Scope
938.30	Definitions
938.40	Percentage Threshold Factor (Repealed)
938.45	Requirements for all Companies Having Direct Premium Income for Accident and Health Business
938.50	Requirements for all Companies Having Direct Annual Premium Volume for Accident and Health Business Greater than Policyholders' Surplus (Repealed)
938.60	Additional Requirements for Companies Having Policyholder Surplus Less Than \$5,000,000 (Repealed)
938.EXHIBIT A	Accident and Health Reporting Form
938.EXHIBIT B	Calculation of Ratio for Companies with Less Than \$5,000,000 in Policyholder Surplus (Repealed)

AUTHORITY: Implementing and authorized by Section 144.2 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 756.2 as amended by P.A. 86-753, effective January 1, 1990).

SOURCE: Adopted at 10 Ill. Reg. 3008, effective April 1, 1986; amended at 14 Ill. Reg. 3489, effective February 28, 1990; repealed at 29 Ill. Reg. _____, effective _____.

Section 938.10 Authority

This Part is promulgated by the Director of Insurance pursuant to Section 144.2 of the Illinois Insurance Code (the Code) (Ill. Rev. Stat. 1987, ch. 73, par. 756.2) which requires the Director to establish by rule the reporting form to be filed concerning direct premium income for accident and health business, Class 1, clause (b) and Class 2, clause (a) of Section 4 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 616), and Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 1013).

Section 938.20 Purpose and Scope

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

- a) The purpose of this Part is to establish reporting procedures to be followed by all companies having direct premium income for accident and health business; and to set forth procedures to give notice to the Director of the level of nationwide direct accident and health premium and the level of surplus. Additional surplus information is required of companies having less than \$5,000,000 of surplus as of the most current reporting quarter.
- b) Filing of the Reporting Form as set forth in Exhibit A hereof shall constitute compliance with the initial notification procedures of Section 144.2 of the Illinois Insurance Code, provided that the Director shall retain his authority to require additional information pursuant to Section 144.2.
- c) This Part shall apply to all companies authorized to transact the classes of business as set forth in Class 1, clause (b), or Class 2, clause (a) of Section 4 of the Illinois Insurance Code, hereinafter referred to as accident and health business.

Section 938.30 Definitions

"Direct premium income" means any written premium as shown for a Life, Accident and Health company on Schedule T, Line 94, Column 5 of the Statutory Annual Statement for Life, Accident and Health Companies, as required by Section 136 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 748), or equivalent information in any revision of the Statutory Annual Statement, or the sum of Column 1, Lines 13, 14, and 15 of the Underwriting and Investment Exhibit, Part 2B of the Statutory Annual Statement for Property and Casualty Companies, as required by Section 136 of the Code, or equivalent information in any revision of the Statutory Annual Statement.

"Notify" means delivery to the Director of the form specified in this Part as Section 938 Exhibit A within the time frame specified in this Part.

"Policyholder Surplus" means the amount determined according to the directions specific to Page 3, Line 37 of the Statutory Annual Statement of Life, Accident and Health Companies, as required by Section 136 of the Code, or equivalent information in any revision of the Statutory Annual Statement, or Page 3, Line 26 of the Statutory Annual Statement for Property and Casualty Companies, as required by Section 136 of the Code, or equivalent information in any revision of the Statutory Annual Statement.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

Section 938.40 Percentage Threshold Factor (Repealed)**Section 938.45 Requirements for all Companies Having Direct Premium Income for Accident and Health Business**

- a) At the end of each calendar quarter during the year, including year-end, the company will complete the Reporting Form (Exhibit A) and submit the form to the attention of the Financial Corporate Regulatory Division, Health Insurance Specialist, Illinois Department of Insurance, Springfield, IL 62767.
- b) The form must be filed unless the three blanks listed below from the reporting form would be reported as zero. Any premium amount in any of the three blanks, including negative amounts, will mean the form must be filed. The three categories are Line 2 – Direct Annual Premium for Prior Calendar Year, Line 3 – Direct Quarterly Premium, and Line 4 – Year-to-Date Direct Premium.
- c) The reporting form must be filed within forty-five (45) days of the end of the quarter for which data are reported.

Section 938.50 Requirements for all Companies Having Direct Annual Premium Volume for Accident and Health Business Greater than Policyholders' Surplus (Repealed)**Section 938.60 Additional Requirements for Companies Having Policyholder Surplus Less Than \$5,000,000 (Repealed)**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

Section 938.EXHIBIT A Accident and Health Reporting Form

Form is due forty-five (45) days after the close of each quarter, including year end. Mail completed form to: Financial Corporate Regulatory Division, Health Insurance Specialist, Illinois Department of Insurance, Springfield, IL 62767.

(1) Policyholder Surplus as reported in the most current Statutory Annual Statement on file with the Illinois Department (Life, Accident and Health companies – Line 37 on Page 3) (Casualty companies – Line 26 on Page 3) Line 1 _____

(2) Direct Annual Premium for Prior Calendar Year from the latest Statutory Annual Statement (Life, Accident and Health companies – Schedule T Line 94 Column 5) (Casualty companies – sum of Rows 13, 14, and 15 of Column 1 of the Underwriting and Expense Exhibit – Part 2B) Line 2 _____

(3) Direct Quarterly Premium (Use same methodology as in (2), quarterly only, not cumulative) Line 3 _____

(4) Year-to-date Direct Premium (Use same methodology as in (2) cumulative from beginning of year to end of reporting quarter) Line 4 _____

(5) For companies with less than \$5,000,000 Policyholder Surplus: Policyholder Surplus as of the quarter reporting date, calculated in the same fashion as in the Statutory Annual Statement (Life, Accident and Health cos. – Line 37 of Page 3) (Casualty cos. – Line 26 of Page 3) Line 5 _____

The undersigned hereby notifies the Illinois Department of Insurance of the above-indicated amounts and certifies that the above amounts are correct.

(company name)

(phone number)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

(name)

(quarter reporting date)

(title)

(current date)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED REPEALER

Section 938.EXHIBIT B Calculation of Ratio for Companies with Less than \$5,000,000 in Policyholder Surplus (Repealed)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Acupuncture Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1140
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1140.10	Amendment
1140.20	Amendment
1140.30	Amendment
1140.35	Amendment
1140.40	Amendment
1140.50	Amendment
1140.60	Amendment
1140.70	Amendment
1140.80	Amendment
1140.90	Amendment
1140.100	Amendment
1140.110	Amendment
- 4) Statutory Authority: Acupuncture Practice Act [225 ILCS 2].
- 5) A Complete Description of the Subjects and Issues Involved: Curriculum requirements are being updated in Section 1140.40 and the continuing education requirements in Section 1140.90 are being clarified. Additional technical changes were made to the entire Part by changing references from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 6) Will this rulemaking replace any emergency rules 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 amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786

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

All written comments received within 45 days of 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: Those providing acupuncture services.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Acupuncture skills are required for licensure.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF [FINANCIAL AND](#) PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1140

ACUPUNCTURE PRACTICE ACT

Section

1140.10	Definitions
1140.20	Fees
1140.30	Application for Licensure
1140.35	Application for Guest Instructor Permit
1140.40	Acupuncture Curriculum
1140.50	Endorsement
1140.60	Renewals
1140.70	Inactive Status
1140.80	Restoration
1140.90	Continuing Education
1140.100	Unprofessional Conduct
1140.110	Granting Variances

AUTHORITY: Implementing the Acupuncture Practice Act [225 ILCS 2] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 23 Ill. Reg. 5705, effective April 30, 1999; amended at 25 Ill. Reg. 10893, effective August 13, 2001; amended at 26 Ill. Reg. 11938, effective July 18, 2002; amended at 27 Ill. Reg. 10103, effective June 20, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 1140.10 Definitions

"Act" means the Acupuncture Practice Act [225 ILCS 2].

"Acupuncturist" means a person who practices acupuncture and is licensed by the [Division](#)~~Department~~.

"Board" means the Board of Acupuncture.

"Department" means the Department of [Financial and](#) Professional Regulation.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

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

"Evaluation in Acupuncture" means the use of Oriental diagnosis and therapeutic theories to determine the treatment plan.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1140.20 Fees

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

- a) Application Fees.
 - 1) The fee for application for a license as an acupuncturist is \$500.
 - 2) The fee for application for a guest instructor permit is \$150.
 - 3) The fee for application as a continuing education sponsor is \$250.
- b) Renewal Fees.
 - 1) The fee for the renewal of an acupuncturist license shall be calculated at the rate of \$250 per year.
 - 2) The fee for the renewal of continuing education sponsor approval is \$250 for a 2 year license.
- c) General Fees.
 - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, not to exceed \$1,000.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

changes on ~~Division~~Department records when no duplicate license is issued.

- 3) The fee for the certification of a license for any purpose is \$20.
- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
- 5) The fee for a roster of persons licensed as acupuncturists in this State shall be the actual cost of producing such a roster.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1140.30 Application for Licensure

- a) ~~Prior to January 1, 2002, an applicant for an acupuncture license shall apply on forms approved by the Department. The application shall include:~~
 - 1) ~~Either:~~
 - A) ~~Proof of passage of the National Commission for the Certification of Acupuncturists (NCCA) or National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or another examination that has been approved by the Department;~~
~~or~~
 - B) ~~Current certification from the National Certification Commission for Acupuncture and Oriental Medicine;~~
 - 2) ~~Proof of successful completion of the Clean Needle Technique (CNT) Course offered by the Council of Colleges of Acupuncture and Oriental Medicine;~~
 - 3) ~~A complete work history; and~~
 - 4) ~~The required fee specified in Section 1140.20 of this Part.~~
- b) ~~The Division~~Beginning January 1, 2002, theDepartment shall issue a license to an applicant who submits with the application proof of the following:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Education
 - A) Graduation from a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or a similar accrediting body approved by the ~~Division~~Department; or
 - B) Completion of a comprehensive educational program approved in accordance with Section 1140.40 by the ~~Division~~Department; and
 - 2) Passing the ~~National Commission for the Certification of Acupuncturists (NCCA) examination~~, National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or a substantially equivalent examination approved by the ~~Division~~Department;
 - 3) Proof of successful completion of the Clean Needle Technique (CNT) course offered by the Council of Colleges of Acupuncture and Oriental Medicine;
 - 4) A complete work history since completion of acupuncture education; and
 - 5) The required fee specified in Section 1140.20.
- e) ~~In lieu of the requirements in subsection (a)(1) and (a)(2) above, an applicant may, prior to December 31, 1999, submit proof of active practice for at least 3 of the last 5 years and:~~
- 1) ~~Graduation from a formal full-time acupuncture program consisting of a minimum of 1,350 hours of entry level acupuncture education (including at least 500 hours of clinic). A copy of the transcript shall accompany the application; or~~
 - 2) ~~Completion of an apprenticeship, signed by the preceptor, of at least 4,000 contact hours in acupuncture techniques in a 3 to 6 year period. The preceptor must have had at least 5 years experience prior to the beginning of the apprenticeship, and his or her practice must include the use of acupuncture as a primary means of treatment with a minimum of 100 different patients and 500 patient visits per year during the apprenticeship. A copy of the preceptor's curriculum vitae shall accompany the application; or~~

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

~~3) Practice of acupuncture as a primary means of treatment for at least 5 additional years (a total of a minimum of 8 years) that includes the use of acupuncture in general practice with a minimum of 100 different patients and 500 patient visits per year. Five affidavits attesting to 5 years of practice from peers or colleagues shall accompany the application.~~

~~bd)~~ All documents shall be submitted to the ~~Division~~Department in English.

~~ce)~~ If the applicant has ever been licensed in another jurisdiction, he/she shall also submit a certification, on forms provided by the ~~Division~~Department, from the jurisdiction in which the applicant was originally licensed and in which the applicant is currently licensed, stating:

- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
- 2) A description of the examination in that jurisdiction; and
- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

~~df)~~ When the accuracy of any submitted documentation or experience is questioned by the ~~Division~~Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1140.35 Application for Guest Instructor Permit

- a) Any person not licensed in this State to practice acupuncture who is an invited guest of a professional acupuncture association, scientific acupuncture foundation, an acupuncture training program or a ~~Division~~Department approved continuing

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

education provider who will be providing professional education through lectures, clinics or demonstrations must be the holder of a Guest Instructor Permit issued by the ~~Division~~Department pursuant to the provisions of Section ~~(20.1)~~ of the Act.

- b) An application for a Guest Instructor Permit shall be made on forms provided by the ~~Division~~Department. The application shall include:
- 1) Either:
 - A) Current certification in good standing as an acupuncturist from the National Certification Commission for Acupuncture and Oriental Medicine; or
 - B) Current certification of licensure in another jurisdiction; or
 - C) Equivalent education and training set forth in this Part;
 - 2) Certification from the acupuncture association, scientific acupuncture foundation, an acupuncture training program or an approved continuing education sponsor indicating:
 - A) That the person has received an invitation or appointment to teach acupuncture technique in conjunction with lecture, clinics or demonstrations;
 - B) The nature of the educational services to be provided by the applicant; and
 - C) The term of the invitation or contract;
 - 3) A copy of the applicant's current curriculum vitae; and
 - 4) The fee set forth in Section 1140.20.
- c) A Guest Instructor Permit shall be valid for 12 months.
- d) A guest instructor may engage in the application of acupuncture techniques in conjunction with the lecture, clinics, or demonstration, but may not open an office, appoint a place to meet private patients, consult with private patients, or otherwise engage in the practice of acupuncture beyond what is required in

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conjunction with these lectures, clinics or demonstrations.

- e) When the holder of a Guest Instructor Permit has been discharged or terminated from an appointment, any permit issued in the name of the person shall be null and void as of the date of the discharge or termination.
- f) If, at the conclusion of the term of the appointment for which the permit was issued, the holder of the permit desires to remain in the State and practice or teach his/her profession, he/she must apply for and receive a license to practice acupuncture.
- g) Nothing shall prohibit the holder of a Guest Instructor Permit from applying for and receiving a license to practice acupuncture in this State during the term of the appointment. In the event the holder of a permit is issued a license to practice in this State, upon receipt of the license, the permit shall become null and void and shall be returned to the [Division](#)~~Department~~.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1140.40 Acupuncture Curriculum

The [Division](#)~~Department~~ shall, upon the recommendation of the Board of Acupuncture, approve an applicant's acupuncture curriculum if it meets the following minimum criteria:

- a) The school from which the applicant was graduated:
 - 1) Is legally recognized and authorized by the jurisdiction in which it is located to confer an acupuncture degree; and
 - 2) Has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areas of teaching from professional colleges or institutions; and
 - 3) Maintains permanent student records that summarize the credentials for admission, attendance and grades and other records of performance.
- b) Curriculum shall be a minimum of at least 3 academic years [and no less than 27 calendar months](#) (a minimum of [1950+725](#) hours ~~or 93 semester credits~~ or its

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equivalent). This must be composed of at least:

- 1) 890705 hours (~~47 semester hours~~ or its equivalent) in theory and treatment techniques in acupuncture and related studies.

A) Topics shall include, but not be limited to, the following:

iA) History of Acupuncture;

iiB) Basic Theory. Topics include, but are not limited to, basic Yin-Yang theory, 8 principles, and 5 elements; Zang (viscera) organs and Fu (bowels) organs and extraordinary organs; theory and function of channels (meridians) and collaterals; ~~function of channel and collateral;~~ Qi, blood and body ~~fluids; fluid;~~ Qi tonification (supplementation) and sedation (~~reducing draining;~~ ~~the~~ etiology (the causes of diseases) such as 6 exogenous, 7 emotional factors and non-internal or non-external reasons; pathology;

iiiC) Point Location and Channel (Meridian) Theory. Topics include, but are not limited to, nomenclature and distribution of the 14 channels on the body surface – 12 regular channels, Ren (conception) channel and Du (governing) channel; classification of points; points study should include the method of locating the points, anatomic structures, classification of points, functions and indications, and contraindications; know the specific points, such as Five Shu points, Yuan (source) points, Luo (connecting) points, Xi (cleft) points, Back-Shu points, Front-Mu points, Crossing points; 8 extraordinary channels and points;

ivD) Acupuncture Treatment. Topics include, but are not limited to, use of the special evaluation method, differentiation of syndromes according to 8 principles, Qi and blood, Zang-Fu organs and theory of meridians and collaterals; case review, based on history of the patient and charting; the ~~four-examination methods~~ ~~Five Examinations;~~ measuring and recording vital signs and symptoms, to make treatment plans and future; ~~methods and systems for~~

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~~planning, carrying out and evaluating a treatment and~~
prognosis; contraindications of treatment; indications of
potential ~~for increased~~ risk to the patient; ~~(e.g., immune~~
~~compromised patient, diabetic patient)~~; the need to modify
standard therapeutic approach (e.g., infants and children,
pregnancy); and apparently benign presentations that may
have a more serious cause (hypertension, headaches);

~~viE)~~ Treatment Techniques. Topics include, ~~but are not limited~~
~~to~~, needle insertion: depth, duration, manipulation and
withdrawal; the appearance of Qi; Moxa: application, direct
and indirect, etc.; other techniques (e.g., bleeding,
moxibustion, cupping, Gua Sha, 7 star); tonification and
sedation techniques; knowledge relating to the treatment of
acute and chronic conditions, first aid, analgesia,
anesthesia, and electrical stimulation; safety issues;
Oriental bodywork therapy (e.g., Tui Na, Shiatsu, Amma,
acupressure, etc.); ~~and~~ contraindication for certain
conditions; and

~~viF)~~ Ethics and Practice Management. Topics include
confidentiality; informed consent; HIPPA guidelines;
understanding the scope of practice; recordkeeping: legal
requirements, release of data; ethical and legal aspects of
referring patients to another practitioner; professional
conduct and appropriate interpersonal behavior; laws and
regulations governing the practice of acupuncture;
recognition and clarification of patient expectations;
general liability insurance; legal requirements; professional
liability insurance: risk management and quality assurance;
building and managing a practice, including ethical and
legal aspects of third party reimbursement; ~~and~~ professional
development.

B) No more than 9072 hours may count towards history and ethics
and practice management.

2) 660 hours (~~22 semester credits~~ or its equivalent) in clinical training.

A) The program must assure that each student participates in a

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minimum of 500 hours in the supervised care of patients using acupuncture. This portion of the clinical training, conducted under the supervision of program-approved supervisors, must consist of 250 student-performed treatments where students conduct patient interviews, participate in treatment planning, perform appropriate acupuncture treatments, and follow up on patients' responses to treatment.

- B) The supervised clinical practice must be an internship that provides the student training in all phases of patient care and must be conducted in a teaching clinic operated by the institution or in a clinical facility with a formal affiliation with the institution where the institution exercises academic oversight substantially equivalent to the academic oversight exercised for teaching clinics operated by the institution, where:
- i) Clinical instructors' qualifications meet school requirements for clinical instruction;
 - ii) Regular, systematic evaluation of the clinical experience takes place; and
 - iii) Clinical training supervision procedures are substantially equivalent to those within the teaching clinic operated by the institution. Student interns must receive training from a variety of clinical faculty in order to ensure that interns are exposed to different practice styles and instructional methods.
- C) ~~Of the~~The remaining 160 hours, 150 hours must ~~may~~ be acquired in observation ~~and case review~~.
- 3) ~~400~~360 hours (~~or its equivalent~~24 semester credits) in biomedical clinical sciences.
- A) Biomedical Clinical Sciences. Topics include, but are not limited to, basic science courses; biomedical and clinical concepts and terms; human anatomy and physiology; pathology and the biomedical disease model; pharmacology; the nature of the biomedical clinical process, including history taking, diagnosis,

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treatment and follow-up; the clinical relevance of laboratory and diagnostic tests and procedures, as well as biomedical physical examination findings; and

- B) Clean Needle Technique. ~~Topics include infectious~~Infectious diseases, sterilization procedures, needle handling and disposal, and other issues relevant to bloodborne and surface pathogens; the basis and need for referral and/or consultation; the range of biomedical referral resources and the modalities they employ.
- c) An individual who is deficient in course work may complete the required courses at a regionally accredited college or university or a school of acupuncture accredited by ACAOM. The individual will be required to submit a transcript from the program indicating successful completion of the course and a course description.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1140.50 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States who wishes to be licensed in Illinois as an acupuncturist shall file an application with the ~~Division~~Department, on forms provided by the ~~Division~~Department, that includes:
- 1) One of the following:
 - A) Proof of passage of the ~~National Commission for the Certification of Acupuncturists (NCCA) or~~National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or another examination that has been approved by the ~~Division~~Department for individuals licensed in another jurisdiction prior to January 1, 2002; or
 - B) Current certification from the National Certification Commission for Acupuncture and Oriental Medicine for individuals licensed in another jurisdiction prior to January 1, 2002; or
 - C) Verification of meeting examination, education, apprenticeship or experience requirements as set forth in Section 1140.30 of this Part

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for individuals licensed in another jurisdiction prior to January 1, 2000; or

- D) For applicants licensed after January 1, 2002, proof of:
- i) Graduation from a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) or a similar accrediting body approved by the ~~Division~~Department; or
 - ii) Completion of a comprehensive educational program approved in accordance with Section 1140.40 by the ~~Division~~Department and proof of passage of the ~~National Commission for the Certification of Acupuncturists (NCCA) or~~ National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or another examination that has been approved by the ~~Division~~Department;
- 2) Proof of successful completion of the Clean Needle Technique (CNT) Course offered by the Council of Colleges of Acupuncture and Oriental Medicine;
 - 3) Certification from the jurisdiction of original licensure and the jurisdiction in which the applicant is currently licensed and practicing, if other than original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains any disciplinary actions taken or pending, and the applicant's license number;
 - 4) Complete work history since completion of training and/or education; and
 - 5) The required fee specified in Section 1140.20 of this Part.
- b) The ~~Division~~Department shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination of the Act or whether the applicant possesses individual qualifications that were substantially equivalent to the requirements of the Act.
- c) The ~~Division~~Department shall either issue a license by endorsement to the

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applicant or notify the applicant in writing of the reasons for the denial of the application.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1140.60 Renewals

- a) Every license issued under the Act shall expire on June 30 of odd numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the required fee. ~~A Beginning with the June 30, 2005 and every renewal thereafter, a~~ renewal applicant will be required to complete 30 hours of continuing education in accordance with Section 1140.90 ~~in order to renew the license. For the June 30, 2005 renewal only, a renewal applicant shall submit proof of successful completion of the Clean Needle Technique (CNT) Course offered by the Council of Colleges of Acupuncture and Oriental Medicine.~~
- b) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 110 of the Act.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1140.70 Inactive Status

- a) Licensed acupuncturists who notify the ~~Division~~Department, on forms provided by the ~~Division~~Department, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the ~~Division~~Department in writing of the intention to resume active practice.
- b) Any licensed acupuncturist seeking restoration from inactive status shall do so in accordance with Section 1140.90 of this Part.
- c) Any acupuncturist whose license is on inactive status shall not use the title "acupuncturist" or any of the other designations listed in Section 50 of the Act in

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the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1140.80 Restoration

- a) Any acupuncturist whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1140.20 of this Part and proof of completion of 30 continuing education (CE) hours during the 2 years prior to submitting the restoration application in accordance with Section 1140.90 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the [DivisionDepartment](#), for review by the Board, together with the fee required by Section 1140.20 of this Part. In addition the applicant shall submit:
 - 1) One of the following:
 - A) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice; or
 - B) An affidavit attesting to military service as provided in Section 70 of the Act; or
 - C) Proof of passage of the ~~National Commission for the Certification of Acupuncturists (NCCA)~~ or National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination or another examination that has been approved by the [DivisionDepartment](#) within 2 years prior to the restoration application; or
 - D) Evidence of recent attendance at educational programs in acupuncture, including attendance at college level courses,

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professionally oriented continuing education classes, special seminars, or any other similar program. The [DivisionDepartment](#) will accept, for example:

- i) for an applicant whose license has lapsed 5 to 10 years, 160 contact hours of clinical training under the supervision of a licensed acupuncturist or 90 hours of continuing education relating to the clinical aspects of acupuncture, or a combination thereof, approved by the Board within 2 years prior to the restoration application. Clinical training shall be approved by the Board prior to an applicant starting the training.
 - ii) for an applicant whose license has lapsed for 10 years or more, 320 contact hours of clinical training under the supervision of an acupuncturist or 120 hours of continuing education relating to the clinical aspects of acupuncture, or any combination thereof approved by the Board within 2 years prior to the restoration application. Clinical training shall be approved by the Board prior to an applicant starting the training.
- 2) Proof of successful completion of the Clean Needle Technique (CNT) Course offered by the Council of Colleges of Acupuncture and Oriental Medicine within the last 5 years.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the [DivisionDepartment](#) because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
 - d) Upon recommendation of the Board and approval by the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

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(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1140.90 Continuing Education

a) Continuing Education Hours Requirements

- 1) ~~Every~~ Beginning with the June 30, 2005 renewal, every licensee who applies for renewal of a license as an acupuncturist shall complete 30 hours of continuing education (CE) relevant to the practice of acupuncture.
- 2) A prerenewal period is the 24 months preceding June 30 of each odd-numbered year.
- 3) One CE hour shall equal one clock hour.
- 4) Courses that are part of the curriculum of an accredited university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
- 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
- 6) Acupuncturists licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois if they meet the requirements for CE in Illinois.

b) Approved Continuing Education (CE)

- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c), except for those activities provided in subsections (b)(2), (3), (4), ~~and (5)~~ and (6).

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- 2) A maximum of 5 hours of CE credit per renewal may be earned for completion of ~~a~~ self-study ~~(including online) course~~~~course~~ that ~~are~~~~is~~ offered by an approved sponsor who meets the requirements set forth in subsection (c). Each self-study course shall include an examination.
 - 3) A maximum of 155 hours of CE credit per renewal may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of acupuncture related courses that are a part of the curriculum of an approved acupuncture program or a college, university or graduate school.
 - 4) A maximum of 155 hours of CE credit per renewal may be earned for verified teaching in a college, university or school of acupuncture approved in accordance with Section 1140.40 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program).
 - 5) A maximum of 5 hours of CE credit per renewal may be earned for authoring papers, published in refereed professional journals~~publications~~ or books ~~and for preparing presentations and exhibits. The preparation of each published paper, book, chapter or presentation dealing with acupuncture may be claimed as 5 hours of credit. A presentation must be before a professional audience. Five credit hours may be claimed for only the first time the information is published or presented.~~
 - 6) A maximum of 5 hours of CE earned may be for attendance at or participation in a program in Illinois related to the practice of acupuncture.
- c) Approved CE Sponsors and Programs
- 1) Approved sponsor, as used in this Section, shall mean:
 - A) The American Association of ~~Acupuncture and~~ Oriental Medicine, Acupuncture and Oriental Medicine Alliance, or its affiliates;
 - B) Asian American Acupuncture Association, or its affiliates;

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- C) Illinois ~~Association of State~~ Acupuncture ~~and Oriental~~ Medicine Association, or its affiliates;
 - D) Korean American Acupuncture Association of Illinois, or its affiliates;
 - E) Chicago Korean American Acupuncture Association, or its affiliates; or
 - F) Acupuncture and Oriental Medicine Alliance, or its affiliates;
 - G) Any other person, firm, association, corporation, or group that has been approved and authorized by the ~~Division~~Department pursuant to subsection (c)(2) of this Section upon the recommendation of the Board to coordinate and present continuing education courses or programs.
- 2) Entities seeking a license as a CE sponsor pursuant to subsection (c)(1)(F) shall file a sponsor application, along with the required fee of \$250. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:
- A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) and all other criteria in this Section. A sponsor shall be required to submit a CE program with course materials for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9);
 - C) That, upon request by the ~~Division~~Department, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the ~~Division~~Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) All programs shall:

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- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of acupuncture that includes direct and indirect patient care, acupuncture treatment, treatment techniques, point location and ~~channel~~ theory, and ethics, but does not include herbal therapy or preparation;
 - B) Foster the enhancement of general or specialized acupuncture practice and values;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the course objectives, course content and teaching methods to be used; and
 - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program by the participants.
 - 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs.
 - 6) All programs given by approved sponsors shall be open to all licensed acupuncturists and not be limited to members of a single organization or group.
 - 7) To maintain approval as a licensed sponsor, each sponsor shall submit to the ~~Division~~Department by each odd-numbered year a renewal application, the renewal fee specified in Section 1140.20 of this Part and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
 - 8) It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
 - A) The name, address and license number of the sponsor;

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- B) The name and address of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of hours attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 9) The sponsor shall maintain attendance records for not less than 5 years.
- 10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 11) Upon the failure of a sponsor to comply with any of the foregoing requirements, the [DivisionDepartment](#), after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the [DivisionDepartment](#) receives assurances of compliance with this Section.
- 12) Notwithstanding any other provision of this Section, the [DivisionDepartment](#) or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with the requirements of this Section.
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b).
 - 2) The [DivisionDepartment](#) may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence may be required in the context of the [Division'sDepartment's](#) random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

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- 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned CE hours offered in another state or territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an out of state continuing education approval form, along with a \$25 processing fee, prior to participation in the program or 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval form with the \$25 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the [Division](#)~~Department~~ shall restore the license upon payment of the required fee as provided in Section 1470.55 of this Part.
- g) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the [Division](#)~~Department~~ a renewal application along with the required fee set forth in Section 1470.55 of this Part, a statement setting forth the facts concerning non-compliance, and request for waiver of all or part of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the [Division](#)~~Department~~, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the [Division](#)~~Department~~ shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

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- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 - B) An incapacitating illness documented by a statement from a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
 - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the [DivisionDepartment](#).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1140.100 Unprofessional Conduct

- a) Pursuant to Section 110 of the Act, unethical, unauthorized, or unprofessional conduct in the practice of acupuncture shall include, but not be limited to:
 - 1) Procuring, attempting to procure or renewing a license by bribery, or by fraudulent misrepresentation;
 - 2) Willfully making or filing a false report or record, willfully failing to file a report or record required by State or federal law, or willfully impeding or obstructing such filing or inducing another person to do so;
 - 3) Circulating untruthful, fraudulent, deceptive or misleading advertising;
 - 4) Willfully failing to report any violation of the Act or this Part;
 - 5) Willfully or repeatedly violating a lawful order of the Board or the

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Division~~Department~~ previously entered in a disciplinary hearing;

- 6) Accepting and performing professional responsibilities that the licensee knows, or has reason to know, he/she is not competent to perform;
- 7) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience or licensure to perform them;
- 8) Gross or repeated malpractice or the failure to deliver acupuncture services with that level of care, skill and treatment that is recognized by a reasonably prudent acupuncturist with similar professional training as being acceptable under similar conditions and circumstances;
- 9) Dividing with anyone, other than physicians with whom the licensee receives referrals or another acupuncturist with whom the licensee works, any fee, commission, rebate or other form of compensation for any professional services not actually and personally rendered. Nothing contained in this subsection prohibits persons holding valid and current licenses under this Act from practicing in a partnership, limited liability partnership, limited liability company or a corporation under the Professional Corporation Act or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership or corporation.

- b) The Division~~Department~~ hereby incorporates by reference the "Statement of Ethics and Professional Conduct" of the National Certification Commission for Acupuncture and Oriental Medicine, 11 Canal Center Plaza, Suite 300, Alexandria VA 22314, April 2005~~January 1999~~, with no later amendments or editions.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1140.110 Granting Variances

- a) The Director may grant variances from this Part in individual cases when~~where~~ he or she finds that:
 - 1) The provision from which the variance is granted is not statutorily

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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 the variance, and the reasons [for granting the variance](#)~~therefor~~, at the next meeting of the Board.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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217/782-1809

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This Part affects ginseng dealers, harvesters and growers.
- B) Reporting, bookkeeping or other procedures required for compliance:

Dealers must keep written records of their purchases, submit them monthly to the Department and submit an annual report to the Department.

Growers must keep written records of the location and size of their cultivated ginseng stands, keep a written record of the harvest and sale of cultivated ginseng and submit yearly reports to the Department.

Upon adoption of this amendment, harvesters of wild ginseng must follow new procedures limiting the taking to plants that are at 10 years of age (4-leafed) or older and requiring planting of all the seeds from harvested plants in the vicinity of the parent plants in a manner which will encourage their germination and growth.

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

13) Regulatory Agenda on which this rulemaking was summarized: This Part was not listed on the July 2005 Regulatory Agenda because the Department was not aware that the U.S. Fish and Wildlife Service planned to increase the minimum age for exports of wild American ginseng.

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRYPART 1580
GINSENG HARVEST AND COMMERCE REGULATIONS

Section

1580.10	Licensing Procedure
1580.20	Revocation of License (Repealed)
1580.30	Harvest Season
<u>1580.35</u>	<u>Harvest Regulations for Wild Ginseng</u>
1580.40	Records of Dealers
1580.50	Records of Growers
1580.60	Reports of Growers
1580.70	Certification of Ginseng Shipments

AUTHORITY: Implementing and authorized by the Ginseng Harvesting Act [525 ILCS 20].

SOURCE: Emergency rule adopted at 7 Ill. Reg. 15888, effective November 16, 1983, for a maximum of 150 days; adopted at 8 Ill. Reg. 3670, effective March 8, 1984; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 26 Ill. Reg. 16537, effective October 28, 2002; amended at 29 Ill. Reg. _____, effective _____.

Section 1580.35 Harvest Regulations for Wild Ginseng

- a) The harvest of wild ginseng shall be limited to plants that are 10 years of age (4 leafed) or older.
- b) When harvesting wild ginseng, harvesters shall plant all of the seeds from the harvested plants in the vicinity of the parent plants in a manner that will encourage their germination and growth.

(Source: Added at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Off-Highway Vehicle Recreational Trails Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3045
- 3) Section Numbers: 3045.95 Proposed Action: New
- 4) Statutory Authority: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add a Section pertaining to the sale or transfer of grant-funded property. This Section contains formulas for repayment of grants for land purchased partially and wholly, if the property is sold in under 15 years from receipt of the grant.
- 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 amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: 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
Springfield IL 62702-1271
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

affected: This grant program provides financial aid to government agencies, not-for-profit organizations, and other eligible groups or individuals to develop, operate, maintain, and acquire land for off-highway vehicle parks, trailside facilities and trails that are open and accessible to the public in Illinois, as well as maintenance and repair of the parks, trails and trailside facilities.

- B) Reporting, bookkeeping or other procedures required for compliance: Upon project completion, in order to receive funding reimbursement for development projects, the grantee must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project, copies of all receipts/invoices for project costs, and copies of canceled checks showing proof of payment. Additionally, the site must have an OHV grant acknowledgment sign posted. For acquisition projects, the grantee must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project, proof of good faith negotiations or fair market value offer to the land seller, copy of the property deed (showing ownership transferred to the project sponsor/grantee), and copies of canceled checks showing proof of payment to the seller. Additionally, the site must have an OHV grant acknowledgment sign posted.

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

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTSPART 3045
OFF-HIGHWAY VEHICLE RECREATIONAL TRAILS GRANT PROGRAM

Section

3045.10	Program Objective
3045.20	Program Eligibility Requirements
3045.30	Funding Assistance Formula
3045.40	General Procedures for Grant Applications and Awards
3045.50	Eligible Project Expenditures
3045.60	Project Evaluation Criteria/Priorities
3045.70	Review by Advisory Board
3045.80	Program Compliance Requirements
3045.90	Program Information
<u>3045.95</u>	<u>Sale or Transfer of Grant-Funded Property</u>
3045.100	Issuing Public Access Stickers

AUTHORITY: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15].

SOURCE: Adopted at 23 Ill. Reg. 314, effective December 21, 1998; amended at 26 Ill. Reg. 3470, effective February 25, 2002; amended at 28 Ill. Reg. 10652, effective July 13, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 3045.95 Sale or Transfer of Grant-Funded Property

- a) Real Property
 - 1) If land purchased wholly by grant funds is sold or transferred by operation of law other than transfer due to the death of the grantee:
 - A) within 5 years after receipt of grant funds, 100% of the grant funding or of the sale price, whichever is greater, must be paid back to the OHV grant fund;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- B) in the 6th year after receipt of grant funds, 90% of the grant funding or 90% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- C) in the 7th year after receipt of grant funds, 80% of the grant funding or 80% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- D) in the 8th year after receipt of grant funds, 70% of the grant funding or 70% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- E) in the 9th year after receipt of grant funds, 60% of the grant funding or 60% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- F) in the 10th year after receipt of grant funds, 50% of the grant funding or 50% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- G) in the 11th year after receipt of grant funds, 40% of the grant funding or 40% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- H) in the 12th year after receipt of grant funds, 30% of the grant funding or 30% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- I) in the 13th year after receipt of grant funds, 20% of the grant funding or 20% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- J) in the 14th year after receipt of grant funds, 10% of the grant funding or 10% of the sale price, whichever is greater, must be paid back to the OHV grant fund; and
- K) in the 15th year or thereafter, no reimbursement to the OHV grant fund is required.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 2) If land purchased partially by grant funds is sold or transferred by operation of law other than transfer due to the death of the grantee:
- A) within 5 years after receipt of grant funds, 100% of the grant funding or 100% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - B) in the 6th, 7th or 8th year after receipt of grant funds, 80% of the grant funding or 80% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - C) in the 9th, 10th or 11th year after receipt of grant funds, 60% of the grant funding or 60% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - D) in the 12th, 13th or 14th year after receipt of grant funds, 30% of the grant funding or 30% of the sale price, whichever is greater, must be paid back to the OHV grant fund; and
 - E) in the 15th year or thereafter, no reimbursement to the grant fund is required.
- b) Personal Property
- 1) No personal property purchased with grant funds shall be disposed of without the Department's written consent, which shall not be unreasonably withheld. Disposing of such property without written consent shall require repayment of the grant funding used to purchase the property or the fair market value of the property, whichever is deemed most appropriate by the Department.
 - 2) Any insurance proceeds from personal property that was purchased with grant funds and is accidentally destroyed must be used to replace the destroyed personal property, unless the Department concurs in writing that the insurance proceeds may be used for another purpose.

(Source: Added at 29 Ill. Reg. _____, effective _____)

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board

2) Code Citation: 86 Ill. Adm. Code 1910

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
1910.76	Amended
1910.92	New Section

4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195

5) A Complete Description of the Subjects and Issues Involved:

Section 1910.76 – Publication of Annual Synopsis: This Section is amended to add new publications required of the Board under Sections 16-190 and 191 of the Property Tax Code.

Section 1910.92 – Rules of Evidence: This new Section is added to establish when formal rules of evidence will apply in Board proceedings.

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 incorporation by reference? No

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

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1910.30	Amended	29 Ill. Reg. 12218; August 5, 2005
1910.50	Amended	29 Ill. Reg. 12218; August 5, 2005
1910.64	New Section	29 Ill. Reg. 12218; August 5, 2005
1910.68	Amended	29 Ill. Reg. 12218; August 5, 2005
1910.77	New Section	29 Ill. Reg. 12218; August 5, 2005
1910.78	New Section	29 Ill. Reg. 12218; August 5, 2005

10) Statement of Statewide Policy Objective: This rulemaking will not modify or expand a State mandate.

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment on this proposed rulemaking by filing comments in writing, within 45 days after publication of this Notice in the *Illinois Register*, with the Property Tax Appeal Board at its offices in Springfield:

James W. Chipman - Executive Director
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring St.
Springfield, Illinois 62706

(217) 782-6076

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: All small businesses owning taxable real property 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 two most recent regulatory agendas because: the Property Tax Appeal Board did not anticipate revising these rules at the time the most recent agenda was published.

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

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER II: PROPERTY TAX APPEAL BOARDPART 1910
PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section	
1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.11	Rules of Order
1910.20	Correspondence
1910.25	Computing Time Limits
1910.30	Petitions – Application
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.60	Interested Parties – Intervention
1910.63	Burdens of Proof
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.72	Informal Settlement Conference
1910.73	Pre-hearing Conference – Formal Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	<u>Board Publications – Distribution</u> <u>Publication of Annual Synopsis</u>
1910.80	Forms
1910.90	Practice Rules
<u>1910.92</u>	<u>Rules of Evidence</u>
1910.95	Separability

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706,

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. _____, effective _____.

Section 1910.76 Board Publications – DistributionPublication of Annual Synopsis

- a) *Each year the*~~The~~ Property Tax Appeal Board shall publish ~~annually~~ a volume containing *a synopsis* ~~synopses~~ of representative cases decided by the Board during that year. The publication shall be organized by or cross-referenced by the issue presented before the Board in each ~~case~~decision contained in the publication. (Section 16-190(a) of the Code) Copies shall be made available to the public at no charge.
- b) *The Board shall provide annually, no later than February 1, to the Governor and the General Assembly a report that contains for each county the following:*
- 1) *the total number of cases for commercial and industrial property requesting a reduction in assessed value of \$100,000 or more for each of the last 5 years;*
 - 2) *the total number of cases for commercial and industrial property decided by the Board for each of the last 5 years; and*
 - 3) *the total change in assessed value based on the Board decisions for commercial property and industrial property for each of the last 5 years.* (Section 16-190 (b) of the Code)
- c) *The Board shall annually distribute to each chief county assessment officer, free of charge, one copy of the volume published pursuant to Section 16-190(a) and one copy of any other publication produced by the Board, upon request.* (Section 16-191 of the Code)
- d) *In counties with 3,000,000 or more inhabitants, the Board shall electronically distribute every 30 days to the chief county assessment officer, free of charge, appeal information.* (Section 16-191 of the Code)

(Source: Amended at 29 Ill. Reg. _____, effective _____)

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1910.92 Rules of Evidence

- a) In every case where a change in assessed valuation of \$300,000 or more is sought before the Board, and the parties are represented by attorneys, the Board or its designated Hearing Officer shall follow the rules of evidence as applied in the courts of Illinois pertaining to civil actions. In addition, the Board or its designated Hearing Officer will receive evidence that is material, relevant, and would be commonly relied upon by reasonably prudent persons in the conduct of their affairs provided that the rules relating to privileged communications and privileged topics are observed.
- b) In all other cases, the hearing shall not be bound by common law or statutory rules of evidence, or by technical or formal rules of procedure, but shall be conducted in a manner best calculated to conform to substantial justice.

(Source: Added at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties
- 2) Code Citation: 56 Ill. Adm. Code 2765
- 3) Section Number: 2765.61 Adopted Action:
New
- 4) Statutory Authority: 820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600
- 5) Effective Date of the Amendment: September 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendment, 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: May 13, 2005; 29 Ill. Reg. 6823
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between proposal and final version: Changed Section 2765.61(a) to:
 - a) This Section only applies to an employer who solely employs household workers with respect to whom the employer files federal unemployment taxes using Schedule H (Form 1040) or could file federal unemployment taxes using Schedule H (Form 1040) if the worker or workers were providing services in employment for purposes of the federal unemployment tax. For purposes of this Section, "household worker" has the meaning ascribed to it for purposes of Schedule H (Form 1040) and includes, but is not limited to, baby-sitters, cleaning people, housekeepers, nannies and maids.
 - 1) Example: Joe Smith employs individuals to provide maid services in the private homes of his customers. For purposes of Schedule H (Form 1040), an employee is considered a household worker only if his or her services are provided in the employer's private home. This Section does not apply to Joe Smith since he is not eligible to use Schedule H because the services of his employees are not performed in his home.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- 2) Example: Jane Smith is the sole proprietor of a trucking company which employs numerous drivers and office personnel. She also employs a nannie to care for her child in her home. This Section does not apply to Ms. Smith because, while the nannie is a household worker for purposes of Schedule H (Form 1040), performing her services in Ms. Smith's private home, Ms. Smith does not solely employ household workers.
- 3) Example: George Smith employs a housekeeper who is considered self-employed for purposes of the federal unemployment tax, and whose wages, therefore, are not subject to the federal tax. However, the services are employment under Illinois' Unemployment Insurance Act [820 ILCS 405]. Since Mr. Smith could have used Schedule H (Form 1040) to file federal unemployment taxes with regard to the housekeeper's services had she not been considered self-employed for purposes of the federal tax, this Section will apply regarding her services.

In Section 2765.61(b), 4th line, added "the" before "Act".

In Section 2765.61(c), added the following new first sentence:

When an employer to whom this Section applies submits a report of wages paid to household workers with respect to a calendar quarter, along with the report of contributions due with respect to those wages, by the April 15 following the close of that quarter, the Director shall find good cause for waiving any penalties that would otherwise be due with regard to those reports.

Rewrote the second sentence of Section 2765.61(c) as follows:

Deleted "In assessing penalties for the failure".

Deleted the first 3 lines of the second sentence of Section 2765.61(c).

Before "Section", added "Penalties will be calculated in accordance with", and after "405/1402", added "based on the due dates established pursuant to 56 Ill. Adm. Code 2760.125(a)(2)".

In Section 2765.61(c)(1), changed "first and second" to "first, second and fourth".

In Section 2765.61(c)(1), deleted "one month".

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

In Section 2765.61(c)(2), changed "Penalties" to "The Director will waive the late filing penalty with regard to the fourth quarter of 2005, but penalties".

Added Section 2765.61(d).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Rulemaking: In an attempt to reduce paperwork and ease filing requirements, this rulemaking employs interest and penalty waivers to effectively permit the annual payment of contributions, as well as the annual filing of wage and contribution reports, by households that solely employ household workers. The contributions and reports are due by April 15th of the calendar year following the close of the quarters to which they apply. The rule also sets forth conditions for waiving penalties with regard to wage and contribution reports filed after the April 15th due date.
- 16) Information and questions regarding this adopted amendment may be addressed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago, Illinois 60603

312/793-4240

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

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2765

PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS, INTEREST AND PENALTIES

SUBPART A: GENERAL PROVISIONS

Section

- 2765.1 Unemployment Contributions Not Deductible From Wages
- 2765.5 Definitions
- 2765.10 Payment Of Contributions
- 2765.15 Liability For The Entire Year
- 2765.18 Liability Of A Third Party Purchaser Or Transferee For The Due And Unpaid Contributions, Interest And Penalties Of The Seller Or Transferor's Seller or Transferor
- 2765.20 Contributions Of Employers By Election
- 2765.25 Payments In Lieu Of Contributions
- 2765.30 When Payments In Lieu Of Contributions Payable
- 2765.35 Payments When Reimbursable Employer Becomes Contributory
- 2765.40 Payments When Contributory Employer Becomes Reimbursable
- 2765.44 Fee For Not Sufficient Funds ([NSFNFS](#)) Checks
- 2765.45 Application Of Payment
- 2765.50 Accrual Of Interest
- 2765.55 Imposition Of Penalty
- 2765.60 Payment Or Filing By Mail
- [2765.61](#) [Waiver Of Interest And Penalty For Employers Who Employ Household Workers And Who File Reports And Pay Contributions On An Annual Basis](#)
- 2765.63 When Payment Due And Consequences Of Upward Revision In Employer's Contribution Rate
- 2765.64 Consequences Where An Employee Leasing Company Has Erroneously Reported Wages And Paid Contributions Which Wages Should Have Been Reported And Contributions Paid By Its Client
- 2765.65 Waiver Of Interest Or Penalty
- 2765.66 Waiver Of Interest Accruing Because Of Certain Types Of Employees For Periods Prior To January 1, 1988
- 2765.67 Partial Waiver Of Interest Where An Employer Has Erroneously Reported Wages To The Wrong State
- 2765.68 Waiver Of Penalty For Certain Employers For 1987 And Thereafter Wage

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- Reports
- 2765.69 Partial Waiver Of Interest Where An Employer Has Erroneously Paid Its Federal Unemployment Tax Act (FUTA) Tax In Full But Has Failed To Pay Its Illinois Unemployment Insurance Contributions
- | 2765.70 Waiver Of Interest For Certain Nonprofit Organizations ~~or~~ Local Governmental Entities
- 2765.71 Waiver Of interest Accruing Due To A Delay In The Issuance Of A Decision On A Protested Determination And Assessment
- 2765.73 Waiver Of Interest For Certain Nonprofit Hospitals
- 2765.74 Time For Paying Or Filing Delayed Payment Or Report
- 2765.75 Application For Waiver
- 2765.80 Approval Of Application For Waiver
- 2765.85 Insufficient Or Incomplete Application
- 2765.90 Disapproval Of Application Conclusive
- 2765.95 Appeal And Hearing

SUBPART B: EXPERIENCE RATING

- Section
- 2765.200 Effect Of A Successor Employing Unit's Failure To Notify The Director Of Its Succession
- 2765.210 Prohibition On Withdrawal Of Joint Application For Partial Transfer Of Experience Rating Record
- 2765.220 Determination Of Benefit Wage And Benefit Ratio
- 2765.225 Requirement For Privity In Order To Have A Predecessor Successor Relationship
- 2765.228 No Requirement For Continuous Operation In Order For A Predecessor Successor Relationship To Exist
- 2765.230 Effect Of A Transfer Of Physical Assets On A Finding That A Predecessor Successor Relationship Exists

SUBPART C: BENEFIT CHARGES

- Section
- 2765.325 Application Of "30 Day" Requirement For Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
- 2765.326 Requirement For A Separation Or A Reduction In The Work Offered In Determining The Chargeable Employer Pursuant To Section 1502.1 Of The Act
- 2765.328 What Constitutes A Day For Purposes Of The "30 Day" Requirement In Section 1502.1 Of The Act
- 2765.329 Application Of "30 Day" Requirement For Determining The Chargeable

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

- Employer Pursuant To Section 1502.1 Of The Act For Benefit Years Beginning On Or After January 1, 1993
- 2765.330 Chargeability Where The Individual Is Discharged As A Result Of His Incarceration
- 2765.332 Effect Of Ineligibility Under Section 602(B) On Chargeability Under Section 1502.1 Of The Act
- 2765.333 Effect Of Ineligibility Under Section 612 On Chargeability Under Section 1502.1 Of The Act
- 2765.334 Effect Of Ineligibility Under Section 614 On Chargeability Under Section 1502.1 Of The Act
- 2765.335 Procedural Requirements And Right Of Appeal

AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600 of the Unemployment Insurance Act [820 ILCS 405/212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701 and 2600].

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendment at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992; amended at 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 28, 1992; amended at 17 Ill. Reg. 614, effective January 4, 1993; amended at 17 Ill. Reg. 10275, effective June 29, 1993; emergency amendment at 17 Ill. Reg. 13801, effective August 20, 1993, for a maximum of 150 days; emergency expired January 1, 1994; amended at 18 Ill. Reg. 14952, effective September 27, 1994; emergency amendment at 19 Ill. Reg. 16113, effective November 13, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4307, effective February 29, 1996; amended at 25 Ill. Reg. 2011, effective January 18, 2001; emergency amendment at 29 Ill. Reg. 6788, effective April 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 13988, effective September 1, 2005.

SUBPART A: GENERAL PROVISIONS

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

Section 2765.61 Waiver Of Interest And Penalty For Employers Who Employ Household Workers And Who File Reports And Pay Contributions On An Annual Basis

- a) This Section only applies to an employer who solely employs household workers with respect to whom the employer files federal unemployment taxes using Schedule H (Form 1040) or could file federal unemployment taxes using Schedule H (Form 1040) if the worker or workers were providing services in employment for purposes of the federal unemployment tax. For purposes of this Section, "household worker" has the meaning ascribed to it for purposes of Schedule H (Form 1040) and includes, but is not limited to, baby-sitters, cleaning people, housekeepers, nannies and maids.
- 1) Example: Joe Smith employs individuals to provide maid services in the private homes of his customers. For purposes of Schedule H (Form 1040), an employee is considered a household worker only if his or her services are provided in the employer's private home. This Section does not apply to Joe Smith since he is not eligible to use Schedule H because the services of his employees are not performed in his home.
- 2) Example: Jane Smith is the sole proprietor of a trucking company which employs numerous drivers and office personnel. She also employs a nanny to care for her child in her home. This Section does not apply to Ms. Smith because, while the nanny is a household worker for purposes of Schedule H (Form 1040), performing her services in Ms. Smith's private home, Ms. Smith does not solely employ household workers.
- 3) Example: George Smith employs a housekeeper who is considered self-employed for purposes of the federal unemployment tax, and whose wages, therefore, are not subject to the federal tax. However, the services are employment under Illinois' Unemployment Insurance Act [820 ILCS 405]. Since Mr. Smith could have used Schedule H (Form 1040) to file federal unemployment taxes with regard to the housekeeper's services had she not been considered self-employed for purposes of the federal tax, this Section will apply regarding her services.
- b) If an employer to whom this Section applies pays contributions by April 15 of the calendar year immediately following the quarter for which the contributions are due, the Director shall waive any interest imposed on such employer in accordance with Section 1401 of the Act [820 ILCS 405/1401] for failure to

DEPARTMENT OF EMPLOYMENT SECURITY

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comply with Section 1400 of the Act [820 ILCS 405/1400] with respect to that quarter. However, failure to pay by April 15 will result in the imposition of interest in accordance with Section 1401. It is not necessary for the employer to apply for such waiver as long as he or she pays contributions, as required by this Section, by April 15 of the calendar year immediately following the quarters for which contributions are due.

Example: An individual to whom this Section applies intends to pay his contributions on an annual basis and reports his intent to the Director. However, because he forgets, he does not pay the contributions due until May of the year following the quarters in question. The Director will not waive any interest, and this individual will be liable for interest as of the dates that the payments were due under Section 1400; e.g., with regard to contributions due for the first quarter of a calendar year, April 30 of that year and not April 15 of the immediately following calendar year.

- c) When an employer to whom this Section applies submits a report of wages paid to household workers with respect to a calendar quarter, along with the report of contributions due with respect to those wages, by the April 15 following the close of that quarter, the Director shall find good cause for waiving any penalties that would otherwise be due with regard to those reports. When an employer to whom this Section applies does not submit all quarterly reports of wages paid to household workers during the calendar year, along with all quarterly reports of contributions due with respect to those wages, by April 15 of the immediately following calendar year but does so by September 30 of the following calendar year, the Director shall find good cause for waiving the penalties with regard to all of those reports except the latest to remain outstanding as of April 16 of the following calendar year. Penalties will be calculated in accordance with Section 1402 of the Act [820 ILCS 405/1402] based on the due dates established pursuant to 56 Ill. Adm. Code 2760.125(a)(2). It is not necessary for the employer to apply for a waiver as long as he or she submits all of the reports, as required by this Section, by September 30 of the calendar year immediately following the quarters for which the reports are due.

- 1) Example: Joe Smith has properly notified the Director that he wishes to submit his quarterly wage and contribution reports annually. However, he only submits a wage and contribution report for the fourth quarter of 2005 by April 15, 2006. He submits his reports for the first, second and third quarters of 2005 on May 15, 2006. The Director will waive the late filing penalties for reports regarding the first, second and fourth quarters of

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2005, but a penalty will be imposed for filing the report regarding the third quarter of 2005 late, in the amount provided in Section 1402 of the Act.

2) Example: Joe Smith has properly notified the Director that he wishes to submit his quarterly wage and contribution reports annually. However, he only submits his report for the fourth quarter of 2005 by April 15, 2006. He submits his reports for the first, second and third quarters of 2005 on October 1, 2006. The Director will waive the late filing penalty with regard to the fourth quarter of 2005, but penalties shall be imposed with regard to the reports for the first, second and third quarters of 2005, in the amounts provided in Section 1402 of the Act.

3) Example: Joe Smith has properly notified the Director that he wishes to submit his quarterly wage and contribution reports annually. However, he fails to submit his reports for 2005 by April 15, 2006. He submits his reports for the first, second and third quarters of 2005 on September 15, 2006 but does not submit his report for the fourth quarter of 2005 until October 1, 2006. Penalties shall be imposed with regard to the reports for all 4 quarters of 2005, in the amounts provided in Section 1402 of the Act.

d) Notwithstanding any other provisions of this Part to the contrary, an employer to whom this Section applies should notify the Director, in writing, that he or she plans to take advantage of the waivers established under subsections (b) and (c). The notice will apply to all quarters for which a Determination and Assessment of contributions, penalties or interest due has not become final. An employer's failure to provide the notice may result in the Department's issuance of statements of account, indicating the employer is delinquent in the filing of wage reports or the payment of contributions, or both, as well as a Notice of Determination and Assessment of delinquent contributions, plus penalties and interest. If the employer does not protest a Determination and Assessment on a timely basis, pursuant to Section 2200 of the Act [820 ILCS 405/2200], the delinquency indicated in the notice of Determination and Assessment will become a legally final debt of the employer's.

(Source: Added at 29 Ill. Reg. 13988, effective September 1, 2005)

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NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Tax Allocation
- 2) Code Citation: 50 Ill. Adm. Code 942
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
942.10	Repeal
942.20	Repeal
942.30	Repeal
942.40	Repeal
942.50	Repeal
- 4) Statutory Authority: Implementing and authorized by Section 3.1(n) of the Illinois Insurance Code [215 ILCS 5/3.1(n)]
- 5) Effective Date of Adopted Repealer: August 30, 2005
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 18, 2005; 29 Ill. Reg. 4164
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this repealer replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: This Part is being repealed because the statute authorizing the Part was repealed; the Division has determined that it is no longer necessary to require companies to routinely file tax allocation agreements for review.

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The intent of the Part was to have the insurance company prepare a tax allocation agreement with certain stipulations, with the result that the tax refund due from the parent would be an admitted asset. The Part requires insurance companies to submit the agreements to the Division of Insurance for review. The authority for the Part came from [215 ILCS 5/3.1(n)], which was repealed by P.A. 91-0549 (effective August 14, 1999).

Tax allocation agreements are submitted for the Division's review along with the company registration statements filed pursuant to Section 131.14. Section 131.14(h) of the Code requires that the agreement accompany such filings (a requirement that would not be affected by the repeal of this Part). In most other cases, the information is of only minimal importance to the Division's analysis of a company's financial condition. The tax refund listed on Illinois domestic insurance companies has never been a significant amount, and the amounts are usually settled by the time the financial statement is received. Therefore, the filing requirement under this rule is just an exercise.

The National Association of Insurance Commissioners' (NAIC) Statement of Statutory Accounting Principle No. 10 (SSAP 10), effective January 1, 2001, requires the preparation of tax allocation agreements in writing. Although SSAP 10 does not require the agreements to be routinely filed with the Director of Insurance, it does provide that the Director may request an insurance company to submit an agreement for review if it is needed. Further, there is no fee for filing the agreements with the Division, so the elimination of this filing requirement has no financial impact on the Division. Because the authority to support the Part is gone, and because of these additional considerations, the Part is being repealed.

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

Sara Ross
Department of Financial and Professional Regulation
Division of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

(217) 782-9760

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

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- 1) Heading of the Part: Funeral Directors and Embalmers Licensing Code
- 2) Code Citation: 68 Ill. Adm. Code 1250
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1250.110	Amendment
1250.120	Amendment
1250.130	Amendment
1250.135	Amendment
1250.140	Amendment
1250.150	Amendment
1250.155	Amendment
1250.160	Amendment
1250.165	Amendment
1250.170	Amendment
1250.200	Amendment
1250.210	Amendment
1250.220	Amendment
- 4) Statutory Authority: Funeral Directors and Embalmers Licensing Code [225 ILCS 41]
- 5) Effective Date of Amendments: August 30, 2005
- 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 agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: May 27, 2005; 29 Ill. Reg. 7410
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 1250.170 clarified that branch operations are exempt from the preparation room requirement. Additional nonsubstantive, technical changes were made to the entire Part by changing references from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.

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- 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 amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The statutory requirement in Section 15-55 of the Act with reference to maintenance of a preparation room is being clarified in the rules. Additional nonsubstantive, technical changes were made to the entire Part by changing references from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Department of Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield Illinois 62786

217/785-0813 Fax #: 217/557-4451

The full text of the Adopted Amendments 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 1250

FUNERAL DIRECTORS AND EMBALMERS LICENSING CODE

Section

1250.110	Approved Programs of Mortuary Science
1250.120	Application for Internship
1250.130	Requirements for Internship
1250.135	Application for Licensure
1250.140	Examination
1250.150	Reciprocity
1250.155	Inactive Status
1250.160	Restoration
1250.165	Fees
1250.170	Requirements for a Preparation Room
1250.180	Required Activities (Repealed)
1250.190	Violations (Repealed)
1250.200	Renewals
1250.205	Advertising
1250.210	Granting Variances
1250.220	Continuing Education

AUTHORITY: Implementing the Funeral Directors and Embalmers Licensing Code [225 ILCS 41] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Rules and Regulations for the Administration of the Illinois Funeral Directors and Embalmers Act, effective March 19, 1975; amended at 4 Ill. Reg. 30, p. 1238, effective July 10, 1980; codified at 5 Ill. Reg. 11034; Part repealed and new Part adopted at 6 Ill. Reg. 4203, effective April 26, 1982; emergency amendment at 7 Ill. Reg. 7675, effective June 14, 1983, for a maximum of 150 days; emergency rule expired November 11, 1983; amended at 9 Ill. Reg. 4529, effective March 27, 1985; transferred from Chapter I, 68 Ill. Adm. Code 250 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1250 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2931; amended at 13 Ill. Reg. 14061, effective August 29, 1989; amended at 15 Ill. Reg. 8238, effective May 16, 1991; amended at 17 Ill. Reg. 19132, effective October 22, 1993; amended at 23 Ill. Reg. 2296, effective January 22, 1999; amended at 24 Ill. Reg. 550, effective December

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31, 1999; amended at 27 Ill. Reg. 7791, effective April 21, 2003; amended at 28 Ill. Reg. 4911, effective March 3, 2004; amended at 29 Ill. Reg. 13999, effective August 30, 2005.

Section 1250.110 Approved Programs of Mortuary Science

- a) The Department of Financial and Professional Regulation-Division of Professional Regulation (~~Division-the-Department~~) shall approve a program of mortuary science as reputable and in good standing if it meets the following minimum criteria:
- 1) The educational institution is legally recognized and authorized by the jurisdiction in which it is located to provide courses in mortuary science.
 - 2) Has a faculty that comprises a sufficient number of full-time and part-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their areas of teaching as evidenced by appropriate degrees from recognized professional colleges or institutions.
 - 3) Has one of the following:
 - A) A course of study of at least 12 months with at least the following curriculum:
 - Anatomy
 - Restorative Art
 - Microbiology
 - Embalming
 - Sociology
 - Psychology
 - Chemistry
 - B) A course of study resulting in an associate's degree in mortuary science or an equivalent associate's degree (i.e., applied science), consisting of courses in liberal arts and sciences as well as the curriculum described in subsection (a)(3)(A).
 - C) A course of study resulting in a baccalaureate degree in mortuary science.

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- 4) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- b) In determining whether a program should be approved, the Division Department shall take into consideration but not be bound by accreditation by the American Board of Funeral Service Education, Inc.
- c) The Division Department has determined that all mortuary science programs accredited by the American Board of Funeral Service Education, Inc. as of January 1, 2003, meet the minimum criteria set forth in subsection (a), and are, therefore, approved.
- d) Program Evaluation
 - 1) An applicant from a program of mortuary science that has not been evaluated shall be requested by the Division Department to provide documentation concerning the criteria in this Section.
 - 2) Once the Division Department has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Division Department will evaluate the program based on all documentation received from the school and any additional information the Division Department has received that it deems to be reliable.
- e) Withdrawal of Approval
 - 1) The Director of the Department of Financial and Professional Regulation-Division of Professional Regulation (~~the Director~~) may withdraw, suspend or place on probation the approval of a program of mortuary science when the quality of the program has been materially affected by any of the following causes:
 - A) Gross or repeated violations of any provision of the Funeral Directors and Embalmers Licensing Code (the Code) [225 ILCS 41];
 - B) Gross or repeated violations of this Part;
 - C) Fraud or dishonesty in furnishing documentation for evaluation of the program of mortuary science; or

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- D) Failure to continue to meet the established criteria for an approved program as set out in this Section.
- 2) The officials in charge of a program whose approval is being reconsidered by the ~~Division Department~~ shall be given written notice prior to any action by the ~~Division Department~~ and those officials may either submit written comments or request a hearing before the ~~Division Department~~ in accordance with 68 Ill. Adm. Code 1110.

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

Section 1250.120 Application for Internship

- a) An applicant for a license as a funeral director and embalmer intern shall file an application on forms supplied by the ~~Division Department~~. The application shall include:
- 1) One of the following:
 - A) An official transcript showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university that shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;
 - B) Certification of graduation with an associate's degree in mortuary science or an equivalent associate's degree (i.e., applied science) from an approved program of mortuary science; or
 - C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science;
 - 2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches;
 - 3) Certification of acceptance, completed and signed by a licensed funeral

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director and embalmer whose license is active and in good standing, stating that the applicant will be studying and training under his or her supervision;

- 4) A complete work history since completion of an approved program as set forth in Section 1250.110; and
 - 5) The required fee set forth in Section 1250.165 of this Part.
- b) Upon receipt of the ~~above~~ documents listed in subsection (a) and review of the application, the ~~Division~~ Department shall issue a funeral director and embalmer intern license or notify the applicant, in writing, of the reason for the denial of the application.
- c) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.
- d) All qualified applicants will be issued a funeral director and embalmer intern license.

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

Section 1250.130 Requirements for Internship

- a) A licensed funeral director and embalmer who agrees to sponsor an intern shall be responsible for teaching the intern the practical aspects of the profession, for demonstrating actual procedures and for directing and supervising the procedures done by the intern.
- b) The intern shall be given primary responsibility for:
 - 1) Assisting or participating in the arrangement of at least 24 funerals, including completing the necessary paperwork;
 - 2) Assisting in the arrangement of a selection room, including buying, pricing, providing a description of each casket and other pertinent information;
 - 3) Assisting in the preparation and embalming of at least 24 deceased human bodies, including cosmetic application, dressing and casketing. If

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possible, at least one of the bodies should have been autopsied; and

- 4) Making removals of deceased human bodies.
- c) The intern shall submit to the ~~Division~~Department, on forms provided by the ~~Division~~Department, a case report for each of the 24 funerals and 24 body preparations that are required in accordance with subsection (b).
- 1) Twelve case reports shall be submitted every 3 months during the year of the apprenticeship.
 - 2) If the intern has not completed a total of 12 cases in the 3 month period, he or she shall submit the case reports for the cases completed and state the reason why he or she was unable to complete all 12 cases (e.g., lack of available cases, illness, change of ownership).
 - 3) All case reports shall be signed by the intern and the sponsor.
- d) The ~~Division~~Department shall have the authority to investigate to determine compliance with this Section and to question the sponsor and the intern to determine whether the intern has been properly instructed and has performed the required procedures.
- e) An intern may serve his or her training period under more than one licensed funeral director and embalmer in the State of Illinois. A change of employment application must be requested and properly executed, then returned to the ~~Division~~Department within one month following the date of change of sponsorship.
- f) Upon completion of the required year of internship, the sponsor shall complete an affidavit, on forms supplied by the ~~Division~~Department, stating that the intern has satisfactorily completed the appropriate procedures under his or her direction and supervision.
- g) Interns shall satisfactorily complete the prescribed one year of training as evidenced by the documentation required by subsection (c), and pass the National Board examination prior to licensure. For the purpose of determining completion of the prescribed one year of internship, the internship shall commence on the date of the issuance of the intern license.

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- h) If the license of a funeral director and embalmer intern cannot be renewed in accordance with Section 10-35 of the Code and the intern has not yet received a year of internship, he or she may reapply to the Division ~~Department~~ under the Code and this Part Rules in effect at the time of reapplication. No credit will be allowed for any examinations he or she may have previously passed or for any internship he or she may have previously earned.
- i) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

Section 1250.135 Application for Licensure

- a) An applicant for a license as a funeral director and embalmer, pursuant to Section 10-10 of the Code, shall file an application on forms supplied by the Division ~~Department~~. The application shall include the following:
- 1) Certification of completion of internship signed by the licensed funeral director and embalmer under whose supervision the internship was performed.
 - 2) Certificate of Health, attesting that the applicant has been immunized against diphtheria, hepatitis B and tetanus, signed by a physician currently licensed to practice medicine in all of its branches.
 - 3) Verification of successful completion of the International Conference of Funeral Service Examining Boards, Inc. examination, pursuant to Section 1250.140, to be forwarded by the National Conference directly to the Division ~~Department~~.
 - 4) A complete work history since completion of an approved program as set forth in Section 1250.110.
 - 5) Applicants not having been issued Illinois funeral director and/or embalmer intern licenses or who have been issued one that has been expired for more than 5 years shall submit the following:
 - A) Official transcripts showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including

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remedial courses, that shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological, and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;

- B) Certification of graduation with an associate's degree in mortuary science from an approved program of mortuary science or an equivalent associate's degree (i.e., applied science); or
- C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science.

6) The fee specified in Section 1250.165.

- b) Upon receipt of the ~~above~~ documents listed in subsection (a) and review of the application, the ~~Division Department~~ shall issue a license authorizing the applicant to engage in the practice of funeral directing and embalming or notify the applicant, in writing, of the reason for the denial of the application.
- c) The ~~Division Department~~ shall not issue any new licenses as funeral directors or any new licenses for embalmers.

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

Section 1250.140 Examination

- a) The examination shall be the examination administered by the International Conference of Funeral Service Examining Boards, Inc. and shall cover:
 - 1) Part I (Funeral Service Science):
 - A) Embalming
 - B) Restorative Art
 - C) Microbiology
 - D) Pathology

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- E) Chemistry
- F) Anatomy
- 2) Part II (Funeral Service Arts):
 - A) Sociology of Funeral Service
 - B) Psychology and Counseling
 - C) Funeral Directing and Professional Relationships
 - D) Business Law
 - E) Funeral Service Law
 - F) Funeral Merchandising
 - G) Accounting
- 3) The Division Department shall receive verification of the successful completion of the International Conference of Funeral Service Examining Boards, Inc. examination. The passing score shall be the passing score established by the testing entity. Verification shall be received directly from the International Conference of Funeral Service Examining Boards, Inc.
 - b) An examination fee shall be paid to the designated testing service for each examination or any part retaken.
 - c) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

Section 1250.150 Reciprocity

- a) An applicant who is currently licensed as a funeral director and embalmer under the laws of another state or territory of the United States or of a foreign country or province shall file an application with the Division Department together with:

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- 1) One of the following~~Either~~:
 - A) An official transcript showing proof of successful completion of at least 30 semester (45 quarter) hours of college credit, not including remedial courses, from an accredited college or university which shall include at least 20 semester (30 quarter) hours of courses in liberal arts, physical, biological and/or applied sciences; and certification of graduation from a course of study of at least 12 months in an approved program of mortuary science;
 - B) Certification of graduation with an associate's degree in mortuary science or an equivalent associate's degree (i.e., applied science) from an approved program of mortuary science; or
 - C) Certification of a baccalaureate degree in mortuary science from an approved program of mortuary science;
- 2) Affidavits stating that the applicant has been actively engaged in the practice of funeral directing and embalming for at least 1 year, completed by 2 persons with personal knowledge of such experience;
- 3) A certification by the state or territory of original and current licensure, stating:
 - A) The time during which the applicant was licensed in that jurisdiction;
 - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
 - C) A brief description of the examination, the applicant's grades and a statement that the state grants reciprocity to funeral directors and embalmers licensed in Illinois;
- 4) A complete work history since completion of an approved program as set forth in Section 1250.110; and
- 5) The fee set forth in Section 1250.165.

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- b) The ~~Division Department~~ shall examine each reciprocity application to determine whether the requirements for licensure in the jurisdiction in which the applicant is licensed were at the date of application substantially equivalent to the requirements in force in this State. The ~~Division Department~~ shall either issue a license by reciprocity to the applicant or notify him or her, in writing, of the reasons for the denial of the application.

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

Section 1250.155 Inactive Status

- a) Any licensed funeral director and embalmer or any licensed funeral director who notifies the ~~Division Department~~ in writing, on forms prescribed by the ~~Division Department~~, may elect to place his or her license on inactive status and shall be excused from the payment of renewal fees until he or she notifies the ~~Division Department~~ in writing of the desire to resume active status.
- b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1250.160 of this Part.
- c) *Practice on a license that has lapsed or been placed in inactive status is practicing without a license and a violation of ~~the this~~ Code* (Section 10-35 of the Code).

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

Section 1250.160 Restoration

- a) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the ~~Division Department~~, together with the following:
- 1) The restoration fees specified in Section 1250.165. When restoring a license from inactive status, a person is required to pay the current renewal fee set forth in Section 1250.165.
 - 2) Proof of completion of the required number of continuing education (CE) hours for one prerenewal period as specified in Section 1250.220 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by approved sponsors of continuing education

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programs.

3) One of the following:

- A) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of the active practice;
- B) An affidavit attesting to military service as provided in Sections 5-15 and 10-35 of the Code. If application is made within 2 years after discharge, and if all other provisions of Sections 5-15 and 10-35 of the Code are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees; or
- C) Evidence of other education or experience acceptable to the ~~Division Department~~ of the licensee's fitness to have the license restored. The evidence shall be reviewed on a case by case basis by the Funeral Directors and Embalmers Licensing and Disciplinary Board (Board).

b) A licensee seeking restoration of a license that has expired or been on inactive status for less than 5 years, or has been placed in nonrenewed status for failure to comply with CE requirements, shall file an application on forms provided by the ~~Division Department~~, together with the following:

- 1) The restoration fees specified in Section 1250.165. When restoring a license from inactive status, a person is required to pay the current renewal fee set forth in Section 1250.165.
- 2) Any licensee restoring a license shall be required to submit proof of completion of the required number of CE hours for one prerenewal period as specified in Section 1250.220 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs.

c) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section ~~5-15 65~~ of the ~~Code Act~~ will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.

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- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the Division ~~Department~~ because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration of a license will be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Division ~~Department~~, an applicant shall have the license restored.
- e) Persons to whom a funeral director license and embalmer license were issued prior to June 1, 1991 shall be required to restore both licenses. Persons to whom a funeral director license was issued prior to June 1, 1991 will be allowed to restore that license.

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

Section 1250.165 Fees

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

- a) Application Fees-
- 1) The fee for application for a license as a funeral director and embalmer is \$100. In addition, applicants for an examination shall be required to pay, either to the Division ~~Department~~ or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and 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 ~~Department~~ or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The application fee for a license as a funeral director and embalmer certified or licensed under the laws of another jurisdiction is \$200.

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3) The application fee for a license as a funeral director and embalmer intern is \$50.

b) Renewal Fees-

1) The fee for the renewal of a license as a funeral director and embalmer or a funeral director and embalmer intern shall be calculated at the rate of \$50 per year.

2) The fee for the renewal of a license as a funeral director shall be calculated at the rate of \$25 per year.

c) General Fees-

1) The fee for the restoration of a funeral director and embalmers license other than from inactive status is \$20 plus payment of all lapsed renewal fees not to exceed \$260.

2) The fee for the restoration of a funeral director license other than from inactive status is \$20 plus payment of all lapsed renewal fees not to exceed \$130.

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

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

5) The fee to have the scoring of an examination administered by the ~~Division Department~~ reviewed and verified is \$20 plus any fee charge by the testing service.

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

7) The fee for a roster of persons licensed as funeral directors, funeral directors and embalmers, or funeral director and embalmer interns in this

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State shall be the actual cost of producing the roster.

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

Section 1250.170 Requirements for a Preparation Room

- a) In accordance with Section 15-55 of the Act, each fixed place of practice or establishment devoted to the care and preparation for burial or for transportation of deceased human bodies shall maintain a preparation room properly equipped with necessary drainage and ventilation facilities and containing instruments and supplies necessary for the preparation and embalming of deceased human bodies. Each branch operation of an Illinois funeral business need not have its own preparation room as long as the business has at least one preparation room at one of its Illinois locations.
- b) The care and preparation for burial of all deceased bodies, regardless of cause of demise, shall be entirely private and no one shall be allowed in the embalming or preparation room until the body is fully prepared and dressed, except licensed funeral directors, licensed funeral directors and embalmers, licensed interns, their assistants, students of mortuary science, the medical examiner, the coroner, their representatives and representatives of the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) or except when it is determined to be necessary by the funeral director or the medical examiner or the coroner.
- ~~c)~~b) A notice of privacy shall be affixed to or adjacent to the preparation room ~~or adjacent thereto~~.
- ~~d)~~e) Preparation rooms shall be maintained in a sanitary condition with necessary drainage and proper ventilation in accordance with the provisions of the Code.
- ~~e)~~f) Preparation rooms shall be made available to representatives of the Division~~Department~~ for inspection to determine compliance with the Code and this Part.

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

Section 1250.200 Renewals

- a) Every license issued under the Code shall expire on May 31 of each odd

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numbered year. The holder of a license may renew it during the month preceding its expiration date by paying the required fee.

- b) All funeral director licensees and funeral director and embalmer licensees shall be required to comply with the continuing education requirements set forth in Section 1250.220 of this Part.
- c) It is the responsibility of each licensee to notify the ~~Division Department~~ of any change of address. Failure to receive a renewal form from the ~~Division Department~~ shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.
- d) *No license of a funeral director and embalmer intern shall be renewed more than twice* (Section 10-35 of the Code).
- e) Practicing or attempting to practice while a license is non-renewed shall be considered unlicensed practice and shall be grounds for discipline in accordance with Section 15-75 of the Code.

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

Section 1250.210 Granting Variances

- a) The Director may grant variances from ~~this Part these rules~~ in individual cases where he or 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;
 - 3) The rules 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 ~~the such~~ variance, and the reasons ~~for the variance therefor~~, at the next meeting of the Board.

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

Section 1250.220 Continuing Education

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- a) Continuing Education Hour Requirements
- 1) Every funeral director and embalmer renewal applicant shall complete 24 hours of continuing education (CE) relevant to the practice of funeral directing and embalming during each prerenewal period.
 - 2) Every funeral director renewal applicant shall complete 12 hours of CE relevant to the practice of funeral directing or embalming during each prerenewal period.
 - 3) The ~~Division~~ Department shall conduct random audits to verify compliance with this Section. The prerenewal period is the 24 months preceding the expiration date of the license.
 - 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 5) A licensee who has been actively licensed as a funeral director or embalmer for at least 40 years shall be exempt from the continuing education requirements of this Section.
 - 6) Funeral directors and embalmers licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
- b) Activities for which CE credit may be earned are as follows:
- 1) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1) of this Section.
 - 2) A maximum of 6 hours for funeral directors or 12 hours for funeral directors and embalmers per prerenewal period for:
 - A) Personal preparation of an educational presentation pertaining to funeral directing and/or embalming that is orally delivered before recognized funeral directing and embalming organizations;
 - B) Writing of articles pertaining to funeral directing or embalming and having them published in nationally recognized funeral

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directing and embalming journals;

- C) Writing a chapter in a book pertaining to funeral directing or embalming; and
- D) Completion of self-study courses taken through an accredited college or university or an approved sponsor. ~~The Such~~ self-study courses shall meet the following requirements:
- i) Credit for each self-study course cannot exceed 6 hours.
 - ii) A licensee cannot accumulate more than 12 hours from self-study courses in a renewal period.
 - iii) Self-study courses designed for CE credit must include an examination that tests the skills of the licensee and is of sufficient depth that answers are not readily apparent and have not been provided to the licensee by the sponsor or anyone else.
 - iv) Sponsors have the obligation to craft examinations in ways to prevent candidates from obtaining unearned credit.
- 3) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 6 hours for funeral directors or 12 hours for funeral directors and embalmers during any renewal period.
- 4) The CE hours used to satisfy the CE requirements for renewal of a funeral director or funeral director and embalmer license held in another jurisdiction shall be applied to fulfillment of the CE requirements for renewal of their Illinois funeral director or funeral director and embalmer license.
- 5) A maximum of 24 hours of CE credit shall be given for courses completed at an accredited college or university. One semester hour shall equal 8 CE

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hours. One quarter hour shall equal 6 CE hours.

- 6) A CE hour means a minimum of 50 minutes of actual continuing education spent by a licensee in actual attendance at and completion of an approved CE activity. A CE program shall not be presented during a dinner or social function. The dinner or social function must be concluded before the CE program commences or be held after the CE program is completed. If the program involves one or more hours of education, credit may be issued in one-half hour increments.
 - 7) Credit will not be given for activities that are not included in subsection (b).
- c) CE Sponsors and Programs
- 1) Sponsor, as used in this Section, pursuant to Section 10-35 of the Code, shall mean the following:
 - A) An accredited college or university;
 - B) Illinois Funeral Directors Association;
 - C) Funeral Directors Services Association of Greater Chicago;
 - D) Cook County Association of Funeral Home Owners, Inc.;
 - E) Illinois Selected Morticians Association;
 - F) National Funeral Directors Association;
 - G) Illinois Cemetery and Funeral Home Association;
 - H) Selected Independent Funeral Homes;
 - I) An Illinois school of mortuary science;
 - J) International Order of the Golden Rule;
 - K) National Funeral Directors and Morticians Association; or

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- L) Any other school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the ~~Division Department~~ to coordinate and present CE courses and programs in conjunction with this Section.
- 2) A sponsor shall file a sponsor application ~~that which~~ certifies the following:
- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) and all other criteria in this Section;
- B) That the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(5); and
- C) That, upon request by the ~~Division Department~~, the sponsor will submit ~~such~~ evidence ~~as is~~ necessary to establish compliance with this Section. ~~The Such~~ evidence shall be required when the ~~Division Department~~ has reason to believe that there is not full compliance with the Code and this Part and that this information is necessary to ensure compliance.
- 3) All courses and programs shall:
- A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of funeral directing or embalming. The course content shall be designed to focus on such advancement and enhancement of professional skills and knowledge;
- B) Specify the course objectives, course content and teaching methods to be used;
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
- D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and

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- E) Include some mechanism whereby participants evaluate the overall quality and content of the program.
- 4) All programs given by sponsors should be open to all licensed funeral directors and funeral directors and embalmers and not be limited to the members of a single organization or group.
- 5) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation that ~~which~~ shall contain the following information:
- A) The name and address of the sponsor;
- B) The name and license number of the participant;
- C) A brief statement of the subject matter;
- D) The number of CE hours awarded in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.
- 6) The certificate of attendance shall be distributed following the educational program or otherwise be provided to the attendee by the sponsor, by such means as mailing the certificate or summary of attendance ~~at one or more qualifying educational events~~.
- 7) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(5) for not less than 5 years, except for the signature of the sponsor.
- 8) The sponsor shall be responsible for assuring that no participant shall receive CE credit for time not actually spent attending the program.
- 9) If it is determined after a hearing before the Board that a sponsor has failed to comply with the foregoing requirements, the Division ~~Department~~ shall thereafter refuse to accept for CE credit attendance at any of such sponsor's CE activities until such time as the Division

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- ~~Department~~ receives assurances of compliance with this Section.
- 10) Notwithstanding any other provision of this Section, the Division ~~Department~~ or Board may evaluate any sponsor of any continuing education program at any time.
- 11) The Division ~~Department~~ shall maintain a list of all approved continuing education sponsors in addition to those identified under subsection (c)(1).
- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
- 2) The Division ~~Department~~ may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of ~~such~~ compliance. ~~The Such~~ additional evidence will be required in the context of the Division's ~~Department's~~ random audit.
- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may be required to interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division ~~Department~~ a renewal application, the required renewal fee, a statement setting forth the facts concerning ~~the such~~ non-compliance, and a request for waiver of the CE requirements on the basis of ~~the such~~ facts. If the Division ~~Department~~, upon the written recommendation of the Board, finds from ~~the such~~ affidavit or any other evidence submitted, that extreme hardship has been shown, the Division ~~Department~~ shall waive enforcement of CE requirements for that renewal period.
- 2) If an interview with the Board is requested at the time the request for waiver is filed with the Division ~~Department~~, the renewal applicant shall

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be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

- 3) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period;
 - B) An incapacitating illness, documented by a currently licensed physician;
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
 - D) Other similar extenuating circumstances (i.e., family illness, prolonged hospitalization or advanced age).
- 4) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, pursuant to the provisions of this Section shall be deemed to be in good standing until the ~~Division's~~ Department's final decision on the application has been made.
- 5) Any applicant who submits a request for waiver that is denied may then request his or her license be placed on inactive status. The applicant shall comply with the continuing education requirements prior to restoration of the license from inactive status in accordance with Section 1250.160 of this Part.

(Source: Amended at 29 Ill. Reg. 13999, effective August 30, 2005)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Superfecta
- 2) Code Citation: 11 Ill. Adm. Code 311
- 3) Section Number: 311.20 Adopted Action: Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: September 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 7792; 5/27/05
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Nonsubstantive format changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking any replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? Yes
- 15) Summary and purpose of rulemaking: This rulemaking permits racetracks the option to pay 20% of the superfecta pool to bettors who selected the first 3 horses, but then carry over 80% of the superfecta pool to the next superfecta race. Currently, when there is no combination that selects the first 4 horses in order, the pool is distributed among those who selected the first 3 horses in order.
- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Illinois Racing Board
100 West Randolph
Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo

(312) 814-5017
mickey_izzo@irb.state.il.us

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 311
SUPERFECTA

Section	
311.10	Superfecta
311.20	Pool Distribution
311.25	Scratches
311.30	Dead Heats
311.35	Minimum Fields
311.40	Entries

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 18 Ill. Reg. 7440, effective May 8, 1994; amended at 19 Ill. Reg. 6663, effective May 1, 1995; amended at 26 Ill. Reg. 4903, effective March 20, 2002; amended at 26 Ill. Reg. 12357, effective August 1, 2002; emergency amendment at 26 Ill. Reg. 14702, effective September 16, 2002, for a maximum of 150 days; emergency expired February 12, 2003; emergency amendment at 26 Ill. Reg. 16854, effective November 15, 2002, for a maximum of 150 days; emergency expired April 13, 2003; amended at 28 Ill. Reg. 7121, effective May 10, 2004; amended at 29 Ill. Reg. 14024, effective September 1, 2005.

Section 311.20 Pool Distribution

The organization licensee may choose to distribute pools in accordance with either subsection (a) or (b). The organization licensee must give the Board 30 days notice if it chooses to distribute pools under subsection (b), including the exact percentages it will use to determine minor and major pools. The racing program shall indicate when the method described in subsection (b) is being used for a meet.

- a) The net Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - 1) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers,

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then

- 2) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
- 3) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
- 4) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, then
- 5) The entire pool shall be refunded on Superfecta wagers for that contest.

b) Distribution of Winnings

- 1) The net Superfecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:
 - A) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
 - B) The net pool will be divided into two separate pools. The major pool of the net pool shall be paid as a carryover pool into the next regularly scheduled Superfecta race. The remaining minor pool shall be paid as a Superfecta consolation pool, which will be equally divided among those ticket holders who correctly select the first three betting interests; but if there are no such wagers, then
 - C) The Superfecta consolation pool will be divided among those ticket holders who correctly select the first two interests; but if there are no such wagers, then
 - D) The Superfecta consolation pool will be divided among those ticket holders who correctly select the first betting interest; but if there are no such wagers, then

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- E) The entire net pool shall become a carryover pool into the next regularly scheduled Superfecta race.
- 2) On the last Superfecta race on the final day of the meeting, the net pool shall be redistributed using the method described in subsection (a).
- cb) If fewer than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(Source: Amended at 29 Ill. Reg. 14024, effective September 1, 2005)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Parlay
- 2) Code Citation: 11 Ill. Adm. Code 319
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
319.10	New Section
319.20	New Section
319.30	New Section
319.40	New Section
319.50	New Section
319.60	New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rules: September 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 7797; 5/27/05
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 319.30, a cross-reference to 11 Ill. Adm. Code 301 was added. A nonsubstantive change was made in Section 319.50.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rules currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking authorizes a pari-mutuel wager that will permit fans to wager on a series of races, with the winnings of each race automatically used as the wager of the following race. The wagering is limited to win, place and show

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bets. This wager may be started on any series of races with a minimum of 2 races and a maximum of 5 races. There are no refunds once a Parlay wager has conducted its first race. A final winning ticket would mean that in each race, the wager was successful in each leg of the Parlay wager.

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

Illinois Racing Board
100 West Randolph
Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo

(312) 814-5017
mickey_izzo@irb.state.il.us

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 319
PARLAY

Section	
319.10	Definition
319.20	Pool Distribution
319.30	Dead Heats
319.40	Scratches
319.50	Cancellations
319.60	Entries and Fields

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 29 Ill. Reg. 14029, effective September 1, 2005.

Section 319.10 Definition

The Parlay is a series of wagers on one particular program combining betting in win, place, or show pools (when such pools are offered in corresponding races). The wager shall combine at least 2 races (or legs) and have a maximum of 6 races. The parlay shall not combine bets in the same race. The series of wagers shall be bet on races in chronological order but not necessarily on consecutive contests. The Parlay is not a separate pari-mutuel pool.

Section 319.20 Pool Distribution

- a) The initial bet constitutes the wager on the 1st leg. If successful, the payoff from the 1st leg is then bet on the 2nd leg. If successful again and the parlay has at least 3 legs, the payoff is then bet on the 3rd leg. This continues through a possible 6 legs.
- b) Parlay amounts shall be included in appropriate pools as soon as possible so amounts of those wagers will be reflected in pools displayed to the public. Parlay wager totals shall be displayed to the lowest dollar.

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Section 319.30 Dead Heats

In case of a dead heat for win, place, or show in a particular Parlay leg, 11 Ill. Adm. Code 301 (Win, Place and Show Pools) shall apply for those pools.

Section 319.40 Scratches

If any race or pool is cancelled, or a betting interest is scratched, the Parlay wager shall consist of the remaining leg or legs. The Parlay shall terminate when no legs remain in the wager.

Section 319.50 Cancellations

Parlay wagers may be cancelled in accordance with 11 Ill. Adm. Code 433.120 prior to "stop betting" of the 1st leg of the Parlay. After the 1st leg, a Parlay wager must be completed as required by this Part to be entitled to a payoff. After the 1st leg, the bettor will not have the option of cashing in a Parlay wager prior to completion of all legs included in the Parlay wager.

Section 319.60 Entries and Fields

In the event any contestant in a coupled entry or field is scratched in the Parlay wager, the remaining contestants in that coupled entry or field shall remain valid betting interests.

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Substance Abuse
- 2) Code Citation: 11 Ill. Adm. Code 508
- 3) Section Number: 508.50 Adopted Action:
Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: September 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain any incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 7801; 5/27/05
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In subsection 508.50(e), a website for the Substance Abuse and Mental Health Services Administration was added.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking updates the current rule, adopted almost 20 years ago, to more accurately reflect federal guidelines governing urine testing in the workplace.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Illinois Racing Board
100 West Randolph

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo

(312) 814-5017
mickey_ezzo@irb.state.il.us

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 508
SUBSTANCE ABUSE

Section	
508.10	Purpose
508.20	Definitions
508.30	Breathalyzer Test
508.35	Hearings
508.40	Penalties for Alcohol Abuse
508.50	Urine Test
508.60	Penalties for Substance Abuse
508.70	Confidential Test Results
508.80	Random Testing
508.90	Severability

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 10 Ill. Reg. 5840, effective March 28, 1986; Part repealed, new Part adopted at 11 Ill. Reg. 11137, effective June 3, 1987; amended at 12 Ill. Reg. 1910, effective January 1, 1988; amended at 29 Ill. Reg. 14033, effective September 1, 2005.

Section 508.50 Urine Test

- a) No Jockey, Driver, Starter, Assistant Starter or Outrider shall use on the grounds of any race track any Controlled Substance or any prescription drug unless such substance was obtained directly, or pursuant to a valid prescription or order from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the Jockey, Driver, Starter, Assistant Starter, or Outrider to give prior written notice to the Stewards that he is using a Controlled Substance or prescription drug pursuant to a valid prescription or order from a licensed physician.
- b) The stewards shall direct any Jockey, Driver, Starter, Assistant Starter, or Outrider at a licensed race meeting to submit to a urine test for drugs if the

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stewards have either reasonable information or an individualized suspicion that the urine test may produce evidence that said Jockey, Driver, Starter, Assistant Starter, or Outrider is using either a Controlled Substance or prescription drug without a prescription. Any Jockey, Driver, Starter, Assistant Starter, or Outrider who fails to submit to a urine test when requested to do so by the stewards shall be suspended.

- c) Any Jockey, Driver, Starter, Assistant Starter or Outrider subject to this rule who is requested to submit to a urine test shall provide the urine sample to the stewards or their designee. The sample so taken shall be immediately sealed and tagged on the form provided by the Board. The signature of the tested licensee shall constitute evidence of such sealing. The portion of the sample which is provided to the laboratory for analysis shall not identify the Jockey, Driver, Starter, Assistant Starter or Outrider by name. It shall be the obligation of the Jockey, Driver, Starter, Assistant Starter or Outrider to cooperate fully with the Stewards or their designee in obtaining any sample which may be required and to witness the sealing of such sample.
- d) Each specimen received from a Jockey, Driver, Starter, Assistant Starter, or Outrider shall be divided into two separate parts. One portion designated as the "referee" sample, shall be available for testing upon the request of the individual who provided the specimen. The "referee" sample may also be tested by the laboratory with the consent of the individual who provided the specimen. The other portion of the sample shall be known as the "laboratory" sample and shall be tested by the laboratory. The Board shall bear the cost of preparing the "referee" sample for shipment but the cost of such shipment and of such testing shall be borne by the person requesting the additional test.
- e) After the urine sample has been taken from a Jockey, Driver, Starter, Assistant Starter, or Outrider and analyzed by a laboratory contracted by the Board, the laboratory shall make a positive test finding if the urine sample exceeds both the initial screening and confirmatory levels of detectability for controlled substances or prescription drugs. Pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing (Substance Abuse and Mental Health Services Administration; available at http://dwp.samhsa.gov/FedPgms/Pages/HHS_Mand_Guid_Effective_Nov_04.aspx). ~~In addition, the Board is cognizant of the scientific documentation of the concept of passive inhalation of marijuana. To prevent a violation of Section 508.50 because of passive inhalation of marijuana, the initial screening level of detectability for marijuana metabolites shall be 100 nanograms per milliliter.~~

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- 1) The following initial test cutoff levels shall be used when screening specimens to determine whether they are negative. Specimens that test negative on the initial test shall be reported negative.

<u>Marijuana metabolites</u>	<u>50 nanograms/milliliter (ng/ml)</u>
<u>Cocaine metabolites</u>	<u>300 ng/ml</u>
<u>Opiate metabolites</u>	<u>300 ng/ml</u>
<u>Amphetamines</u>	<u>1,000 ng/ml</u>

- 2) All specimens identified as positive on the initial test shall be confirmed at the following cutoff levels:

<u>Marijuana metabolites</u>	<u>15 nanograms/milliliter (ng/ml)</u>
<u>Cocaine metabolites</u>	<u>150 ng/ml</u>
<u>Opiate metabolites</u>	<u>300 ng/ml</u>
<u>Amphetamines</u>	<u>500 ng/ml</u>

- f) A confirmed positive controlled substance or prescription drug result shall be reported, in writing, to the Executive Director of the Board or his designee. On receiving written notice from the laboratory that a sample has been found positive for a controlled substance or prescription drug, the Executive Director or his designee shall notify the individual and the stewards of the test results.
- g) Upon receipt of a notice of positive test finding, the stewards shall conduct an inquiry at which the individual with notice of a positive test finding shall have the opportunity to be heard. Further, any individual with notice of a positive test finding may challenge his particular test or test result by having a portion of the sample tested at the laboratory of his choice. Any individual contesting the tests or test results may request a hearing before the Board as set forth in 11 Ill. Adm. Code 204.

(Source: Amended at 29 Ill. Reg. 14033, effective September 1, 2005)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.180 Adopted Action: Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: September 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 7806; 5/27/05
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking makes several technical changes that were not anticipated when the rule was amended in 2004. The most significant change is that in the event a racehorse is subject to early detention, the time period will be changed from 6½ hours prior to the scheduled post time for the first race to 6½ hours prior to the scheduled post time of the horse's race.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Illinois Racing Board

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

100 West Randolph
Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo

(312) 814-5017
mickey_ezzo@irb.state.il.us

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section	
603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1,

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2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005.

Section 603.180 Carbon Dioxide Tests

- a) The Board recognizes that an excess level of total carbon dioxide (TCO₂) in the race horse is considered adverse to the best interests of racing and adverse to the best interest of the horse in that such condition alters its normal physiological state. Accordingly, the State Veterinarian may draw blood samples from a horse for the purpose of obtaining a TCO₂ concentration.
- b) Blood samples for TCO₂ shall be drawn pre-race or post-race.
- c) The TCO₂ level in the blood shall ~~be less than~~not exceed:
 - 1) 39.0 millimoles per liter if the horse is competing on furosemide in accordance with Section 603.70 (Furosemide).
 - 2) 37.0 millimoles per liter if the horse is not competing on furosemide.
- d) In the event a blood sample from a horse contains an amount of TCO₂ that ~~is equal to or~~ exceeds the levels described in subsection (c), the following penalties shall apply:
 - 1) The first time the laboratory reports an excessive TCO₂ level, the trainer shall be fined \$2,000, the purse shall be redistributed and the trainer shall be ordered suspended for at least 60 days but not to exceed 90 days. In addition, the horse shall be ~~placed on the stewards list or be~~ subject to "early detention" for a period identical to the length of the trainer's suspension. "Early detention" ~~in Illinois~~ shall be defined as pre-race guarded quarantine, on the grounds of the ~~Illinois~~ organization licensee, beginning no less than 6½ hours prior to the scheduled post time for the ~~horse's first~~ race. The licensed owner or trainer of the horse shall assign a caretaker to attend and provide surveillance until the horse is brought to the paddock or receiving barn.
 - 2) The second time the laboratory reports an excessive TCO₂ level, the trainer shall be ordered suspended for 180 days and fined \$5,000 and the

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- purse shall be redistributed. In addition, the horse shall be placed on the stewards list or be subject to "early detention" in Illinois for a period of 180 days.
- 3) For a third or subsequent report of an excessive TCO₂ level, the trainer shall be ordered suspended for two years and fined \$5,000 and the purse shall be redistributed. In addition, the horse shall be placed on the stewards list or be subject to "early detention" in Illinois for a period of 180 days.
- 4) The penalties set forth in subsections (d)(2) and (3) must occur within 5 years after the penalties set forth in subsection (d)(1) are levied.
- e) If the levels of TCO₂ are determined to equal or exceed those set forth in subsection (c), and the licensed owner or trainer of that horse contends in writing to the stewards within 24 hours after notification of the results that such levels are physiologically normal for that particular horse, the licensee may, by such writing, request that the horse be held in quarantine. In the event quarantine is requested, the organization licensee shall make guarded quarantine available, for a period of time to be determined by the stewards but in no event more than 72 hours, at the sole expense of the licensee. During any quarantine, the horse shall be re-tested periodically and, although the horse may not race during the quarantine period, it ~~shall~~may be exercised and trained at times prescribed by the organization licensee, consistent with the ability to monitor the horse. The horse will only be fed hay, oats and water during the quarantine period. If the stewards are satisfied, on the basis of the evident facts, the quarantine, and the testing of the horse's blood during the quarantine period, that the level of TCO₂ set forth in subsection (c) is physiologically normal for that particular horse, the stewards shall not order the ~~penalty~~relief set forth in subsection (d) and the horse shall be permitted to compete. In such case, the stewards, in their discretion, may require that the horse re-establish that the TCO₂ level is physiologically normal to it pursuant to the quarantine procedure set forth in this subsection.
- f) The provisions of Section 603.120 (Referee Samples) shall not apply to blood samples drawn for purposes of carbon dioxide testing.

(Source: Amended at 29 Ill. Reg. 14038, effective September 1, 2005)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Racing Rules
- 2) Code Citation: 11 Ill. Adm. Code 1318
- 3) Section Number: 1318.190 Adopted Action: Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: September 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 8090; 6/3/05
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and Purpose of Rulemaking: Illinois has three harness tracks, one ½ mile (Maywood Park) and two, 1 mile (Balmoral Park and Hawthorne Race Course). This rulemaking eliminates the reference to a ⅜ mile racetrack. Section 1318.190 (b)(1) only applies to harness races conducted on ½ mile racetracks
- 16) Information and questions regarding this adopted amendment shall be directed to:

Illinois Racing Board
100 West Randolph

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo

(312) 814-5017
mickey_ezzo@irb.state.il.us

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1318
RACING RULES

Section	
1318.10	Racing Conduct
1318.20	Complaints
1318.30	Disqualification of Entries
1318.40	Penalties
1318.50	Unsatisfactory Driving
1318.60	Driver Substitution
1318.70	Failure to Finish
1318.80	Improper Conduct
1318.90	Whips and Snappers
1318.100	Goads and Devices
1318.110	Accidents
1318.120	Use of Hopples
1318.130	Breaking
1318.140	Breaking on Purpose
1318.150	Call Out Breaks
1318.160	Right of Course
1318.170	Penalties
1318.180	Harness Tracks Without a Continuous Hub Rail
1318.190	Open Stretch Racing

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; emergency amendment at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days; emergency expired March 8, 1992; amended at 16 Ill. Reg. 7489, effective April 27, 1992; amended at 17 Ill. Reg. 19303, effective October 25, 1993; amended at 22 Ill. Reg. 7049, effective May 1, 1998; amended at 28 Ill. Reg. 14658, effective November 1, 2004; amended at 29 Ill. Reg. 14043, effective September 1, 2005.

ILLINOIS RACING BOARD

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Section 1318.190 Open Stretch Racing

- a) With approval of the Board, a track may extend the width of its homestretch up to 10 feet inward in relation to the width of the rest of the racetrack. The criteria for Board approval shall include, but not be limited to, the size of the race track, the length of the homestretch, the necessity for conversion from harness to thoroughbred racing surfaces and rails, and the type of existing rail.
- b) In the event the home stretch is expanded pursuant to subsection (a), the following shall apply ~~on 1/2 mile and 5/8 mile tracks:~~
 - 1) No horse shall pass on the extended inside lane entering the stretch the first time on a 1/2 mile track.
 - 2) The lead horse in the homestretch shall maintain as straight a course as possible while allowing trailing horses full access to the extended inside lane.
 - 3) Horses using the open stretch must first have complete clearance of the pylons. Any horse or sulky running over the pylons and/or going to the inside of the pylons to clear shall be disqualified.

(Source: Amended at 29 Ill. Reg. 14043, effective September 1, 2005)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Business Corporation Act
- 2) Code Citation: 14 Ill. Adm. Code 150
- 3)

<u>Section Numbers:</u>	<u>Adopted Action</u>
150.725	Added
150.730	Added
- 4) Statutory Authority: Implementing and authorized by The Business Corporation Act of 1983 [805 ILCS 5]
- 5) Effective Date of Amendments: September 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Secretary of State, Department of Business Services, office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: May 20, 2005; 29 Ill. Reg. 7188
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Added the source note at the end of each new Section.
- 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 any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: New Section 150.725 provides guidelines when a corporation acts as an incorporator.
- 16) Information and questions regarding these adopted amendments shall be directed to:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Department of Business Services

Robert Durchholz

350 Howlett Building

Springfield IL 62756

217-782-4909

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 150
BUSINESS CORPORATION ACT

SUBPART A: HEARING PROCEDURES

Section

150.10	Applicability
150.20	Definitions
150.30	Right to Counsel
150.40	Appearance of Attorney
150.50	Special Appearance
150.60	Substitution of Parties or Attorneys
150.70	Commencement of Action; Notice of Hearing
150.80	Motions
150.90	Form of Papers
150.100	Conduct of Hearings
150.110	Orders
150.120	Record of Hearings
150.130	Invalidity

SUBPART B: SALE AND RELEASE OF INFORMATION

Section

150.200	Annual List of Corporations
150.210	Monthly List of Corporations
150.220	Daily List of Corporations
150.230	Computer Access to Information
150.240	Abstracts of Corporate Record
150.250	Invalidity

SUBPART C: ERRORS, REFUNDS, CORRECTIONS, ADJUSTMENTS,
OBJECTIONS, AND OTHER RELIEF

Section

150.300	Errors or Defects
150.305	Financial Data as Support Documentation

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

150.310 Invalidity

SUBPART D: NAMES

Section

150.400 Preliminary Determination of Availability
150.405 Final Determination of Availability
150.410 Response as to Basis of Unavailability
150.415 Reconsideration Procedure
150.420 Effect of Final Determination
150.425 Applicability
150.430 Availability of Names: Statutory Requirements
150.435 Standards – Conflicting Names
150.440 Distinguishable – Defined
150.445 Matters not Considered
150.450 Significant Differences
150.455 Surnames
150.460 Alphabet Names
150.465 Government Affiliation
150.470 Restricted and Professional Words
150.475 Acceptable Characters of Print
150.480 Invalidity
150.485 Improper Names

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

Section

150.500 Preamble
150.510 Manner of Service
150.520 Place of Service
150.530 Payment of Fees
150.540 Invalidity

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section

150.600 Payment of Fees, Franchise Tax and License Fee
150.610 Definitions
150.620 Annual Report
150.621 Confidentiality of Annual Report Financial Data

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

150.630 Shares Having a Par Value
150.640 Invalidity

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section
150.700 Interpretive Comments Applicable Generally
150.705 Paid-In Capital
150.710 Advice to the Public
150.720 Incorporating Licensed Professionals
150.725 Corporation Acting as an Incorporator
150.730 Business Hours

AUTHORITY: Implementing and authorized by the Business Corporation Act of 1983 [805 ILCS 5].

SOURCE: Adopted at 9 Ill. Reg. 1433, effective February 1, 1985; amended at 10 Ill. Reg. 5146, effective March 21, 1986; amended at 11 Ill. Reg. 10302, effective June 1, 1987; amended at 17 Ill. Reg. 11571, effective July 15, 1993; amended at 18 Ill. Reg. 7783, effective May 15, 1994; amended at 20 Ill. Reg. 7026, effective May 8, 1996; amended at 21 Ill. Reg. 16173, effective December 1, 1997; amended at 27 Ill. Reg. 550, effective December 27, 2002; amended at 28 Ill. Reg. 3504, effective February 3, 2004; amended at 29 Ill. Reg. 14047, effective September 1, 2005.

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section 150.725 Corporation Acting as an Incorporator

A corporation acting as an incorporator must set forth its corporate name and state or country of incorporation on the articles of incorporation. A duly authorized officer of the corporation acting as the incorporator must sign the articles of incorporation and print his or her name and title beneath the signature.

(Source: Added at 29 Ill. Reg. 14047, effective September 1, 2005)

Section 150.730 Business Hours

In Springfield, the Department of Business Services business hours are 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 29 Ill. Reg. 14047, effective September 1, 2005)

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 1650
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1650.10	New Section
1650.20	New Section
1650.30	New Section
1650.40	New Section
1650.50	New Section
1650.60	New Section
1650.70	New Section
- 4) Statutory Authority: 40 ILCS 5/15-177
- 5) Effective Date of Rules: September 1, 2005
- 6) Does this rulemaking contain any 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 central office and is available for public inspection.
- 9) Notice of Proposed Rules Published in the Illinois Register: April 29, 2005; 29 Ill. Reg. 5946
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: There were no changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no agreements suggested.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: New Sections implement grievance procedures required under the federal Americans With Disabilities Act.

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED RULES

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

Dan M. Slack, Executive Director
State Universities Retirement System
1901 Fox Drive,
Champaign, IL 61820

(217) 378-8877 or (217) 378-8855

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

STATE UNIVERSITIES RETIREMENT SYSTEM

NOTICE OF ADOPTED RULES

TITLE 4: DISCRIMINATION PROCEDURES

CHAPTER L: STATE UNIVERSITIES RETIREMENT SYSTEM

PART 1650

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section

1650.10	Purposes
1650.20	Definitions
1650.30	Procedure
1650.40	Designated Coordinator Level
1650.50	Final Level
1650.60	Accessibility
1650.70	Case-By-Case Resolution

AUTHORITY: Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 15-177 of Illinois Pension Code [40 ILCS 5/15-177].

SOURCE: Adopted at 29 Ill. Reg. 14053 effective September 1, 2005.

Section 1650.10 Purposes

- a) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the State Universities Retirement System, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the System to foster open communication with all individuals requesting readily accessible programs, services and activities. The System encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 1650.20 Definitions

STATE UNIVERSITIES RETIREMENT SYSTEM

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"Act" or "ADA" means the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.).

"Complainant" is an individual with a disability who files a Grievance Form provided by the State Universities Retirement System under this procedure.

"Designated Coordinator" is the person appointed by the System who is responsible for the coordination of efforts of the System to comply with and carry out its responsibilities under Title II of the ADA, including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at 1901 Fox Drive, Champaign IL 61820. (See 28 CFR 35.107.)

"Disabilities" shall have the same meaning as set forth in the Americans With Disabilities Act.

"Executive Director" means the Executive Director of the State Universities Retirement System.

"Grievance" is any complaint under the ADA that is reduced to writing by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the State Universities Retirement System and believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the System or has been subject to discrimination by the System.

"Grievance Form" is prescribed for the purpose of filing a grievance under this Part and includes information such as name, address, phone number, nature of the grievance, with specificity, including date of incident, time, place and witnesses if applicable.

"Qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the System.

Section 1650.30 Procedure

STATE UNIVERSITIES RETIREMENT SYSTEM

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- a) Grievances must be submitted in accordance with procedures established in Sections 1650.40 and 1650.50 of this Part. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement, in writing, by the complainant and the reviewer, at the Designated Coordinator and/or the Final Levels described in Section 1650.50.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response from the State Universities Retirement System given in the grievance procedure.
- c) The System shall, upon being informed of individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.

Section 1650.40 Designated Coordinator Level

- a) If an individual desires to file a grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance in completing the Grievance Form shall be provided by the State Universities Retirement System.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and, if the grievance is found to be valid, shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Executive Director within 15 business days after receipt of the Grievance Form.

Section 1650.50 Final Level

- a) If the grievance is not resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Executive Director for final review. The complainant shall submit these documents to the Executive

STATE UNIVERSITIES RETIREMENT SYSTEM

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Director, together with a short written statement explaining the reasons for dissatisfaction with the Designated Coordinator's written response, within 15 business days after receipt by the complainant of the Designated Coordinator's response.

- b) Within 15 business days, the Executive Director shall appoint a three-member panel to review the grievance at the Final Level. One member shall be designated chairman. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last member of the panel is appointed.
- c) Complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his or her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (b), the panel shall make recommendations in writing to the Executive Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Executive Director in writing and shall sign the recommendation.
- e) Within 15 business days after receipt of recommendations from a panel, the Executive Director or designee shall approve, disapprove or modify the panel recommendations; shall render a decision on those recommendations in writing; shall state the basis for his/her decision; and shall cause a copy of the decision to be served on the parties. The Executive Director's decision shall be final. If the Executive Director disapproves or modifies the panel's recommendations, the Executive Director may include written reasons for such disapproval or modification.
- f) The Grievance Form, the Designated Coordinator's response, the statement of the reasons for dissatisfaction, the recommendations of the panel, and the decision of the Executive Director shall be maintained as required by law.

Section 1650.60 Accessibility

The State Universities Retirement System shall ensure that all stages of the grievance procedure

STATE UNIVERSITIES RETIREMENT SYSTEM

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are readily accessible to and usable by individuals with disabilities.

Section 1650.70 Case-By-Case Resolution

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the State Universities Retirement System. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

STATE UNIVERSITIES RETIREMENT SYSTEM

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- 1) Heading of the Part: Universities Retirement
 - 2) Code Citation: 80 Ill. Adm. Code 1600
 - 3) Section Number: 1600.40 Adopted Action: Amendment
 - 4) Statutory Authority: 40 ILCS 5/15-177
 - 5) Effective Date of Amendment: September 1, 2005
 - 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 amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 9) Notices of Proposed Amendment Published in the Illinois Register: April 29, 2005; 29 Ill. Reg. 5953
 - 10) Has JCAR issued a Statement of Objection to this amendment? No
 - 11) Differences between proposal and final version: In the caption for Section 1600.40(c), changed "deferred" to "subsequent".
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes. Also, SURS agreed to propose a rulemaking no later than February 2, 2006, outlining its installment payment plan policies for persons purchasing service credit.
 - 13) Will this rulemaking replace any emergency amendment currently in effect? No
 - 14) Are there any amendments pending on this Part? Yes
- | | | |
|-----------------------|------------------------|-----------------------------------|
| <u>Section Number</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
| 1600.123 | New Section | 29 Il. Reg. 6233; May 6, 2005 |
- 15) Summary and Purpose of Amendment: Revision to the current rule adding more specific language to subsection (a)(1) taken from Section 15-113.2 of the Illinois Compiled

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Statutes. This revision also sets forth procedure for immediate payments and deferred payments of qualified leaves of absence.

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

Dan M. Slack, Executive Director
State Universities Retirement System
1901 Fox Drive,
Champaign IL 61820

(217) 378-8877 or (217) 378-8855

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER II: STATE UNIVERSITIES RETIREMENT SYSTEMPART 1600
UNIVERSITIES RETIREMENT

SUBPART A: MISCELLANEOUS PROCEDURES

Section	
1600.10	Definitions
1600.20	Dependency of Beneficiaries
1600.30	Crediting Interest on Employee Contributions and Other Reserves
1600.40	Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay
1600.50	Election to Pay Contributions Based Upon Employment Which Preceded Certification as a Participant
1600.55	Election to Make Contributions Covering Periods of Military Leave
1600.60	Sick Leave Accrual Schedule
1600.70	Procedures to be followed in Medical Evaluation of Disability Claims
1600.80	Rules of Practice-Nature and Requirements of Formal Hearings
1600.90	Excess Benefit Arrangement
1600.100	Freedom of Information Act
1600.110	Open Meetings Act
1600.120	Twenty Percent Limitation on Final Rate of Earnings Increases
1600.121	Determination of Final Rate of Earnings Period
1600.130	Procurement
1600.137	Overpayment Recovery
1600.140	Making Preliminary Estimated Payments

SUBPART B: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section	
1600.150	Definitions
1600.151	Requirements for a Valid Qualified Illinois Domestic Relations Order
1600.152	Curing Minor Deficiencies
1600.153	Filing a QILDRO with the System
1600.154	Modified QILDROs
1600.155	Benefits Affected by a QILDRO
1600.156	Effect of a Valid QILDRO

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1600.157	QILDROs Against Persons Who Became Members Prior to July 1, 1999
1600.158	Alternate Payee's Address
1600.159	Electing Form of Payment
1600.160	Automatic Annual Increases
1600.161	Expiration of a QILDRO
1600.162	Reciprocal Systems QILDRO Policy Statement
1600.163	Providing Benefit Information for Divorce Purposes

1600.APPENDIX A Chart Outlining Hearing Procedures (Repealed)

AUTHORITY: Implementing and authorized by 40 ILCS 5/15-177.

SOURCE: Amended September 2, 1977; amended at 2 Ill. Reg. 31, p.53, effective July 30, 1978; amended at 7 Ill. Reg. 8139, effective June 29, 1983; codified at 8 Ill. Reg. 19683; amended at 11 Ill. Reg. 15656, effective September 9, 1987; amended at 13 Ill. Reg. 18939, effective November 21, 1989; amended at 14 Ill. Reg. 6789, effective April 20, 1990; emergency amendment at 21 Ill. Reg. 4864, effective March 26, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6095, effective May 2, 1997; amended at 21 Ill. Reg. 11962, effective August 13, 1997; amended at 21 Ill. Reg. 12653, effective August 28, 1997; amended at 22 Ill. Reg. 4116, effective February 9, 1998; amended at 23 Ill. Reg. 13667, effective November 1, 1999; amended at 25 Ill. Reg. 10206, effective July 30, 2001; amended at 28 Ill. Reg. 2292, effective January 23, 2004; amended at 29 Ill. Reg. 2729, effective March 1, 2005; amended at 29 Ill. Reg. 14060, effective September 1, 2005.

SUBPART A: MISCELLANEOUS PROCEDURES

Section 1600.40 Election to Make Contributions Covering Leave of Absence at Less Than 50% Pay

- a) ~~Under the provisions of the Illinois Pension Code (Ill. Rev. Stat. 1987, ch. 108 ½, par. 15-101 et seq.),~~ a participant may elect to pay contributions covering leaves of absence at less than 50% pay, except military leave and periods of disability leave in excess of 60 days, if the participant pays the contributions required by the Illinois Pension Code in accordance with rules prescribed by the Board upon the participant's basic compensation on the date the leave begins. In order to pay contributions covering such leaves of absence, the participant must:
- (1) return to employment covered by the State Universities Retirement System at the expiration of the leave, or within 30 days after the termination of a disability which occurs during the leave, and continues

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this employment at a percentage of time equal to or greater than the percentage of time immediately preceding the leave of absence for at least 8 consecutive months or a period equal to the period of the leave, whichever is less, or

(2) be precluded from meeting the foregoing conditions because of disability or death.

~~b) If the participant meets the conditions set forth in subsection (a) of this Section, he or she may purchase service credit covering such leaves of absence by paying contributions required by the Illinois Pension Code plus interest thereon at the effective rate as determined by the Board from the end of the academic year in which the contribution is due to the date the payment is received by the State Universities Retirement System.~~

b) Immediate Payment

1) The election must be filed by the later of 30 days after the beginning date of the leave or, in the event of late notification of the leave by the employer, 30 days after the date the participant is sent the election form.

2) Payment of contributions must be received by 30 days after the last day of the month for which the contributions are payable. In the event of late notification of the payment schedule by the System, the participant must catch up the past due contribution within 30 days after the date he or she is sent the payment schedule and the remainder of the contributions must be received within the required 30 days.

~~e) The participant may purchase during the academic year in which employment terminates or in which the retirement annuity begins, not less than $\frac{1}{4}$ year of additional service credit for such leaves of absence. If the participant elects to purchase such credit prior to the academic year in which employment terminates at least one year of additional service credit shall be purchased, unless the total service credit which may be purchased for the leave of absence is less than one year.~~

c) Subsequent Payment

If a participant fails to comply with the conditions set forth in subsection (b) of this Section, he or she may purchase service and earnings credit for the leave by paying the contributions and interest on the contributions at the effective rate from

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the academic year-end in which the leave occurred. Payments under this subsection may not be made earlier than the date on which the participant fulfills the return from leave requirements found in Section 15-113.2 of the Illinois Compiled Statutes.

- d) No payment may be made for service covering leaves of absence after the date the participant dies or begins receiving a retirement annuity or disability retirement allowance.
- e) If a participant purchases service credit covering a leave of absence but fails to meet the conditions set forth in the preceding subsections of this Section, the payment made shall be refunded without interest.
- f) Not more than 3 years of service credit for leaves of absence in any period of 10 years may be purchased.
- g) This ~~Section~~rule is not applicable to a participant who is on special leave of absence for service with a teacher organization.

(Source: Amended at 29 Ill. Reg. 14060, effective September 1, 2005)

ATTORNEY GENERAL

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Price Gouging
- 2) Code Citation: 14 Ill. Adm. Code 465
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
465.10	New
465.20	New
465.30	New
- 4) Statutory Authority: Sections 2 and 4 of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2 and 4]
- 5) Effective Date of Amendments: September 2, 2005
- 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: No early expiration.
- 7) Date filed with the Index Department: September 2, 2005
- 8) A copy of the adopted rules is on file in the agency's principal office and is available for public inspection.
- 9) Reason for emergency: Among the consequences of the cataclysm that befell the country's Gulf coast as a result of Hurricane Katrina, have been immediate and substantial increases in the prices of fuels. In some cases, threats and reports of alleged extreme increases in price appear to have been the result not of ordinary market responses to changes in supply and demand, but of panic or of simple price gouging so as to take financial advantage of panic among consumers. At the same time, the sudden, the extreme increases themselves have appeared to spark additional panic and price increases as an indicator of further supply interruptions to come. The result has been widespread disruption of the economy of the State that is putting severe pressure on the ability of many segments of our society to be able to obtain food and necessary services, to drive to work or school, and to operate businesses. It is also making it extremely difficult for governmental bodies to provide vital services. The Attorney General finds that this situation constitutes a threat to the public interest, safety, and welfare.
- 10) A Complete Description of the Subjects and Issues Involved: The Consumer Fraud and Deceptive Business Practices Act makes it unlawful to use unfair methods of competition and unfair or deceptive acts or practices in the conduct of commerce and authorizes the Attorney General to enforce the Act and to promulgate rules having the force of law as

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NOTICE OF EMERGENCY RULES

deemed necessary to accomplish the objectives of the Act. This Part sets forth the factors that will be considered in determining whether sudden spikes in fuel prices are truly market driven or constitute price gouging in violation of the Act. Adding clarity in this important respect through rulemaking signals that special enforcement attention is being paid to this problem and should deter unlawful actions and decrease some of the extreme volatility in fuel prices.

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: Neither creates nor modifies a state mandate within the meaning of 30 ILCS 805/3b of the State Mandates Act.
- 13) Information and questions regarding this amendment shall be directed to:

Deborah Hagan, Chief
Consumer Protection Division
Office of the Attorney General
500 S. Second Street
Springfield IL 62705

(217) 782-9021

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

ATTORNEY GENERAL

NOTICE OF EMERGENCY RULES

TITLE 14: COMMERCE
SUBTITLE B: CONSUMER PROTECTION
CHAPTER II: ATTORNEY GENERALPART 465
PRICE GOUGING

Section

465.10 General

EMERGENCY

465.20 Definitions

EMERGENCY

465.30 Petroleum Products

EMERGENCY

AUTHORITY: Implementing Section 2 and authorized by Section 4 of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2 and 4].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 14066, effective September 2, 2005, for a maximum of 150 days.

**Section 465.10 General
EMERGENCY**

The purpose of this Part is to describe circumstances in which the charging of unconscionably high prices for petroleum products constitutes an unfair or deceptive act or practice. This Part shall not be construed to limit the ability of the Attorney General or the courts to determine that acts and practices other than those described in this Part are unfair or deceptive acts of price gouging in the absence of market emergencies.

**Section 465.20 Definitions
EMERGENCY**

"Market emergency": Any abnormal disruption of any market for petroleum products, including but not limited to any actual or threatened shortage in the supply of petroleum products or any actual or threatened increase in the price of petroleum products, resulting from severe weather, convulsion of nature, failure or shortage of electric power or other source of energy, strike, civil disorder, act of war, terrorist attack, national or local emergency, or other extraordinary adverse circumstances.

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"Petroleum product": Includes, but shall not be limited to, motor fuels, as defined in Section 1.1 of the Motor Fuel Tax Law [35 ILCS 505/1.1], and fuel oil used for heating or cooking purposes.

"Petroleum-related business": Any producer, supplier, wholesaler, distributor or retail seller of any petroleum product.

**Section 465.30 Petroleum Products
EMERGENCY**

- a) It shall be an unfair or deceptive act or practice, during any market emergency, for any petroleum-related business to sell or offer to sell any petroleum product for an amount that represents an unconscionably high price.
- b) A price is unconscionably high if:
 - 1) the amount charged represents a gross disparity between the price of the petroleum product and
 - A) the price at which the same product was sold or offered for sale by the petroleum-related business in the usual course of business immediately prior to the onset of the market emergency, or
 - B) the price at which the same or similar petroleum product is readily obtainable by other buyers in the trade area; and
 - 2) the disparity is not substantially attributable to increased prices charged by the petroleum-related business suppliers or increased costs due to an abnormal market disruption.

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- 1) Heading of the Part: Approval of Voting Systems
- 2) Code Citation: 26 Ill. Adm. Code 204
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
204.10	Amend
204.20	Amend
204.30	Repealed
204.40	Amend
204.45	New Section
204.50	Amend
204.60	Amend
204.70	Amend
204.95	New Section
204.160	Repealed
204.180	Amend
- 4) Statutory Authority: Implementing Article 24C and authorized by Section 1A-8(9) and 24C-17 of the Election Code [10 ILCS 5/24C-17, 1A-8(9)].
- 5) Effective Date of Amendments: September 10, 2005
- 6) If this emergency rulemaking 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: September 6, 2005
- 8) A copy of the emergency 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: Section 301 of The Help America Vote Act [HAVA] requires all states to have available voting systems that are accessible to people with disabilities by January 1, 2006. In addition the election authorities need to obtain these accessible voting systems approved by the State Board of Elections as soon as possible. This rulemaking establishes the procedures to be used to certify such voting systems. The Illinois law implementing Section 301 of HAVA did not take effect until the summer of 2003 and it took almost two years to amend Part 204 (the subject of this emergency rulemaking) to establish the appropriate procedures for voting systems that the SBEI was totally unfamiliar with prior to 2003. In fact, the necessary federal standards for ADA voting equipment have yet to be adopted.

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- 10) A Complete Description of the Subjects and Issues Involved: The emergency rulemaking implements Articles 24A, 24B, 24C of the Election Code to provide a uniform procedure regarding how a voting system would be approved in the State of Illinois. The emphasis of this emergency rulemaking is upon the approval of direct recording electronic voting systems and their approval consistent with the requirements and procedures of State and federal election laws and regulations. Section 24C-4 provides in part "Direct Recording Electronic Voting Systems" may be used in elections provided that such systems are approved for use by the State Board of Elections. Once the rulemaking is in effect, direct recording electronic voting systems will be uniformly approved resulting in more efficiently run elections and most importantly, Illinois voters, and particularly the voter with disabilities, will be assured that their vote is being tabulated correctly by State approved voting systems.
- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: This emergency rulemaking does not create or expand a State mandate on local government.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Steven S. Sandvoss
General Counsel
State Board of Elections
1020 S. Spring St.
Springfield IL 62708

217-557-9939
Ssandvoss@elections.state.il.us

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

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TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 204

APPROVAL OF VOTING SYSTEMS

Section

204.10 General Provisions

EMERGENCY

204.20 Definitions

EMERGENCY204.30 Jurisdiction Profile (Repealed)EMERGENCY

204.40 Criteria for Approval of Voting Systems

EMERGENCY204.45 Direct Recording Electronic Voting SystemEMERGENCY

204.50 Application for Approval of Voting Systems

EMERGENCY

204.55 Provision of the Voting System Computer Code

204.60 ~~Preliminary Determination and~~ Review of the Proposed Voting SystemsEMERGENCY

204.70 Full Review Procedures

EMERGENCY

204.75 Review and Verification of Computer Code

204.80 Hearing to Consider Staff Review Report

204.90 Interim Approval of Voting Systems

204.95 Acceptance TestingEMERGENCY

204.100 Final Approval of Voting Systems

204.110 Refusal to Grant Approval of Voting Systems

204.120 Withdrawal of Approval of Voting Systems

204.130 Subsequent Modification of Voting Systems

204.140 Monitoring of Voting Systems

204.150 Voting Systems in Use on the Effective Date of This Part (Repealed)204.160 Emergency Approval of a Voting System (Repealed)EMERGENCY

204.170 Jurisdiction of Election Authority over Voting System's Personnel

204.180 Number of Voting Booths

EMERGENCY

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AUTHORITY: Implementing Section 23-15.1 and Articles 24A, 24B and 24C, and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/23-15.1, Art. 24A, Art. 24B, Art. 24C, 1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1978; codified at 6 Ill. Reg. 7216; amended at 9 Ill. Reg. 10733, effective July 1, 1985; amended at 11 Ill. Reg. 18655, effective October 30, 1987; amended at 15 Ill. Reg. 18144, effective December 9, 1991; amended at 23 Ill. Reg. 3943, effective March 19, 1999; amended at 29 Ill. Reg. 13734, effective August 25, 2005; emergency amendment at 29 Ill. Reg. 14070, effective September 10, 2005, for a maximum of 150 days.

Section 204.10 General Provisions**EMERGENCY**

- a) The State Board of Elections has the statutory responsibility to adopt rules and regulations for the approval, review and withdrawal of all voting systems and their system components. The State Board of Elections also has the responsibility to adopt rules and regulations that provide for the security, review, verification and escrowing of a voting system's Computer Code, pursuant to of the Election Code. For all elections conducted pursuant to the Election Code, no vendor, person or other entity may sell, lease or loan a voting system or system component or use any Computer Code to cast, count, register a mark and record ballots unless the voting system or system components and procedures and the Computer Code used are approved and verified by the State Board of Elections.
- b) During the evaluation process of a voting system or system component, the Board shall:
 - 1) consider public comment from voters with disabilities; and
 - 2) apply:
 - A) the requirements of the federal voting system standards promulgated by:
 - i) the Federal Election Commission;
 - ii) the Election Assistance Commission; or

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iii) the Election Assistance Commission Standards Board; and

B) the testing requirements of an approved independent testing authority.

~~Pursuant to Sections 24A-16 and 24A-17 of the Election Code [10 ILCS 5/24A-16 and 24A-17], no voting system shall be used in this State unless approved for use by the State Board of Elections in accordance with this Part.~~

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 14070, effective September 10, 2005, for a maximum of 150 days)

Section 204.20 Definitions**EMERGENCY**

"Audit Trail" or "Audit Capacity" means a complete record of all manual and electronic processes that have been executed to conduct an election and the ability to reproduce each function of the process by using the original data. The record produced by an audit trail shall be a combination of the manual and electronic documentation of each step of the election process and includes, but is not limited to:

Software versions utilized and installed for the election;

Definition of ballot production;

Ballot installation;

Ballot delivery and return;

Ballot casting;

Ballot tabulation;

Error messages and corrective actions;

Log of all machine activities;

All human intervention, whether authorized or unauthorized;

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All system testing, including pre-election and post-election testing, public testing and maintenance;

Equipment maintenance performed;

Security measures performed and conducted;

Production of a permanent paper record of each ballot cast that shall be available as an official record for all post-election processes; and

No means of identifying the voter who cast the ballot.

"Acceptance Test" means the functional testing and examination of a voting system or system component by the election authority prior to its use in an election. This test ensures that the system or system component performs according to approval and purchasing requirements.

"Anomalies and Deficiencies" means any type of interruption in the approval process that prohibits the testing of a system or system component from proceeding. This does not include staff directed interruptions.

"Applicant" is any individual, public official, public body, trust, partnership, committee, association, corporation, vendor, user or any other organization or group of persons seeking to use or market any voting system or voting system component.

"Authorized Agent" means any person selected by the Executive Director of the State Board of Elections.

"Ballot" means an electronic audio or video display or any other medium, including paper, used to record a voter's choice of candidates and preference for or against public questions.

"Ballot Image" means a corresponding representation in electronic or paper form of the marks or vote positions of a ballot that adheres to the design requirements established by the State Board of Elections.

"Ballot Malfunction" of a Direct Recording Electronic (DRE) Voting Unit is an error in the recording or printing of a permanent paper record not caused by the voter. The malfunction can include, but not be limited to, misreporting votes,

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unreadable paper records, paper jams, low ink, misfeeds, and power failures. A voter whose ballot could not be counted and recorded as a result of a malfunction shall be afforded the opportunity to vote on another DRE unit.

"Cancelled Ballot" for a DRE is a ballot that has not been cast, but has been generated as a permanent paper record and then changed by the voter prior to the casting of the ballot. All cancelled ballots must be identified by the system electronically and on the permanent paper record.

"Casting a Ballot" means the process in which the voter either deposits a paper ballot or ballot sheet into a ballot box or activates a DRE system that records an image of the completed ballot, registers the proper ballot position, and signifies to the voter that the ballot has been cast.

"Central Counting" means a voting system that stores ballots in a secure place at the polling place and then transports them, via election judges, to a single or several locations for the tabulation of the ballots. The tabulation takes place on automatic tabulating equipment that generates printed results of the vote count and may transmit unofficial results to a single location by a telecommunications network.

"Computer Code" consists of, but is not limited to, ballot counting source code, table structures, modules (compiled source code), program narratives, installation instructions, operations instructions, data flows, deployment platforms, compatibility considerations for hardware, software and firmware, and any other documentation relevant to the structure and operation of the ballot counting system.

"Computer Program" or "Program" means the set of operating instructions for the automatic tabulating equipment that prepares and defines ballots, examines, records, counts, tabulates, transmits, canvasses, and prints votes recorded by a voter on a ballot or an electronic medium.

"Direct Recording Electronic Voting System" or "DRE Voting System" means a system that records votes by means of a ballot display, provided with mechanical or electronic components, that can be activated by the voter to mark a choice directly on the display in designated areas in the voting response locations; that processes data by means of a computer program; that records voting data and ballot images with no voter identification connected to the data; that produces a permanent paper record of the voter's selections; and that tabulates the stored

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voting data in a removable memory component at the precinct and/or at one or more counting stations.

"Mark Activation" means to record a voter's selections for contests on the ballot.

"Marking Device" or "Electronic Marking Device" means either a punching apparatus for the piercing of ballots, a pen or similar device with ink or other substance for marking a ballot, or a combination of mechanical, electromechanical, or electronic equipment and software programs required to program, control, and support the equipment in which ballots are inserted. The device is used to indicate a voter's selection in a voting response area on the ballot by either piercing or printing, enabling the ballot to be tabulated by automatic tabulating equipment, which shall not independently record, store or tabulate the selections in an electronic format.

"Marking Summary" means the ballot screen on a DRE that allows the voter to review all his or her selections and actions taken on each office and proposition.

"Paper Ballot Voting Systems" means a system that records votes, counts votes and produces a tabulation of the vote count from votes cast on paper ballot cards or sheets. A ballot card or sheet means a ballot voted by either punching the ballot or by marking directly on the ballot with a marking device in the designated areas in the voting response locations. The punches or marks must be capable of being automatically examined, scanned, counted, and tabulated by an electronic means. The voter's selections may be made with any marking device approved by the State Board of Elections, as long as the device permits voters with disabilities to make all selections using the device and does not independently record, store, or tabulate the voter's selections.

"Permanent Paper Record" means a paper record upon which is printed, in human readable and distinguishable form, by electronic means, the votes cast for each candidate and the votes for or against each public question, as well as all unselected candidates or responses to questions on each ballot recorded in the voting system. Each permanent paper record shall be printed by the voting device upon activation of the marking summary by the voter and shall contain a unique, randomly assigned six to seven digit identifying number that shall correspond to the number randomly assigned by the voting system to each ballot as it is electronically recorded. This document must be printed on paper that preserves its legibility for as long as the information is required to be maintained by the

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election authority. All thermal paper must be properly stored within containers that facilitate the longevity of the printout.

"Precinct Count Voting System" means a voting system that tabulates all cast ballots at the same polling place in which the ballots were cast and prints the results only after the polls have closed. Some voting systems may provide for electronic storage of the vote count and may transmit the results to a central location by a telecommunications network.

"Preliminary Review" shall consist of a full technical and procedural review of the proposed voting system component and of no more than three different and separate preaudited ballot counting tests created by the Board's staff. The purpose of the review and testing is to determine the proposed system's ability to adhere to ballot management procedures required by statute and rule and to tabulate ballots and report results as prescribed by the Election Code [10 ILCS 5].

"Redundant Count" means a recount of the ballots involved in a discovery recount either by using another type of tested automatic tabulator that has been approved by the State Board of Elections and not used in the initial recount or by a manual recount.

"Spoiled Ballot", in connection with a Direct Recording Electronic unit, is a ballot that two judges of election must spoil because the voter left the polling place without casting it. The system must identify the spoiled ballot electronically and on the permanent paper record.

"Summary Review Screen" is a screen that highlights the names of all candidates and offices the voter has selected. All non-selections by the voter shall be displayed in a contrasting color.

"Un-selected" means the process by which a voter, when activating a selection on a DRE or electronic marking device, may disengage a previously selected choice and choose to either make another selection or choose to make no selection at all prior to casting the ballot.

"User" is any individual, public official, public body, trust, partnership, committee, association, corporation or any other organization or group of persons owning, using, or contracting for the purchase or use of any voting system or voting system component involved in the election process.

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"Verified Permanent Paper Record" means the permanent paper record (printed by a DRE) of the votes cast that allows the voter the ability to verify his or her ballot selections on the permanent paper record against his or her selections on the voting unit. When the ballot is cast and upon completion of the verification process, both the electronic record and the permanent paper record shall be securely stored and retained within the unit or 2 components of the unit when the ballot is cast.

"Vendor" is any individual, trust, partnership committee, association, corporation or any other organization or group of persons contracting to supply any voting system or voting system component involved in the election process.

"Voting Defect" means a ballot that cannot be examined or counted by the automatic tabulating equipment or a ballot that has more votes cast than allowed for a specific office or proposition.

"Voting Defect Identification" means the capability of the automatic tabulating equipment to identify a ballot with a voting defect.

"Voting System" or "Electronic Voting System" means ~~that combination of mechanical equipment or a combination of electronic equipment and software and programs used to define ballots; to cast and count votes; to report and display election results; to maintain and produce all audit trail information; to further include all associated documentation used to operate the system, maintain the system, identify the system components and their versions, test the system during its development and maintenance, and maintain records of system errors and defects; and to comply with all provisions of federal election laws and regulations in the casting, examination and tabulation of ballots and the emulation and reporting of results by electronic means.~~

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 14070, effective September 10, 2005, for a maximum of 150 days)

Section 204.30 Jurisdiction Profile (Repealed)

~~The Board shall develop and maintain for each election jurisdiction a jurisdiction profile that will be used to assess a voting system's capability to be utilized and maintained in the proposed election jurisdiction. The profile shall consist of information such as:~~

- a) ~~Demographic characteristics that shall specify at a minimum the population size,~~

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~~densities, and characteristics.~~

- b) ~~Jurisdiction characteristics that shall specify at a minimum the number of registered voters; geographical size; computer facilities; availability of support functions; polling place locations and facilities; number of precincts; registered voters per precinct; average voter turnout; a record of voting system performance for each election; ratio of voters to machines/devices; type of tabulation activity; ballot size; complexity and configurations; number of qualified parties; number of primaries; number of elections per year; turnaround time between elections; and ballot rotation sequence difference.~~

(Source: Repealed by emergency rulemaking at 29 Ill. Reg. 14070, effective September 10, 2005, for a maximum of 150 days)

Section 204.40 Criteria for Approval of Voting Systems**EMERGENCY**

- a) A full review of each voting system shall be conducted to ensure that no voting system ~~is~~**shall be** approved unless it fulfills the following requirements as set forth in ~~Sections~~**Section** 24A-16, **24B-16**, **24C-11** and **24C-16** of the Election Code:
- 1) *It enables a voter to vote in absolute secrecy;*
 - 2) *It enables a voter to vote a ~~ballot ticket~~ selected in part from the nominees of one party, and in part from the nominees of any or all parties, and in part from independent candidates and in part of candidates whose names are written in by the voter;*
 - 3) *It enables a voter to vote a written or printed ~~ballot ticket~~ of his ~~or her~~ own selection for any person for any office for whom he ~~or she~~ may desire to vote;*
 - 4) *It will reject all votes for an office or upon a proposition when the voter has cast more votes for such office or upon such proposition than he ~~or she~~ is entitled to cast;*
 - 5) *It will accommodate all propositions to be submitted to the voters in the form provided by law or, where no form is provided, then in brief form, not to exceed 75 words.*

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- b) Any review of a voting system shall consist of an evaluation of the characteristics and procedures of the system in order to determine what set of characteristics and procedures are needed to enable the system to fulfill the requirements set forth in subsection (a), such as:
- 1) Physical characteristics, including design, engineering, materials and ability to communicate;
 - 2) Software performance, including, to the maximum extent possible, a review of application programs, audit trails of overvotes and undervotes, duplicate programs, object code, source code, support software, data integrity, media security, and multi-programming;
 - 3) Ballot and voting characteristics, such as the capacity of the ballot to contain multiple configurations;
 - 4) Ballot processing characteristics, including the preparation, accurate tabulation of all for both primary and general election ballots, and transportation of ballots;
 - 5) Function and service characteristics, including the interaction and relationship, if any, of non-election related system functions with election related functions;
 - ~~6) Human performance standards, such as extent of training and degree of manual dexterity needed;~~
 - ~~6)7) Management standards, including setup, maintenance and security procedures;~~
 - 7) Accessibility voting characteristics and procedures, including curbside voting for voters with disabilities.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 14070, effective September 10, 2005, for a maximum of 150 days)

Section 204.45 Direct Recording Electronic Voting System
EMERGENCY

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Direct Recording Electronic Voting Systems shall include, but not be limited to, the following operation functions:

- a) There shall be no time limit on any Direct Recording Electronic (DRE) ballot screen and the screen shall be displayed indefinitely until the voter interacts with the screen to achieve change.
- b) Once a voter has activated the ballot cast selection, there shall be no way for the ballot to be retrieved or adjusted unless the ballot was cast provisionally.
- c) Every ballot screen shall have a prompt that allows the voter to move to the next ballot screen or to the previous ballot screen.
- d) Except for the casting of the ballot, all actions executed by a voter on a ballot screen are reversible.
- e) All DRE voting units shall contain upon them instructions and/or directions to enable voters with disabilities to operate them without assistance.
- f) All DRE units shall have clear non-glare glass ballot screens.
- g) A public counter shall be visible to all judges of election for as long as the device is in operation at the polling place.
- h) A protective counter shall be required on tabulating systems. It shall record all testing and election ballots. The counter cannot be changed except by voting and shall be visible at all times when the device is configured for testing, maintenance and election use.
- i) The Direct Recording Electronic Voting System shall provide a means for opening the polling place and readying the equipment for the casting of ballots. These means shall incorporate either a numbered security seal, a password, or a data code recognition capability to prevent inadvertent or unauthorized actuation of the poll opening function.
- j) The Direct Recording Electronic Voting System must produce a preliminary report that details, at minimum, the following information:
 - 1) Election type;

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- 2) Date and time run;
 - 3) Firmware/software version;
 - 4) Whether the election configuration is active or inactive;
 - 5) Unit ID number;
 - 6) Precinct ID number;
 - 7) Protective counter listed by unit number;
 - 8) Public counter set at zero;
 - 9) Diagnostics successfully completed;
 - 10) A zero report listing offices and candidates;
 - 11) The list must include total write-ins and total undervotes;
 - 12) Time the first printout is generated and time of every subsequent printout for an election; and
 - 13) Number of each generated printout.
- k) Each system must allow the printouts to break down the election information in the following ways:
- 1) Results;
 - 2) Summary printout by style along with the cumulative totals;
 - 3) Summary printout by styles/candidates per precinct;
 - 4) In a presidential election, statewide office results broken down by congressional, legislative and representative districts (i.e., President, U.S. Senate);
 - 5) Place on the list for judges to log in what time the polls closed;

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- 6) Time the first printout is generated;
- 7) Number of each generated printout; and
- 8) A summary count of all provisional ballots cast.
- l) All demonstration ballot labels, pages or cards for a direct recording electronic voting system shall not include any candidates or public questions from the current elections.
- m) This list is set forth by the State Board of Elections and can be amended by further rulemaking. This procedure is designed to maintain security and accuracy of the voting system and will be adjusted accordingly with technological advances within the field.
- n) The system shall have the capability to record the date and time of normal and abnormal events and to maintain a permanent record of audit information that cannot be turned off. This information must be detailed in State Board of Elections' System Problem Code. Provisions shall be made to detect and record significant events, as defined by the State Board of Elections' System Problem Code. The system must detail the errors and shall not dispose of them by itself.
- o) The ballot information shall follow the standards put forth by the State Board of Elections' Ballot Preparation and Tabulation Guide. The information, however, may be displayed in vertical or horizontal rows or on a number of separate pages or display screens.
- p) Direct Recording Electronic Voting Systems must provide the voter with the ability to improve visibility by increasing the font while, at the same time, maintaining all of the candidates' names under the office for which the voter is voting.
- q) Direct Recording Electronic Voting Systems must also provide voters with disabilities the ability to change the screen colors to monochrome or in accordance with whichever color format will allow the voter to easily discern the ballot (as defined in Section 204.40).
- r) Write-in Verification

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- 1) All write-in votes cast will be displayed with the candidates for the offices for which they were cast.
 - 2) A summary report listing all the write-in votes shall be available.
 - 3) In a jurisdiction that is using a Direct Recording Electronic Voting System for in-person absentee voting, these absentee votes shall be counted at the central counting center.
- s) If any DRE unit used in an election becomes inoperable during the election, it shall, if possible, be repaired or another unit shall be substituted by the election authority. If all units become inoperable and no substitutes are available, paper ballots shall be used to vote. The paper ballots shall be prepared and distributed to the various precincts in the manner provided for in the Election Code. In such instance, the election authority shall supply paper ballots equal to at least 20% of the number of voters registered to vote in that precinct.
- t) Direct Recording Electronic Voting Systems units must have a device attached or built into the individual voting units that provides a permanent paper record of the voter's selections. The devices may be designed in various configurations, but in all such devices the voter shall have the ability to verify his or her ballot selections on the permanent paper ballot record with the selections made on the voting unit. Upon completion of the verification process, both the electronic record and the permanent paper record shall be stored and retained within the system when the ballot is cast.
- u) General requirements for the verified permanent paper record component:
- 1) All electronic activity must have a corresponding and discernable permanent paper record.
 - 2) A verifiable permanent paper record must be printed and the voter must have the opportunity to verify it prior to the electronic record being cast.
 - 3) The permanent paper record copy shall be considered the official paper audit record and shall be used for the required 1% recount and for any subsequent recount.
 - 4) In the case of a difference between the electronic record and the permanent paper record, the permanent paper record shall govern, unless

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there is clear evidence that the permanent paper record is incomplete or unreadable as defined in the system procedures.

- 5) Privacy: The system shall be designed to allow every voter to review and change his or her selection and to cast his or her permanent paper record privately and independently.
- 6) Secrecy: The system shall be designed to ensure secrecy and to ensure that it is impossible to identify a voter with a permanent paper record copy.
- 7) Readability: The system shall be designed to clearly allow the voter to review and verify his or her permanent paper record in accordance with the rules of the State Board of Elections.
- 8) The system shall be designed to provide voters with disabilities the ability to vote privately and independently and it must be in compliance with federal and State accessibility requirements.
- 9) Language Accessibility: The system shall be designed to allow each voter to verify his or her vote on the permanent paper record in the same language in which he or she voted on the DRE unit.
- 10) Security: The system shall be designed to prevent tampering with either the permanent paper record printer or the permanent paper record copy.
- 11) The DRE system shall be able to maintain the integrity of the system's memory and the audit data during an election and for a period of at least 23 months thereafter, and be able to provide the means to create an audit trail.
- 12) Permanent Paper Record Copy
 - A) Candidates and/or Propositions: The image created by the system shall include every contest that is displayed to the voter on the DRE unit review screen.
 - B) Provisional ballots shall be clearly identified in both the paper and electronic formats.

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- C) The public and protective counter shall record provisional ballots.
 - D) The permanent paper record copy shall be retained by the election authority for the same period of time paper ballots are retained.
 - E) The system shall be capable of producing images in alternative languages.
 - F) The permanent paper record shall be printed in English and the language used by the voter to review and cast his or her vote.
 - G) The permanent paper record display unit shall provide adequate visual space to allow a voter to privately and independently inspect the permanent paper record. The permanent paper record shall be readable from the same position and posture used for voting on the DRE unit. The voter shall have the capability to view both the marking summary screen on the DRE unit and the permanent paper record copy in the display component simultaneously. If the permanent paper record cannot be viewed in its entirety in the display unit at one time, then the voter shall have the opportunity to verify the entire permanent paper record prior to casting the ballot.
 - H) Any non-glare protective covering of the display unit intended to be transparent shall be in such condition that it can be made transparent by ordinary cleaning of exposed surface and shall be free of fog or scratches.
 - I) The audio component shall be designed to relay the exact information printed on the permanent paper record to the voter.
- 13) Permanent Paper Record Storage Unit
- A) The unit shall be designed to prevent tampering and to ensure the secrecy of the vote so that it is not possible to determine which voter cast which permanent paper record.
 - B) The capacity of the paper record storage unit in a DRE unit must be enough to accommodate the voters using the DRE unit.

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- 14) Testing: Pre-election, election, and post-election testing procedures for each DRE unit shall be recorded in the permanent paper record. Testing shall conform to federal and State testing requirements.
- 15) Post-Election: The permanent paper record shall be used in the 1% post-election recount and subsequent recounts. The paper record shall be machine readable.
- v) The computer operators shall be designated by the election authority and shall be sworn in as a deputy of the election authority.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 14070, effective September 10, 2005, for a maximum of 150 days)

Section 204.50 Application for Approval of Voting Systems**EMERGENCY**

- a) In order to obtain Board approval of a voting system, a written and signed application must be made to the Board. The application shall, at a minimum, contain the following:
 - 1) The names of the applicant, primary address, e-mail address, telephone number, any web addresses, any Illinois location addresses and phone numbers, and the names of individuals who and/or corporations that will be responsible for marketing the proposed system in Illinois. If a corporation, limited liability company (LLC) or partnership, then the names, titles, addresses, phone numbers and e-mail addresses of the corporate officers or general members.
 - 2) A complete and detailed description of the voting system or system components to be approved.
 - 3) Whether this is an application for a new system or modification of an existing approved system.
 - 4) A complete and detailed description of the nomenclature and specifications of the voting system and procedures, including, but not limited to, version numbers of all software/hardware, release numbers, operating and maintenance manuals, training or pollworkers' manuals,

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- technical and operational manuals and specifications, and whether the software accommodates cumulative and/or rank voting.
- 5) Documentation of tests conducted on the system to be approved by any independent testing authority, any State certifying or approving authority, and any nationally recognized testing laboratory.
 - 6) Documentation on whether the system to be approved has met the Voting Equipment Standards provided for in the Help America Vote Act of 2002 (42 USC 15301 et seq.).
 - 7) A complete list of states and election jurisdictions currently using the system to be approved, including their names and addresses.
 - 8) A complete list of states and election jurisdictions (including their names and addresses) where the proposed system was used but is no longer in use.
 - 9) A complete list of states and election authorities where an application for approval of the system has been made and the disposition of that application; i.e., approved, disapproved or pending.
 - 10) A description of support services provided for the proposed system.
 - 11) A complete list, including examples, of all the reports the proposed system can generate to report tabulation results, diagnostic testing for measurements of software and hardware, security, log and maintenance, any verified audit trails, verified ballots, and ballot images.
 - 12) A sample of all ballots used by the proposed system.
 - 13) Complete and current operating and maintenance manuals.
 - 14) The Computer Code as defined in Section 204.20.
 - 15) Any additional information requested by the Board.
 - 1) ~~A general description of the proposed system.~~
 - 2) ~~The description, nomenclature, specifications and intended use or uses of~~

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- ~~all voting system components comprising the proposed voting system.~~
- 3) ~~A description of all contemplated and possible uses of the voting system software components.~~
 - 4) ~~A description of support services provided for the proposed voting system.~~
 - 5) ~~Applicant's primary address, telephone number and e-mail address and the names, addresses, e-mail addresses and telephone numbers of individuals and/or corporations who will be responsible for marketing the proposed voting system.~~
 - 6) ~~The time period in which the applicant has actively engaged in marketing the proposed voting system.~~
 - 7) ~~A complete list of election jurisdictions currently using the proposed voting system, including the size of the jurisdiction and the names and addresses of the election authorities.~~
 - 8) ~~A complete list of jurisdictions currently contracting with the applicant for voting system components.~~
 - 9) ~~A complete list of election jurisdictions in Illinois in which the applicant is seeking to market the proposed voting system.~~
 - 10) ~~If known, a complete list of election jurisdictions in Illinois in which the applicant proposes to experimentally use the proposed voting system.~~
- b) ~~The Computer Code as defined in Section 204.20 shall be submitted as part of the completed application for approval.~~
- e) No vendor or user shall offer to sell, lease, loan, give or otherwise supply to any user or potential user any voting system or voting system component, and no user shall place in operation any voting system or voting system component, without first submitting to the Illinois State Board of Elections a completed ~~the~~ application for approval identified in subsection (a). A completed application for approval shall be submitted not less than six months prior to any election in which a voting system or support component is proposed for use.
- cd) Failure to provide the application in accordance with subsection (b) shall result in

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the denial of any application or request for emergency approval of an electronic voting system that might otherwise be appropriate under Section 204.160 of this Part.

- de) The reasonable expenses incurred, except those expenses related to escrow of submitted Computer Code, by the State Board of Elections in conducting the approval process of the voting system shall be borne by the applicant for approval of the voting system or system component. Expenses for which the applicant shall be liable shall be limited to goods and materials necessary for the review process, necessary travel in accord with State travel regulations (80 Ill. Adm. Code 2800), use of contract consultants, and the actual cost of any computer support. Expenses shall be documented and submitted to the applicant at the end of full review prior to interim approval as defined in Section 204.90, and within 10 days after the completion of any testing conducted between interim and final approval as defined in Section 204.100. Payment of the costs shall be made by the applicant within 10 days after receipt. The Board shall not grant interim approval or full approval of a voting system or system component until the applicant has fully satisfied the monetary obligation incurred by the Board during the review process. Reasonable expenses are those customary and usual charges for goods and services of value and quality acceptable in the computer science industry. Board staff shall determine in the first instance what expenses are reasonable, and an applicant who believes that the staff determination is incorrect may ask for review of the determination by the State Board of Elections.
- e) [A review of the application will not begin until all requested material that is to accompany the application and all the Computer Codes with documentation, as defined by Section 204.20 and prescribed by Section 204.55, have been received. The beginning date of the application review shall be the date of receipt of the completed application. The applicant shall receive a written notice of the application date within 7 business days after receipt of the application.](#)
- f) [An affidavit prescribed by the State Board of Elections shall be executed by the applicant acknowledging that the applicant will only sell, lease, loan, give or otherwise supply to any user or place in operation only voting systems, system components or system Computer Code that has been approved for use by the State Board of Elections.](#)
- g) [All materials and equipment submitted to the State Board of Elections pursuant to the approval process will be retained by the Board until:](#)

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- 1) An applicant files written notification with the Board that it is withdrawing its application for approval of a voting system and requests the materials submitted with the application to be returned; or
 - 2) A minimum of 24 months after the last use of a system in the State, and upon notification by the system vendor and all end users that the system will no longer be utilized. At that time, the Board may withdraw approval of the system and return the materials and equipment, unless they were used in subsequent modifications of the system.
- h) The applicant shall provide all necessary support of the materials and equipment during the time the system is used in the State.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 14070, effective September 10, 2005, for a maximum of 150 days)

Section 204.60 ~~Preliminary Determination and~~ Review of the Proposed Voting Systems
EMERGENCY

The review of a voting system application will include a preliminary review and a full review.

- a) Upon the Board's receipt of a completed application requesting approval of a voting system, a ~~review~~preliminary determination shall be made as to whether the proposed voting system has the capability of fulfilling the criteria prescribed in Section 204.40 ~~of this Part~~.
- b) If the ~~review~~preliminary determination indicates that the proposed voting system appears to fulfill the criteria prescribed in Section 204.40 ~~of this Part~~, then the staff of the Board and/or authorized agents will continue to conduct an examination~~a preliminary review~~ of the proposed voting system.
- c) The preliminary review of the proposed voting system will consist of determining the capability of the proposed system to meet all requirements of the Election Code and State Board of Elections rules and regulations, and when applicable, the review will consider, but will not necessarily be limited to: Insofar as practical, the preliminary review of the proposed voting system will consist of the creation of a pre-audited ballot counting test by the Board's staff that will be delivered to the applicant. The applicant shall tabulate the ballots contained within the pre-audited ballot counting test and generate, at a minimum, individual precinct result total reports and cumulative result total reports which, along with the pre-audited

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~~ballot counting test, will be delivered to the Board. The Board's staff shall review the reports submitted by the applicant and submit a preliminary review findings and conclusions report to the Board and the applicant.~~

- 1) creation of a pre-audited ballot counting functional test of not less than 10 precincts;
 - 2) ballot screen design and requirements, formats and specifications, secrecy, overvoting, undervoting and defect identification;
 - 3) ballot card or sheet printing requirements;
 - 4) formats and specifications of security requirements for hardware and software, along with actual security procedures;
 - 5) Computer Code; and
 - 6) Screen images and ballot directions.
- d) If the preliminary review report indicates that the proposed voting system appears to demonstrate the capability to fulfill the criteria prescribed in Section 204.40, the staff of the Board and/or authorized agents shall continue with the full review process to demonstrate satisfactory performance of the proposed voting system as prescribed in Section 204.70. ~~A system fails preliminary review when it fails to fulfill the criteria of Section 204.40 by the conclusion of the third ballot counting test.~~
- e) A system fails preliminary review when it fails to fulfill the criteria of Section 204.40 and/or to conform with the requirements of the Election Code and/or State Board of Elections rules and regulations, or has encountered three anomalies and deficiencies. When anomalies and deficiencies occur, a written notice and description of the anomaly and deficiency shall be given to the applicant with a revised test schedule that allows at least 30 days for the applicant to correct the error. The applicant can request additional time, but any anomaly or deficiency that requires the applicant to resubmit the system or system component to a national testing authority will constitute failure to fulfill the criteria of Section 204.40.
- f) If the preliminary review report indicates that the proposed system fails to demonstrate the capability to fulfill the criteria prescribed in Section 204.40, the

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staff of the Board and/or authorized agents shall cease any further review of the system. Any application for system approval offered by an applicant who has previously failed during the preliminary review or full review process shall not be considered by staff for a period of one year from the date of determination by the Board.

- g) Any applicant may withdraw an application for approval upon written notice at any time during the approval process up to one business day before the Board meets to consider the application. The Board, upon application withdrawal, shall return to the applicant, within 21 business days, any Computer Code and document submitted pursuant to Section 204.55 of this Part.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 14070, effective September 10, 2005, for a maximum of 150 days)

Section 204.70 Full Review Procedures**EMERGENCY**

- a) The Board, utilizing staff ~~shall~~ and/or utilizing agents, may, after giving written notice, make an on-site inspection to review manufacturing, production and product testing of hardware and software equipment and to interview personnel involved in the development and manufacturing of any of the approved or the proposed voting system.
- b) Board staff shall prepare and perform a test of the proposed voting system to determine whether the system fulfills the criteria and requirements of Section 204.40. The test shall be conducted under conditions that, to the maximum extent possible, simulate election-day conditions.
- c) Board staff shall prepare a profile showing:
- 1) The past performance experience and reliability of the proposed voting system as demonstrated in other election jurisdictions;
 - 2) The reputation of the vendor's reliability in performing service and maintenance agreements.
- d) Board staff shall prepare and submit a report to the Board stating the findings and conclusions of their review of the proposed voting system. A copy of the report shall be transmitted to the applicant.

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(Source: Amended by emergency rulemaking at 29 Ill. Reg. 14070, effective September 10, 2005, for a maximum of 150 days)

Section 204.95 Acceptance Testing**EMERGENCY**

- a) Whenever any election jurisdiction acquires a new or used voting system or system component or system Computer Code, or modifies an existing voting system previously approved by the Board, the election jurisdiction shall perform an acceptance test on the voting system, system component and system Computer Code before the voting system, system component or system Computer Code is used to cast or count votes at an election.
- b) The election supply vendors must provide all current manuals and training necessary for proper operation of the voting system, system component or system Computer Code.
- c) The election jurisdiction shall perform a series of tests of the system's function and the system's programming. This test shall include, but is not limited to, a pre-audited ballot test (comprised of ballot generation, precinct security codes, ballot types, split precincts, multiple candidates, cumulative reports, precinct reports, canvass reports, press reports, log reports, etc., in all report formats) and any other tests the election authority finds necessary. Upon request, assistance from the State Board of Election may be provided.
- d) A report of the acceptance test shall be submitted to the Board upon successful completion of an errorless test. The report shall be in a form prescribed by the Board, shall be executed by the election supply vendors, and shall include, but not be limited to, system components tested and serial numbers, Computer Codes tested and version numbers, number of pre-audited ballots used in the test, a list of any faulty components or system code that needed correction or replacement, and, if the acceptance test was successful, the dates on which the successful test was conducted.
- e) If the test uncovers any improper or faulty voting system components or system Computer Code, the vendors must make corrections to the components or Computer Code within 30 days, or as otherwise provided by contract.

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- f) The State Board of Elections shall receive the report of the acceptance testing to ensure the voting system, system component or system Computer Code has been approved. If the review concludes that the voting system, system component or system Computer Code involved in the acceptance testing is unapproved, then the voting system, system component or system Computer Code cannot be used to cast or count votes at an election, and the vendor or user will have to apply for approval of the voting system, system component or system Computer Code.

(Source: Added by emergency rulemaking at 29 Ill. Reg. 14070, effective September 10, 2005, for a maximum of 150 days)

Section 204.160 Emergency Approval of a Voting System (Repealed)
EMERGENCY

- a) ~~The Board shall have the authority, upon written request, to grant emergency approval of a voting system limited to one election. The emergency approval shall specify, at a minimum, the following:~~
- 1) ~~The reason for the emergency approval;~~
 - 2) ~~The description of the voting system prepared for use in the emergency; and~~
 - 3) ~~The specific election jurisdiction and specific election in that the voting system will be employed.~~
- b) ~~The Board shall approve the application for emergency approval if the following conditions are met:~~
- 1) ~~Error free completion of a staff prepared ballot tabulation test that demonstrates the system fulfills the provisions of Section 204.40(a);~~
 - 2) ~~Demonstration that an approved system is not available for use in the election in question; and~~
 - 3) ~~Demonstration that the requirements specified in Section 204.100(c)(1), (2), and (3) have, to the maximum extent possible, been complied with in connection with this emergency approval.~~

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(Source: Repealed by emergency rulemaking at 29 Ill. Reg. 14070, effective September 10, 2005, for a maximum of 150 days)

Section 204.180 Number of Voting Booths**EMERGENCY**

The number of voting booths ~~or stations required~~ shall ~~be determined by the Board. The Board will determine the required number when it approves a voting system or system component remain under the jurisdiction of the local election authority.~~

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 14070, effective September 10, 2005, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Peremptory Action:</u>
310.300	Amendment
310.Appendix A Table T	Amendment
310.Appendix A Table U	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Agreement between the Departments of Central Management Services and Human Services and the Illinois Federation of Teachers (IFT) was signed August 3, 2005, and is effective August 16, 2004 through August 16, 2008. The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310.300, and 310.Appendix A Tables T and U to reflect the contract provisions pertaining to FY2006. The Department will submit proposed amendments prior to the beginning of each subsequent fiscal year in the agreement to reflect the parts of the agreement that affect the particular fiscal year.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: September 2, 2005
- 7) A Complete Description of the Subjects and Issues Involved: The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.300 Educator Schedule for RC-063 and HR-010 to reflect that the salary schedules are no longer effective for the entire institutional school year but based on the effective date of the salary schedule. Language is added specifying that the salary schedule to determine an employee's pay rate should be selected based on the salary schedule's effective date, while the language that the salary schedule should be selected by the institutional school year is removed. Section 310.300 is also amended to reflect, with this contract, which subsections of Section 310.100 do not apply to the Educator title.

The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310) 310.Appendix A Table T HR-010 (Teachers of Deaf, IFT) to reflect the parts of this contract agreement that affect FY2006. Effective August 16, 2005, the pay rates for all bargaining unit lanes and steps increases by 4.00%. Effective January 1, 2006, the pay rates for all bargaining unit lanes and steps increased by 3.00%. The pay schedules

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effective August 16, 2005 and January 1, 2006 is added, and older pay schedules are removed.

The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310) 310.Appendix A Tables U HR-010 (Teachers of Deaf, Extracurricular Paid Activities) to reflect the parts of this contract agreement that affect FY2006. Beginning in the 2005 school year, compensation for each of the listed extracurricular activities is increased by 1% effective the first day of school. Section 310.Appendix A Table U is amended to reflect the extracurricular activities pay schedule effective August 16, 2005. The older extracurricular activities pay schedule is removed.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: September 2, 2005
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other proposed amendments pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A, Table D	Amendment	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table E	Amendment	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table F	Amendment	28 Ill. Reg. 13949, 10/29/04
310.280	Amendment	29 Ill. Reg. 8253, 6/10/05
310.410	Amendment	29 Ill. Reg. 8253, 6/10/05
310.50	Amendment	29 Ill. Reg. 12683, 8/19/05
310.80	Amendment	29 Ill. Reg. 12683, 8/19/05
310.100	Amendment	29 Ill. Reg. 12683, 8/19/05
310.210	Amendment	29 Ill. Reg. 12683, 8/19/05
310.220	Amendment	29 Ill. Reg. 12683, 8/19/05
310.230	Amendment	29 Ill. Reg. 12683, 8/19/05
310.270	Amendment	29 Ill. Reg. 12683, 8/19/05
310.280	Amendment	29 Ill. Reg. 12683, 8/19/05
310.290	Amendment	29 Ill. Reg. 12683, 8/19/05
310.410	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table G	Amendment	29 Ill. Reg. 12683, 8/19/05

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A Table H	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table I	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table J	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table K	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table N	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table O	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table P	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table R	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table V	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table W	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table X	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table Y	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix A Table Z	Amendment	29 Ill. Reg. 12683, 8/19/05
310.Appendix B	Amendment	29 Ill. Reg. 12683, 8/19/05

- 13) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding these preemptory amendments shall be directed to:

Mr. Jason Doggett
 Acting Manager
 Compensation Section
 Division of Technical Services and Agency Training and Development
 Bureau of Personnel
 Department of Central Management Services
 504 William G. Stratton Building
 Springfield IL 62706

(217) 782-7964
 Fax: (217) 524-4570

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2006
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate

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- 310.300 Educator Schedule for RC-063 and HR-010
 310.310 Physician Specialist Rate
 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
 310.420 Objectives
 310.430 Responsibilities
 310.440 Merit Compensation Salary Schedule
 310.450 Procedures for Determining Annual Merit Increases
 310.455 Intermittent Merit Increase
 310.456 Merit Zone (Repealed)
 310.460 Other Pay Increases
 310.470 Adjustment
 310.480 Decreases in Pay
 310.490 Other Pay Provisions
 310.495 Broad-Band Pay Range Classes
 310.500 Definitions
 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
 310.530 Implementation
 310.540 Annual Merit Increase Guidechart for Fiscal Year 2006
 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
 310.TABLE D HR-001 (Teamsters Local #726)
 310.TABLE E RC-020 (Teamsters Local #330)
 310.TABLE F RC-019 (Teamsters Local #25)
 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
 310.TABLE H RC-006 (Corrections Employees, AFSCME)

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310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2006
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2006
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2006
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2006

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984;

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emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27,

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1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

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August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

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December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 14, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective

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August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005.

SUBPART B: SCHEDULE OF RATES

Section 310.300 Educator Schedule for RC-063 and HR-010

The rates of pay for employees ~~in occupying or appointed to~~ an Educator position shall be as determined in ~~the following paragraphs of~~ this Section and as shown in Appendix A, Tables Table-T and Table-Y, of this Part.

- a) ~~Selection of the appropriate salary schedule shall be based on the institutional school year.~~
- ab) Selection of the appropriate salary lane will be based on ~~application of subsection (a) above, and~~ the level of academic status attained by the incumbent that relates to the educational programs of the employing agency. All hours beyond bachelor's level must be approved by the employing agency as being applicable to ~~its their~~ programs.
- be) All provisions of Subpart A of this Part shall apply to incumbents of the Educator positions, with the following exceptions:~~exception of~~
 - 1) For HR-010 only: Section 310.100(b) and (l) shall not apply.
 - 2) For both RC-063 and HR-010: Section 310.100(c)(3) and (4), (d) and (f) shall not apply, shall apply to incumbents of the Educator positions.
- cd) Upon furnishing evidence of the satisfactory completion of required course work, the employee shall be advanced in pay to the same numbered step in the appropriate salary lane. ~~Increases Such increases~~ in the rate of pay shall be effective on the first day of the pay period following approval.

(Source: Peremptory Amendment at 29 Ill. Reg. 14098, effective September 2, 2005)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE T HR-010 (Teachers of Deaf, IFT)**Effective August 16, 2005

<u>Lane</u>	<u>Educational Level</u>	<u>STEP</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>1</u>	<u>BA</u>	<u>2505</u>	<u>2643</u>	<u>2786</u>	<u>2926</u>	<u>3076</u>	<u>3219</u>	<u>3531</u>	<u>3637</u>
<u>2</u>	<u>BA + 8 Hours</u>	<u>2584</u>	<u>2723</u>	<u>2873</u>	<u>3022</u>	<u>3178</u>	<u>3328</u>	<u>3647</u>	<u>3756</u>
<u>3</u>	<u>BA + 16 Hours</u>	<u>2651</u>	<u>2807</u>	<u>2964</u>	<u>3119</u>	<u>3269</u>	<u>3433</u>	<u>3765</u>	<u>3878</u>
<u>4</u>	<u>BA + 24 Hours</u>	<u>2725</u>	<u>2890</u>	<u>3052</u>	<u>3214</u>	<u>3380</u>	<u>3541</u>	<u>3886</u>	<u>4002</u>
<u>5</u>	<u>MA</u>	<u>2809</u>	<u>2972</u>	<u>3139</u>	<u>3310</u>	<u>3481</u>	<u>3645</u>	<u>4001</u>	<u>4121</u>
<u>6</u>	<u>MA + 16 Hours</u>	<u>2875</u>	<u>3041</u>	<u>3209</u>	<u>3379</u>	<u>3552</u>	<u>3717</u>	<u>4078</u>	<u>4201</u>
<u>7</u>	<u>MA + 32 Hours</u>	<u>2963</u>	<u>3128</u>	<u>3298</u>	<u>3470</u>	<u>3644</u>	<u>3811</u>	<u>4178</u>	<u>4303</u>

NOTE: Effective the first day of the 1997 school year, the salary schedule will be adjusted by either \$100 per month or 5% of the monthly salary, whichever is greater, for positions whose job descriptions require the use of sign language, or which require the employee to be bilingual.

Bilingual pay will be paid on a percentage scale based on the sign communication proficiency interview (SCPI) test. An employee would be paid the following percentage of the bilingual pay supplement based on the skill level on the SCPI test:

<u>20%</u>	<u>Survival</u>
<u>40%</u>	<u>Survival Plus</u>
<u>60%</u>	<u>Intermediate</u>
<u>80%</u>	<u>Intermediate Plus</u>
<u>100%</u>	<u>Advanced</u>

Effective January 1, 2006

<u>Lane</u>	<u>Educational Level</u>	<u>STEP</u>							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
<u>1</u>	<u>BA</u>	<u>2580</u>	<u>2722</u>	<u>2870</u>	<u>3014</u>	<u>3168</u>	<u>3316</u>	<u>3637</u>	<u>3746</u>
<u>2</u>	<u>BA + 8 Hours</u>	<u>2662</u>	<u>2805</u>	<u>2959</u>	<u>3113</u>	<u>3273</u>	<u>3428</u>	<u>3756</u>	<u>3869</u>
<u>3</u>	<u>BA + 16 Hours</u>	<u>2731</u>	<u>2891</u>	<u>3053</u>	<u>3213</u>	<u>3367</u>	<u>3536</u>	<u>3878</u>	<u>3994</u>
<u>4</u>	<u>BA + 24 Hours</u>	<u>2807</u>	<u>2977</u>	<u>3144</u>	<u>3310</u>	<u>3481</u>	<u>3647</u>	<u>4003</u>	<u>4122</u>
<u>5</u>	<u>MA</u>	<u>2893</u>	<u>3061</u>	<u>3233</u>	<u>3409</u>	<u>3585</u>	<u>3754</u>	<u>4121</u>	<u>4245</u>

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<u>6</u>	<u>MA + 16 Hours</u>	<u>2961</u>	<u>3132</u>	<u>3305</u>	<u>3480</u>	<u>3659</u>	<u>3829</u>	<u>4200</u>	<u>4327</u>
<u>7</u>	<u>MA + 32 Hours</u>	<u>3052</u>	<u>3222</u>	<u>3397</u>	<u>3574</u>	<u>3753</u>	<u>3925</u>	<u>4303</u>	<u>4432</u>

NOTE: Effective the first day of the 1997 school year, the salary schedule will be adjusted by either \$100 per month or 5% of the monthly salary, whichever is greater, for positions whose job descriptions require the use of sign language, or which require the employee to be bilingual.

Bilingual pay will be paid on a percentage scale based on the SCPI test. An employee would be paid the following percentage of the bilingual pay supplement based on the skill level on the SCPI test:

<u>20%</u>	<u>Survival</u>
<u>40%</u>	<u>Survival Plus</u>
<u>60%</u>	<u>Intermediate</u>
<u>80%</u>	<u>Intermediate Plus</u>
<u>100%</u>	<u>Advanced</u>

ACADEMIC YEAR SCHEDULE
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LANE	EDUCATIONAL LEVEL	STEP-1	STEP-2	STEP-3	STEP-4	STEP-5	STEP-6	STEP-7
1	BA							
	No Bilingual Pay	25811.00	27228.00	28693.00	30154.00	31697.00	33168.00	36383.00
	Survival	26069.20	27500.20	28980.00	30455.60	32014.00	33499.60	36746.80
	Survival Plus	26327.40	27772.40	29267.00	30757.20	32331.00	33831.20	37110.60
	Intermediate	26585.60	28044.60	29554.00	31058.80	32648.00	34162.80	37474.40
	Intermediate Plus	26843.80	28316.80	29841.00	31360.40	32965.00	34494.40	37838.20
	Advanced	27102.00	28589.00	30128.00	31662.00	33282.00	34826.00	38202.00
2	BA + 8 Hours							
	No Bilingual Pay	26612.00	28064.00	29605.00	31142.00	32743.00	34294.00	37569.00
	Survival	26878.20	28344.60	29901.00	31453.40	33070.40	34637.00	37944.60
	Survival Plus	27144.40	28625.20	30197.00	31764.80	33397.80	34980.00	38320.20
	Intermediate	27410.60	28905.80	30493.00	32076.20	33725.20	35323.00	38695.80
	Intermediate Plus	27676.80	29186.40	30789.00	32387.60	34052.60	35666.00	39071.40
	Advanced	27943.00	29467.00	31085.00	32699.00	34380.00	36009.00	39447.00
3	BA + 16 Hours							
	No Bilingual Pay	27318.00	28925.00	30545.00	32139.00	33678.00	35373.00	38788.00

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	Survival	27591.20	29214.20	30850.40	32460.40	34014.80	35726.80	39175.80
	Survival Plus	27864.40	29503.40	31155.80	32781.80	34351.60	36080.60	39563.60
	Intermediate	28137.60	29792.60	31461.20	33103.20	34688.40	36434.40	39951.40
	Intermediate Plus	28410.80	30081.80	31766.60	33424.60	35025.20	36788.20	40339.20
	Advanced	28684.00	30371.00	32072.00	33746.00	35362.00	37142.00	40727.00
4	BA — + — 24 Hours							
	No Bilingual Pay	28084.00	29766.00	31445.00	33116.00	34825.00	36489.00	40038.00
	Survival	28364.80	30063.60	31759.40	33447.20	35173.20	36853.80	40438.40
	Survival Plus	28645.60	30361.20	32073.80	33778.40	35521.40	37218.60	40838.80
	Intermediate	28926.40	30658.80	32388.20	34109.60	35869.60	37583.40	41239.20
	Intermediate Plus	29207.20	30956.40	32702.60	34440.80	36217.80	37948.20	41639.60
	Advanced	29488.00	31254.00	33017.00	34772.00	36566.00	38313.00	42040.40
5	MA							
	No Bilingual Pay	28937.00	30628.00	32342.00	34094.00	35865.00	37559.00	41222.00
	Survival	29226.40	30934.20	32665.40	34435.00	36223.60	37934.60	41634.20
	Survival Plus	29515.80	31240.40	32988.80	34776.00	36582.20	38310.20	42046.40
	Intermediate	29805.20	31546.60	33312.20	35117.00	36940.80	38685.80	42458.60
	Intermediate Plus	30094.60	31852.80	33635.60	35458.00	37299.40	39061.40	42870.80
	Advanced	30384.00	32159.00	33959.00	35799.00	37658.00	39437.00	43283.00
6	MA — + — 16 Hours							
	No Bilingual Pay	29625.00	31330.00	33056.00	34817.00	36599.00	38301.00	42021.00
	Survival	29921.20	31643.40	33386.60	35165.20	36965.00	38684.00	42441.20
	Survival Plus	30217.40	31956.80	33717.20	35513.40	37331.00	39067.00	42861.40
	Intermediate	30513.60	32270.20	34047.80	35861.60	37697.00	39450.00	43281.60
	Intermediate Plus	30809.80	32583.60	34378.40	36209.80	38063.00	39833.00	43701.80
	Advanced	31106.00	32897.00	34709.00	36558.00	38429.00	40216.00	44122.00
7	MA — + — 32 Hours							
	No Bilingual Pay	30524.00	32234.00	33976.00	35753.00	37549.00	39262.00	43044.00
	Survival	30829.20	32556.40	34315.80	36110.60	37924.40	39654.60	43474.40
	Survival Plus	31134.40	32878.80	34655.60	36468.20	38299.80	40047.20	43904.80
	Intermediate	31439.60	33201.20	34995.40	36825.80	38675.20	40439.80	44335.20
	Intermediate Plus	31744.80	33523.60	35335.20	37183.40	39050.60	40832.40	44765.60
	Advanced	32050.00	33846.00	35675.00	37541.00	39426.00	41225.00	45196.00

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EFFECTIVE AUGUST 16, 2001

LANE	EDUCATIONAL LEVEL	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
1	BA							
	No Bilingual Pay	26779.00	28249.00	29769.00	31285.00	32886.00	34412.00	37747.00
	Survival	27046.80	28531.40	30066.60	31597.80	33214.80	34756.20	38124.40
	Survival Plus	27314.60	28813.80	30364.20	31910.60	33543.60	35100.40	38501.80
	Intermediate	27582.40	29096.20	30661.80	32223.40	33872.40	35444.60	38879.20
	Intermediate Plus	27850.20	29378.60	30959.40	32536.20	34201.20	35788.80	39256.60
	Advanced	28118.00	29661.00	31257.00	32849.00	34530.00	36133.00	39634.00
2	BA + 8 Hours							
	No Bilingual Pay	27610.00	29116.00	30715.00	32310.00	33971.00	35580.00	38978.00
	Survival	27886.20	29407.20	31022.20	32633.20	34310.80	35935.80	39367.80
	Survival Plus	28162.40	29698.40	31329.40	32956.40	34650.60	36291.60	39757.60
	Intermediate	28438.60	29980.60	31636.60	33279.60	34990.40	36647.40	40147.40
	Intermediate Plus	28714.80	30280.80	31943.80	33602.80	35330.20	37003.20	40537.20
	Advanced	28991.00	30572.00	32251.00	33926.00	35670.00	37359.00	40927.00
3	BA + 16 Hours							
	No Bilingual Pay	28342.00	30010.00	31690.00	33344.00	34941.00	36699.00	40243.00
	Survival	28625.40	30310.20	32007.00	33677.40	35290.40	37066.00	40645.40
	Survival Plus	28908.80	30610.40	32324.00	34010.80	35639.80	37433.00	41047.80
	Intermediate	29192.20	30910.60	32641.00	34344.20	35989.20	37800.00	41450.20
	Intermediate Plus	29475.60	31210.80	32958.00	34677.60	36338.60	38167.00	41852.60
	Advanced	29759.00	31511.00	33275.00	35011.00	36688.00	38534.00	42255.00
4	BA + 24 Hours							
	No Bilingual Pay	29137.00	30882.00	32624.00	34358.00	36131.00	378573.0	41539.00
	Survival	29428.40	31190.80	32950.20	34701.60	36492.40	38235.60	41954.40
	Survival Plus	29719.80	31499.60	33276.40	35045.20	36853.80	38614.20	42369.80
	Intermediate	30011.20	31808.40	33602.60	35388.80	37215.20	38992.80	42785.20
	Intermediate Plus	30302.60	32117.20	33928.80	35732.40	37576.60	39371.40	43200.60
	Advanced	30594.00	32426.00	34255.00	36076.00	37938.00	39750.00	43616.00

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	No—Bilingual Pay	27610.00	29116.00	30715.00	32310.00	33971.00	35580.00	38978.00	39386.00
	Survival	27886.20	29407.20	31022.20	32633.20	34310.80	35935.80	39367.80	39761.60
	Survival Plus	28162.40	29698.40	31329.40	32956.40	34650.60	36291.60	39757.60	40155.20
	Intermediate	28438.60	29989.60	31636.60	33279.60	34990.40	36647.40	40147.40	40548.80
	Intermediate Plus	28714.80	30280.80	31943.80	33602.80	35330.20	37003.20	40537.20	40942.40
	Advanced	28991.00	30572.00	32251.00	33926.00	35670.00	37359.00	40927.00	41336.00
3	BA—+—16 Hours								
	No—Bilingual Pay	28342.00	30010.00	31690.00	33344.00	34941.00	36699.00	40243.00	40645.00
	Survival	28625.40	30310.20	32007.00	33677.40	35290.40	37066.00	40645.40	41051.40
	Survival Plus	28908.80	30610.40	32324.00	34010.80	35639.80	37433.00	41047.80	41457.80
	Intermediate	29192.20	30910.60	32641.00	34344.20	35989.20	37800.00	41450.20	41864.20
	Intermediate Plus	29475.60	31210.80	32958.00	34677.60	36338.60	38167.00	41852.60	42270.60
	Advanced	29759.00	31511.00	33275.00	35011.00	36688.00	38534.00	42255.00	42677.00
4	BA—+—24 Hours								
	No—Bilingual Pay	29137.00	30882.00	32624.00	34358.00	36131.00	37857.00	41539.00	41954.00
	Survival	29428.40	31190.80	32950.20	34701.60	36492.40	38235.60	41954.40	42373.60
	Survival Plus	29719.80	31499.60	33276.40	35045.20	36853.80	38614.20	42369.80	42793.20
	Intermediate	30011.20	31808.40	33602.60	35388.80	37215.20	38992.80	42785.20	43212.80
	Intermediate Plus	30302.60	32117.20	33928.80	35732.40	37576.60	39371.40	43200.60	43632.40
	Advanced	30594.00	32426.00	34255.00	36076.00	37938.00	39750.00	43616.00	44052.00
5	MA								
	No—Bilingual Pay	30022.00	31777.00	33555.00	35373.00	37210.00	38967.00	42768.00	43196.00
	Survival	30322.20	32094.80	33890.60	35726.80	37582.20	39356.60	43195.60	43628.00
	Survival Plus	30622.40	32412.60	34226.20	36080.60	37954.40	39746.20	43623.20	44060.00
	Intermediate	30922.60	32730.40	34561.80	36434.40	38326.60	40135.80	44050.80	44492.00
	Intermediate Plus	31222.80	33048.20	34897.40	36788.20	38698.80	40525.40	44478.40	44924.00
	Advanced	31523.00	33366.00	35233.00	37142.00	39071.00	40915.00	44906.00	45356.00
6	MA—+—16 Hours								
	No—Bilingual Pay	30736.00	32505.00	34296.00	36123.00	37971.00	39737.00	43597.00	44033.00
	Survival	31043.40	32830.00	34639.00	36484.20	38350.80	40134.40	44033.00	44473.40
	Survival Plus	31350.80	33155.00	34982.00	36845.40	38730.60	40531.80	44469.00	44913.80
	Intermediate	31658.20	33480.00	35325.00	37206.60	39110.40	40929.20	44905.00	45354.20
	Intermediate Plus	31965.60	33805.00	35668.00	37567.80	39490.20	41326.60	45341.00	45794.60

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	Plus Advanced	32273.00	34130.00	36011.00	37929.00	39870.00	41724.00	45777.00	46235.00
7	MA + 32 Hours								
	No Bilingual Pay	31669.00	33443.00	35250.00	37094.00	38957.00	40734.00	44658.00	45105.00
	Survival	31985.60	33777.40	35602.60	37465.00	39346.60	41141.40	45104.60	45556.00
	Survival Plus	32302.20	34111.80	35955.20	37836.00	39736.20	41548.80	45551.20	46007.00
	Intermediate	32618.80	34446.20	36307.80	38207.00	40125.80	41956.20	45997.80	46458.00
	Intermediate Plus	32935.40	34780.60	36660.40	38578.00	40515.40	42363.60	46444.40	46909.00
	Advanced	33252.00	35115.00	37013.00	38949.00	40905.00	42771.00	46891.00	47360.00

ACADEMIC YEAR SCHEDULE
EFFECTIVE AUGUST 16, 2002

EDUCATIONAL		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
1	BA								
	No Bilingual Pay	27783.00	29308.00	30885.00	32458.00	34119.00	35702.00	39163.00	39555.00
	Survival	28060.80	29601.00	31193.80	32782.60	34460.20	36059.00	39554.60	39950.60
	Survival Plus	28338.60	29894.00	31502.60	33107.20	34801.40	36416.00	39946.20	40346.20
	Intermediate	28616.40	30187.00	31811.40	33431.80	35142.60	36773.00	40337.80	40741.80
	Intermediate Plus	28894.20	30480.00	32120.20	33756.40	35483.80	37130.00	40729.40	41137.40
	Advanced	29172.00	30773.00	32429.00	34081.00	35825.00	37487.00	41121.00	41533.00
2	BA + 8 Hours								
	No Bilingual Pay	28645.00	30208.00	31867.00	33522.00	35245.00	36914.00	40440.00	40844.00
	Survival	28931.40	30510.00	32185.60	33857.20	35597.40	37283.20	40844.40	41252.40
	Survival Plus	29217.80	30812.00	32504.20	34192.40	35949.80	37652.40	41248.80	41660.80
	Intermediate	29504.20	31114.00	32822.80	34527.60	36302.20	38021.60	41653.20	42069.20
	Intermediate Plus	29790.60	31416.00	33141.40	34862.80	36654.60	38390.80	42057.60	42477.60
	Advanced	30077.00	31718.00	33460.00	35198.00	37007.00	38760.00	42462.00	42886.00
3	MA + 16 Hours								
	No Bilingual Pay	29405.00	31135.00	32878.00	34594.00	36251.00	38075.00	41752.00	42170.00
	Survival	29699.00	31446.40	33206.80	34940.00	36613.60	38455.80	42169.60	42591.80
	Survival Plus	29993.00	31757.80	33535.60	35286.00	36976.20	38836.60	42587.20	43013.60
	Intermediate	30287.00	32069.20	33864.40	35632.00	37338.80	39217.40	43004.80	43435.40
	Intermediate Plus	30581.00	32380.60	34193.20	35978.00	37701.40	39598.20	43422.40	43857.20

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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	Advanced	30875.00	32692.00	34522.00	36324.00	38064.00	39979.00	43840.00	44279.00
4	BA + 24 Hours								
	No Bilingual Pay	30230.00	32040.00	33847.00	35646.00	37486.00	39277.00	43097.00	43528.00
	Survival	30532.40	32360.40	34185.40	36002.40	37860.80	39669.80	43528.00	43963.20
	Survival Plus	30834.80	32680.80	34523.80	36358.80	38235.60	40062.60	43959.00	44398.40
	Intermediate	31137.20	33001.20	34862.20	36715.20	38610.40	40455.40	44390.00	44833.60
	Intermediate Plus	31439.60	33321.60	35200.60	37071.60	38985.20	40848.20	44821.00	45268.80
	Advanced	31742.00	33642.00	35539.00	37428.00	39360.00	41241.00	45252.00	45704.00
5	MA								
	No Bilingual Pay	31148.00	32969.00	34813.00	36699.00	38605.00	40428.00	44372.00	44816.00
	Survival	31459.40	33298.60	35161.20	37066.00	38991.00	40832.20	44815.80	45264.20
	Survival Plus	31770.80	33628.20	35509.40	37433.00	39377.00	41236.40	45259.60	45712.40
	Intermediate	32082.20	33957.80	35857.60	37800.00	39763.00	41640.60	45703.40	46160.60
	Intermediate Plus	32393.60	34287.40	36205.80	38167.00	40149.00	42044.80	46147.20	46608.80
	Advanced	32705.00	34617.00	36554.00	38534.00	40535.00	42449.00	46591.00	47057.00
6	MA + 16 Hours								
	No Bilingual Pay	31889.00	33724.00	35582.00	37478.00	39395.00	41227.00	45232.00	45684.00
	Survival	32207.80	34061.20	35937.80	37852.80	39789.00	41639.20	45684.40	46140.80
	Survival Plus	32526.60	34398.40	36293.60	38227.60	40183.00	42051.40	46136.80	46597.60
	Intermediate	32845.80	34735.60	36649.40	38602.40	40577.00	42463.60	46589.20	47054.40
	Intermediate Plus	33164.20	35072.80	37005.20	38977.20	40971.00	42875.80	47041.60	47511.20
	Advanced	33483.00	35410.00	37361.00	39352.00	41365.00	43288.00	47494.00	47968.00
7	MA + 32 Hours								
	No Bilingual Pay	32857.00	34697.00	36572.00	38485.00	40418.00	42262.00	46333.00	46796.00
	Survival	33185.60	35044.00	36937.80	38869.80	40822.20	42684.60	46796.40	47264.00
	Survival Plus	33514.20	35391.00	37303.60	39254.60	41226.40	43107.20	47259.80	47732.00
	Intermediate	33842.80	35738.00	37669.40	39639.40	41630.60	43529.80	47723.20	48200.00
	Intermediate Plus	34171.40	36085.00	38035.20	40024.20	42034.80	43952.40	48186.60	48668.00
	Advanced	34500.00	36432.00	38401.00	40409.00	42439.00	44375.00	48650.00	49136.00

ACADEMIC YEAR SCHEDULE
EFFECTIVE JANUARY 1, 2003

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

EDUCATIONAL		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
1	BA								
	No Bilingual Pay	27783.00	29308.00	30885.00	32458.00	34119.00	35702.00	39163.00	39946.00
	Survival	28060.80	29601.00	31193.80	32782.60	34460.20	36059.00	39554.60	40345.40
	Survival Plus	28338.60	29894.00	31502.60	33107.20	34801.40	36416.00	39946.20	40744.80
	Intermediate	28616.40	30187.00	31811.40	33431.80	35142.60	36773.00	40337.80	41144.20
	Intermediate Plus	28894.20	30480.00	32120.20	33756.40	35483.80	37130.00	40729.40	41543.60
	Advanced	29172.00	30773.00	32429.00	34081.00	35825.00	37487.00	41121.00	41943.00
2	BA + 8 Hours								
	No Bilingual Pay	28645.00	30208.00	31867.00	33522.00	35245.00	36914.00	40440.00	41249.00
	Survival	28931.40	30510.00	32185.60	33857.20	35597.40	37283.20	40844.40	41661.40
	Survival Plus	29217.80	30812.00	32504.20	34192.40	35949.80	37652.40	41248.80	42073.80
	Intermediate	29504.20	31114.00	32822.80	34527.60	36302.20	38021.60	41653.20	42486.20
	Intermediate Plus	29790.60	31416.00	33141.40	34862.80	36654.60	38390.80	42057.60	42898.60
	Advanced	30077.00	31718.00	33460.00	35198.00	37007.00	38760.00	42462.00	43311.00
3	BA + 16 Hours								
	No Bilingual Pay	29405.00	31135.00	32878.00	34594.00	36251.00	38075.00	41752.00	42587.00
	Survival	29699.00	31446.40	33206.80	34940.00	36613.60	38455.80	42169.60	43012.80
	Survival Plus	29993.00	31757.80	33535.60	35286.00	36976.20	38836.60	42587.20	43438.60
	Intermediate	30287.00	32069.20	33864.40	35632.00	37338.80	39217.40	43004.80	43864.40
	Intermediate Plus	30581.00	32380.60	34193.20	35978.00	37701.40	39598.20	43422.40	44290.20
	Advanced	30875.00	32692.00	34522.00	36324.00	38064.00	39979.00	43840.00	44716.00
4	BA + 24 Hours								
	No Bilingual Pay	30230.00	32040.00	33847.00	35646.00	37486.00	39277.00	43097.00	43959.00
	Survival	30532.40	32360.40	34185.40	36002.40	37860.80	39669.80	43528.00	44398.60
	Survival Plus	30834.80	32680.80	34523.80	36358.80	38235.60	40062.60	43959.00	44838.20
	Intermediate	31137.20	33001.20	34862.20	36715.20	38610.40	40455.40	44390.00	45277.80
	Intermediate Plus	31439.60	33321.60	35200.60	37071.60	38985.20	40848.20	44821.00	45717.40
	Advanced	31742.00	33642.00	35539.00	37428.00	39360.00	41241.00	45252.00	46157.00
5	MA								
	No Bilingual Pay	31148.00	32969.00	34813.00	36699.00	38605.00	40428.00	44372.00	45259.00
	Survival	31459.40	33298.60	35161.20	37066.00	38991.00	40832.20	44815.80	45711.60
	Survival Plus	31770.80	33628.20	35509.40	37433.00	39377.00	41236.40	45259.60	46164.20

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	Intermediate	32082.20	33957.80	35857.60	37800.00	39763.00	41640.60	45703.40	46616.80
	Intermediate Plus	32363.60	34287.40	36205.80	38167.00	40149.00	42044.80	46147.20	47069.40
	Advanced	32705.00	34617.00	36554.00	38534.00	40535.00	42449.00	46591.00	47522.00
6	MA + 16 Hours								
	No Bilingual Pay	31889.00	33724.00	35582.00	37478.00	39395.00	41227.00	45232.00	46137.00
	Survival	32207.80	34061.20	35937.80	37852.80	39789.00	41639.20	45684.40	46598.40
	Survival Plus	32526.60	34398.40	36293.60	38227.60	40183.00	42051.40	46136.80	47059.80
	Intermediate	32845.40	34735.60	36649.40	38602.40	40577.00	42463.60	46589.20	47521.20
	Intermediate Plus	33164.20	35072.80	37005.20	38977.20	40971.00	42875.80	47041.60	47982.60
	Advanced	33483.00	35410.00	37361.00	39352.00	41365.00	43288.00	47494.00	48444.00
7	MA + 32 Hours								
	No Bilingual Pay	32857.00	34697.00	36572.00	38485.00	40418.00	42262.00	46333.00	47260.00
	Survival	33185.60	35044.00	36937.80	38869.80	40822.20	42684.60	46796.40	47732.60
	Survival Plus	33514.20	35391.00	37303.60	39254.60	41226.40	43107.20	47259.80	48205.20
	Intermediate	33842.80	35738.00	37669.40	39639.40	41630.60	43529.80	47723.20	48677.80
	Intermediate Plus	34171.40	36085.00	38035.20	40024.20	42034.80	43952.40	48186.60	49150.40
	Advanced	34500.00	36432.00	38401.00	40409.00	42439.00	44375.00	48650.00	49623.00

ACADEMIC YEAR SCHEDULE
EFFECTIVE AUGUST 16, 2003

EDUCATIONAL		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
LANE	LEVEL								
1	BA								
	No Bilingual Pay	28894.00	30480.00	32120.00	33756.00	35484.00	37130.00	40730.00	41545.00
	Survival	29183.00	30784.80	32441.20	34093.60	35838.80	37501.40	41137.40	41960.40
	Survival Plus	29472.00	31089.60	32762.40	34431.20	36193.60	37872.80	41544.80	42375.80
	Intermediate	29761.00	31394.40	33083.60	34768.80	36548.40	38244.20	41952.20	42791.20
	Intermediate Plus	30050.00	31699.20	33404.80	35106.40	36903.20	38615.60	42359.60	43206.60
	Advanced	30339.00	32004.00	33726.00	35444.00	37258.00	38987.00	42767.00	43622.00
2	BA + 8 Hours								
	No Bilingual Pay	29791.00	31416.00	33142.00	34863.00	36655.00	38391.00	42058.00	42899.00
	Survival	30089.00	31730.20	33473.40	35211.60	37021.60	38775.00	42478.60	43328.00
	Survival Plus	30387.00	32044.40	33804.80	35560.20	37388.20	39159.00	42899.20	43757.00
	Intermediate	30685.00	32358.60	34136.20	35908.80	37754.80	39543.00	43319.80	44186.00

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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No Bilingual Pay	34171.00	36085.00	38035.00	40024.00	42035.00	43952.00	48186.00	49150.00
Survival	34512.80	36445.80	38415.40	40424.20	42455.40	44391.60	48667.80	49641.60
Survival Plus	34854.60	36806.60	38795.80	40824.40	42875.80	44831.20	49149.60	50133.20
Intermediate	35196.40	37167.40	39176.20	41224.60	43296.20	45270.80	49631.40	50624.80
Intermediate Plus	35538.20	37528.20	39556.60	41624.80	43716.60	45710.40	50113.20	51116.40
Advanced	35880.00	37889.00	39937.00	42025.00	44137.00	46150.00	50595.00	51608.00

ACADEMIC YEAR SCHEDULE
EFFECTIVE JANUARY 1, 2004

LANE	EDUCATIONAL LEVEL	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8
1	BA								
	No Bilingual Pay	28894.00	30482.00	32120.00	33756.00	35484.00	37130.00	40730.00	41952.00
	Survival	29183.00	30784.80	32441.20	34093.60	35838.80	37501.40	41137.40	42371.60
	Survival Plus	29472.00	31089.60	32762.40	34431.20	36193.60	37872.80	41544.80	42791.20
	Intermediate	29761.00	31394.40	33083.60	34768.80	36548.40	38244.20	41952.20	43210.80
	Intermediate Plus	30050.00	31699.20	33404.80	35106.40	36903.20	38615.60	42359.60	43630.40
	Advanced	30339.00	32004.00	33726.00	35444.00	37258.00	38987.00	42767.00	44050.00
2	BA + 8 Hours								
	No Bilingual Pay	29791.00	31416.00	33142.00	34863.00	36655.00	38391.00	42058.00	43320.00
	Survival	30089.00	31730.20	33473.40	35211.60	37021.60	38775.00	42478.60	43753.20
	Survival Plus	30387.00	32044.40	33804.80	35560.20	37388.20	39159.00	42899.20	44186.40
	Intermediate	30685.00	32358.60	34136.20	35908.80	37754.80	39543.00	43319.80	44619.60
	Intermediate Plus	30983.00	32672.80	34467.60	36257.40	38121.40	39927.00	43740.40	45052.80
	Advanced	31281.00	32987.00	34799.00	36606.00	38488.00	40311.00	44161.00	45486.00
3	BA + 16 Hours								
	No Bilingual Pay	30581.00	32380.00	34193.00	35978.00	37701.00	39598.00	43422.00	44725.00
	Survival	30886.80	32703.80	34535.00	36337.80	38078.00	39994.00	43856.20	44172.20
	Survival Plus	31192.60	33027.60	34877.00	36697.60	38455.00	40390.00	44290.40	45619.40
	Intermediate	31498.40	33351.40	35219.00	37057.40	38832.00	40786.00	44724.60	46066.60
	Intermediate Plus	31804.20	33675.20	35561.00	37417.20	39209.00	41182.00	45158.80	46513.80
	Advanced	32110.00	33999.00	35903.00	37777.00	39586.00	41578.00	45593.00	46961.00
4	BA + 24 Hours								
	No Bilingual	31439.00	33322.00	35201.00	37072.00	38985.00	40848.00	44821.00	46166.00

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	Pay								
	Survival	31753.40	33655.20	35553.00	37442.80	39374.80	41256.40	45269.20	46627.60
	Survival Plus	32067.80	33988.40	35905.00	37813.60	39764.60	41664.80	45717.40	47089.20
	Intermediate	32382.20	34321.60	36257.00	38148.40	40154.40	42073.20	46165.60	47550.80
	Intermediate Plus	32696.60	34654.80	36609.00	38555.20	40544.20	42841.60	46613.80	48012.40
	Advanced	33011.00	34988.00	36961.00	38926.00	40934.00	42890.00	47062.00	48474.00
5	MA								
	No-Bilingual Pay								
	Survival	32394.00	34288.00	36206.00	38167.00	40149.00	42045.00	46147.00	47531.00
	Survival Plus	32718.00	34630.80	36568.00	38548.60	40550.40	42465.40	46608.40	48006.40
	Intermediate	33042.00	34973.60	36930.00	38930.20	40951.80	42885.80	47069.80	48481.80
	Intermediate Plus	33366.00	35316.40	37292.00	39311.80	41353.20	43306.20	47531.20	48957.20
	Advanced	33690.00	35659.20	37654.00	39693.40	41754.60	43726.60	47992.60	49432.60
6	MA + 16 Hours								
	No-Bilingual Pay								
	Survival	34014.00	36002.00	38016.00	40075.00	42156.00	44147.00	48454.00	49908.00
	Survival Plus	33165.00	35073.00	37005.00	38977.00	40971.00	42876.00	47041.00	48452.00
	Intermediate	33496.60	35423.80	37375.00	39366.80	41380.80	43304.80	47511.40	48936.60
	Intermediate Plus	33828.20	35774.60	37745.00	39756.60	41790.60	43733.60	47981.80	49421.20
	Advanced	34159.80	36125.40	38115.00	40146.40	42200.40	44162.40	48452.20	49905.80
		34491.40	36476.20	38485.00	40536.20	42610.20	44591.20	48922.60	50390.40
		34823.00	36827.00	38855.00	40926.00	43020.00	45020.00	49393.00	50875.00
7	MA + 32 Hours								
	No-Bilingual Pay								
	Survival	34171.00	36085.00	38035.00	40024.00	42035.00	43952.00	48186.00	49632.00
	Survival Plus	34512.80	36445.80	38415.40	40424.20	42455.40	44391.60	48667.80	50128.40
	Intermediate	34854.60	36806.60	38795.80	40824.40	42875.80	44831.20	49149.60	50624.80
	Intermediate Plus	35196.40	37167.40	39176.20	41224.60	43296.20	45270.80	49631.40	51121.20
	Advanced	35538.20	37528.20	39556.60	41624.80	43716.60	45710.40	50113.20	51617.60
		35880.00	37889.00	39937.00	42025.00	44137.00	46150.00	50595.00	52114.00

(Source: Peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE U HR-010 (Teachers of Deaf, Extracurricular Paid Activities)**Extracurricular Activities Pay ScheduleEffective August 16, 2005

<u>Classification I</u>	<u>Per Year</u>
<u>High School Head Coaches:</u>	
<u>Basketball – Boys</u>	<u>2907</u>
<u>Basketball – Girls</u>	<u>2907</u>
<u>Football</u>	<u>2907</u>
<u>Track – Boys</u>	<u>2907</u>
<u>Track – Girls</u>	<u>2907</u>
<u>Volleyball</u>	<u>2907</u>
<u>Wrestling</u>	<u>2907</u>
<u>Other Activities:</u>	
<u>Junior Class Sponsors</u>	<u>2907</u>
<u>Senior Class Sponsors</u>	<u>2907</u>
<u>Classification II</u>	<u>Per Year</u>
<u>High School Assistant Coaches:</u>	
<u>Basketball – Boys</u>	<u>1835</u>
<u>Basketball – Girls</u>	<u>1835</u>
<u>Football</u>	<u>1835</u>
<u>Track – Boys</u>	<u>1835</u>
<u>Track – Girls</u>	<u>1835</u>
<u>Volleyball</u>	<u>1835</u>
<u>Wrestling</u>	<u>1835</u>
<u>Junior High School Head Coaches:</u>	
<u>7th Grade Basketball – Boys</u>	<u>1835</u>
<u>8th Grade Basketball – Boys</u>	<u>1835</u>
<u>7th Grade Basketball – Girls</u>	<u>1835</u>
<u>8th Grade Basketball – Girls</u>	<u>1835</u>
<u>Track – Boys</u>	<u>1835</u>

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<u>Track – Girls</u>	<u>1835</u>
<u>Volleyball</u>	<u>1835</u>
<u>Wrestling</u>	<u>1835</u>
<u>Football</u>	<u>1835</u>
<u>Cheerleading Sponsor:</u>	
<u>High School Basketball</u>	<u>1835</u>
<u>Classification III</u>	<u>Per Year</u>
<u>High School Assistant Coaches:</u>	
<u>Track – Boys</u>	<u>1156</u>
<u>Track – Girls</u>	<u>1156</u>
<u>Junior High School Assistant Coaches:</u>	
<u>Track – Boys</u>	<u>1156</u>
<u>Track – Girls</u>	<u>1156</u>
<u>Volleyball</u>	<u>1156</u>
<u>Wrestling</u>	<u>1156</u>
<u>Cheerleading Sponsors:</u>	
<u>Football Cheerleading Sponsor</u>	<u>1156</u>
<u>Jr. High School Cheerleading Sponsor</u>	<u>1156</u>
<u>Other Activities:</u>	
<u>High School Lunchroom Supervisors</u>	<u>1156</u>
<u>Jr. High School Lunchroom Supervisors</u>	<u>1156</u>
<u>Classification V</u>	<u>Per Year</u>
<u>Special Olympics Coaches:</u>	
<u>Volleyball</u>	<u>677</u>
<u>Basketball</u>	<u>677</u>
<u>Student Body Government</u>	<u>677</u>
<u>Scorekeepers and Timers</u>	<u>Per Event</u>
<u>Basketball Scorer</u>	<u>40</u>
<u>Basketball Timer</u>	<u>40</u>
<u>Football Scorer</u>	<u>40</u>
<u>Football Timer</u>	<u>40</u>

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

<u>Wrestling Scorer</u>	<u>40</u>
<u>Wrestling Timer</u>	<u>40</u>
<u>Volleyball Scorer</u>	<u>34</u>
<u>Volleyball Timer</u>	<u>34</u>
<u>Ticket Sellers</u>	<u>29</u>
<u>Football Chain Crew</u>	<u>24</u>

	<u>8-16-00</u> <u>Mo.</u>	<u>8-16-01</u> <u>Mo.</u>	<u>8-16-02</u> <u>Mo.</u>	<u>8-16-03</u> <u>Mo.</u>
<u>CLASSIFICATION I</u>				
High School Head Coaches:				
—Basketball—Boys	2571	2667	2767	2878
—Basketball—Girls	2571	2667	2767	2878
—Football	2571	2667	2767	2878
—Track—Boys	2571	2667	2767	2878
—Track—Girls	2571	2667	2767	2878
—Volleyball	2571	2667	2767	2878
—Wrestling	2571	2667	2767	2878
Junior Class Sponsors (2)	2571	2667	2767	2878
Senior Class Sponsors (2)	2571	2667	2767	2878
<u>CLASSIFICATION II</u>				
High School Assistant Coaches:				
—Basketball—Boys	1623	1684	1747	1817
—Basketball—Girls	1623	1684	1747	1817
—Football (2)	1623	1684	1747	1817
—Track—Boys	1623	1684	1747	1817
—Track—Girls	1623	1684	1747	1817
—Volleyball	1623	1684	1747	1817
—Wrestling	1623	1684	1747	1817
Junior High School Head Coaches:				
—7 th Grade Basketball—Boys	1623	1684	1747	1817
—8 th Grade Basketball—Boys	1623	1684	1747	1817
—7 th Grade Basketball—Girls	1623	1684	1747	1817
—8 th Grade Basketball—Girls	1623	1684	1747	1817
—Football	1623	1684	1747	1817

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

—Track—Boys	1623	1684	1747	1817
—Track—Girls	1623	1684	1747	1817
—Volleyball	1623	1684	1747	1817
—Wrestling	1623	1684	1747	1817
Cheerleader Sponsors:				
—High School Basketball (2)	1623	1684	1747	1817
<u>CLASSIFICATION III</u>				
Junior High School Assistant Coaches				
—Track—Boys	1023	1061	1101	1145
—Track—Girls	1023	1061	1101	1145
—Volleyball	1023	1061	1101	1145
—Wrestling	1023	1061	1101	1145
Cheerleader Sponsors:				
—Football Cheerleading Sponsor	1023	1061	1101	1145
—Junior High School Cheerleading Sponsor	1023	1061	1101	1145
High School Lunchroom Supervisor (4)	1023	1061	1101	1145
Junior High School Lunchroom Supervisor (2)	1023	1061	1101	1145
<u>CLASSIFICATION V</u>				
Special Olympics Coaches				
—Basketball (2)	599	621	644	670
—Volleyball (2)	599	621	644	670
Student Body Government (2)	599	621	644	670
<u>SCOREKEEPERS AND TIMERS:</u>				
—Basketball (Scorer & Timer)	36	37	38	40
—Football (Scorer & Timer)	36	37	38	40
—Volleyball (Scorer & Timer)	31	32	33	34
—Wrestling (Scorer & Timer)	36	37	38	40
Ticket Sellers	26	27	28	29
Football Chain Crew	21	22	23	24

(Source: Peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3) Section Numbers: 146.225, 146.245 and 146.255
- 4) Date Proposal Published in Illinois Register: October 29, 2004
- 5) Date Adoption Published in Illinois Register: March 18, 2005; 29 Ill. Reg. 4360
- 6) Date Request for Expedited Correction Published in Illinois Register: June 3, 2005
- 7) Adoption Effective Date: March 7, 2005
- 8) Correction Effective Date: March 7, 2005
- 9) Reason for Approval of Expedited Correction: These corrections relate to "omissions . . . that create unintentional discrepancies between adopted rule text and text previously published in the *Illinois Register*" as provided at 1 Ill. Adm. Code 245.110(a)(2) and Section 5-85(b) of the Illinois Administrative Procedure Act [5 ILCS 100/5-85(b)]. The published and filed texts of Sections 146.225 and 146.255 that were adopted on March 7, 2005, failed to include previous amendments to these Sections which were adopted on January 1, 2005. This error created the unintentional discrepancies. Additionally, a typographical error in Section 146.245(c) has also been corrected.

The inadvertent failure to include the first set of adopted amendments in the text of the amendments which were effective on March 7, 2005, will not affect the effective date. The corrected text reflects the amendments as effective on March 7, 2005.

Correction of the cited errors will serve the public interest by verifying the effectiveness of both sets of amendments to Sections 146.225 and 146.255, which were adopted on January 1, 2005 and March 7, 2005 respectively.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES

| CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES~~PUBLIC AID~~
SUBCHAPTER d: MEDICAL PROGRAMS

PART 146

SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section

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

SUBPART B: SUPPORTIVE LIVING FACILITIES

146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLF Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
146.245	Assessment and Service Plan and Quarterly Evaluation
146.250	Resident Rights
146.255	Discharge
146.260	Grievance Procedure
146.265	Records <u>and Reporting</u> Requirements
146.270	Quality Assurance Plan
146.275	Monitoring
146.280	Termination or Suspension of SLF Provider Agreement
146.285	Voluntary Surrender of Certification
146.290	Geographic Groups
146.295	Emergency Contingency Plan
146.300	Waivers

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

SUBPART C: STATE HEMOPHILIA PROGRAM

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

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

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. _____, effective March 7, 2005; amended at 29 Ill. Reg. 6967, effective May 1, 2005.

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section 146.225 Reimbursement for Medicaid Residents

SLFs shall accept the reimbursement provided in this Section as payment in full for all services provided to Medicaid residents.

- a) The Department shall establish its portion of the reimbursement for Medicaid residents by calculating 60 percent of the weighted average (weighted by

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

Medicaid patient days) nursing facility rates for the geographic grouping as defined in Section 146.290. Each SLF shall be paid 60 percent of the weighted average nursing facility geographic group rate, based upon the nursing facility geographic group in which it is located. The rates paid to SLFs shall be reviewed annually, and adjusted, if necessary, on October 1 to assure that the rates coincide with 60 percent of weighted average nursing facility geographic group rates. Effective October 1, 2002, SLF rates shall remain at a minimum of the rate in effect as of September 30, 2002.

- b) The payment rate received by the SLF from the Department for services, with the exception of meals, provided in accordance with Section 146.230 shall constitute the full and complete charge for services rendered. Additional payment, other than patient credits authorized by the Department, may not be accepted. Meals are included in the room and board amount paid by the resident.
- c) Single Occupancy: Each Medicaid resident of an SLF shall be allotted a minimum of \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the current SSI rate for a single individual less a minimum of \$90 for room and board charges. Any income remaining after deduction of the protected minimum of \$90 and room and board charges shall be applied first towards medical expenses not covered under the Department's Medical Assistance Program. Any income remaining after that shall be applied to the charges for SLF services paid by the Department.
- d) Double Occupancy: In the event a Medicaid eligible resident chooses to share an apartment, the Medicaid resident of an SLF shall be allotted a minimum of \$90 per month as a deduction from his or her income as a protected amount for personal use. The SLF may charge each Medicaid resident no more than the resident's share of the current SSI rate for a couple less a minimum of \$90 for room and board charges. The room and board rate for two Medicaid eligible individuals sharing an apartment cannot exceed the SSI rate for a married couple even if the two individuals sharing an apartment are unrelated. Any income of an individual remaining after deduction of the protected minimum of \$90 and room and board charges shall be applied first towards that individual's medical expenses not covered under the Department's Medical Assistance Program. Any income of an individual remaining after that shall be applied to that individual's charges for SLF services paid by the Department. If one, or both, of the individuals sharing an apartment is not Medicaid eligible, the SLF may negotiate its own rate with the non-Medicaid individual or individuals.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

- e) The room and board charge for Medicaid residents shall only be increased when the SSI amount is increased. Any room and board charge increase shall not exceed the amount of the SSI increase.
- f) Payment shall be made by the Department for up to 30 days per State fiscal year during a Medicaid resident's temporary absence from the SLF when the absence is due to situations such as hospitalizations or vacations. The resident shall continue to be responsible for room and board charges during any absence. Involuntary discharge criteria relating to temporary absence are found at Section 146.255(b) and (d)(7). Nursing facilities that have a distinct part certified as an SLF shall consider converted beds in the nursing facility's licensed capacity when calculating the 93 percent occupancy level for bed reserve payments pursuant to 89 Ill. Adm. Code 140.523. ~~The Department shall not reimburse an SLF for services while a resident is temporarily absent from an SLF. An SLF continues to be responsible for notifying the Department of a resident's temporary absence from the SLF. The resident remains responsible for room and board charges during any temporary absence.~~

(Source: Amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. _____, effective March 7, 2005)

Section 146.245 Assessment and Service Plan and Quarterly Evaluation

- a) Interview: The SLF shall conduct a standardized interview geared toward the resident's service needs at or before the time of occupancy.
- b) Initial Assessment: The SLF shall complete an initial assessment and service plan within 24 hours after admission that identifies potential immediate problems. Each assessment shall be completed by, or co-signed by, a registered nurse.
- c) Comprehensive Resident Assessment: The SLF shall complete a Comprehensive Resident Assessment ~~Investment~~ (RAI) within 14 days after admission and annually thereafter. Each RAI shall be completed by, or co-signed by, a registered nurse.
- d) Service Plan: Within seven days after completion of the RAI, a written service plan shall be developed by, or co-signed by, a registered nurse, with input from the resident and his or her designated representative. This includes coordination and inclusion of services being delivered to a resident by an outside entity. The

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF EXPEDITED CORRECTION

service plan shall include a description of expected outcomes, approaches, frequency and duration of services provided and whether the services will be provided by licensed or unlicensed staff. The service plan shall document any services recommended by the SLF that are refused by the resident. The service plan shall be reviewed and updated in conjunction with the quarterly evaluation or as dictated by changes in resident needs or preferences.

- e) Quarterly Evaluation: A quarterly evaluation of the health status of each resident using a Department designated form or the MDS quarterly shall be completed by, or co-signed by, a registered nurse.
- f) The SLF manager or licensed nursing staff shall alert the resident, his or her physician and his or her designated representative when a change in a resident's mental or physical status is observed by staff. Except in life-threatening situations, such reporting shall be within 24 hours after the observation. Serious or life-threatening situations should be reported to the physician and the resident's designated representative immediately. The SLF staff shall be responsible for reporting only those changes that should be apparent to observers familiar with the conditions of older persons or persons with disabilities.

(Source: Amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. _____, effective March 7, 2005)

Section 146.255 Discharge

- a) If a resident does not meet the terms for occupancy as stated in the resident contract, the SLF shall not commence involuntary discharge until the SLF has discussed the reasons for involuntary discharge with the resident and his or her designated representative. Documentation of the discussion shall be placed in the resident's record.
- b) The SLF shall provide a resident with a 30-day written notice of proposed involuntary discharge unless such a delay might jeopardize the health, safety, and well-being of the resident or others. A copy of the notice required by this subsection (b) shall be placed in the resident's record and a copy shall be transmitted to the resident and the resident's designated representative. The notice shall be on a form prescribed by the Department and shall contain all of the following:
 - 1) The stated reason for the proposed discharge;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- 2) The effective date of the proposed discharge;
 - 3) A statement in not less than 14-point type that reads: "You have a right to appeal the SLF's decision to discharge you. You may file a request for a hearing with the Department within ten days after receiving this notice. If you request a hearing, you will not be discharged during that time unless you are unsafe to yourself or others. If the decision following the hearing is not in your favor, you will not be discharged prior to the tenth day after receipt of the Department's hearing decision unless you are unsafe to yourself or others. A form to appeal the SLF's decision and to request a hearing is attached. If you have any questions, call the Department at the telephone number listed below.";
 - 4) A hearing request form, together with a postage paid, preaddressed envelope to the Department; and
 - 5) The name, address, and telephone number of the person charged with the responsibility of supervising the discharge.
- c) The SLF shall prepare plans to ensure safe and orderly involuntary discharge and protect resident health, safety, welfare and rights.
- d) A resident may be involuntarily discharged only if one or more of the following occurs:
- 1) He or she poses an immediate threat to self or others.
 - 2) He or she needs mental health services to prevent harm to self or others.
 - 3) He or she has breached the conditions of the resident contract.
 - 4) The SLF has had its certification terminated, suspended, not renewed, or has voluntarily surrendered its certification.
 - 5) The SLF cannot meet the resident's needs with available support services.
 - 6) The resident has received proper notice of failure to pay from the SLF. The resident shall have the right to make full payment up to the date that the discharge is to be made and then shall have the right to remain in the

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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SLF. This subsection (d)(6) does not apply to Medicaid residents when the failure to pay relates to the Medicaid payment.

- 7) The resident exceeds the SLF's policy for what constitutes a temporary absence from the SLF. A temporary absence shall not be considered a basis for an involuntary discharge of a Medicaid resident until the Department has stopped payment pursuant to Section 146.225(f).~~The resident exceeds the SLF's policy for what constitutes a temporary absence from the SLF.~~
- e) The notice required under subsection (b) of this Section shall not apply in any of the following instances:
- 1) When an emergency discharge is mandated by the resident's health care or mental health needs and is in accord with the written orders and medical justification of the attending physician.
 - 2) When the discharge is mandated to ensure the physical safety of the resident and other residents as documented in the resident record.
- f) If the resident submits a request for hearing under subsection (b) of this Section, the involuntary discharge shall be stayed pending a hearing or appeal of the decision, unless a condition which would have allowed discharge in less than 30 days as described under subsections (e)(1) and (2) of this Section develops in the interim.
- g) In determining whether an involuntary discharge is justified, the burden of proof in the hearing rests with the entity requesting the discharge.
- h) If the Department determines that an involuntary discharge is justified under subsection (d) of this Section, the resident shall not be required to leave the SLF before the tenth day after receipt of the Department's hearing decision unless a condition which would have allowed discharge as described under subsections (e)(1) and (2) of this Section develops in the interim.
- i) The SLF shall offer relocation assistance to residents involuntarily discharged under this Section, including information on available alternative placements. A resident or his or her designated representative shall be involved in planning the discharge and shall choose among the available alternative placements. Where an emergency makes prior resident involvement impossible, the SLF may arrange for

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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a temporary placement until a final placement can be arranged. The SLF may offer assistance in relocating from a temporary to a final placement.

- j) When a resident discharges on a voluntary basis, he or she shall provide the SLF with 30 days written notice of intent to discharge, except where a delay would jeopardize the health, safety, and well-being of the resident or others.
- k) The Department may discharge any resident from an SLF when any of the following conditions exist:
 - 1) The Department has terminated or suspended the SLF certification.
 - 2) The SLF is closing or surrendering its certification and arrangement for relocation of the resident has not been made at least 30 days prior to closure or surrender.
 - 3) The Department determines that an emergency exists which requires immediate discharge of the resident.
- l) In cases of discharge under subsection (d) or (k) of this Section, the resident is no longer bound by the resident contract.

(Source: Amended at 29 Ill. Reg. 4360, effective March 7, 2005; expedited correction at 29 Ill. Reg. _____, effective March 7, 2005)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services
- 2) Code Citation: 89 Ill. Adm. Code 431
- 3) The Notice of Proposed Amendments being corrected appeared at: 29 Ill. Reg. 13065; August 26, 2005
- 4) The information being corrected is as follows: In the answer for question #5 on the Notice Page, the allegation of inadequate supervision was inadvertently listed as allegation #84. The correct allegation number is #74.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 30, 2005 through September 5, 2005 and have been scheduled for review by the Committee at its October 11, 2005 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/13/05	<u>Illinois Commerce Commission</u> , Administration of Funds Created by the Wireless Emergency Telephone Safety Act (83 Ill. Adm. Code 729)	6/24/05 29 Ill. Reg. 8551	10/11/05
10/13/05	<u>Department of Children and Family Services</u> , Services Delivered by the Department of Children and Family Services (89 Ill. Adm. Code 302)	3/25/05 29 Ill. Reg. 4446	10/11/05

PROCLAMATIONS

**2005-283
SHIP WEEK**

WHEREAS, Illinois' senior and disabled populations will have new choices and challenges in dealing with changes in the Medicare program; and

WHEREAS, Senior Health Insurance Program (SHIP) volunteers are essential to the efforts of the Illinois Department of Financial and Professional Regulation, Division of Insurance, in educating and assisting Medicare beneficiaries; and

WHEREAS, SHIP volunteers will provide much needed advice and assistance to Medicare recipients about their options under the new federal and state health care programs; and

WHEREAS, since the Program's inception, more than 2,800 volunteers have contributed nearly 205,000 hours to assist over 176,000 clients, thereby saving Illinois' citizens more than \$14.6 million; and

WHEREAS, SHIP volunteers are valuable citizens who contribute both their time and talents to improve the lives of Illinois' Medicare beneficiaries:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim September 5-9, 2005, as **SHIP WEEK** in Illinois, and join in support of this worthwhile program that is highly beneficial to Illinois' older populations.

Issued by the Governor August 30, 2005.

Filed with the Secretary of State August 30, 2005.

**2005-284
FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN**

WHEREAS, belonging to family is important for the health and well-being of all children; and

WHEREAS, children are more likely to develop behavioral and social problems without the care and love of their family; and

WHEREAS, one great way for families with children to prevent behavioral and social problems is by eating dinner together; and

WHEREAS, research by The National Center on Addiction and Substance Abuse (CASA) at Columbia University has consistently found that children are less likely to smoke, drink alcohol, and use illegal drugs the more their families eat together; and

WHEREAS, additionally, other research shows that children who eat dinner with their families are less prone to dangerous and violent activities and more likely to have positive peer relationships and to excel in school; and

WHEREAS, for the second year, TV Land, Nick at Nite, and CASA have teamed up to declare the fourth Monday in September Family Day in recognition of the importance of family and to encourage families with children to eat together:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 26, 2005 as **FAMILY DAY – EAT DINNER WITH YOUR CHILDREN**

PROCLAMATIONS

DAY in Illinois in support of the commendable campaign by TV Land, Nick at Nite, and CASA to promote family and the health and well-being of children.

Issued by the Governor August 30, 2005.

Filed with the Secretary of State August 30, 2005.

2005-284 (Revised)**FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN**

WHEREAS, belonging to family is important for the health and well-being of all children; and

WHEREAS, children are more likely to develop behavioral and social problems without the care and love of their family; and

WHEREAS, one great way for families with children to prevent behavioral and social problems is by eating dinner together; and

WHEREAS, research by The National Center on Addiction and Substance Abuse (CASA) at Columbia University has consistently found that children are less likely to smoke, drink alcohol, and use illegal drugs the more their families eat together; and

WHEREAS, additionally, other research shows that children who eat dinner with their families are less prone to dangerous and violent activities and more likely to have positive peer relationships and to excel in school; and

WHEREAS, for the second year, TV Land, Nick at Nite, and CASA have teamed up to declare the fourth Monday in September Family Day – A Day To Eat Dinner With Your Children in recognition of the importance of family and to encourage families with children to eat dinner together:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 26, 2005 as **FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN** day in Illinois in support of the commendable campaign by TV Land, Nick at Nite, and CASA to promote family and the health and well-being of children.

Issued by the Governor August 30, 2005.

Filed with the Secretary of State August 31, 2005.

2005-285**prostate cancer awareness month**

WHEREAS, prostate cancer is the most commonly diagnosed non-skin cancer in men in the United States. One in six males are at risk of developing prostate cancer during their lifetime, and this year, approximately 9,140 men in Illinois will learn that they have prostate cancer; and

WHEREAS, sadly, prostate cancer is the second leading cause of death among men with cancer in Illinois, and an estimated 1,230 men in Illinois will die from prostate cancer in 2005; and

PROCLAMATIONS

WHEREAS, it is known that about one third of prostate cancer diagnoses occur among men under the age of 65; and

WHEREAS, additionally, black men in the United States are disproportionately affected by the disease. African-Americans have the highest incidence of prostate cancer in the world, and as a result, they are twice as likely to die of the disease than other men; and

WHEREAS, the good news is that awareness and early diagnosis and treatment of prostate cancer can reduce the risk of prostate cancer mortality:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as **PROSTATE CANCER AWARENESS MONTH** in Illinois to raise awareness about prostate cancer, and to urge all men, especially those over the age of 50, to speak with their physicians about the risks and appropriate screening.

Issued by the Governor August 31, 2005.

Filed with the Secretary of State August 31, 2005.

2005-286**COLLEGE SAVINGS MONTH**

WHEREAS, one dream of many Illinois parents is to send their children to college; and

WHEREAS, unfortunately, the cost of higher education is progressively rising, even outpacing the rate of inflation; and

WHEREAS, for that reason, the earlier parents begin to prepare for the costs of college education, the easier it will be for them to manage their finances when the time comes to send their children off to school; and

WHEREAS, Section 529 plans have become the most popular option for saving money for college. There are several types of plans, including college savings plans and prepaid tuition plans, and the State of Illinois administers both; and

WHEREAS, Bright Star Savings allows parents to save money while accruing interest on their savings through certificates of deposit or money market ventures, and the College Illinois! Prepaid Tuition Program allows parents to lock in current tuition rates at in-state public colleges; and

WHEREAS, by saving as opposed to borrowing against the future, parents will ease the financial burden on them and their children:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as **COLLEGE SAVINGS MONTH** in Illinois to encourage parents to begin saving money so they can make their dream of a college education for their children a reality.

Issued by the Governor August 31, 2005.

Filed with the Secretary of State August 31, 2005.

2005-287**ILLINOIS WINE MONTH**

WHEREAS, wine production is a flourishing industry in the State of Illinois; and

PROCLAMATIONS

WHEREAS, over the past eight years, the number of Illinois wineries has exploded from 12 to nearly 60; and

WHEREAS, Illinois wineries now produce more than 500,000 gallons of wine each year, and vineyards have blossomed from 140 acres in 1997 to almost 1,000 acres today. Furthermore, the state ranks fifth nationally in the number of bottles consumed; and

WHEREAS, annually, the Illinois wine industry generates \$20 million in tourism, and by 2010, it has been predicted that Illinois wineries will create hundreds of new jobs and have an annual economic impact of \$60 million; and

WHEREAS, to encourage this growth, \$550,000 has been granted by my administration to the Illinois Grape Growers and Vintners Association to continue their efforts to expand awareness and further the development of the state's wine industry; and

WHEREAS, in September, retailers and wineries throughout the state will sponsor special events, such as grape stomps, Oktoberfests, and wine tastings, as part of a coordinated campaign to showcase Illinois wine, and to educate Illinois residents and neighboring Midwesterners about this growing industry in our State:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as **ILLINOIS WINE MONTH**, and proudly join in the campaign to promote the growth of the wine industry in Illinois.

Issued by the Governor August 31, 2005.

Filed with the Secretary of State August 31, 2005.

2005-288**5-A-DAY A MONTH**

WHEREAS, in Illinois, heart disease is the leading cause of death, and the prevention of cancer, heart disease, and obesity are three of the most urgent health challenges today; and

WHEREAS, the Illinois Departments of Human Services and Public Health recommend that everyone increase their consumption of fruits and vegetables and physical fitness every day to help reduce the risk of cancer, heart disease, and obesity; and

WHEREAS, only 23.1 percent of Illinoisans eat the recommended daily allowance of five or more fruits and vegetables, and only 43.7 percent of Illinoisans exercise 30 minutes every day as suggested; and

WHEREAS, the National Cancer Institute has launched the 5-A-Day for Better Health national disease prevention and health promotion program to encourage the increased consumption of fruits and vegetables and physical fitness; and

WHEREAS, the Departments of Human Services and Public Health support the 5-A-Day goal and will observe September as 5-A-Day Month, the theme of which is "Energize and Mobilize – Eat Fruits, Vegetables and Be Active:"

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as **5-A-DAY MONTH** in Illinois to raise awareness about and promote the 5-A-Day initiative, which is essential to the health and well-being of all citizens.

Issued by the Governor August 31, 2005.

PROCLAMATIONS

Filed with the Secretary of State August 31, 2005.

2005-289**CAMPUS FIRE SAFETY MONTH**

WHEREAS, fire education and prevention is vital to ensuring the safety of Americans and Illinoisans; and

WHEREAS, college students living on their own for the first time are particularly susceptible to the danger posed by fires; and

WHEREAS, since January of 2000, more than 75 children, students, and parents throughout the country have died in student housing fires, and over three-fourths of those deaths occurred in off-campus occupancies where the majority of students live unsupervised; and

WHEREAS, most fires can be avoided by practicing some simple commonsense behaviors and routines, such as checking and turning off the oven and stove before going to sleep or leaving home; not overloading electrical circuits; safely stowing all dangerous and hazardous materials; keeping any electrical devices clear of water; checking and maintaining alarm and sprinkler systems; and noting the location of fire extinguishers to use in the event of an emergency; and

WHEREAS, education significantly helps minimize the risk of fire by raising awareness about those behaviors and routines, but many students do not receive effective fire safety education during their college career when they are generally most at risk:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2005 as **CAMPUS FIRE SAFETY MONTH** in Illinois to encourage educators to provide educational programs on the dangers and prevention of fire as students begin and return to college.

Issued by the Governor August 31, 2005.

Filed with the Secretary of State August 31, 2005.

2005-290**PAIN AWARENESS MONTH**

WHEREAS, today, 50 to 75 million Americans and Illinoisans live with chronic pain caused by a variety of diseases and disorders, and nearly 25 million suffer from acute pain every year; and

WHEREAS, medical technology can help relieve and reduce most pain, yet many who suffer from pain are improperly treated, under-treated, or not treated at all; and

WHEREAS, the Northern Illinois Pain Resource Nurse Consortium, American Pain Foundation, and American Alliance of Cancer Pain Initiatives have teamed up to prepare a "Power Over Pain" campaign for the month of September to raise awareness about pain, and to encourage those living with pain to become their own best advocates; and

PROCLAMATIONS

WHEREAS, as part of the "Power Over Pain" campaign, community events throughout Northern Illinois will educate medical professionals and the public about the under-treatment of pain, inadequate access to pain care, and barriers to pain management:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September **2005 PAIN AWARENESS MONTH** in Illinois in support of the "Power Over Pain" campaign and efforts to improve and promote the management and treatment of pain.

Issued by the Governor August 31, 2005.

Filed with the Secretary of State August 31, 2005.

2005-291**KEEP THE BEAT DAY**

WHEREAS, heart attacks claim the lives of approximately 335,000 Americans every year; and

WHEREAS, only about 5 percent of heart attack victims survive because aid and assistance is not provided early enough; and

WHEREAS, Medtronic Incorporated, the world's leading maker of life-saving automated external defibrillators, is conducting a nationwide campaign called Keep the Beat to raise awareness about heart attacks and the benefits of early defibrillation; and

WHEREAS, as part of their promotion, Medtronic is teaming up with singer-songwriter James Taylor during his Summer's Here 2005 concert series to bring the Keep the Beat campaign to 33 cities around the United States, including Chicago; and

WHEREAS, during their tour, funds will be raised to help local communities install automatic external defibrillators in schools, where 20 percent of Americans and Illinoisans can be found on any given day; and

WHEREAS, on September 2, Medtronic will join James Taylor at Allstate Arena in Rosemont, Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2, 2005 as **KEEP THE BEAT DAY** in Illinois in support of the Keep the Beat campaign to educate the public and save lives.

Issued by the Governor September 1, 2005.

Filed with the Secretary of State September 1, 2005.

2005-292**GUBERNATORIAL PROCLAMATION**

As a result of the ongoing impact of Hurricane Katrina that occurred on August 29, 2005, in the states of Alabama, Louisiana and Mississippi, the State of Illinois anticipates the arrival of thousands of displaced storm victims. Tens of thousands of Gulf Coast residents have lost their homes or do not have access to their homes. There is no estimate of the duration that the displaced storm victims may need emergency shelter and mass care.

PROCLAMATIONS

In the interest of aiding those in need of emergency assistance and to assist State agencies, units of local government and private non-profit organizations charged with ensuring public health and safety, I hereby proclaim that a disaster emergency exists in the State of Illinois pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will authorize the full execution of the Illinois Emergency Operations Plan by all State agencies and make possible the request for supplemental federal assistance to offset the costs incurred to provide emergency shelter and mass care.

Issued by the Governor September 4, 2005.

Filed by the Secretary of State September 4, 2005.

ILLINOIS ADMINISTRATIVE CODE

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