

# 2007

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 31, Issue 11  
March 16, 2007  
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# TABLE OF CONTENTS

March 16, 2007 Volume 31, Issue 11

## PROPOSED RULES

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF Illinois Credit Union Act 38 Ill. Adm. Code 190 .....	4298
HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF Hospital Services 89 Ill. Adm. Code 148 .....	4308
STATE POLICE, DEPARTMENT OF Americans With Disabilities Act Grievance Procedure 4 Ill. Adm. Code 825 .....	4321

## ADOPTED RULES

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF Indian Child Welfare Services (Repealer) 89 Ill. Adm. Code 307 .....	4328
Indian Child Welfare Services 89 Ill. Adm. Code 307 .....	4330
FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF Optometric Practice Act of 1987 68 Ill. Adm. Code 1320 .....	4339
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS Multifamily Rental Housing Mortgage Loan Program 47 Ill. Adm. Code 310 .....	4392
POLLUTION CONTROL BOARD Water Use Designations and Site Specific Water Quality Standards 35 Ill. Adm. Code 303 .....	4440

## PEREMPTORY RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF Pay Plan 80 Ill. Adm. Code 310 .....	4445
---	------

## SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES Second Notices Received.....	4472
---	------

## EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS Executive Order Protecting the Integrity of State Procurement 2007-1.....	4473
PROCLAMATIONS National Trio Day 2007-47 .....	4479
Illinois Electric and Telephone Cooperatives Youth Day 2007-48.....	4479

American Red Cross Month	
2007-49.....	4480
Jennifer Hudson Day	
2007-50.....	4481
Women Veterans Recognition Month	
2007-51.....	4482
Save Abandoned Babies Day	
2007-52.....	4483
Farmers Insurance	
2007-53.....	4484
Sri Sri Ravi Shankar Day	
2007-54.....	4485
Kidney Cancer Awareness Month	
2007-55.....	4486
Colorectal Cancer Awareness Month	
2007-56.....	4487
School Health Center Awareness Month	
2007-57.....	4488
Illinois Poison Prevention Month	
2007-58.....	4489
Land Surveyors' Month	
2007-59.....	4489
Chicago Latino Film Festival Days	
2007-60.....	4490
Northwest Side Irish St. Patricks Day Parade	
2007-61.....	4491
Chicago Business Opportunity Days	
2007-62.....	4492
Women in Construction Week	
2007-63.....	4493
Ghana Independence Week	
2007-64.....	4493
Severe Weather Preparedness Week	
2007-65.....	4494
Casimir Pulaski Day	
2007-66.....	4495
Multiple Sclerosis Awareness Week	
2007-67.....	4496
National Foreign Language Week	
2007-68.....	4497

## INTRODUCTION

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

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

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

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

### 2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
7	February 5, 2007	February 16, 2007
8	February 13, 2007	February 23, 2007
9	February 20, 2007	March 2, 2007
10	February 26, 2007	March 9, 2007
11	March 5, 2007	March 16, 2007
12	March 12, 2007	March 23, 2007
13	March 19, 2007	March 30, 2007
14	March 26, 2007	April 6, 2007
15	April 2, 2007	April 13, 2007
16	April 9, 2007	April 20, 2007
17	April 16, 2007	April 27, 2007
18	April 23, 2007	May 4, 2007
19	April 30, 2007	May 11, 2007
20	May 7, 2007	May 18, 2007
21	May 14, 2007	May 25, 2007
22	May 21, 2007	June 1, 2007
23	May 29, 2007	June 8, 2007

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 4, 2007	June 15, 2007
25	June 11, 2007	June 22, 2007
26	June 18, 2007	June 29, 2007
27	June 25, 2007	July 6, 2007
28	July 2, 2007	July 13, 2007
29	July 9, 2007	July 20, 2007
30	July 16, 2007	July 27, 2007
31	July 23, 2007	August 3, 2007
32	July 30, 2007	August 10, 2007
33	August 6, 2007	August 17, 2007
34	August 13, 2007	August 24, 2007
35	August 20, 2007	August 31, 2007
36	August 27, 2007	September 7, 2007
37	September 4, 2007	September 14, 2007
38	September 10, 2007	September 21, 2007
39	September 17, 2007	September 28, 2007
40	September 24, 2007	October 5, 2007
41	October 1, 2007	October 12, 2007
42	October 9, 2007	October 19, 2007
43	October 15, 2007	October 26, 2007
44	October 22, 2007	November 2, 2007
45	October 29, 2007	November 12, 2007
46	November 5, 2007	November 16, 2007
47	November 12, 2007	November 26, 2007
48	November 19, 2007	December 1, 2006
49	November 26, 2007	December 7, 2007
50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Credit Union Act
- 2) Code Citation: 38 Ill. Adm. Code 190
- 3) Section Number: 190.140                      Proposed Action: Amendment
- 4) Statutory Authority: Illinois Credit Union Act [205 ILCS 305]
- 5) A Complete Description of the Subjects and Issues Involved: This clarifies that a home equity loan borrower whose first mortgage loan has been paid off will be classified in accordance with Section 190.140(h)(1)(B). This type of loan (stated here as a non-purchase money first mortgage transaction) would only require a title search prepared by a service provider, which is currently the same documentation required in second mortgages and home equity lines of credit.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may submit written comments to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, IL 62786

217/785-0813

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

FAX: 217/558-4451

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: this item had been brought to our attention after the Agendas had been submitted.

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

## TITLE 38: FINANCIAL INSTITUTIONS

## CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## PART 190

## ILLINOIS CREDIT UNION ACT

## SUBPART A: GENERAL PROVISIONS

Section	
190.2	Definitions
190.5	Credit Union Service Organizations
190.10	Field of Membership Procedures
190.20	Hearings
190.30	Cease and Desist Procedures
190.40	Removal or Suspension Procedures
190.50	Fees
190.60	General Accounting Procedures
190.70	Loan Loss Accounting Procedures
190.80	Use of Electronic Data Processing
190.90	Fixed Asset Investments
190.100	Classes of Share and Special Purpose Share Accounts
190.110	Share Drafts
190.120	Bond and Insurance Requirements
190.130	Verification of Share and Loan Accounts
190.140	Real Estate Lending
190.150	Reverse Mortgage
190.160	Lending Limits – Consumer Loans
190.165	Business Loans
190.170	Group Purchasing
190.180	Investments
190.190	Liquidation
190.200	Conversion of Charter
190.210	Reimbursement for Financial Records
190.220	Registration of Out of State Credit Unions

## SUBPART B: HIGH RISK HOME LOANS

Section	
190.500	Definitions

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

190.505	Applicability of Rule
190.510	Good Faith Requirements
190.515	Fraudulent or Deceptive Practices
190.520	Prohibited Refinances
190.525	Negative Amortization
190.530	Negative Equity
190.535	Balloon Payments
190.540	Financing of Certain Points and Fees
190.545	Financing of Single Premium Insurance Products
190.550	Lending Without Due Regard to Ability to Repay
190.555	Verification of Ability to Repay
190.560	Payments to Contractors
190.565	Counseling Prior to Perfecting Foreclosure
190.570	Mortgage Awareness Program
190.575	Offer of Mortgage Awareness Program
190.580	Third Party Review

## SUBPART C: PAYDAY LOANS

Section	
190.600	Definitions
190.601	Purpose and Scope
190.605	Applicability of Rule
190.610	Issuance of Payday Loans by Credit Unions
190.APPENDIX A	Estimated Monthly Income and Expenses Worksheet
190.APPENDIX B	Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305].

SOURCE: Adopted at 4 Ill. Reg. 20, p. 17, effective May 7, 1980; amended at 6 Ill. Reg. 11154, effective September 7, 1982; amended and codified at 7 Ill. Reg. 14973, effective October 26, 1983; emergency amendment at 9 Ill. Reg. 14378, effective September 11, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 16231, effective October 10, 1985; amended at 10 Ill. Reg. 14667, effective August 27, 1986; amended at 12 Ill. Reg. 10464, effective June 7, 1988; amended at 12 Ill. Reg. 17383, effective October 24, 1988; amended at 13 Ill. Reg. 3793, effective March 10, 1989; amended at 13 Ill. Reg. 15998, effective October 2, 1989; emergency amendment at 16 Ill. Reg. 12781, effective July 29, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17073, effective October 26, 1992; amended at 19 Ill. Reg. 2826, effective

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

February 24, 1995; amended at 20 Ill. Reg. 5803, effective April 8, 1996; emergency amendment at 20 Ill. Reg. 13093, effective September 27, 1996, for a maximum of 150 days; emergency expired February 17, 1997; amended at 22 Ill. Reg. 17317, effective September 15, 1998; emergency amendment at 23 Ill. Reg. 3086, effective February 23, 1999, for a maximum of 150 days; emergency expired July 22, 1999; amended at 23 Ill. Reg. 12614, effective October 4, 1999; amended at 23 Ill. Reg. 14031, effective November 12, 1999; amended at 25 Ill. Reg. 6244, effective May 17, 2001; amended at 25 Ill. Reg. 13278, effective October 19, 2001; amended at 26 Ill. Reg. 17999, effective December 9, 2002; amended at 28 Ill. Reg. 11699, effective July 29, 2004; amended at 29 Ill. Reg. 10579, effective July 8, 2005; amended at 30 Ill. Reg. 18919, effective December 4, 2006; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

**Section 190.140 Real Estate Lending**

- a) A Credit Union with total assets greater than \$1 million may, following a resolution of its Board, make loans secured by a lien on real estate, including an assignment of a beneficial interest in a land trust, subject to the following procedures:

Total Assets of a Credit Union	Maximum Amount of Loans Secured by Real Estate	Aggregate of All First Mortgage Loans Secured by Real Estate
Under \$1 million	Lending Limits for Consumer Loans	0% of total assets
\$1 - 2.5 million	\$165,000*	25% of total assets
\$2.5 - 5 million	\$250,000*	30% of total assets
\$5 - 10 million	\$330,000	35% of total assets
\$10 - 30 million	\$580,000	40% of total assets
\$30 - 100 million	\$825,000	45% of total assets
Over \$100 million	\$1,000,000	50% of total assets

\* The aggregate loans to one member may not exceed the aggregate limit referenced in subsection (e).

- b) Credit unions with assets under \$1 million may make home equity and second mortgage loans subject to the lending limits for consumer loans set forth in Section 190.160. Credit Unions with assets under \$1 million shall not make first

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

mortgage real estate loans.

- c) Credit unions shall not make first mortgage real estate loans for more than the estimated market value or appraised value of the real estate securing the loans. Real estate loans, other than first mortgage loans, shall be limited to the value of the member-borrower's equity in the real estate securing the loan, provided a credit union may consider as equity any outstanding loan amount secured by the real estate if the outstanding loan will be repaid with the proceeds of the credit union's loan.
- d) The maximum individual lending limit and the maximum ratio of first mortgage real estate loans may be increased by obtaining written approval from the Director. Such approval is to be based upon the need of the members and the credit union's real estate lending record.
- e) The maximum limit on an individual loan by credit unions with assets greater than \$1 million is in addition to the secured and unsecured lending limits of Section 190.160 of this Part; provided, however, in no event shall all loans to any member exceed in the aggregate 10% of the credit union's unimpaired capital and surplus as defined in Section 190.2 of this Part. Loans subject to the requirements for business loans set forth in Section 190.165 of this Part shall be subject to the appraisal requirements of subsection (h), but shall not be subject to the other provisions of this Section.
- f) The maximum maturity of a loan secured by a first mortgage shall not exceed 40 years.
- g) Procedures
  - 1) All loans secured by a lien on real estate shall be made based upon prudent written lending policies and sound lending practices as documented in each member's loan file. Unless waived by the Director, lending policies shall include, without limitation, acceptable debt-to-income and loan-to-value ratios that will be considered the types of real estate security that will be accepted and any other prudent data considered necessary to determine the appropriateness of a loan request. All applicable Illinois and Federal statutes shall be observed.
  - 2) All accounting for real estate loan transactions shall be in accordance with

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

generally accepted accounting principles.

- h) Documentation
- 1) Any credit union granting loans secured by a lien in real estate must procure and retain the following documentation in its files:
    - A) A loan application that specifies the purpose of the loan (equity, purchase, construction, refinance, etc.). The application must contain sufficient information to support the approval of the loan. Such information shall include without limitation: the amount of the loan requested; the purchase price (if applicable); a listing of the borrower's assets and liabilities; a statement of the borrower's income; a specific identification of the property; and an explanation of the source of the borrower's down payment. If the loan proceeds will be used for the purchase of the property, a copy of the real estate sale contract shall be included as an attachment to the application.
    - B) A legal opinion from the credit union's attorney, or a title insurance policy that identifies the credit union's lien position on the property used to secure the loan. In the case of home equity lines of credit, ~~and~~ second mortgages, and non-purchase money first mortgage transactions, a title search prepared by a service provider capable of conducting such a search shall be acceptable.
    - C) For transactions of \$250,000 or less, a written estimate of market value of the property securing the loan, performed by an individual having no direct or indirect interest in the property and experienced to perform such estimations of value for the type and amount of credit being considered. For transactions over \$250,000, an appraisal by a state certified or licensed appraiser which estimates the market value of the property used as security for the loan.
    - D) A credit report prepared by the credit union or a credit reporting agency. The report, in conjunction with the information contained in subsection (h)(1)(A), must demonstrate the applicant's past history of repayment and ability to repay the loan in question.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

- E) A duly executed note and mortgage agreement that outline the borrower's agreement to repay the loan on the terms agreed, and the borrower's agreement to provide the credit union with a valid security interest in the subject property. The mortgage agreement must contain an accurate legal description of the subject property and be duly recorded in the office of the appropriate county recorder of deeds.
- F) A settlement statement reflecting all costs of closing and all disbursements of funds at closing for real estate loans that require the use of a settlement statement under the Real Estate Settlement Procedures Act.
- G) On any loan where the lesser of the loan-to-value ratio or loan-to-purchase price ratio exceeds 80%, the credit union may require the borrower to obtain private mortgage insurance insuring the excess of the loan above the 80% factor.
- H) In the event the subject loan is to be used for the construction of a residential dwelling that is or will be the principal residence of the member-borrower and the loan will be secured by a perfected first lien or first security interest in favor of the credit union, the credit union must obtain satisfactory evidence of the payment in full of the costs of furnishing labor and material in connection with such construction. Such evidence shall include receipt of an owner's statement, under oath, setting forth the names of all parties with whom the owner has contracted for the furnishing of labor and material; a general contractor's sworn statement from each of the parties named in the owner's statement; a subcontractor's sworn statement from each subcontractor named in the general contractor's statement; and partial and final unconditional lien waivers from the general contractor and all subcontractors and materialmen indicating that they have completed their respective portion of the work and been paid in full. The credit union must inspect, or cause to be inspected by a third party, the completion of each phase of the work for which an advance of any portion of the loan proceeds is sought. Any such inspections must be clearly documented in the file as to the date of the inspection and a brief explanation of the work progression. Additionally, the credit

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

union must obtain a borrower payment authorization, in connection with each payment to the general contractor. This subsection (h)(1)(H) shall not apply to a loan to finance the repair, alteration or improvement of a residential dwelling which is the residence of the member-borrower.

- 2) A loan secured by a lien on real estate is exempt from the requirements of subsections (h)(1)(B), (C) and (G) of this Section if the loan complies with the following criteria:
  - A) The loan is not used for the purchase or refinancing of the real estate securing the loan.
  - B) The lien on real estate is taken as collateral solely through an abundance of caution.
  - C) The terms of the transaction are not more favorable than they would have been in the absence of the lien on real estate.
  - D) The transaction complies with the lending limits and other requirements for consumer loans set forth in Section 190.160 of this Part.
- i) Sale of Real Estate Loans
  - 1) A credit union may sell, in whole or in part, any loan secured by real estate to:
    - A) Federal National Mortgage Association
    - B) Government National Mortgage Association
    - C) Federal Home Loan Mortgage Corporation
    - D) Federal, Illinois and Local Housing Authorities
    - E) Federal or Illinois Chartered Credit Unions, Banks, and Savings and Loan Associations

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT

- F) Residential mortgage licensees properly registered with and licensed by the Illinois Director of Banks and Real Estate
  - G) Such other institutions as approved by the Director
- 2) All such sales shall not be subject to recourse or repurchase that enables the credit union to retain control over the transferred assets. The credit union shall have surrendered control over the transferred assets if:
- A) The transferred assets have been put presumptively beyond the reach of the credit union transferring the assets and its creditors;
  - B) The purchaser has the right to pledge or exchange the assets; and
  - C) The credit union does not maintain effective control over the transferred assets through an agreement that both entitles and obligates the credit union to repurchase the assets before their maturity.
- 3) A limited recourse provision in a sale agreement that obligates the credit union transferring assets to purchase the assets because of breach of warranty or misrepresentation shall be considered a sale.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.270                      Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This proposed amendment allows new hospitals within Illinois the option of being reimbursed by a per diem rate or by Diagnostic Related Group (DRG).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
148.140	Amendment	30 Ill. Reg. 13268; 08/11/06
148.210	Amendment	30 Ill. Reg. 13636; 08/18/06
148.126	Amendment	31 Ill. Reg. 1949; 01/26/07
148.295	Amendment	31 Ill. Reg. 1949, 01/26/07
148.117	New Section	31 Ill. Reg. 2185; 02/02/07
148.404	Amendment	31 Ill. Reg. 2185; 02/02/07
148.408	Amendment	31 Ill. Reg. 2185; 02/02/07
148.418	Amendment	31 Ill. Reg. 2185; 02/02/07
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which Interested Persons may Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Tamara Tanzillo Hoffman  
Chief of Staff  
Illinois Department of Healthcare and Family Services  
201 South Grand Avenue E., 3<sup>rd</sup> Floor  
Springfield, Illinois 62763-0002

217/557-7157

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

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

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Illinois general acute-care hospitals
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
  
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: this rulemaking was not anticipated by the Department when the most recent regulatory agendas were published.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

## TITLE 89: SOCIAL SERVICES

## CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## SUBCHAPTER d: MEDICAL PROGRAMS

## PART 148

## HOSPITAL SERVICES

## SUBPART A: GENERAL PROVISIONS

## Section

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

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

## Section

148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million
- 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Childrens Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

	(Repealed)
148.390	Hearings
148.400	Special Hospital Reporting Requirements
148.402	Medicaid Eligibility Payments
148.404	Medicaid High Volume Adjustment Payments
148.406	Intensive Care Adjustment Payments
148.408	Trauma Center Adjustment Payments
148.410	Psychiatric Rate Adjustment Payments
148.412	Rehabilitation Adjustment Payments
148.414	Supplemental Tertiary Care Adjustment Payments
148.416	Crossover Percentage Adjustment Payments
148.418	Long Term Acute Care Hospital Adjustment Payments
148.420	Obstetrical Care Adjustment Payments
148.422	Outpatient Access Payments
148.424	Outpatient Utilization Payments
148.426	Outpatient Complexity of Care Adjustment Payments
148.428	Rehabilitation Hospital Adjustment Payments
148.430	Perinatal Outpatient Adjustment Payments
148.432	Supplemental Psychiatric Adjustment Payments
148.434	Outpatient Community Access Adjustment Payments

## SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section	
148.500	Definitions
148.510	Reimbursement

## SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

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

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

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

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

**SOURCE:** Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822,

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005; emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 11622, effective July 5, 2005, for the remainder of the 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005; emergency amendment at 29 Ill. Reg. 10275, effective July 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12568, effective August 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 15629, effective October 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19973, effective November 23, 2005; amended at 30 Ill. Reg. 383, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 596, effective January 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 955, effective January 9, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 2827, effective February 24, 2006; emergency amendment at 30 Ill. Reg. 7786, effective April 10, 2006, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 30 Ill. Reg. 12400, effective July 1, 2006, for the remainder of the 150 days; emergency expired September 6, 2006; amended at 30 Ill. Reg. 8877, effective May 1, 2006; amended at 30 Ill. Reg. 10393, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 11815, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18672, effective November 27, 2006; emergency amendment at 31 Ill. Reg. 1602, effective January 1, 2007, for a maximum of 150 days;

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

emergency amendment at 31 Ill. Reg. 1999, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

**Section 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals**

- a) Calculation of Alternate Cost Per Diem Rates for All Hospitals  
For all hospitals, regardless of the hospital's reimbursement methodology, the Department shall first calculate the hospital's alternate cost per diem rate, as calculated under Section 148.260, derived from the provider's base period cost reports, as described in Section 148.25(g)(1).
- b) Calculation of Payment Rates for Certain Exempt Hospital Units
  - 1) For admissions occurring within the rate period described in Section 148.25(g)(2)(A):
    - A) In the case of a distinct part unit, as described in 89 Ill. Adm. Code 149.50(d), the Department shall divide the hospital's Medicaid charges per diem (identified on adjudicated claims submitted by the provider during the most recently completed fiscal year for which complete data are available) related to the distinct part unit by the hospital's total charge per diem for all claims for the same time period.
    - B) The resulting quotient, as calculated in subsection (b)(1)(A)-above, shall be multiplied by the hospital's total operating cost per diem, as calculated in Section 148.260(a)(1)(B).
    - C) The capital related cost per diem, as calculated in Section 148.260(a)(2), is then added to the resulting product calculated in subsection (b)(1)(B)-above, subject to the inflation adjustment described in Section 148.260(c)(1).
    - D) Subject to the provisions of subsections (b)(1)(E) and (b)(1)(F) below, the final distinct part unit payment rate shall be the lower

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

of:

- i) The result of the calculations described in subsections (b)(1)(A) through (b)(1)(B) above; or
  - ii) The hospital's alternate cost per diem rate, as calculated in subsection (a) above.
- E) In no case shall the hospital's final distinct part unit payment rate be greater than three standard deviations above the mean distinct part unit payment rate.
- F) In the case of a new distinct part unit for which the Department has insufficient adjudicated claims history data available, the Department shall utilize the average payment rate calculated under this subsection (b)(1) for like distinct part units.
- 2) For admissions occurring within a rate period described in Section 148.25(g)(2)(B), the distinct part unit payment rate shall be the distinct part unit payment rate in effect on June 30, 1993, as calculated under subsection (b)(1)-~~above~~, updated to the midpoint of the current rate period, using the TEFRA price inflation factor.
- c) In the case of a new hospital (not previously owned or operated), a hospital that has significantly changed its case-mix profile (e.g., a general acute care hospital changing its case-mix to reflect a predominance of long term care patients), or an out-of-state non cost-reporting hospital, reimbursement for inpatient services shall be as follows:
- 1) For general acute-care hospitals, reimbursement for inpatient services:
    - A) provided by Illinois general acute care hospitals prior to July 1, 2007 shall be at the average payment rate calculated under subsection (a) or (b)-~~above~~, as applicable, for those hospitals that would otherwise be reimbursed under 89 Ill. Adm. Code 149.
    - B) provided by Illinois general acute care hospitals on or after July 1, 2007 shall be reimbursed at either of the following rates:

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF PROPOSED AMENDMENT

- i) utilizing the payment methodologies described in 89 Ill. Adm. Code 149 that will only reflect the federal/regional blended rate described in 89 Ill. Adm. Code 149.100. No other payments described in Part 149 will be reimbursed; or
    - ii) at the average payment rate calculated under subsection (a) or (b), as applicable, for those hospitals that would otherwise be reimbursed under 89 Ill. Adm. Code 149.
  - C) provided by out of state general acute care hospitals shall be at the average payment rate calculated under subsection (a) or (b), as applicable, for those hospitals that would otherwise be reimbursed under 89 Ill. Adm. Code 149.
- 2) For psychiatric hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(1), reimbursement for inpatient psychiatric services shall be at the average rate calculated under Section 148.260 for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(1).
- 3) For rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), reimbursement for inpatient rehabilitation services shall be at the average rate calculated under Section 148.260 for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(2).
- 4) For long term stay hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(4), reimbursement for inpatient services shall be at the average rate calculated under Section 148.260 for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(4).
- 5) For children's hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(3), reimbursement for inpatient services:
  - A) provided before August 1, 1998, shall be at the average rate calculated under subsection (a) ~~above~~ for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(3);
  - B) provided on or after August 1, 1998, for a children's hospital that was licensed as such by a municipality after June 30, 1995, shall be equal to the average rate calculated in Section 148.280 for

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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

children's hospitals in existence before June 30, 1995, with an average length of stay that was less than 14 days as determined from the hospital's fiscal year 1994 cost report.

(Source: Amended at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 825
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
825.10	New Section
825.20	New Section
825.30	New Section
825.40	New Section
825.50	New Section
825.60	New Section
825.70	New Section
825.80	New Section
- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 [42 U.S.C. 12131 – 12134], as specified in Title II regulations [28 CFS 35.107], and authorized by 2605-15 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-15]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to provide grievance procedures to resolve grievances asserted by qualified individuals with disabilities as required by Section 35.107 [28 CFR 35] pursuant to Title II of the Americans With Disabilities Act of 1990 [42 USC 12101 et seq.].
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These rules 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 STATE POLICE

## NOTICE OF PROPOSED RULES

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:

Mr. Keith Jensen  
Chief Legal Counsel  
Illinois State Police  
124 East Adams Street, Room 102  
Post Office Box 19461  
Springfield, Illinois 62794-9461

Telephone: 217/782-7658

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: January 2007

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

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED RULES

TITLE 4: DISCRIMINATION PROCEDURES  
CHAPTER II: DEPARTMENT OF STATE POLICEPART 825  
AMERICANS WITH DISABILITIES ACT  
GRIEVANCE PROCEDURE

## Section

825.10	Purpose
825.20	Definitions
825.30	Grievances
825.40	Manner of Filing
825.50	ADA Coordinator Review
825.60	Final Review
825.70	Accessibility
825.80	Case-by-Case Resolution

**AUTHORITY:** Implementing the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) and authorized by Section 2605-15 of the Civil Administration Code of Illinois [20 ILCS 2605/2605-15].

**SOURCE:** Adopted at 31 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 825.10 Purpose**

- a) This Part establishes the grievance procedure required by 28 CFR 35.107, adopted pursuant to the Americans With Disabilities Act of 1990 (42 USC 12101 et seq.) requiring the adoption of a procedure to resolve grievances asserted by qualified individuals with disabilities. Interested parties may contact the ADA Coordinator to review the ADA or its regulations to understand the rights, privileges, and remedies afforded by it.
- b) In general, the ADA requires that each program, service, and activity offered by the Department of State Police, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Department to foster open communications with all individuals requesting readily-accessible programs, services, and activities. The

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED RULES

Department encourages supervisors of programs, services, and activities to respond to requests for modifications before they become grievances.

**Section 825.20 Definitions**

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

"ADA Coordinator" means the person appointed by the Director of the Department to coordinate the Department's efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of grievances filed by complainants. The ADA Coordinator may be contacted at Department of State Police, ADA Coordinator, 3700 East Lake Shore Drive, Springfield, Illinois 62712, 217/782-1282 (voice). (See 28 CFR 35.107.)

"Complainant" means a qualified individual with a disability who files a grievance on the grievance form provided by the Department.

"Department" means the Illinois Department of State Police.

"Director" means the Director of the Department of State Police or a duly authorized designee.

"Disability" shall have the same meaning as set forth in the ADA.

"Grievance" means any written complaint under the ADA by an individual with a disability who meets the eligibility requirements for participation in, or receipt of, the benefits of a program, activity, or service offered by the Department and who believes he or she has been excluded from participation in, or denied the benefits of, any program, service, or activity of the Department, or who has been subjected to discrimination by the Department on the basis of his or her disability.

"Grievance Form" means the form prescribed by the Department for the purpose of filing a grievance under this Part and includes information such as name, address, telephone number, nature of the grievance, with specificity, including date of incident, time, and 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

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED RULES

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 Department.

**Section 825.30 Grievances**

- a) The Department will endeavor to respond to and resolve grievances without the need to resort to the formal grievance procedure established by this Part. However, grievances must be submitted within 180 calendar days of the alleged discrimination and in accordance with procedures established in Sections 825.40, 825.50, and 825.60 of this Part.
- b) The Department shall, upon being informed of an individual's request for a form or desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the Grievance Form.
- c) 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 ADA Coordinator's and/or the Final Review described in Sections 825.50 and 825.60 of this Part.
- d) A complainant's failure to submit a Grievance Form, or to submit or appeal it to the next level of review within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the Department's last response as given in the grievance procedure.
- e) A complainant must exhaust the remedies provided under this Part as a prerequisite for filing any action before a court or other administrative body.

**Section 825.40 Manner of Filing**

- a) The filing of a grievance is accomplished by the complainant's submission of a Grievance Form to the ADA Coordinator.
- b) If an individual desires to file a grievance, the individual shall promptly, but no later than 180 days after the date of the alleged discrimination, submit a grievance to the ADA Coordinator on the Grievance Form prescribed for that purpose.

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED RULES

- c) In order to be deemed filed and to receive proper consideration by the Department, the Grievance Form must be completed in full, except as otherwise indicated on the form. The ADA Coordinator will notify the complainant, within ten business days after the receipt of the form, if the filing is not complete.
- d) Upon request, the Department shall assist an individual in completing the Grievance Form.

**Section 825.50 ADA Coordinator Review**

The ADA 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 ADA Coordinator shall provide a written response to the complainant and Director within 15 business days after receipt of the Grievance Form.

**Section 825.60 Final Review**

- a) If the grievance is not resolved pursuant to Section 825.50 of this Part to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and ADA Coordinator's response to the Director for Final Review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reasons for dissatisfaction with the ADA Coordinator's written response, within ten business days after service of the ADA Coordinator's response. Service is deemed complete five business days after mailing.
- b) The Director will extend the period for submitting the review request and supporting documents for up to five additional days upon complainant's request.
- c) Within 15 business days after receipt of the complainant's request to the Director for Final Review, the Director shall appoint a three-member panel to evaluate the grievance. The Director shall designate one panel member as chair. The panel shall schedule a review of the grievance, which shall commence no later than 15 business days after the last panel member is appointed.
- d) The complainant shall be afforded an opportunity to appear before the panel. The complainant shall have the right to appoint a representative to appear on his or her behalf. The panel shall review the complainant's Grievance Form and the ADA

## DEPARTMENT OF STATE POLICE

## NOTICE OF PROPOSED RULES

Coordinator's written response, and may conduct interviews and seek advice as it deems appropriate.

- e) Upon agreement of at least two of the panel members, but not later than 15 business days after the review described in subsection (c), the panel shall make written recommendations to the Director regarding 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 Director in writing and shall sign his or her recommendation.
- f) Within 15 business days after receipt of the panel's recommendations, the Director shall approve, disapprove, or modify the panel recommendations; shall render a decision on those recommendations in writing; shall state the basis for her or her decision; and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the panel's recommendations, the Director shall include written reasons for such disapproval or modification.
- g) The Grievance Form, the ADA Coordinator's response, the complainant's statement of the reasons for dissatisfaction, the panel's recommendations, and the Director's decision shall be maintained in accordance with the State Records Act [5 ILCS 160] or as otherwise required by law.

**Section 825.70 Accessibility**

The Department shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

**Section 825.80 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 cause undue hardship for the Department. 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.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Indian Child Welfare Services
- 2) Code Citation: 89 Ill. Adm. Code 307
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
307.10	Repealed
307.15	Repealed
307.20	Repealed
307.25	Repealed
307.30	Repealed
307.35	Repealed
307.40	Repealed
307.45	Repealed
- 4) Statutory Authority: 25 USC 1901; 20 ILCS 505/4
- 5) Effective Date of Repealer: February 28, 2007
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain an incorporation by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Repealer Published in the Illinois Register: May 19, 2006; 30 Ill. Reg. 9239
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will this repealer replace an emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: This Part is being repealed and replaced with new rules. The content of this repealed Part will be replaced by Indian Child Welfare Services (89 Ill. Adm. Code 307), which has the same title and Part number.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Jeff Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65-D  
Springfield, Illinois 62701-1498

Telephone: 217/524-1983  
TTY: 217/524-3715  
E-Mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us)  
Facsimile: 217/557-0692

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Indian Child Welfare Services
- 2) Code Citation: 89 Ill. Adm. Code 307
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
307.10	New Section
307.15	New Section
307.20	New Section
307.25	New Section
307.30	New Section
307.35	New Section
307.40	New Section
307.45	New Section
- 4) Statutory Authority: Implementing the federal Indian Child Welfare Act (25 USC 1901 et seq.) and authorized by Section 4 of the Department of Children and Family Services Act [20 ILCS 505/4]
- 5) Effective Date of Rulemaking: February 28, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Rules Published in the Illinois Register: May 19, 2006; 30 Ill. Reg. 9230
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The Department added an incorporation by reference for a document titled "Indian Child Welfare Checklists for Juvenile and Family Court Judges".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

- 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: This rulemaking replaces the previous Indian Child Welfare Services (89 Ill. Adm. Code 307) rules that have been repealed and are included in this week's Illinois Register.
- 16) Information and questions regarding these adopted rules shall be directed to:

Jeff Osowski  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65-D  
Springfield, Illinois 62701-1498

217/ 524-1983  
TTY: 217/524-3715  
E-Mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us)  
Facsimile: 217/557-0692

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

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER a: SERVICE DELIVERY

## PART 307

## INDIAN CHILD WELFARE SERVICES

## Section

307.10	Purpose
307.15	Definitions
307.20	Identification of Indian Children
307.25	Notification of Proceedings
307.30	Transfer of Jurisdiction
307.35	Placement of an Indian Child
307.40	Retaining Custody of an Indian Child
307.45	Terminating Parental Rights

**AUTHORITY:** Implementing the Indian Child Welfare Act (25 USC 1901 et seq.) and authorized by Section 4 of the Department of Children and Family Services Act [20 ILCS 505/4].

**SOURCE:** Adopted and codified at 5 Ill. Reg. 8645, effective August 19, 1981; old Part repealed at 31 Ill. Reg. 4328 and new Part adopted at 31 Ill. Reg. 4330, effective February 28, 2007.

**Section 307.10 Purpose**

The purpose of the Indian Child Welfare Act is to promote the identity of Indian children and their connection or affiliation with their Indian tribes. The Department of Children and Family Services recognizes that Indian children are central in the maintenance of Indian tribal culture, traditions and values. Therefore, the Department shall, in conjunction with Indian communities, organizations and agencies, provide a method of early identification of Indian children and their families in order to provide services that assure all the additional protections afforded by the Indian Child Welfare Act.

**Section 307.15 Definitions**

"Department" means the Department of Children and Family Services.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

"Extended family member" shall be defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or step-parents.

"Indian" means any person who is a member of an Indian tribe, or who is an Alaska Native and a member of the Regional Corporation as defined in 43 USC 1606.

"Indian child" means any unmarried person who is under age 18 and is a member of an Indian tribe, or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

"Indian child's tribe" means the Indian tribe in which an Indian child is a member or eligible for membership as determined by the tribe; or, in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.

"Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of the child.

"Indian tribe" means any Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 USC 1602(c).

"Parent" means any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include the unwed father where paternity has not been acknowledged or established.

"Qualified expert witness" means:

a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices; or

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

a lay expert witness having substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

a professional person having substantial education and experience in the area of his or her specialty. (See Indian Child Welfare Act Checklists for Juvenile and Family Court Judges, Permancy Planning for Children Department, National Council of Juvenile Justice and Family Court Judges, June 2003, P.O. Box 8970, Reno, Nevada 89507.)

"Secretary" means the Secretary of the United States Department of the Interior.

"Tribal court" means a court of jurisdiction over child custody proceedings that is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe that is vested with authority over child custody proceedings.

**Section 307.20 Identification of Indian Children**

In order for the Department to inform any Indian child, any parent of an Indian child, or any Indian custodian of his or her rights under the Indian Child Welfare Act, the Department shall determine if a child is an Indian child at intake or at any point in the life of the case.

**Section 307.25 Notification of Proceedings**

- a) The Department shall notify the child's parents or Indian custodian and the child's tribe by registered mail, return receipt requested, within 10 days after determining that an Indian child is the subject of a proceeding under Article II of the Juvenile Court Act of 1987 [705 ILCS 405] or for termination of parental rights.
- b) If the identity or location of the parents or Indian custodian and the tribe cannot be determined, the Department shall notify the Secretary by registered mail, with return receipt requested. The Secretary shall have 15 days after receipt to provide the requisite notice to the parents or Indian custodian and the tribe.
- c) No proceeding for adjudication of wardship under Article II of the Juvenile Court Act of 1987 or termination of parental rights shall be held until at least 10 days after receipt of notice by the parent or Indian custodian and the tribe, or by the

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

Secretary. The parent or Indian custodian or tribe shall, upon request, be granted up to 20 additional days to prepare for the proceeding. (See 25 USC 1912(a).)

**Section 307.30 Transfer of Jurisdiction**

- a) When removal of an Indian child from the custody of his or her parent or Indian custodian is contemplated, or when parental rights to an Indian child may be terminated, the child's tribe has the option to request transfer of jurisdiction to the tribal court.
- b) In the event that a single tribe's jurisdiction cannot be established because of multiple tribal claims of right, the Department shall not participate in the intertribal jurisdictional dispute unless specifically requested by the tribes to aid in the resolution of the jurisdictional conflict.
- c) Absent good cause to the contrary, the State court must transfer proceedings to the tribal court. However, objection by either parent shall act as an absolute bar to such transfer.
- d) When the State court transfers the proceedings to the tribal court, the Department shall transfer custody or guardianship of the Indian child as directed by the State or tribal court.

**Section 307.35 Placement of an Indian Child**

- a) In choosing an adoptive placement, the Department shall assure that the child is placed in accordance with the provisions of 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services Is Legally Responsible). In addition, preference must be given in the following order, absent good cause to the contrary, to the placement of an Indian child with:
  - 1) a member of the Indian child's extended family;
  - 2) other members of the Indian child's tribe; or
  - 3) other Indian families. (See 25 USC 1915(a).)
- b) In choosing a foster care or preadoptive placement, the Department shall assure that the child is placed in the least restrictive setting that most approximates a

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

family and in which his or her special needs, if any, may be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. In addition, preference must be given in the following order, absent good cause to the contrary, to the placement of an Indian child with:

- 1) a member of the Indian child's extended family;
  - 2) a foster home licensed or approved or specified by the Indian child's tribe;
  - 3) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
  - 4) an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs. (25 USC 1915(b).)
- c) In the case of a placement under subsection (a) or (b) of this Section, if the Indian child's tribe establishes a different order of preference by resolution, the Department or court selecting the placement shall follow that order so long as the placement is the least restrictive setting appropriate to the particular needs of the child, as provided in subsection (b) of this Section. When appropriate, the preference of the Indian child or parent shall be considered, provided that, when a consenting parent expresses a desire for anonymity, the court or Department shall give weight to that desire in applying the preferences.
- d) The standards to be applied in meeting the preference requirements of this Section shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties.
- e) The Department shall maintain a record of each placement of an Indian child that includes efforts to comply with the order of preference specified in this Section. The Department shall make these records available for inspection, at any time, upon the request of the Secretary or the Indian child's tribe.

**Section 307.40 Retaining Custody of an Indian Child**

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

- a) When seeking temporary custody or placement of, or termination of parental rights to, an Indian child, the Department shall inform the court that the child named in the petition or motion is an Indian child as soon as that information becomes known.
- b) Excluding extraordinary circumstances, the Department may retain temporary custody of an Indian child for a reasonable period of time not to exceed 90 days. Continued custody after that period may occur only upon a court finding, based upon the testimony of a qualified expert witness, that the child is likely to suffer serious emotional or physical injury if returned to the custody of the parent or Indian custodian. The court's finding shall be supported by clear and convincing evidence.
- c) Each party to an involuntary placement proceeding involving an Indian child shall have the right to examine all reports or other documents that the Department may present during the proceedings.

**Section 307.45 Terminating Parental Rights**

- a) When the Department determines at an internal legal screening (as defined in 89 Ill. Adm. Code 309.80 (Termination of Parental Rights)) that adoption is in the best interests of an Indian child and sufficient legal grounds exist for termination of parental rights, the Department shall notify the State's Attorney of the names and addresses of the child's parents or Indian custodian and the child's tribe for purposes of the Juvenile Court proceeding, if these persons or the tribe have not been previously served.
- b) The Department shall request the State's Attorney to notify the tribe so the tribe may intervene in a proceeding for the termination of parental rights.
- c) To terminate parental rights, the court must find, beyond a reasonable doubt, that the child is likely to suffer serious emotional or physical injury if returned to the custody of his or her parent or Indian custodian. The court's finding shall be based upon the testimony of a qualified expert witness. (See 25 USC 1912(f).)
- d) Each party to a proceeding to terminate parental rights that involves an Indian child shall have the right to examine all reports or other documents that the Department may present during the proceedings.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED RULES

- e) When a parent or Indian custodian voluntarily consents to a foster care placement, or when a parent voluntarily consents to termination of his or her parental rights, the consent shall not be valid unless executed in writing and acknowledged before a judge of a court of competent jurisdiction and accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, the birth of the Indian child shall not be valid.
- f) A parent or Indian custodian may withdraw consent to a foster care placement under State law at any time and, upon such withdrawal, the child shall be returned to the parent or Indian custodian when the sole basis of placement was the consent.
- g) When a parent of an Indian child has executed a surrender or consent for adoption, the surrender or consent may be withdrawn by the parent for any reason at any time prior to the entry of an order terminating that parent's parental rights or an order of adoption, as the case may be, and the child shall be returned to the parent.
- h) After the entry of an order of adoption of an Indian child, the parent may petition the court to vacate the order for adoption on the grounds that his or her consent was obtained through fraud or duress. If the court finds that the consent was obtained through fraud or duress, the court shall vacate the order of adoption and return the child to the parent. No action to void or revoke a consent to or surrender for adoption based on fraud or duress may be commenced after 24 months from the date of the entry of the order for adoption.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Optometric Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1320
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1320.20	Amendment
1320.30	Amendment
1320.35	Amendment
1320.50	Amendment
1320.70	Amendment
1320.80	Amendment
1320.90	Amendment
1320.95	Amendment
1320.100	Amendment
1320.110	Amendment
1320.200	Repealed
1320.210	Repealed
1320.220	Repealed
1320.230	Repealed
1320.240	Repealed
1320.250	Repealed
1320.300	Amendment
1320.310	Repealed
1320.315	Amendment
1320.320	Repealed
1320.330	Amendment
1320.340	Repealed
1320.350	Repealed
1320.400	Amendment
1320.410	Amendment
1320.420	Amendment
1320.430	Amendment
- 4) Statutory Authority: Illinois Optometric Practice Act of 1987 [225 ILCS 80]
- 5) Effective Date of Amendments: March 5, 2007
- 6) Does this rulemaking contain an automatic repeal date? No

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 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: October 27, 2006; 30 Ill. Reg. 16703
- 10) Has JCAR issued a Statement of Objection to these amendments? 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 agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This proposed rulemaking implements, Public Act 94-787, effective May 19, 2006, the sunset reauthorization of the Optometric Practice Act. The most significant change was going to a single level of licensure for optometrists, with all licensees required to have therapeutic pharmaceutical agent certification by January 1, 2007; accordingly, various sections dealing with the separate therapeutic certification have been revised or repealed. The minimum requirements in Section 1320.90 for an eye examination have been revised to reflect the current state of the profession. Various other non-substantive changes are also included.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, Illinois 62786

217/785-0813

Fax: 217/557-4451

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1320

## OPTOMETRIC PRACTICE ACT OF 1987

## SUBPART A: OPTOMETRY

## Section

1320.20	Approved Programs of Optometry
1320.30	Application for Licensure
1320.35	Application for a Limited Residency License
1320.40	Examinations
1320.45	Fees (Emergency Expired)
1320.50	Endorsement
1320.55	Renewals (Renumbered)
1320.60	Inactive Status
1320.70	Restoration
1320.80	Continuing Education
1320.90	Minimum Eye Examination
1320.95	Minimum Equipment List
1320.100	Practice of Optometry
1320.110	Advertising
1320.120	Granting Variances (Renumbered)

## SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

## Section

1320.200	Standards <a href="#">(Repealed)</a>
1320.210	Application for Diagnostic Certification <a href="#">(Repealed)</a>
1320.220	Approved Diagnostic Topical Ocular Pharmacological Training <a href="#">(Repealed)</a>
1320.230	Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act <a href="#">(Repealed)</a>
1320.240	Restoration of Diagnostic Certification <a href="#">(Repealed)</a>
1320.250	Endorsement of Diagnostic Certification <a href="#">(Repealed)</a>
1320.260	Renewal of Certification (Repealed)
1320.270	Display of Certification (Repealed)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

SUBPART C: DIAGNOSTIC AND THERAPEUTIC OCULAR  
PHARMACEUTICAL AGENTS

## Section

1320.300	Definitions and Standards
1320.310	Application for Therapeutic Certification ( <u>Repealed</u> )
1320.315	Controlled Substance License Requirement
1320.320	Approved Therapeutic Ocular Training ( <u>Repealed</u> )
1320.330	Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act
1320.340	Restoration of Therapeutic Certification ( <u>Repealed</u> )
1320.350	Endorsement of Therapeutic Certification ( <u>Repealed</u> )

## SUBPART D: GENERAL

## Section

1320.400	Fees
1320.410	Ancillary Licenses
1320.420	Renewals
1320.430	Granting Variances

**AUTHORITY:** Implementing the Illinois Optometric Practice Act of 1987 [225 ILCS 80] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

**SOURCE:** Adopted at 5 Ill. Reg. 5869, effective June 1, 1981; codified at 5 Ill. Reg. 11046; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2273, effective January 29, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10032, effective August 1, 1982; amended at 9 Ill. Reg. 1092, effective January 11, 1985; amended at 10 Ill. Reg. 7340, effective April 16, 1986; transferred from Chapter I, 68 Ill. Adm. Code 320 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1320 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 1821; emergency amendment at 12 Ill. Reg. 1925, effective January 1, 1988, for a maximum of 150 days; emergency expired May 30, 1988; amended at 12 Ill. Reg. 11447, effective June 27, 1988; amended at 13 Ill. Reg. 6994, effective April 25, 1989; amended at 14 Ill. Reg. 14128, effective August 15, 1990; amended at 17 Ill. Reg. 18096, effective October 4, 1993; amended at 17 Ill. Reg. 21501, effective December 1, 1993; amended at 19 Ill. Reg. 17150, effective December 19, 1995; amended at 20 Ill. Reg. 9068, effective July 1, 1996; amended at 21 Ill. Reg.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

16040, effective November 24, 1997; amended at 23 Ill. Reg. 5744, effective April 30, 1999; amended at 24 Ill. Reg. 3656, effective February 15, 2000; amended at 27 Ill. Reg. 2677, effective January 31, 2003; amended at 28 Ill. Reg. 4945, effective March 3, 2004; amended at 28 Ill. Reg. 16247, effective December 2, 2004; amended at 29 Ill. Reg. 20616, effective December 6, 2005; amended at 31 Ill. Reg. 4339, effective March 5, 2007.

## SUBPART A: OPTOMETRY

**Section 1320.20 Approved Programs of Optometry**

- a) The Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall, upon the recommendation of the Illinois Optometric Licensing and Disciplinary Board (the Board), approve an optometry program 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 confer the Doctor of Optometry degree.
  - 2) Has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the students are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from professional colleges or institutions.
  - 3) Has a curriculum of at least the following subject areas:
    - Basic Science, including Anatomy, Physiology and Biochemistry
    - Practical Optics
    - Anatomy and Physiology of the Eye
    - Pathology of the Eye
    - Physiological Optics
    - Theoretical Optometry

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

Practical Optometry

Clinical Optometry

Theory and Practice of Contact Lens

Fitting

Pharmacology

Diagnosis, treatment and management of ocular disease and recognition of systemic diseases with ocular symptoms

- 4) Has a course of study of 4 academic years above the undergraduate level.
  - 5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- b) In determining whether a school or college should be approved, the Division shall take into consideration but not be bound by accreditation by the [Accreditation Council on Optometric Education](#).
- c) Procedures taught in schools and colleges of optometry approved by the Division that are considered for approval in the practice of optometry shall be adopted pursuant to rule or regulation by the Division upon recommendation of the Board. Before adoption of such rules or regulations, the Board shall first evaluate the procedure in accordance with criteria it has previously adopted. Furthermore, the Board shall specify training and demonstration of competency required before an optometrist may perform such procedures. In any event, the Division, upon recommendation of the Board, has determined that surgery, including surgery performed with a laser, is not an optometric procedure.
- d) Program Evaluation
- 1) An applicant from an optometry program that has not been evaluated will be requested by the Division to provide documentation concerning the criteria in this Section.
  - 2) Once the Division has received the documentation or after 6 months have

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

elapsed from the date of application, whichever comes first, the Board will evaluate the program based on all documentation received from the school and any additional information the Division has received which it deems to be reliable.

- e) Withdrawal of Approval
  - 1) The Director of the Department of Financial and Professional Regulation-Division of Professional Regulation (Director) may, upon a written recommendation submitted by the Board, withdraw, suspend or place on probation the approval of an optometry program 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 Illinois Optometric Practice Act of 1987 [225 ILCS 80] (the Act);
    - B) Gross or repeated violations of any of this Part;
    - C) Fraud or dishonesty in furnishing documentation for evaluation of the optometry program; or
    - D) Failure to continue to meet the established criteria of an approved optometry program as set out in this Section.
  - 2) An optometry program whose approval is being reconsidered by the Division shall be given written notice prior to any recommendation by the Board and the officials in charge may either submit written comments or request a hearing before the Board in accordance with 68 Ill. Adm. Code 1110.
- f) ~~The Division, upon the recommendation of the Board, has determined that optometry programs accredited by the Council on Optometric Education as of January 1, 1996, meet the minimum criteria set forth in subsection (a) and are, therefore, approved.~~

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.30 Application for Licensure**

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

a) An individual applying for a license to practice optometry shall file an application on forms supplied by the Division. The application shall include:

- a1) Certification of graduation from a 4-year optometry graduate level program approved by the Division in accordance with Section 1320.20;
- b2) Certification of passage of the National Board of Examiners in Optometry (NBEO) examinations as set forth in Section 1320.40. The applicant shall have the examination scores submitted to the Division directly from NBEO;
- ~~3) A complete work history since graduation from an optometry program;~~
- c4) Certification from the jurisdiction of original licensure and current licensure ~~from all United States jurisdictions in which the applicant has ever been licensed~~, if applicable, stating:
  - 1A) The period of time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
  - 2B) A description of the licensure examination in that jurisdiction;
  - 3C) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
- d5) The required fee set forth in Section 1320.400 of this Part.
- ~~b) Individuals applying for an initial optometry license in Illinois shall also be required to apply for and maintain certification for use of diagnostic topical ocular pharmaceutical agents in accordance with Subpart B and therapeutic ocular pharmaceutical agents in accordance with Subpart C.~~

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.35 Application for a Limited Residency License**

Pursuant to Section 12 of the Act, an individual may apply for a one year limited residency license to practice optometry in a residency program approved by the Board. The application shall include:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- a) Certification of graduation from a 4-year optometry graduate level program approved by the Division in accordance with Section 1320.20;
- b) Certification of final passage of the National Board of Examiners in Optometry (NBEO) examinations as set forth in Section 1320.40 within three years prior to application. The applicant shall have the examination scores submitted to the Division directly from NBEO;
- c) ~~A complete work history since graduation from an optometry program;~~ d) Proof that the applicant will be accepted or appointed to a position in a residency program that is approved by the Board and the dates during which the applicant will be in the program;
- de) Certification from the jurisdiction of original licensure and current licensure from all United States jurisdictions in which the applicant has ever been licensed, if applicable, stating:
  - 1) The period of time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;
  - 2) A description of the licensure examination in that jurisdiction;
  - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and
- ef) The required fee set forth in Section 1320.400 of this Part.

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.50 Endorsement**

- a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the Division together with:
  - 1) Certification of Graduation
    - A) Certification of graduation after January 1, 1994 from an optometry program approved by the Division in accordance with Section 1320.20; or

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- B) Certification of graduation prior to January 1, 1994 from an optometry program approved by the Division in accordance with Section 1320.20; and
- i) The submission of evidence that the applicant has practiced optometry for a minimum of 10 years utilizing therapeutic and diagnostic pharmaceutical agents under the laws of another jurisdiction that are deemed by the Board to be substantially equivalent to those of Illinois and that the applicant has done so with no related disciplinary action; or
- ii) The submission of evidence of completion of:
- a course or its equivalent as determined by the Board in diagnostic pharmaceutical agents. The course shall be approved by the Division upon the recommendation of the Board and shall include a curriculum of at least 55 hours of lecture in the diagnosis of eye disease, including the use of diagnostic pharmaceutical agents. The course shall be conducted by an approved school of optometry and shall include a comprehensive examination. Documentation of the content of the course shall be provided to the Division by the applicant; and
  - a 120 hour course in therapeutic pharmaceutical agents or its equivalent, as determined by the Board, within three years prior to application. The course shall be approved by the Division upon the recommendation of the Board and shall include a curriculum of at least 90 hours of lecture and at least 30 hours of practical laboratory in the treatment of the eye using therapeutic pharmaceutical agents that includes foreign body removal and clinical patient care. The program shall be conducted at an approved school of optometry and shall include the passage of a comprehensive examination designed to test the

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

student's knowledge, competence and ability. Applicants will be required to submit documentation of the course to the Division when applying under this subsection (a)(2);

- 2) Certification from the jurisdiction of original licensure and current licensure~~from all jurisdictions in which the applicant has ever been licensed~~, stating:
    - A) The period of time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
    - B) A description of the licensure examination in that jurisdiction;
    - C) Whether the records of the licensing entity contains any record of disciplinary actions taken or pending against the applicant;
  - 3) Certification of passage of Part I and Part II, including passage of the Treatment and Management of Ocular Disease (TMOD) section after January 1, 1996, of the National Board of Examiners in Optometry (NBEO) examination, by NBEO standards;
  - 4) Certification of passage of Part III of the examination administered by NBEO, by NBEO standards, or an equivalent~~a comprehensive practical examination administered in another jurisdiction equivalent to the comprehensive practical examination administered by the Division prior to July 1994; and~~
  - ~~5) A complete work history since graduation from an optometry program; and~~
  - 56) The required fee as set forth in Section 1320.400.
- b) The Division shall examine each endorsement application to determine whether the requirements in the jurisdiction at the date of licensure were substantially equivalent to the requirements then in force in this State. The applicant may be required to submit a copy of the Act and rules in effect at the time of original licensure. If an applicant has taken a licensure examination other than Part I and

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

Part II of the National Board prior to 1970, the examination and results will be required by the Board to determine that substantially equivalent requirements have been met. The Division shall within a reasonable time either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

- c) The Division may, in individual cases, upon recommendation of the Board, in accordance with Section 12 of the Act, waive the comprehensive practical examination for an applicant for endorsement, after full consideration of his/her optometric education, training and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has participated in writing textbooks relating to optometry, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in optometry.

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.70 Restoration**

- a) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the Division, together with:
- 1) Proof of current certification in cardiopulmonary resuscitation and completion of the continuing education requirements during the 2 years prior to restoration in accordance with Section 1320.80 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs; ~~and~~
  - 2) Either:
    - A) Evidence of an existing therapeutic pharmaceutical agent certification at the time the license was placed in inactive or expired status; or
    - B) Proof of completion of the requirements of Section 1320.50(a)(1)(A) or (B); and

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~32~~) The proper fees, either:
- A) The restoration fees, when restoring an expired license, specified in Section 1320.400(c)(1) of this Part; or
  - B) The renewal fees, when restoring an inactive license, specified in Section 1320.400(b)(1) of this Part.
- b) In addition to satisfying the requirements of subsection (a) ~~above~~, the licensee shall also submit ~~either~~:
- 1) 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 said active practice;
  - 2) An affidavit attesting to military service as provided in Section 16 of the Act. If application is made within 2 years of discharge, and if all other provisions of Section 16 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees;
  - 3) Evidence of other education or experience acceptable to the Division of the licensee's fitness to have the certificate restored. Such evidence shall be reviewed on a case by case basis by the Board; or
  - 4) Certification of passage of Part III of the examination administered by NBEO, by NBEO standards. The Board may, in its discretion and in individual cases, make a recommendation to the Director for the waiver of the clinical skills examination or Part III of the examination in accordance with Section 11 of the Act based on quality of education, training and experience including, but not limited to, special honors and awards, articles published in optometry journals, writing or participation in the writing of textbooks in optometry or any other circumstances or attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in optometry.
- c) A licensee seeking restoration of a license that has expired or been on inactive status for less than 3 years, or has been placed in ~~non-renewed~~~~nonrenewed~~ status for failure to comply with continuing education (CE) requirements shall file an

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

application on forms provided by the Division, together with:

- 1) Proof of current certification in cardiopulmonary resuscitation and completion of continuing education (CE) requirements during the 2 years prior to restoration in accordance with Section 1320.80 of this Part. Acceptable proof of completion shall be in the form of certificates of attendance provided by sponsors of approved continuing education programs; ~~and~~
- 2) Either:
  - A) Evidence of an existing therapeutic pharmaceutical agent certification at the time the license was placed in inactive or expired status; or
  - B) Proof of completion of the requirements of Section 1320.50(a)(1)(A) or (B); and
- 32) The restoration fees specified in Section 1320.400 of this Part. For the purpose of restoring from inactive status the Division shall consider that no renewal fees have lapsed during the period of inactive status.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 12 of the 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.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is reasonably questioned by the Division because of a lack of information, discrepancies or conflicts in information given, or there is a need for clarification, the licensee seeking restoration of the license will be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for interviews before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board, and approval by the Division, an applicant shall have the license restored.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.80 Continuing Education**

## a) Continuing Education Hour Requirements

- 1) Every renewal applicant shall complete 3024 hours of Continuing Education (CE) relevant to the practice of optometry required during each pre-renewal period. A pre-renewal period is the 24 months preceding March 31 in the year of the renewal. ~~For the March 31, 1998 renewal and every renewal thereafter, optometrists who hold certification for therapeutic ocular pharmaceuticals shall, in addition to the 24 hours of CE, complete 6 hours of certified CE in the treatment of ocular disease during the prerenewal period as set forth in subsection (b)(3).~~
- 2) A CE hour equals 50 minutes. CE credit may be given only in one hour increments~~After completion of the initial CE hour, credit may be given in one half hour increments.~~
- 3) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
- 4) Optometrists licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

## b) Approved Continuing Education

- 1) All continuing education hours must be earned by verified attendance at or participation in a program that is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c).
- 2) ~~As~~~~For the March 31, 1992, renewal and every renewal thereafter, as~~ part of the 3024 hours of required continuing education, each licensee shall complete during each pre-renewal period at least 126 hours of credit ~~that~~which is certified by an approved optometry college in accordance with Section 1320.20 of this Part, osteopathic or medical college or university pursuant to the Medical Practice Act of 1987 [225 ILCS 60], or a pharmacy college pursuant to the Pharmacy Practice Act [225 ILCS 85].

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- A) Each certified course shall include at least 2 hours of actual course presentation and shall include the successful completion of a post-course evaluation of the attendee's understanding of the course material. No additional credit may be given for the required post-course evaluation.
- i) The post-course evaluation may be taken on-site immediately following the course presentation. An examination distributed on-site shall not be removed from the site.
  - ii) The post-course evaluation may be a correspondence evaluation mailed to the attendee and returned to the provider. The sponsor shall not distribute a post-course evaluation at the site.
  - iii) The post-course evaluation must consist of a minimum of 5 questions per course hour.
  - iv) At the sponsor's discretion, the attendee may be allowed one retake of a failed post-course evaluation in order to receive credit as certified continuing education.
- B) Licensees who attend a certified education course without completion or passage of a post-course evaluation may apply the actual course hours toward fulfillment of the non-certified ~~additional~~ continuing education requirements as set forth in subsection (a)(1) ~~subsections (b)(1) and (b)(3)~~.
- C) Any approved continuing education sponsor may offer, in conjunction with the above-referenced college or university, a certified course. However Effective April 1, 1996, certified continuing education shall not be provided, sponsored, co-sponsored or in any way ~~be~~ supported or financially underwritten by a CE sponsor or others who may receive patient referrals from optometrists licensed under the Act ~~those in attendance~~. Approved optometry programs in subsection (b)(2) are not deemed in violation of this Section. Faculty of an adjunct institution to an

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

approved optometry program may present certified CE on the primary campus of the approved optometry program under this exception. Nothing in this Section shall prohibit the listing of courses in a professional journal or newsletter or prevent an approved school, college or university from certifying a course.

- D) Transcript quality continuing education courses shall be deemed equivalent to the certified courses if they meet the requirements set forth in subsection (b)(2)(A).
  - E) Continuing education sponsors shall state in their course materials the type of post-course evaluation which will be given and whether the applicant will be allowed to retake the evaluation.
  - F) Certified continuing education courses shall be courses in which the attendees are in actual attendance. No self instruction or correspondence courses shall be considered certified continuing education courses.
- 3) ~~Six hours of certified CE courses in the treatment of ocular disease are required for licensees who are certified for therapeutic ocular pharmaceuticals in addition to the 24 CE hours required to renew an optometry license.~~
- A) ~~The certified therapeutic CE courses shall meet the same requirements set forth in subsection (b)(2).~~
  - B) ~~An optometrist who has completed the 120 hour therapeutic training set forth in Section 1320.300 during the prerenewal period will be considered to have met the CE requirements for that renewal period.~~
- 4) Eighteen hours of CE credit may be earned as follows (not accepted for certified CE):
- A) A maximum of 12 hours per pre-renewal period for papers prepared and delivered before recognized optometric organizations, papers published in nationally recognized optometric journals, or a chapter in a book of optometry, each

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

appropriately verified.

- B) A maximum of 12 hours per pre-renewal period for verified teaching of students at an optometry school approved by the Division, or practicing optometrists in approved CE programs ~~approved by the Division~~. One hour of teaching at an optometry school approved by the Division is equal to one hour of continuing education.
  - C) A maximum of 4 hours per pre-renewal period for verified self-instruction or video teleconferencing that is sponsored or co-sponsored by any ~~previously~~ approved optometry college, institution or national, or State ~~or local~~ optometry association.
  - D) A maximum of 4 hours per pre-renewal period for courses in practice management that includes business management.
  - E) A maximum of 2 hours of continuing education in cardiopulmonary resuscitation certified by the American Red Cross, American Heart Association, an Illinois licensed hospital or an approved medical or optometric institution may be earned per pre-renewal period.
- ~~45~~) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.
- ~~56~~) Credit shall not be given for courses taken in Illinois from unapproved sponsors except for a CPR course in accordance with subsection (b)(3)(E) ~~Section 1320.80(b)(4)(E)~~.
- c) Continuing Education Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation, or any other group that has been approved and authorized by the Division upon the recommendation of the Optometric Licensing and Disciplinary Board to coordinate and present continuing education courses or programs.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 2) A sponsor shall file a sponsor application, along with the required fee set forth in Section 1320.400(a)(~~56~~), that which includes:
  - A) Certification:
    - i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in this Section;
    - ii) That the sponsor will be responsible for verifying attendance at each course or program or session thereof utilizing signature sheets or other means of attendance verification and for providing a certificate of completion as set forth in subsection (b);
    - iii) That, upon request by the Division, the sponsor will submit such evidence as is necessary to establish compliance with this Section;
    - iv) That each sponsor shall submit to the Division a written notice of a course offering 30 days prior to the course date. The notice shall include the description, location, date and time of the course to be offered;
  - B) A history and the experience of the sponsor as an educational provider;
  - C) A copy of a sample program with faculty, course materials and syllabi;
  - D) The name and address of the contact person responsible for all recordkeeping; and
  - E) A list of all principals of the organization applying for a sponsor license.
- 3) Each sponsor shall submit by March 31 of each even numbered year a sponsor application along with the required fee set forth in Section 1320.400(b)(~~23~~) of this Part. With the application, the sponsor shall be required to submit to the Division a list of all courses and programs

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

offered in the pre-renewal period, which includes a description, location, date and time the course was offered.

- 4) All courses and programs shall:
  - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of optometry;
  - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials; and
  - C) Be developed and presented by persons with education and/or experience in subject matter of the program.
- 5) The tuition fees charged for programs conducted by approved sponsors shall be reasonable and directly related to the sponsor's actual expense in conducting the programs.
- 6) All programs given by approved sponsors shall be open to all licensed optometrists and not be limited to the members of a single organization or group and shall specify the number of CE hours and categories that may be applied toward Illinois CE requirements for licensure renewal.
- 7) Certificate of Attendance
  - A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
    - i) The name, sponsor number and address of the sponsor;
    - ii) The name of the participant and his/her optometry license number;
    - iii) A detailed statement of the subject matter;
    - iv) The number of hours actually attended in each topic;

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- v) The date of the program;
  - vi) Whether the course qualifies for certified continuing education ~~and if the post-course evaluation was passed or failed.~~
  - B) A separate certification of passage or failure of the post-course evaluation shall be issued by the approved certifying institution when the course is for certified CE credit.
  - C) The sponsor shall maintain these records for not less than 5 years. These records shall include all test materials utilized for certified courses.
- 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive CE credit for time not actually spent attending the program.
- 9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Division, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Division receives reasonably satisfactory assurances of compliance with this Section.
- d) Continuing Education Earned in Other States
- 1) If a licensee has earned CE hours in another jurisdiction for which he/she will be requesting credit toward full compliance in Illinois, the applicant shall submit an out of state CE approval form along with a \$20 processing fee within 90 days prior to or after the course ~~but in no way later than 90 days prior to the end of the renewal period.~~ The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
  - 2) If a licensee fails to submit an out of state CE approval form within the required 90 days, late approval may be obtained by submitting the application along with the \$20 processing fee plus a \$50 per hour late fee not to exceed \$300. The Board shall review and recommend approval or

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

disapproval of this program using the criteria set forth in this Section.

- 3) The Board has determined that the Council on Optometric Practitioner Education (C.O.P.E.) approved courses are acceptable for out of state continuing education. If a licensee attends an out of state C.O.P.E. approved course, the licensee will not be required to submit the out of state CE approval form and the \$20 processing fee.
- e) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a).
  - 2) The Division 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 for a period of 5 years.
  - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an 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].
- f) Waiver of CE Requirements/Certification in Cardiopulmonary Resuscitation
- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with ~~the~~these CE requirements or the certification in Cardiopulmonary Resuscitation (CPR) as required in Section 1320.420 shall file with the Division a renewal application, the renewal fee set forth in Section 1320.400(b)(1), a statement setting forth the facts (including time frames) concerning such non-compliance, and a request for waiver of the CE/CPR requirements on the basis of the facts. If the Division, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that good cause has been shown for granting a waiver, the Division shall waive enforcement of the requirements for the renewal period for which the applicant has applied.
  - 2) Good cause shall be defined as an inability to devote sufficient hours to

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

fulfilling the CE/CPR requirements during the applicable pre-renewal period because of:

- A) Full time service in the armed forces of the United States of America during a substantial part of such period; or
- B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
  - i) An incapacitating illness documented by a currently licensed physician,
  - ii) A physical inability to travel to the sites of approved programs, or
  - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for the waiver is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Division's final decision on the application has been made.

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.90 Minimum Eye Examination**

In the absence of good clinical reasons to the contrary as documented in the record, the following minimum examination shall be performed and findings recorded by an optometrist, and he/she shall keep a record for a period of 6 years:

- a) Complete case history, including medical conditions.
- b) Visual acuity ~~at distance~~.
  - 1) Monocular Unaided (~~mono plus binocular~~).

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 2) ~~Last prescription or habitual prescription (mono plus binocular).~~ Aided or unaided
- c) External examination, including pupil reactivity.
- d) Internal examination (ophthalmoscopic examination).
- e) Retinoscopy or equivalent.
- f) ~~Refractive status.~~
  - 1) Subjective refraction to best visual acuity at distance and near.
  - 2) ~~Subjective refraction at near.~~
- g) Measurement of binocularity and ocular motility; ~~including vergences, phoric and accommodative ability.~~
- h) Color vision screening.
- i) Tonometry ~~Glaucoma screening including tonometry.~~

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.95 Minimum Equipment List**

Each office in which the practice of optometry is conducted shall contain, in good working condition, the following minimum equipment:

- a) Ophthalmoscope - Direct and Indirect
- b) Retinoscope or its equivalent
- c) Tonometer
- d) Automated Threshold Visual Field Testing Device
- e) Color Vision Testing Device

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- f) Keratometer or its equivalent
- g) Biomicroscope
- h) Lenses for subjective testing
- i) Blood Pressure Measuring Device

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.100 Practice of Optometry**

- a) The practice of optometry as defined in Section 3 of the Act shall include, but not be limited to, the following functions:
  - 1) Prescribing and fitting of any ophthalmic lenses including contact lenses.
  - 2) Retinoscopy.
  - 3) Tonometry.
  - 4) Keratometry.
  - 5) Subjective lens testing.
  - 6) Phoria testing.
  - 7) Biomicroscopy.
  - 8) Ophthalmoscopy.
  - 9) Electronic or computerized examination techniques that utilize devices that perform any of the above functions.
  - 10) Visual screening.
  - 11) Diagnosis and treatment of any ocular abnormality, disease or visual or muscular anomaly of the human eye or visual system.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- b) Visual Screening
- 1) Nothing in this Section shall prohibit visual screening conducted without a fee other than a voluntary donation by a charitable organization or governmental agency, acting in the public welfare under the supervision of a committee composed of persons licensed by the State to practice optometry or medicine in all of its branches.
  - 2) Visual screening is defined as a limited series of ocular observations, measurements or tests provided without a fee to determine if a complete eye examination, as described in Section 1320.90, by a licensed optometrist or a physician licensed to practice medicine in all of its branches, is recommended.
  - 3) When a visual screening is performed, the recipient of the screening shall be clearly informed in writing and shall receive a copy of the following:
    - A) Results and limitations of the screening;
    - B) That the screening is not representative of or a substitute for an eye exam;
    - C) That the screening will not result in a prescription for visual correction;
    - D) That visual screening referral criteria for a complete eye examination must meet accepted optometric professional standards criteria; and
    - E) The name and address of the charitable organization sponsoring the screening and the chairperson of the supervisory committee.
  - 4) A copy of the screening results shall be maintained for 63 years by the chairperson of the supervisory committee or the optometrist performing the screening.
  - 5) Visual screening includes ocular disease specific screenings that may be conducted for charitable purposes in accordance with this Section.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- c) No ophthalmic lenses, prisms, or contact lenses may be sold or delivered to an individual without a prescription signed by a licensed optometrist or a physician licensed to practice medicine in all of its branches.
- d) The following acts shall not be performed by an individual not licensed in this State as an optometrist or to practice medicine in all of its branches except while acting under the direct supervision of a person so licensed:
  - 1) Conducting or performing examinations of the human eye or its appendages employing either objective or subjective means, or both for the purpose of adapting lenses to the eyes of any person;
  - 2) Using instruments or appliances of any type to determine the curvatures of the eye or of the cornea of any person for the purpose of ordering or supplying contact lenses for the person;
  - 3) Determining, selecting or specifying the lens characteristics or the lens curvatures of contact lenses to be supplied to any person;
  - 4) Converting, altering, or varying in any manner a prescription for contact lenses prepared by an optometrist or a person licensed to practice medicine in all its branches in this State;
  - 5) Converting, altering, or varying in any manner a prescription for spectacles prepared by an optometrist or a person licensed to practice medicine in all of its branches in this State, including converting a spectacle prescription into a prescription for contact lenses;
  - 6) Inserting, removing, adjusting or adapting contact lenses for the purpose of selecting, specifying or furnishing contact lenses for use by any person;
  - 7) Conducting or performing any examination of the human eye or its appendages employing either objective or subjective means or both for the purpose of determining the effects that may have resulted from wearing contact lenses by any person;
  - 8) Where a person has been provided with contact lenses pursuant to a prescription by an optometrist or a person licensed to practice medicine in

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

all of its branches in this State, adjusting, adapting or changing the lens characteristics or the lens curvatures of the contact lens in any manner whatsoever;

- 9) Advertising, representing or informing the general public by any means, including, but not limited to, display advertising in newspapers and telephone directories within the State of Illinois, that he/she will fit or adapt contact lenses for the use of any person.
- e) Direct supervision of any person assisting an optometrist means:
- 1) The optometrist personally performs those procedures requiring professional judgment. Professional judgment requires that the optometrist shall perform those procedures for the diagnosis and treatment of anomalies of the eye, adnexa, and the visual system, including for example, but not limited to, biomicroscopy, ophthalmoscopy, all therapeutic procedures and the prescribing of any ophthalmic lenses, including contact lenses.
  - 2) The optometrist shall specify all procedures to be performed by the assistant.
  - 3) The optometrist is present in the facility while the assistant performs the procedure (does not mean that the optometrist must be present with the patient while the specified procedures are being performed).
  - 4) The optometrist approves the results of the procedures performed by the assistant before dismissal of the patient.
- f) Requirements for the minimum eye exam as outlined in Section 1320.90 are still applicable and are not changed or altered by the provisions of this Section.
- g) When the practice of optometry is conducted at a mobile or non-permanent location, the following shall apply:
- 1) Notice shall be given to the Division of the locations of such mobile examinations and the times they will be given. Notices shall be postmarked no later than 15 days prior to the examination.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 2) Notice shall be given to the Division and the patient of the location where examination records are to be maintained in accordance with Section 1320.90 and the name and address of the individual or office where the patient can access and obtain copies of his or her records.
- 3) Notice shall be given to the Division and the patient of the name and address of the examining optometrists and the location where follow-up services will be provided. A protocol shall be established for each mobile location to provide for the follow-up and referral of the patient to appropriate permanent optometric or healthcare locations when needed.
- 4) If the patient is a minor child, parental approval shall be obtained prior to any examination and the case history as required by Section 1320.90 shall be obtained from the parent or guardian.
- 5) All equipment, as required by Section 1320.95, shall be present, operable and available for use.
- 6) All ancillary licenses shall be displayed in plain view of the patient. An optometrist shall obtain an ancillary license prior to providing services at the mobile location.
- 7) Vision screenings conducted in conjunction with a mobile location shall be done in accordance with subsection (b).
- 8) Mobile locations must meet all other requirements of the Act and this Part and any other State or federal requirements.
- 9) Mobile locations do not include homes, hospitals or institutions at which a licensee is entitled to practice under Section 1320.410(d) or Section 7 of the Act.

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.110 Advertising**

- a) The name of the licensed optometrist shall be conspicuously displayed at the entrance of each office or store where eyecare and eyewear services are offered. In an establishment where other services or goods are offered in addition to

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

eyecare and eyewear, the name of the optometrist shall be conspicuously displayed at the entrance of the eyecare and eyewear section.

- b) All advertising of optometric services, including, but not limited to, the advertising of optometric examinations in connection with the advertising of optical goods, shall contain the statement that all optometric services are performed by a licensed optometrist.
- c) Only licensed optometrists are permitted to advertise or imply that they are authorized to measure the power of vision.
- d) Only licensed optometrists ~~therapeutically certified~~ are permitted to advertise or imply the provision of diagnosis and treatment of eye disease ~~treatment~~ or emergency ocular services.
- e) Nothing in this Section shall prohibit any person licensed in this State under any other Act from advertising services for which he/she is licensed to provide.

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

## SUBPART B: DIAGNOSTIC TOPICAL OCULAR PHARMACEUTICALS

**Section 1320.200 Standards (Repealed)**

- a) ~~An optometrist's certification to use diagnostic topical ocular pharmaceutical agents for examination purposes shall be revoked, suspended and/or placed on probation and fines may be levied by the Division upon recommendation of the Board based upon any of the following causes:~~
  - 1) ~~The use of any diagnostic topical ocular pharmaceutical agent that has not been approved for use by the Division;~~
  - 2) ~~The misuse of any diagnostic topical ocular pharmaceutical agent where the optometrist knew or should have known that such use was improper or contraindicated;~~
  - 3) ~~The use of any diagnostic topical ocular pharmaceutical agents for patients who have had intraocular lens implants except for the use of Proparacaine HCL (0.5%) and Benoxinate HCL (0.4%) for assisting in the measurement~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~of intraocular pressure, except by licensed optometrists certified in therapeutic ocular pharmaceutical agents pursuant to Subpart C;~~
- ~~4) The use of any topical ocular pharmaceutical agents for children who are less than 2 years of age, except by licensed optometrists certified in the use of therapeutic ocular pharmaceutical agents pursuant to Subpart C; or~~
  - ~~5) Any other violation of the Act or this Part.~~
- b) ~~In determining what constitutes grave or repeated misuse of any topical ocular pharmaceutical agent, the Board shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:~~
- ~~1) A consideration whether the act or acts of the person are of a glaringly obvious nature or are repetitiously committed and resulted in a breach of standards of practice.~~
  - ~~2) A consideration that said act or acts committed constituted a breach of standards of practice to possess and apply knowledge, skill and care in using approved diagnostic topical ocular pharmaceutical agents for the purpose of aiding the diagnosis of abnormal conditions that are ordinarily used by an optometrist certified under Section 15.1 of the Act.~~
  - ~~3) A consideration that a mere mistake which is not indicative of a lack of knowledge, skill and care does not constitute misuse. Nor is a bad or unexpected result evidence of misuse unless such a result would not ordinarily occur in the absence of misuse.~~
  - ~~4) A consideration that in determining the applicable standard of use, the Board shall consider the opinion and the testimony of experts.~~

(Source: Repealed at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.210 Application for Diagnostic Certification (Repealed)**

~~A licensed optometrist seeking certification to use diagnostic topical ocular pharmaceutical agents for examination purposes shall file an application with the Division, on forms provided by the Division. The application shall include:~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- a) ~~Either~~
- 1) ~~Certification that the applicant has graduated from an approved 4 year optometry program with diagnostic training and proof of passage of all parts of the NBEO examination; or~~
  - 2) ~~Certification of passage of a diagnostic topical ocular pharmaceutical course set forth in Section 1320.220 of this Part;~~
- b) ~~The required fee set forth in Section 1320.400(a)(2) of this Part.~~

(Source: Repealed at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.220 Approved Diagnostic Topical Ocular Pharmacological Training**  
**(Repealed)**

~~The Division shall, upon the recommendation of the Board, approve a program of diagnostic topical ocular pharmacological training that meets the following minimum requirements:~~

- a) ~~The program has a faculty that comprises a sufficient number of full-time instructors to make certain that the educational obligations to the students are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from accredited colleges or institutions.~~
- b) ~~The program has a curriculum of at least the following subject areas:~~
- 1) ~~General principles of drug action~~
    - A) ~~Definition of terms~~
      - i) ~~Drug~~
      - ii) ~~Pharmacology~~
    - B) ~~Medical uses of drugs~~
      - i) ~~Therapeutic drugs~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- ii) ~~Symptomatic therapeutic agents~~
- iii) ~~Prophylactics~~
- iv) ~~Adjunctives~~
- v) ~~Diagnostics~~
- C) ~~Non medical uses of adjunctives~~
- D) ~~Dose response relationships~~
  - i) ~~By drug classification~~
  - ii) ~~Consideration of polyvalence—main effects and side effects~~
- E) ~~Drug disposition~~
- F) ~~Concepts of potency, toxicity, safety, tolerance~~
- 2) ~~Routes of drug administration~~
  - A) ~~Systemic~~
  - B) ~~Topical~~
- 3) ~~Dosage forms~~
  - A) ~~Comparative properties~~
  - B) ~~Prescription (legend) products and over the counter (OTC) products~~
- 4) ~~Sources of drug information~~
  - A) ~~Composition of commercial products~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~B) Generic—trade name equivalents~~
- ~~C) Indications and adverse effects~~
- ~~D) Drug regulations~~
- 5) ~~Specific drug classes~~
  - ~~A) Miotics, mydriatics and cycloplegic drugs~~
    - ~~i) Neurotransmitter functions~~
    - ~~ii) Drug modification of transmitter functions~~
    - ~~iii) Clinical uses~~
  - ~~B) Drugs used to treat glaucoma~~
  - ~~C) Local anesthetics~~
    - ~~i) Chemical nature~~
    - ~~ii) Sites of administration~~
    - ~~iii) Mechanisms of action~~
    - ~~iv) Duration and toxicity~~
  - ~~D) Problems of sterility, disinfection and asepsis related to optometric practice~~
  - ~~E) Pharmaceutical agents used in ocular examination~~
- 6) ~~Ocular side effects of drugs systemically administered~~
  - ~~A) Relationship of age, amount given, health and idiosyncrasies~~
  - ~~B) Drugs in current use~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~C) Drugs of current abuse~~
- 7) ~~Over the counter ophthalmic preparation (including those used with contact lenses)~~
  - ~~A) Types~~
  - ~~B) Consideration of preservatives in them~~
- 8) ~~Anti infective therapy~~
  - ~~A) Antibacterial drugs~~
  - ~~B) Fungistatic drugs~~
  - ~~C) Antiviral drugs~~
- 9) ~~Anti inflammatory therapy~~
  - ~~A) Antihistamines~~
  - ~~B) Steroids~~
  - ~~C) Sympathomimetic amines~~
- 10) ~~Principles of CPR~~
  - e) ~~The program includes a minimum of 55 instructional hours, and requires for program completion the passage of a comprehensive examination designed to test the student's knowledge of and ability to apply the program's subject matter.~~
  - d) ~~The Division, upon the recommendation of the Board, has determined that courses of pharmacological training which are an integrated part of any program of optometry approved in accordance with the provisions of Section 1320.20 of this Part meet the criteria specified herein, and are, therefore, approved.~~
  - e) ~~Program Evaluation~~
    - 1) ~~An applicant from a diagnostic pharmacological training program that has~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

~~not been evaluated will be requested by the Division to provide documentation concerning the criteria in this Section.~~

- 2) ~~Once the Division has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Board will evaluate the program based on all documentation from the program and any additional information the Division has received which it deems to be reliable.~~
- f) ~~The Division may, upon the recommendation of the Board, withdraw the approval of any program of pharmacological training for any of the following grounds:~~
  - 1) ~~Fraud or dishonesty in applying for approval;~~
  - 2) ~~Failure to continue to meet the criteria for an approved program as stated in this Section.~~
- g) ~~A program whose approval is being reconsidered shall be given written notice prior to any recommendation by the Board, and the officials in charge may either submit written comments or request a hearing before the Board.~~

(Source: Repealed at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.230 Approved Diagnostic Topical Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act (Repealed)**

- a) ~~The following diagnostic topical ocular pharmaceutical agents are approved for use by only diagnostically certified optometrists:~~
  - 1) ~~Proparacaine HCL (0.5%)~~
  - 2) ~~Benoxinate HCL (0.4%)~~
  - 3) ~~Tropicamide (0.5% and 1.0%)~~
  - 4) ~~Cyclopentolate (0.5% and 1.0%)~~
  - 5) ~~Atropine Sulfate (ointment) (0.5%)~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 6) ~~Homatropine (2.0% and 5.0%)~~
- 7) ~~Phenylephrine HCL (2.5%)~~
- b) ~~The Division shall, upon the recommendation of the Board, approve other topical anesthetics, cycloplegics and mydriatics that meet the following criteria:~~
  - 1) ~~Such agents have been approved for topical use by the U.S. Food and Drug Administration;~~
  - 2) ~~Such agents offer a diagnostic alternative or advantage over the existing list of approved agents; and~~
  - 3) ~~Such agents have been determined, in the judgement of the Board, to be beneficial with no substantial risk to the ultimate consumer.~~

(Source: Repealed at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.240 Restoration of Diagnostic Certification (Repealed)**

- a) ~~A certification that has lapsed or been on inactive status for less than 3 years shall be restored upon application to the Division, proof of a current Illinois optometric license and payment of the required fees specified in Section 1320.400(c)(1) of this Part.~~
- b) ~~A certification that has lapsed or been on inactive status for more than 3 years shall be restored with proof of a current Illinois optometric license and submission of an application to the Division, which shall include the following:~~
  - 1) ~~Sworn evidence of active practice in another jurisdiction that allows the use of diagnostic topical ocular pharmaceutical agents. Such evidence shall include a statement from the appropriate licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice and indicates if any disciplinary action has been taken or is pending; or~~
  - 2) ~~Other evidence that the applicant has maintained competence in use of diagnostic topical ocular pharmaceuticals. Such evidence shall be evaluated on an individual basis by the Board and may include:~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- A) ~~Teaching ocular pharmacology in an educational program approved in accordance with Section 1320.220 of this Part; or~~
- B) ~~Research in ocular pharmacology; or~~
- 3) ~~Proof of passage within the year preceding application of an approved training program as specified in Section 1320.220 of this Part; or~~
- 4) ~~The required fees set forth in Section 1320.400(c)(1).~~
- e) ~~When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of the certification will be requested to:
  - 1) ~~Provide such information as may be necessary; and/or~~
  - 2) ~~Appear for an oral interview(s) before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information in order to evaluate the individual's current competency to use diagnostic topical ocular pharmaceutical agents. Upon the recommendation of the Board and approval by the Division, the applicant shall have the certification restored.~~~~

(Source: Repealed at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.250 Endorsement of Diagnostic Certification (Repealed)**

- a) ~~An applicant licensed to practice optometry in another jurisdiction after January 1, 1988, shall be required to apply for and obtain certification to use diagnostic topical ocular pharmaceutical agents in conjunction with his/her optometry license.~~
- b) ~~An applicant who is licensed or certified under the laws of another jurisdiction to use diagnostic topical ocular pharmaceutical agents for examination purposes shall file an application with the Division, on forms provided by the Division, together with:~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) ~~An application for licensure as an optometrist in the State of Illinois and meet the requirements set forth in the Act and Section 1320.50 for such licensure;~~
- 2) ~~A certification from the licensing authority of the jurisdiction of original licensure, and any other jurisdiction in which the applicant is licensed, stating:~~
  - A) ~~The time during which the applicant was licensed in that state;~~
  - B) ~~Whether the file on the applicant contains any record of any disciplinary actions taken or pending;~~
  - C) ~~A description of the examination and grade received;~~
- 3) ~~A description of the diagnostic topical ocular pharmaceutical training received;~~
- 4) ~~A copy of the Acts and rules from the original state of licensure in effect at the time of licensure; and~~
- 5) ~~The required fee set forth in Section 1320.400.~~
- e) ~~An applicant who is licensed as an optometrist in another jurisdiction, whose optometry license includes the ability to use topical ocular pharmaceuticals, will be eligible to receive diagnostic topical ocular pharmaceutical certification by the Division if he/she meets the requirements set forth in subsection (b) above.~~
- d) ~~The applicant may be required to appear before the Board:~~
  - 1) ~~To clarify or explain information contained on the submitted documentation; or~~
  - 2) ~~To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State pursuant to Section 15.1 of the Act.~~

(Source: Repealed at 31 Ill. Re g. 4339, effective March 5, 2007)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

SUBPART C: DIAGNOSTIC AND THERAPEUTIC OCULAR PHARMACEUTICAL AGENTS**Section 1320.300 Definitions and Standards**

- a) Ophthalmic emergency care involves an acute condition that in the judgment of the optometrist may be sight threatening, requires the optometrist to initiate nonsurgical emergency procedures and requires patient referral and consultation with another appropriate health care professional.
- b) Any optometrist ~~certified to use therapeutic ocular pharmaceutical agents~~ shall be authorized to purchase diagnostic and therapeutic ocular pharmaceutical agentssuch drugs and to utilize and to prescribe such drugs in the regular course of practicing optometry. The prescribinguse of the drugs shall be the personal act of the ~~optometristperson certified to use therapeutic ocular pharmaceutical agents~~ and may not be delegated to any other person. The use of such drugs may only be delegated to another person under the direct supervision of the optometrist. A signed written prescription for legend drugs must be presented to the patient, if applicable, and the optometrist shall be required to keep a copy of all prescriptions written.
- c) An optometrist's ~~licensecertification to use therapeutic ocular pharmaceutical agents~~ may be revoked, suspended or placed on probation and fines levied by the Division upon recommendation of the Board based upon any of the following causes:
  - 1) The use of any diagnostic or therapeutic ocular pharmaceutical agent that is not approved for use;
  - 2) The misuse of any diagnostic or therapeutic ocular pharmaceutical agent or procedure where the optometrist knew or should have known that such use was improper or contraindicated;
  - 3) Failure to take reasonable steps to ensure or arrange for follow-up care or for referral of a patient to an appropriate health care professional after providing ophthalmic emergency care;
  - 4) Failure to take reasonable steps to ensure or arrange for the care or referral

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

of a patient when the optometrist is not available;

- 5) Any other violations of the Act or this Part.
- d) In determining what constitutes grave or repeated misuse of any ~~topical~~ ocular pharmaceutical agent, the Board shall consider the following standards as they relate to the person who is the subject of the proposed disciplinary action. The standards shall include but not be limited to:
- 1) A consideration of whether the act or acts of the person are of a glaringly obvious nature or are repetitiously committed and resulted in a breach of standards of practice.
  - 2) A consideration that said act or acts committed constituted a breach of standards of practice to possess and apply knowledge, skill and care in using approved diagnostic or therapeutic ocular pharmaceutical agents for the purpose of aiding in the diagnosis and treatment of abnormal conditions that are ordinarily used by an optometrist ~~certified under Section 15.1 of the Act.~~
  - 3) A consideration that a mere mistake that is not indicative of a lack of knowledge, skill and care does not constitute misuse. Nor is a bad or unexpected result evidence of misuse unless such a result would not ordinarily occur in the absence of misuse.
  - 4) A consideration that, in determining the applicable standard of use, the Board shall consider the opinion and the testimony of experts.

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.310 Application for Therapeutic Certification (Repealed)**

~~A licensed optometrist seeking certification to use therapeutic ocular pharmaceutical agents for examination purposes shall file an application with the Department of Financial and Professional Regulation Division of Professional Regulation (Division), on forms provided by the Division:~~

- a) Including:
- 1) ~~Certification signed by the Dean of the applicant's optometry program that~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

~~the applicant has successfully completed 30 hours of therapeutic ocular training in systemic disease. Only optometrists who graduated from an optometry program approved by the Division in accordance with Section 1320.20 after January 1, 1994 are eligible to apply under this subsection; or~~

- ~~2) Certification of training and proof of completion of an approved therapeutic ocular pharmaceutical course as set forth in Section 1320.320 of this Part. Such course shall have been taken after January 1, 1994; or~~
  - ~~3) The submission of evidence that the applicant has practiced optometry for a minimum of 10 years utilizing therapeutic pharmaceutical agents under the laws of another jurisdiction that are deemed by the Board to be substantially equivalent to those of Illinois and that the applicant has done so with no related disciplinary action.~~
- b) ~~Proof of diagnostic ocular pharmaceutical certification in accordance with Subpart B.~~
  - e) ~~The required fee set forth in Section 1320.400(a)(2) of this Part.~~

(Source: Repealed at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.315 Controlled Substance License Requirement**

~~Licensed~~~~Therapeutically certified licensed~~ optometrists, in order to prescribe non-narcotic controlled substance oral analgesic therapeutic ocular pharmaceutical agents as set forth in Section 1320.330(a)(7), shall apply for a controlled substance license pursuant to 77 Ill. Adm. Code 3100. The licensee is limited to prescribing Schedule IIN, IIIN and ~~IVIVN non narcotic oral analgesic~~ agents in accordance with the Illinois Controlled Substances Act [720 ILCS 570].

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.320 Approved Therapeutic Ocular Training (Repealed)**

~~The Division shall, upon the recommendation of the Board, approve a program of therapeutic ocular training that meets the following minimum requirements:~~

- a) ~~The program has a faculty that comprises a sufficient number of full time~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

~~instructors to make certain that the educational obligations to the student are fulfilled.~~

- ~~1) The faculty must have demonstrated competence in the area of pharmacological training as evidenced by appropriate degrees from accredited colleges or institutions;~~
  - ~~2) The medical component of the course shall be taught by physicians licensed to practice medicine in all of its branches with appropriate specialty credentials. They shall be members of the faculty for the 4 year professional optometry program and have appropriate input into the development, presentation and testing of the course.~~
- b) ~~The program shall have a curriculum of a minimum of 120 total contact hours. At least 90 hours shall be lecture and at least 30 hours shall be practical laboratory which shall include foreign body removal and clinical patient care. The lecture portion of the course is subject to the following criteria:~~
- ~~1) At least 60 hours taught by faculty members (referenced in (a)(1) above) of the college or university sponsoring the course in the following subject areas:~~
    - ~~A) Anatomy and Physiology Considerations in Ocular Disease—5 hours minimum~~
    - ~~B) Pharmacology of Therapeutic Agents—10 hours minimum~~
    - ~~C) Specific Ocular Disease Considerations—15 hours minimum~~
      - ~~i) Bacterial~~
      - ~~ii) Viral and Chlamydial~~
      - ~~iii) Allergic~~
      - ~~iv) Fungal~~
      - ~~v) Clinical Diagnosis and Treatment of Anterior Uveitis~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- vi) ~~Clinical Diagnosis and Management of Posterior Uveitis~~
- vii) ~~Lacrimal Disorders~~
- D) ~~Other Ocular Diseases/Disorders—15 hours minimum~~
  - i) ~~Pre-Post Operative Cataract Care~~
  - ii) ~~Integration of nervous system assessment and neuro-Ophthalmic Disorders~~
  - iii) ~~Practical Management of Ocular Emergencies~~
  - iv) ~~Diabetic Complications—Diabetic Retinopathy~~
  - v) ~~Sudden Vision Loss~~
- E) ~~Glaucoma Diagnosis, Treatment and Management—10 hours minimum~~
  - i) ~~Pathophysiology of Glaucoma~~
  - ii) ~~Open Angle Glaucoma~~
  - iii) ~~Angle Closure Glaucoma~~
  - iv) ~~Pharmacology of Glaucoma~~
- F) ~~Clinical Laboratory Tests and Services—3 hours minimum~~
- 2) ~~At least 30 hours of Clinical Medical Perspectives/Primary Care Medicine for the Ophthalmic Practitioner that shall be taught by medical faculty members (as referenced in subsection (a)(2)). The 30 hours shall be in the following subject areas:~~
  - A) ~~Cardiovascular Disease~~
  - B) ~~Respiratory Disorders (e.g., pulmonary)~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~C) Immunology~~
  - ~~D) Infectious Disease~~
  - ~~E) Dermatology~~
  - ~~F) Cataract Surgery—2 hours maximum~~
  - ~~G) General Medical Emergency~~
  - ~~H) Endocrinology~~
  - ~~I) Collagen Vascular Disease~~
- e) ~~The program shall require passage of a comprehensive examination(s) designed to test the student's knowledge, competence and ability to apply the program's subject matter.~~
- ~~1) The comprehensive examination(s) shall be administered and proctored by the teaching institution's faculty at the site where the course is given or at the institution.~~
  - ~~2) Verification of student identification shall be required.~~
  - ~~3) The comprehensive examination(s) shall not be take home, open book or collaborative examination(s).~~
  - ~~4) The content of all examinations shall be made available to the Division for review upon request.~~
- d) ~~The program shall not be provided, sponsored, co-sponsored or in any way be supported or financially underwritten by a sponsor or others who receive patient referrals from those in attendance. Approved colleges or institutions are exempt from this provision.~~
- e) ~~Program Evaluation~~
- ~~1) An applicant from a pharmacological training program that has not been evaluated will be requested by the Division to provide documentation~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

~~concerning the criteria in this Section.~~

- ~~2) Once the Division has received the documentation or after 6 months have elapsed from the date of application, whichever comes first, the Board will evaluate the program based on all documentation received from the program and any additional information the Division has requested.~~
- ~~f) The Board may withdraw the approval of any program of pharmacological training for any of the following grounds:~~
  - ~~1) Fraud or dishonesty in applying for approval;~~
  - ~~2) Failure to continue to meet the criteria for an approved program as stated in this Section.~~
- ~~g) A program whose approval is being reconsidered shall be given written notice prior to any recommendation by the Board, and the officials in charge may either submit written comments or request a hearing before the Board in accordance with 68 Ill. Adm. Code 1010.~~

(Source: Repealed at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.330 Approved Therapeutic Ocular Pharmaceutical Agents Pursuant to Section 15.1 of the Act**

- a) The following categories of therapeutic ocular pharmaceutical agents are approved for use by licensed optometrists ~~certified under Section 15.1 of the Act:~~
  - 1) Topical Anti-Infective Agents
  - 2) Topical Anti-Allergy Agents
  - 3) Topical Anti-Glaucoma Agents
  - 4) Topical Anti-Inflammatory Agents
  - 5) Topical Anesthetic Agents
  - 6) Over the Counter Agents

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 7) Non-Narcotic Oral Analgesic Agents
- 8) Mydriatic Reversing Agents
- b) Licensed optometrists ~~therapeutically certified~~ shall be permitted to use anesthetics, mydriatics, cycloplegics and miotics.

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.340 Restoration of Therapeutic Certification (Repealed)**

- a) ~~A therapeutic certification that has lapsed or been on inactive status for less than 3 years shall be restored upon application to the Division, payment of the required fees specified in Section 1320.400(c)(1) of this Part, a current Illinois optometric license, diagnostic topical ocular pharmaceutical certification and proof of completion of continuing education pursuant to Section 1320.90 of this Part.~~
- b) ~~A therapeutic certification that has lapsed or been on inactive status for more than 3 years shall be restored upon proof of a current Illinois optometric license, proof of a diagnostic topical ocular pharmaceutical certification and submission of an application to the Division, which shall include the required fee set forth in Section 1320.400(c)(1) of this Part and the following:~~
  - 1) ~~Sworn evidence of active practice in another jurisdiction that allows the use of equivalent therapeutic ocular pharmaceutical agents. Such evidence shall include a statement from the appropriate licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice and that indicates if any disciplinary action has been taken or is pending; or~~
  - 2) ~~Other evidence that the applicant has maintained competence in the use of therapeutic ocular pharmaceuticals. Such evidence shall be evaluated on an individual basis by the Board and may include:~~
    - A) ~~Teaching therapeutic ocular pharmacology in an educational program approved in accordance with Section 1320.220 of this Part; or~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~B) Research in therapeutic ocular pharmacology; or~~
- ~~3) Proof of successful completion within the year preceding application of an approved training program as specified in Section 1320.320 of this Part.~~
- ~~e) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the Division because of lack of information, discrepancies or conflicts in information given or a need for clarification, the licensee seeking restoration of the certification will be requested to:
  - ~~1) Provide such information as may be necessary; and/or~~
  - ~~2) Appear for an interview(s) before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information in order to evaluate the individual's current competency to use therapeutic ocular pharmaceutical agents.~~~~

(Source: Repealed at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.350 Endorsement of Therapeutic Certification (Repealed)**

- ~~a) An applicant who was originally licensed to practice optometry in another jurisdiction after January 1, 1996 shall be required to apply for and maintain therapeutic ocular pharmaceutical certification.~~
- ~~b) An applicant who is licensed or certified under the laws of another jurisdiction to use equivalent therapeutic ocular pharmaceutical agents shall file an application with the Division, on forms provided by the Division, together with:
  - ~~1) An application for licensure as an optometrist and an application for certification of diagnostic topical ocular pharmaceuticals in the State of Illinois;~~
  - ~~2) A certification from the licensing authority of the jurisdiction of original licensure, and any other jurisdiction in which the applicant is licensed, stating:
    - ~~A) The time during which the applicant was licensed in that state;~~~~~~

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- ~~B) Whether the records of the licensing entity contain any record of disciplinary actions taken or pending against the applicant;~~
  - ~~C) A description of the examination and grade received;~~
- ~~3) A certification of education and a transcript of the therapeutic ocular pharmaceutical agent training received and any continuing education completed in therapeutics.~~
  - ~~A) The therapeutic training shall be equivalent to the training set forth in Section 1320.320 and shall have been completed after January 1, 1994;~~
  - ~~B) Therapeutic training received prior to January 1, 1994 may be approved by the Board if the applicant has practiced optometry for a minimum of 10 years utilizing therapeutic pharmaceutical agents under the laws of another jurisdiction that are substantially equivalent to those of Illinois and the applicant has done so with no related disciplinary action. The training shall be substantially equivalent to the training set forth in Section 1320.320;~~
- ~~4) A copy of the Acts and rules in effect at the time of original certification or licensure; and~~
- ~~5) The required fee set forth in Section 1320.400.~~
- ~~e) The applicant may be required to appear before the Board:~~
  - ~~1) To clarify or explain information contained on the submitted documentation; or~~
  - ~~2) To determine the substantial equivalence of the applicant's qualifications to the licensing requirements in this State pursuant to Section 15.1 of the Act.~~

(Source: Repealed at 31 Ill. Reg. 4339, effective March 5, 2007)

SUBPART D: GENERAL

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

**Section 1320.400 Fees**

- a) Application fees-
- 1) The fee for application for an original license as an optometrist is \$500. ~~This fee includes the optometry license, diagnostic certification and therapeutic certification.~~
  - 2) ~~The fee for currently licensed optometrists applying for both diagnostic certification and therapeutic certification is \$50. The fee for currently licensed optometrists applying for a diagnostic certification is \$50. The fee for currently licensed optometrists applying for a therapeutic certification is \$50.~~ 3) The fee for application for an ancillary optometric license is \$50 per location unless waived in accordance with Section 1320.410(e). ~~This fee includes any certifications held by the licensed optometrist.~~
  - 34) Applicants for any examination shall be required to pay, either to the Division or its designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination.
  - 45) The fee for application for licensure of a person licensed as an optometrist in another jurisdiction is \$500.
  - 56) The fee for a sponsor of continuing education is \$500.
  - 67) The fee for an optometry residency one year license shall be \$100.
- b) Renewal Fees
- 1) The fee for renewal of an optometrist license is \$200 per year. ~~The fee includes renewal of the diagnostic and therapeutic certifications.~~
  - 2) The fee for renewal of an ancillary optometry license is \$25 per year for each location unless waived in accordance with Section 1320.410(e). ~~This fee includes ancillary diagnostic and therapeutic certifications.~~
  - 3) The fee for renewal as a sponsor of continuing education is \$250 per year.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## c) General Fees

- 1) The fee for restoration of a license other than from inactive status is \$50 plus payment of all lapsed renewal fees. For the purposes of restoring from inactive status, the Division shall consider that no renewal fees have lapsed during the period of inactive status.
- 2) The fee for issuance of a duplicate license ~~or certificate~~ or for the issuance of a replacement license for a license which has been lost or destroyed is \$20.
- 3) The fee for the issuance of a license with a change of name or address other than during the renewal period is \$20.
- 4) The fee for the certification of a license for any purpose is \$20.
- 5) The fee for a wall certificate showing licensure is the actual cost of producing the license.
- 6) The fee for a roster of persons licensed under the Act is the actual cost of producing the roster.

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

**Section 1320.410 Ancillary Licenses**

- a) Ancillary license, as used in this Part, shall mean an optometry license that is issued pursuant to Section 7 of the Act to a licensed optometrist who is engaged in the practice of optometry at more than one address. ~~The ancillary license will include diagnostic certification and/or therapeutic certification.~~
- b) Each ancillary license shall be displayed in accordance with Section 6 of the Act.
- c) An ancillary license shall be issued to a licensed optometrist upon submitting a completed application to the Division, on forms provided by the Division, and the required fee set forth in Section 1320.400(a)(~~23~~) of this Part. The application shall include the address of the branch office location for which the license will be issued.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- d) An optometrist shall be required to obtain an ancillary license for each additional location and to display the appropriate ancillary licenses at each location. Licensees may examine one new patient at facilities licensed by the Illinois Department of Public Health or their residence per address per month without an ancillary license.
- e) Fees may be waived by the Division for an optometrist applying for an ancillary license to substitute for a licensee who has been called to active military duty. Applicants for such an ancillary license shall include a copy of the orders calling the licensee to active duty in addition to any other requirements.
- f) Fees shall be waived by the Division for an optometrist applying for an ancillary license to practice as a volunteer for a charitable organization organized under section 501(c)(3) of the U.S. Internal Revenue Code at a location not otherwise licensed for the practice of optometry. All examinations performed under this license shall be done without remuneration to the licensee or the charitable organization and shall comply with Section 1320.100(g).

(Source: Amended at 31 Reg. 4339, effective March 5, 2007)

**Section 1320.420 Renewals**

- a) Every license issued under the Act shall expire on March 31 of each even numbered year. The holder of a license may renew such license during the 60 days month preceding the expiration date of the license by paying the required fee, completing the and completion of continuing education requirements set forth in Section 1320.80 and attesting attest to current certification in cardiopulmonary resuscitation (CPR).
- b) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee and to renew the license in a timely manner.
- c) Practicing after a license has expired shall be considered the unlicensed practice of optometry and subject to discipline pursuant to Section 24 of the Act.

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

**Section 1320.430 Granting Variances**

- a) The Director may grant variances from this Part in individual cases when~~where~~ he/she finds that:
- 1) The provision from which the variance is granted is not statutorily mandated or waiver of the provision is not prohibited by statute;
  - 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 ~~Optometry Examining and Disciplinary~~ Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.

(Source: Amended at 31 Ill. Reg. 4339, effective March 5, 2007)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Multifamily Rental Housing Mortgage Loan Program
- 2) Code Citation: 47 Ill. Adm. Code 310
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
310.101	Amended
310.102	Amended
310.103	Amended
310.105	Amended
310.106	Amended
310.201	Amended
310.202	Amended
310.203	Amended
310.204	Amended
310.205	Amended
310.206	Repealed
310.302	Amended
310.303	Amended
310.305	Amended
310.306	Amended
310.309	Amended
310.401	Amended
310.402	Amended
310.403	Amended
310.404	Amended
310.405	Amended
310.406	New
310.407	New
310.501	Amended
310.602	Amended
310.604	Amended
310.701	Amended
310.702	Amended
310.703	Amended
310.801	Amended
310.802	Amended
310.803	Amended
310.804	Amended
310.805	Amended

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

310.806	Amended
310.901	Amended
310.902	Repealed
310.903	Amended
310.904	Repealed
310.905	Repealed
310.906	Repealed
310.907	Repealed
310.908	Repealed
310.909	Repealed
310.910	Repealed
310.911	Amended
310.912	Repealed
310.913	Amended
310.1001	New
310.1002	New
310.1003	New
310.1004	New
310.1005	New

- 4) Statutory Authority: Implemented and authorized by Section 7.28 of the Illinois Housing Development Act [20 ILCS 3805/7.28]
- 5) Effective Date of Amendments: February 28, 2007
- 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) Notices of Proposal Published in the Illinois Register: November 17, 2006; 30 Ill. Reg. 18029
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

Section 310.308, which was shown as repealed in the proposed rulemaking, was added back into the existing rules. The Section should not be repealed. There are no other amendments to the language of Section 310.308. Therefore, the language will remain as it was in the prior adopted rules.

In section 310.103, Definition of Nonprofit Corporation, citation for the State Housing Act was amended to delete "of 1932" and add "[310 ILCS 5]".

Section 310.701 was amended to include "Very Low" income tenants.

Section 310.903 was amended to delete "in effect at the time of making the Mortgage Loan for that Development" and add "published in 2006 by the International Code Council, 4051 Flossmoor Road, Country Club Hills IL 60478. This Section does not include any later amendments, revisions or additions to the International Energy Efficiency Code.".

Section 310.913 (d) was amended to delete "set forth above" and add "incorporated in Section 310.903".

- 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 Amendments: These amendments involve the administration of the multifamily rental housing mortgage loan program.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Richard B. Muller  
401 N. Michigan Ave., Ste. 700  
Chicago IL 60611

312/836-5327

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]?  
No

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

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITYPART 310  
MULTIFAMILY RENTAL HOUSING MORTGAGE LOAN PROGRAM

## SUBPART A: GENERAL RULES

Section	
310.101	Authority
310.102	Purpose and Objectives
310.103	Definitions
310.104	Borrowing by the Authority
310.105	Compliance with Federal Law
310.106	Standards
310.107	Forms and Procedures for the Program
310.108	Fees and Charges of the Authority
310.109	Waiver (Repealed)
310.110	Amendment
310.111	Severability
310.112	Gender and Number
310.113	Titles and Captions
310.114	Calendar Days

## SUBPART B: NOTICE OF PROPOSED DEVELOPMENTS

Section	
310.201	Applicability and Purpose of Notification
310.202	Notification by Authority
310.203	Comments and Responses
310.204	<a href="#">Submissions to the Authority</a> <del>Conditional Commitment Application</del>
310.205	Hearings
310.206	Notice of Issuance of Conditional Commitment Letter <del>(Repealed)</del>

## SUBPART C: OWNER

Section	
310.301	Eligible Mortgagors
310.302	Land Trusts

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

310.303	Organizational Documents
310.304	Books and Records
310.305	Audits
310.306	Annual Financial Report
310.307	Furnishing Information
310.308	Purchase of Authority Bonds and Notes
310.309	Standards for Approval of Conveyance and Amendment of Documents

## SUBPART D: MORTGAGE LOAN

Section	
310.401	Maximum Mortgage Loan Amount
310.402	<a href="#">Term Maturity</a> of Mortgage Loans
310.403	Equity and Distributions
310.404	Development Funds and Property
310.405	Reserve Fund for Replacements
<a href="#">310.406</a>	<a href="#">Other Reserve Funds</a>
<a href="#">310.407</a>	<a href="#">Assignment or Sale of Mortgage Loan</a>

## SUBPART E: CONSTRUCTION

Section	
310.501	Design and Construction Standards

## SUBPART F: MARKETING AND MANAGEMENT

Section	
310.601	Marketing and Management
310.602	Marketing and Management Plans
310.603	Maintenance
310.604	Cost of Services

## SUBPART G: OCCUPANCY

Section	
310.701	Tenant Selection Plan
310.702	Income <a href="#">and Rental</a> Limits
310.703	Commercial Facilities

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

SUBPART H: RATE OF RETURN ON EQUITY FOR  
LIMITED-PROFIT ENTITIES

## Section

310.801	Statutory Authorization
310.802	Developments Eligible for Increased Rate of Return
310.803	Retroactive Adjustments
310.804	Calculation of Alternate Basic Rate of Return
310.805	Risk Premium for Special Needs
310.806	Increases in the Basic Rate of Return

SUBPART I: ENERGY EFFICIENCY STANDARDS FOR NEW  
AND REHABILITATED DEVELOPMENTS

## Section

310.901	Statutory Authorization
310.902	Definitions ( <a href="#">Repealed</a> )
310.903	Incorporation of National Standards
310.904	Thermal Requirements ( <a href="#">Repealed</a> )
310.905	Air Infiltration Requirements ( <a href="#">Repealed</a> )
310.906	Doors, Windows and Glass ( <a href="#">Repealed</a> )
310.907	Mechanical Work ( <a href="#">Repealed</a> )
310.908	Insulation ( <a href="#">Repealed</a> )
310.909	Mechanical Work Insulation ( <a href="#">Repealed</a> )
310.910	Electrical Work ( <a href="#">Repealed</a> )
310.911	Energy Audit Analysis
310.912	Rehabilitation Guidelines ( <a href="#">Repealed</a> )
310.913	Rehabilitation Waiver

SUBPART J: CONDUIT BOND ISSUANCESSection

<u>310.1001</u>	<u>Conduit Bonds</u>
<u>310.1002</u>	<u>Applications</u>
<u>310.1003</u>	<u>Eligible Mortgagor</u>
<u>310.1004</u>	<u>Regulatory Agreement</u>
<u>310.1005</u>	<u>Applicable Rules</u>

AUTHORITY: Implementing and authorized by the Illinois Housing Development Act [20

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

ILCS 3805].

SOURCE: Adopted at 5 Ill. Reg. 14583, effective prior to October 24, 1980 as corrected at 6 Ill. Reg. 620; codified at 7 Ill. Reg. 2433; amended at 8 Ill. Reg. 2996, effective February 28, 1984; amended at 9 Ill. Reg. 8631, effective May 29, 1985; emergency amendment at 9 Ill. Reg. 10086, effective June 13, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11296, effective July 5, 1985; amended at 9 Ill. Reg. 14675, effective September 13, 1985; amended at 9 Ill. Reg. 16848, effective October 21, 1985; amended at 10 Ill. Reg. 13657, effective August 4, 1986; amended at 10 Ill. Reg. 13987, effective August 11, 1986; amended at 14 Ill. Reg. 683, effective December 27, 1989; amended at 16 Ill. Reg. 10248, effective June 16, 1992; emergency amendment at 17 Ill. Reg. 13805, effective August 10, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1939, effective January 21, 1994; amended at 22 Ill. Reg. 3854, effective February 4, 1998; amended at 23 Ill. Reg. 1355, effective January 15, 1999; amended at 31 Ill. Reg. 4392, effective February 28, 2007.

## SUBPART A: GENERAL RULES

**Section 310.101 Authority**

The These Rules in this Part are authorized by and made pursuant to Sections 7.2, 7.19, 7.24b, 7.24e, 8, 9, 10, 11, 12 and 14 of the Act and shall govern the Program. |

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.102 Purpose and Objectives**

The Rules in this Part~~These Rules~~ are established to accomplish the general purposes of the Act and in particular the making of Mortgage Loans for the construction or rehabilitation of multifamily rental housing in accordance with the Program. |

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.103 Definitions**

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Application": An application for a Mortgage Loan for a proposed Development. |

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

"Authority": The Illinois Housing Development Authority.

"Bonds": Bonds issued by the Authority from time to time to finance the Program.

~~"Builders'/Sponsors' Profit and Risk Allowance" ("BSPRA"): The allowance given to an Owner against the Equity requirements for a Mortgage Loan. BSPRA shall not exceed an amount equal to 10% of the total estimated replacement cost of a Development (see Section 310.401).~~

"Chairman": The Chairman of the Authority.

~~"Change Order": Any written order evidencing a change in construction plans, specifications, or a contractor's work which is executed by an Owner and general contractor and approved by the Authority in writing.~~

"Clearinghouse": A State, regional, or metropolitan agency designated by the Governor of the State or the Authority or established by State statute to provide notice to appropriate State and local agencies of proposed Developments and to review such Developments.

~~"Code": The Internal Revenue Code of 1986 (26 USC), as amended from time to time, and the regulations promulgated thereunder.~~

"Commercial Tenant": Any entity leasing commercial facilities in a Development.

~~"Conduit Bonds": Bonds issued by the Authority for which another party assumes the risk of default, including but not limited to a default arising out of a default on the Mortgage Loan financed with the proceeds of the Bonds.~~

~~"Conduit Loan": A Mortgage Loan or other similar financing arrangement made with the proceeds of Conduit Bonds.~~

~~"Construction Completion Date": The date that construction of a Development is substantially completed, as approved by the Authority in writing.~~

"Cost Certification Cutoff Date": The last day of the month in which the

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

Construction Completion Date falls.

"Cost of Development": The costs of the acquisition and the construction or rehabilitation of a Development, including the design architect's fees; engineering fees; the supervisory architect's fees; legal and accounting fees; marketing and consulting fees; land costs; interest and financing charges to be paid during construction; the Authority's origination fee; application fees paid to other lenders; funding of reserves for real estate and other taxes; funding of reserves for replacement and other reserves; title and recording fees; financial contingency and construction contingency; a developer's fee; costs associated with the issuance of Bonds; relocation costs; the cost of landscaping and off-site improvements; carrying charges; and any other costs approved by the Authority, whether or not such costs have been paid in cash or provided in a form other than cash. For an existing Development that is being refinanced or being acquired, the cost of development shall be the appraised value of the Development, as determined on or after the date of the Application for refinancing, and the costs of rehabilitation.

~~"Cumulation Date": The date from which an Owner's right to make Distributions shall begin cumulating, which shall be the Initial Closing Date.~~

"Cumulative Distribution": A Distribution of Surplus Cash and/or Residual Receipts representing all or part of a Distribution unpaid but cumulated by an Owner in a prior fiscal year.

"Current Distribution": A Distribution of Surplus Cash and/or Residual Receipts representing all or part of a Distribution earned in a current fiscal year.

"Deputy Director": The Deputy Executive Director of the Authority.

"Development": The Real Estate, together with all buildings and other improvements, constructed on it, and the buildings, equipment, and personal property appurtenant to the Real Estate~~hereto~~.

"Development Funds": All cash, rent subsidies, gross Development income, bank accounts, certificates of deposit, trust funds, reserves, escrows, accounts receivable, and other such assets of a Development.

"Director": The Executive Director of the Authority.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

"Distribution": Any withdrawal or taking of cash from Surplus Cash and/or Residual Receipts, including segregation of cash for subsequent withdrawal, for payment to or on behalf of an Owner pursuant to the Authority's written authorization of thesueh Distribution.

"Eligible Mortgagor": Any Limited-Profit Entity or Nonprofit Corporation or any Illinois land trust the beneficiary of which is a Limited-Profit Entity or Nonprofit Corporation, but only if thesueh Mortgagor's ownership of the Development (including any partnership interest or stock ownership interest in thesueh Mortgagor), or thesueh beneficiary's interest in ansueh Illinois land trust (including the ownership of any partnership interest or stock ownership interest in thesueh beneficiary), shall not cause any Tax-exempt Bonds used to finance the Development to become taxable for federal income tax purposes. The and the organizational documents of thesueh Mortgagor or sueh beneficiary referred to in Section 310.303 of this Part shall at all times bear in compliance with the requirements of Section 310.303.

"Equity": The difference between the amount of a Mortgage Loan and all other loans and grants for the Development and the total Costeost of a Development, except as otherwise provided for in Section 310.403(f) below.

"FAF Funds": Funds received from HUD pursuant to certain refunding agreements between the Authority and HUD as authorized by the Stewart B. McKinney Homeless Assistance Act of 1988, which provided for the sharing of savings resulting from the reduction of HUD subsidies provided to certain Developments financed under the Program.

"Final Closing Date": The date on which the Authority makes the final distribution of the proceeds of a Mortgage Loan issues its final closing memorandum.

"HOME Program": The Home Investment Partnerships Program for the State of Illinois established pursuant to Title II of the National Affordable Housing Act of 1990 (42 USC 12701), as amended from time to time, and the regulations promulgated under that Act.

"HUD": the United States Department of Housing and Urban Development.

"Initial Closing Date": The date on which the Authority determines that funds for

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

a Mortgage Loan may be disbursed for the construction or rehabilitation of the Development~~The date on which the Authority issues its initial closing memorandum.~~

"Limited-Profit Entity": Any individual, joint venture, partnership, limited partnership, limited liability company, trust, or corporation organized or existing under the laws of the State of Illinois or authorized to do business in the State and having either articles of incorporation, articles of organization or comparable documents of organization or a written agreement with the Authority ~~that~~which, in addition to meeting other requirements of law, meets the requirements of Section 7.2(k) of the Act.

"Low Income": An income adjusted for family size that is less than or equal to 80% of the Median Income.

"Median Income": The median income of the county or the metropolitan statistical area, as applicable, in which the Development is located, adjusted for family size. The median income is determined from time to time by HUD for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437a).

"Members": The Members of the Authority.

"Moderate Income": An income adjusted for family size that is less than or equal to 120% of the Median Income.

"Mortgage": The mortgage or other instrument in the nature of a mortgage, together with any supplements, ~~thereto and~~ amendments or modifications ~~thereof~~, executed as security for a Mortgage Loan.

"Mortgage Loan": ~~A~~The loan under the Program from the Authority to a Mortgagor to be used for the acquisition ~~of the Real Estate and for the planning, construction or, rehabilitation and permanent, development, completion or~~ financing of a Development or the refinancing of a Mortgage Loan that provided financing for an existing Development.

"Mortgage Note": The document executed as evidence of a Mortgagor's indebtedness under a Mortgage Loan and any supplements, ~~thereto and~~ modifications or amendments ~~thereof~~.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

"Mortgagor": The Limited-Profit Entity, Nonprofit Corporation, or Trustee holding title to a Development.

"Nonprofit Corporation": A ~~not-for-profit~~~~nonprofit~~ corporation incorporated pursuant to the provisions of the Illinois General Not-for-Profit Corporation Act ~~of 1986 [805 ILCS 105]~~ or the State Housing Act ~~[310 ILCS 5] of 1932~~ and having articles of incorporation ~~that~~~~which~~, in addition to meeting other requirements of law, meet the requirements of Section 7.2(m) of the Act.

"Notes": ~~The~~ Notes issued by the Authority from time to time to finance Mortgage Loans under the Program.

"Owner": The Limited-Profit Entity or Nonprofit Corporation holding title to Real Estate or a Development or, when the Real Estate or the Development is held in ~~a Trust, an Illinois land trust~~, the Limited-Profit Entity or Nonprofit Corporation owning the beneficial interest in ~~the a~~ Trust. Under no circumstances shall ~~owner~~~~Owner~~ mean the Authority or a Trustee.

"Program": The Authority's multifamily rental housing mortgage loan program, including, without limitation, Mortgage Loans made under the HOME Program, Risk Sharing Loans, loans made with FAF Funds and Mortgage Loans insured by HUD (other than Risk Sharing Loans), Ambac Assurance Corporation or any other entity that insures mortgage loans.

"Real Estate": The real property upon which a multifamily housing development~~Development~~ is to be or has been constructed.

"Regulatory Agreement": The regulatory agreement or other instrument in the nature of a regulatory agreement, together with any supplements, amendments or modifications, governing a Mortgage Loan or a Conduit Loan. The agreement shall, among other things, establish the income and rental restrictions on the Development and the method of determining the permissible Distribution to the Owner.

"Reserve Fund for Replacements": The account that the owner of a Development must establish to provide a source of funds for capital repairs or improvements for the Development.

"Residual Receipts": That part of Development income remaining~~Any cash~~

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

~~remaining~~ at the end of an annual fiscal ~~yearperiod~~ after the deduction of the amount of all Distributions ~~Authority, if applicable, deducts from Surplus Cash the amount of all Distributions.~~

"Risk Sharing Loans": Mortgage Loans insured by HUD under the Housing Finance Agency Risk-Sharing Program for Insured Affordable Multifamily Project Loans, as authorized by Section 542(c) of the Housing and Community Development Act of 1992 (42 USC 3535(d)) and the regulations promulgated under that Act.

"Rules": The Rules and Regulations of the Authority as supplemented and amended from time to time, including, without limitation, the Rules in this Part.

"Staff": The Director, ~~the and~~ Deputy Director and the employees of the Authority.

"State": The State of Illinois.

"Surplus Cash": That part of gross Development income remaining at the end of a fiscal year after Development Funds, if applicable, have been disbursed in accordance with ~~the established~~ priorities established in the Regulatory Agreement for the Development.

"Tax-exempt Bonds": Bonds issued under the provisions of the Code, the interest on which is not taxable to the holders of the Bonds.

"Tenant": ~~A~~The person or family leasing a dwelling unit in a Development.

"Tenant Selection Plan": The tenant selection plan approved by the Authority for a Development that sets forth the criteria and procedures for selecting Tenants for a Development.

"Trust": ~~An~~The Illinois land trust of which an Owner is the sole beneficiary and ~~that~~which holds legal title to a Development.

"Trustee": The ~~trustee~~Trustee of an Illinois land trust holding legal title to a Development, the beneficiary of which is a Limited-Profit Entity or a Nonprofit Corporation.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

"Very Low Income": An income adjusted for family size that is less than or equal to 50% of the Median Income.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.105 Compliance with Federal Law**

Notwithstanding anything herein to the contrary, this Part shall be construed in conformity and compliance with applicable federal law, including, without limitation, the Code and the federal regulations governing the HOME Program and Risk Sharing Loans.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.106 Standards**

In administering the Program, the Authority, the Chairman, the Director, and the Staff shall in the exercise of discretion consider, in addition to the criteria specifically set forth in these Rules this Part, the purposes of the Program to provide decent, safe, and sanitary multifamily rental housing; the requirements of applicable State and federal law; the financial condition and previous experience of potential and participating developers; the Authority's ability to purchase or redeem any Bonds and to comply with the requirements of the resolutions authorizing any Bonds; the Authority's ability to comply with the terms and provisions of any Notes; the financial integrity of the Program; the housing needs of the State; architectural and construction quality; the preservation of the value of the Development as security for a Mortgage Loan; the ability of the Owner to repay a Mortgage Loan out of gross Development income; the potential prepayment of a Mortgage Loan; the desirability of achieving a reasonable geographic distribution of Developments throughout the State; the standards and practices of a prudent lender; the requirements of local housing codes and zoning laws; specific standards set forth in Authority agreements and documents; or any other factors relevant under the circumstances.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

## SUBPART B: NOTICE OF PROPOSED DEVELOPMENTS

**Section 310.201 Applicability and Purpose of Notification**

- a) Purpose  
This Subpart is established to provide for notification to~~notify~~ certain persons and agencies pursuant to Section 7.24b of the Act that a developer proposes to

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

construct or rehabilitate a Development in their district, county or municipality.

- b) Applicability  
~~The provisions of this Subpart shall apply only to Developments subject to Part 310.~~
- e) Compliance  
A developer's Application~~conditional commitment application~~ shall not be deemed to be complete until the provisions of this Subpart have been complied with. A developer's failure to comply with the provisions of this Subpart shall relieve the Authority of all obligations to provide a Mortgage Loan for the proposed~~regarding the~~ Development.
- ~~c)~~d) Developer's Acts  
In responding to comments, attending hearings, or undertaking any other activities pursuant to this Subpart, a developer shall not hold itself out to represent the Authority and shall not take or suffer any act that~~which~~ would incur any obligation on behalf of the Authority.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.202 Notification by Authority**

- a) Notice of Development  
When the Authority accepts an Application~~At the time a feasibility letter is issued for a Mortgage Loan for~~ a proposed Development, the Authority shall give written notice of the proposed Development to the following persons and agencies:
- 1) the chairman of the county board of the county in which the Development is proposed to be located;
  - 2) the mayor or other chief executive of the municipality (means cities, villages and incorporated towns), if any, in which the Development is proposed to be located;
  - 3) in municipalities with a population of more than 1,500,000 persons, the alderman of the ward in which the Development is proposed to be located;

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 4) appropriate Clearinghouses; and
  - 5) each member of the General Assembly from the legislative district in which the Development is proposed to be located.
- b) Forms  
Notice under this Section shall be made on Authority forms.
- c) Contents  
The notice shall set forth the name and address of the proposed Development; the name, address and telephone number of the developer; the estimated amount of the proposed Mortgage Loans; ~~the type of any subsidies~~; the total number of units; the total number of ~~any subsidized~~ units for Low Income and Very Low Income Tenants; the type of Development (for example, elderly, family or mentally or physically disabled~~handicapped~~); and any other information ~~which~~ the Authority deems relevant.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.203 Comments and Responses**

- a) Comments  
The persons and agencies receiving notice of a proposed Development pursuant to Section 310.202 shall have 30 days from the date of mailing of the notice to submit written comments to the developer or the Authority.
- b) Developer's Response  
The developer shall respond in writing to all comments in connection with the proposed Development received under this Section.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.204 Submissions to the Authority~~Conditional Commitment Application~~**

- a) Documents  
~~The~~With a conditional commitment application for a proposed Development, the developer shall submit to the Authority the following documents in connection with the proposed Development:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) a copy of every written comment and a written summary of every oral comment received pursuant to Section 310.203(a);
  - 2) a copy of every response made pursuant to Section 310.203(b);
  - 3) a history of conferences, hearings and other activities undertaken in relation to comments on the proposed Development;
  - 4) a brief summary of what the developer has done in response to comments; and
  - 5) a certification that the information provided under this Section is accurate and complete.
- b) Information  
Sufficient information shall be provided under this Section to enable the Authority to determine whether comments received pursuant to Section 310.203 have been adequately considered and responded to.
- c) Denial  
The Authority may deny a developer's ~~Application conditional commitment application~~ for, among other reasons, failure to comply with the conditions of ~~the feasibility letter, which conditions shall include evidence of compliance with the provisions of~~ this Subpart. ~~The Said~~ denial shall be in writing and shall state the reasons ~~for the denial~~ therefore. If the Authority determines that it must cease ~~with processing an Application, a conditional commitment application,~~ the Authority will inform the developer in writing of the conditions necessary for continued processing ~~will be communicated to the developer in writing~~ and the time period in which the conditions must be met ~~will be set forth~~.
- d) Assistance of Authority  
The Developer shall have the ~~In the interval between the Authority's issuance of a feasibility letter for a Development and the developer's submission of its conditional commitment application for such Development, it shall be the~~ developer's responsibility to seek the assistance of the Authority, if needed, in addressing comments received pursuant to Section 310.203.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

**Section 310.205 Hearings**

The developer shall provide written notice to the Authority of any public or adjudicatory hearing ~~that which~~ may be held in connection with the proposed Development. The developer shall mail ~~the such~~ notice to the Authority within 2 days ~~after of~~ receiving notice or otherwise becoming aware of ~~the such~~ hearing. It shall be the developer's responsibility to prepare for and attend ~~the such~~ hearings and to respond to any inquiry made at or in connection with ~~the such~~ hearings regarding the proposed Development.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.206 Notice of Issuance of Conditional Commitment Letter (Repealed)**

~~When the Authority issues a conditional commitment letter for a Development subject to this Subpart, it shall at the same time notify the persons and agencies named in Section 310.202 of such issuance.~~

(Source: Repealed at 31 Ill. Reg. 4392, effective February 28, 2007)

## SUBPART C: OWNER

**Section 310.302 Land Trusts**

Whenever Real Estate or a Development is held in an Illinois land trust, the agreement creating the Trust and establishing the respective rights, powers, and duties of the Trustee and Owner shall be in a format approved by the Authority. ~~The Such~~ format shall be approved if ~~examination by the Authority discloses that~~ it meets the legal requirement necessary to create a valid Illinois land trust ~~and complies with the Act and this Part as determined by the Authority.~~ ~~The deed in trust and trust agreement shall be in compliance with the Act and this Part as determined by the Authority.~~ Any trust agreement shall not be amended or revoked without the prior written approval of the Authority. ~~If the Authority determines that Section 310.105 and 310.106 are complied with, such approval shall be granted.~~ Upon either the request of the Owner or the Authority, the Trustee shall furnish the Authority with copies of the trust agreement and all records in its possession relating to the trust agreement, the Real Estate and the Development. ~~The Authority may request such documents when it believes there is non-compliance with the Act or this Part. The trust agreement, the Mortgage Loan documents and the organizational documents of Owner described in Section 310.303 of this Part shall require such Authority approvals of, and impose such restrictions on, the conveyance, assignment, leasing, mortgaging, pledging or other transfer, directly or indirectly, by operation of law (for~~

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

~~example, bankruptcy proceedings), or otherwise, of the Development, and the beneficial interest in, and power of direction over, the Trust or any partnership interest or stock ownership interest in the beneficiary of the Trust.~~

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.303 Organizational Documents**

The organizational documents of a joint venture, partnership, limited partnership, limited liability company or corporation ~~having articles of incorporation~~ shall contain provisions to qualify and maintain the Owner as a Limited-Profit Entity or Nonprofit Corporation, as defined in the Act and this Part, ~~to qualify and maintain the Trustee or the Owner, as the case may be, as Eligible Mortgagors as defined in this Part,~~ and to insure that the Owner, and each person or entity ~~that which~~ has an ownership interest in the Owner ~~and/or Trustee,~~ are required to comply with the Act and this Part and shall not cause the underlying Bonds used to finance the Development, if any, to become taxable for federal income tax purposes. The Owner may, upon the approval of the Authority, meet the requirements of this Section by entering into an agreement with the Authority rather than incorporating the necessary provisions in its organizational documents. The provisions of ~~the such~~ documents of organization or agreement, as ~~are~~ required by this Section, shall not be amended without prior written Authority approval. Amendment of the provisions of ~~the such~~ documents or agreement shall be allowed so long as the Authority determines that ~~the amendments they~~ comply with Section 310.106 of this Part ~~310.103, 310.106~~ and this Section.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.305 Audits**

The Development and the offices, architectural plans and specifications, apparatuses, books and records, contracts, documents and other papers relating to the development ~~thereto~~ shall at all times be maintained in reasonable condition for proper audit and shall be subject to inspection, examination and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires. All audits, certifications and financial reports ~~that which~~ the Owner is required by contract with the Authority to allow, undertake or prepare shall be made by an independent certified public accountant acceptable to the Authority.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.306 Annual Financial Report**

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

Within ~~90~~sixty days after the end of ~~the~~ Development's fiscal year, the Owner shall be required to furnish the Authority with a complete annual financial report based upon the books and records of the Development and the Owner, prepared in accordance with Authority requirements, and certified by the Owner and an independent certified public accountant acceptable to the Authority.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.309 Standards for Approval of Conveyance and Amendment of Documents**

In determining whether to approve and/or impose restrictions on the conveyance, assignment, leasing, mortgaging, pledging or other transfer of all or any part of the Development, or any partnership interest, stock ownership interest or member interest in the Owner of a Development, or the~~and~~ beneficial interest in, and power of direction over, the Trust, or any partnership interest, ~~or~~ stock ownership interest or member interest in the beneficiary of ~~the~~ Trust, ~~under Section 310.302~~ and in determining whether to approve amendments to the documents of organization of an Owner under Section 310.303 of this Part, the Authority shall grant ~~such~~ approval, with any necessary restrictions, if the Authority determines that the proposed actions~~said action~~ will not have an adverse impact upon the financial stability or the economic viability of the Development or the tax-exempt status of the Bonds, if any.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

## SUBPART D: MORTGAGE LOAN

**Section 310.401 Maximum Mortgage Loan Amount**

- a) Establishing Amount. The maximum Mortgage Loan amount available to an Owner ~~that~~which is a Limited-Profit Entity is ~~90% of the total estimated replacement cost of the Development or~~ 90% of the ~~Cost~~total cost of the Development, as ~~those costs may be~~ determined and approved by the Authority in its sole discretion, ~~whichever cost is less~~. The maximum Mortgage Loan amount available to an Owner ~~that~~which is a Nonprofit Corporation is ~~100% of the total estimated replacement cost of the Development or~~ 100% of the ~~Cost~~total cost of the Development, as ~~those costs may be~~ determined by the Authority in its sole discretion, ~~whichever cost is less~~. ~~In calculating the total estimated replacement cost of the Development, the Authority shall consider the design architect's fees; the supervisory architect's fees; legal, accounting and other organizational fees;~~

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

~~marketing, consulting and purchasing agent fees; construction interest; the Authority's service and Development fees; real estate and other taxes; title and recording fees; financial contingency and construction contingency; the Development Cost Escrow, if any; BSPRA; relocation costs; off-site improvements; land costs; carrying charges; and any other costs approved by the Authority. In calculating the total cost of the Development, the Authority shall consider trade payments to contractors and subcontractors, general overhead, bond premiums, insurance, builder's profit (if any), change orders, discounts, rebates and any other costs approved by the Authority.~~

- b) Mortgage Loan Increase. After the Authority has made a Mortgage Loan for a Development, nothing~~Nothing~~ contained in this Section shall prohibit the Authority from increasing the amount of ~~the~~ Mortgage Loan in excess of~~above~~ the limitations specified in Section 310.401 of this Part~~herein~~ if the Authority, in its sole discretion, determines that the~~such~~ increase is necessary to maintain the financial stability or economic viability of the Development. In deciding whether to approve a Mortgage Loan increase, the Authority shall consider the physical condition of the Development, the value of the Development as security for the Mortgage Loan, the Authority's ability to provide the~~such~~ Mortgage Loan increase, the ability of the Owner to repay the Mortgage Loan out of gross Development income, the financial status of the Development, and any other relevant factors.
- c) Refinancing Mortgage Loans in Foreclosure or Default. Nothing contained in this Section shall prohibit the Authority from settling defaults under any existing Mortgage Loan or restructuring a defaulted Mortgage Loan pursuant to settlement terms that the Authority deems appropriate, including making a new Mortgage Loan to pay all or a portion of the amounts due and owing under the defaulted Mortgage Loan and any costs, fees and expenses of the Authority in connection with the defaulted Mortgage Loan and the restructuring of the Mortgage Loan~~thereof~~. Any new Mortgage Loan that is made in settlement and/or restructuring of a defaulted Mortgage Loan may be in an amount that exceeds the amount due and owing under the defaulted Mortgage Loan, and shall include only such amounts as the Authority deems necessary and appropriate for the financial rehabilitation of the Development and to mitigate any loss to the Authority, including, without limitation, the following: the costs of redeeming any Bonds~~bonds~~ issued to finance the defaulted Mortgage Loan, including any premium payable in connection with the~~such~~ redemption; the costs of issuance of any Bonds~~bonds~~ issued to finance the~~the~~ new Mortgage Loan; the costs of audits of

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

the Development or the debt service payments on the defaulted Mortgage Loan; the costs of appraisals of the Development and assessments of the physical condition of the Development, including, without limitation, environmental studies required by the Authority or any third party in connection with the settlement; the costs of repair, maintenance or improvement of the Development; legal and accounting fees and expenses (including the fees and expenses of counsel to the Authority) to the Authority relating to the exercise of remedies by the Authority under the defaulted Mortgage Loan; the Authority's work-out fees, or other charges made by the Authority against the Development; defaulted debt service payments, delinquency payments and other amounts due and owing under the defaulted Mortgage Loan; title insurance premiums and recording fees; and the Authority's administrative expenses relating to the defaulted Mortgage Loan.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.402 TermMaturity of Mortgage Loans**

The maximum termmaturity of a Mortgage Loan to be made by the Authority for permanent financing of multifamily rental housing under this Program shall not exceed 65 years and may be shorter at the sole discretion of the Authority. In determining the term of a Mortgage Loan, the Authority shall take into account its ability to pay when due the principal (including any sinking fund installments) and interest on any Bonds or Notes, its ability to purchase or redeem any Bonds and to comply with the requirements of the resolutions authorizing any Bonds, its ability to comply with the terms and provisions of any Notes, the feasibility of the proposed Development, the financial integrity of the Program, the requirements of applicable State and federal law, and any other relevant factors.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.403 Equity and Distributions**

- a) Right to Distributions. As provided in the Act, an Owner shall have the right, commencing on the Initial Closing Dateas provided in subsection (b) of this Section, to make annual Distributions in an amount not to exceed 6% of its Equity in a Development, except as otherwise provided pursuant to Sections 310.801 through 310.805 inclusive, except that, if a Distribution cannot be made as provided in subsections (be) and (cd) of this Section, an Owner may cumulate the right to make a Distribution. An Owner's right to a Distribution shall begin to cumulate on the Initial Closing Date. In any partial fiscal year in which an Owner

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

~~is entitled to make a Distribution~~ years following the Cumulation Date, the amount of a Distribution shall be ~~calculated~~ ~~deumulated~~ pro rata based on the number of days since the closing of the Mortgage Loan.

- b) ~~Cumulation Date. An Owner's right to a Distribution shall begin to cumulate on the Initial Closing Date, which shall also be known as the Cumulation Date.~~
- e) Source of Distributions. An Owner may make Current and Cumulative Distributions out of Surplus Cash and/or Residual Receipts. If Surplus Cash or Residual Receipts are unavailable in a given fiscal year, an Owner shall make no Current Distribution, but the right to make ~~asueh~~ Distribution shall cumulate. If Surplus Cash and/or Residual Receipts are insufficient in a given fiscal year to make a Distribution in an amount equal to 6%, or as otherwise permitted in Sections 310.801 through 310.805 ~~inclusive~~, of an Owner's Equity in a Development, an Owner may distribute all available Surplus Cash and/or Residual Receipts and cumulate the right to make the rest of the Distribution in future years when and if Surplus Cash and/or Residual Receipts are available.
- ~~cd~~) Timing of Distributions. No Distribution shall be made until after the Final Closing Date, ~~even if such date is later than the Cumulation Date.~~ Even if Surplus Cash and/or Residual Receipts are available, the initial and all subsequent Distributions, including Cumulative Distributions, may be made only after the Authority has approved the Development's annual financial report (see Section 310.306); the Development has an approved Development budget for the next fiscal year; the Owner has complied with all outstanding notices of requirements for proper maintenance and operation of the Development; the Owner has cured any defaults or breaches of applicable ~~Authority~~ Rules, contracts and agreements; and the Authority has issued its written authorization of ~~thesueh~~ Distribution.
- ~~de~~) Amount of Equity. As required by the Act, the Authority shall establish an Owner's Equity in a Development on or after the Final Closing Date ~~at the time of making the final Mortgage Loan advance.~~ In no event shall the amount of ~~thesueh~~ Equity be calculated to include any grants or other funds not originating with the Owner. Once established by the Authority, the amount of an Owner's Equity shall remain constant so long as the Mortgage Note and Mortgage are outstanding on the Development, unless adjusted by resolution of the Members based on the criteria set forth in subsection ~~(e)(f)~~ below.
- ~~ef~~) Increase in Amount of Equity.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) If an Owner agrees either to preserve the existing income and rental restrictions of a the Development as affordable to persons and families of low and moderate income for a period not less than five years (starting from the later of the date on which the owner acquires the right to prepay its Mortgage Loan or the date on which the increase in Equity is granted) or create an equivalent number of additional units of housing with similar income and rental restrictions affordable to persons or families of low and moderate income, the Authority, by resolution of its Members, may increase Owner's Equity to an amount not to exceed the difference between the unpaid balance of the Mortgage Loan and the Development's appraised value at the time of the request by the Owner for an Equity increase. The appraisal shall be based on the Development's highest and best use and be conducted by an appraiser acceptable to the Authority. For purposes of the increase in Owner's Equity, the Development's appraised value may be updated by the Owner no more frequently than every five years after an increase is granted under this subsection (ef) and the amount of Owner's Equity may be adjusted to reflect the updated appraisal. The cost of the appraisal shall not be a Development expense.
- 2) It shall be a condition of the Authority increasing Owner's Equity that:
  - A) the Authority give its prior written consent to any increase in the rental charges for the Development; and
  - B) the Authority determine, in its sole discretion, that:
    - i) the Reserve Fund for Replacements for the Development is sufficient to pay the costs set forth in Section 310.405 below for the subsequent five years (starting from the later of the date on which the owner acquires the right to prepay its Mortgage Loan or the date on which the increase in Equity is granted), as determined by a physical needs assessment performed by a company acceptable to the Authority; the cost of such physical needs assessment shall not be a Development expense; and
    - ii) the amount needed to complete any deferred maintenance on the Development is less than one year's funding

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

requirement for the Reserve Fund for Replacements.

- 3) The Authority shall require the Owner to execute an agreement evidencing the increase in Equity and containing the Owner's agreement either to preserve the existing income and rental restrictions of the Development as affordable for low and moderate income for a period not less than five years (starting from the later of the date on which the owner acquires the right to prepay its Mortgage Loan or the date on which the increase in Equity is granted) or create an equivalent number of additional units of housing with similar income and rental restrictions affordable to persons or families of low and moderate income.
- 4) Any increase in Owner's Equity approved pursuant to this Section shall conform towith any relevant federal statutes, rules or regulations.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.404 Development Funds and Property**

All Development Funds received by an Owner or its agent shall be deposited to and maintained, as the Authority directs, in appropriate accounts with the Authority, or in a federally insured bank or savings and loan association or other financial institution located and qualified to do business in Illinois and whose deposits are insured by the federal government, or in other fiduciaries acceptable to the Authority. The Authority shall, in the Regulatory Agreement for the Development, by contract with the Owner establish priorities for the disbursement and use of Development Funds, including the funding of reserves and escrows, and require that the Owner have personal liability for Development Funds or Development property that which comes into its hands or the hands of its agents that which by contract with the Authority the Owner is not entitled to retain or has disbursed or used in violation of Authority requirements. In establishing thesesuch priorities, the Owner and Authority shall take into account the purposes of the Program, the financial stability of the Development, the physical condition of the Development, the value of the Development as security for the Mortgage Loan, and other relevant factors. It shall be a violation of the Rules for the Owner or its agent to disburse, use or retain Development Funds or Development property other than in accordance with the requirements or priorities established pursuant to this Section and set forth in the Regulatory Agreement Authority contracts or other Mortgage Loan documents.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

**Section 310.405 Reserve Fund for Replacements**

The Owner of a Development shall set aside out of gross Development income and shall deposit with the Authority such sums as the Authority shall specify, or that applicable federal statutes, regulations, or agreements require to be deposited to ~~an account known as~~ the Reserve Fund for Replacements. No proceeds of the Reserve Fund for Replacements may be withdrawn, disbursed, or applied without written Authority approval. The sums set aside, together with any income earned ~~thereon~~, shall be used to pay the costs of replacing structural elements and mechanical equipment of the Development and for such other Development expenses as the Authority in its sole discretion may approve. In determining the amounts to be set aside or deposited to the Reserve Fund for Replacements, the Authority shall consider the nature and condition of any structural elements or mechanical equipment that which may have to be replaced, the estimated useful life of any such structural elements or mechanical equipment, the estimated cost of replacements, applicable federal requirements, construction costs, potential gross Development income, and any other relevant factors. In determining whether to approve disbursements from the Reserve Fund for Replacements, the Authority shall consider the benefit to the Development of the proposed disbursement, the amount to be disbursed, the amount on deposit in the Reserve Fund for Replacements, whether the Owner is delinquent in making deposits to the Reserve Fund for Replacements or is otherwise delinquent in making payments or deposits under the Mortgage Loan documents, other uses for which the Reserve Fund for Replacements is likely to be needed, and any other relevant factors.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.406 Other Reserve Funds**

The Authority may require the Owner or developer of a Development to deposit with the Authority, on the Initial Closing Date or on the Final Closing Date of a Mortgage Loan, funds for such other reserves as the Authority deems to be necessary to provide adequate security for the Mortgage Loan. The reserves may include, without limitation, tax and insurance reserves, debt service reserves and operating deficit reserves.

(Source: Added at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.407 Assignment or Sale of Mortgage Loan**

If the Authority assigns or sells a Mortgage Loan, Section 8.1 of the Act, which requires that the owner of a Development give notice to the tenants of its intent to prepay the Mortgage Loan on the Development at least nine months in advance of the prepayment, as well as give them an

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

opportunity to form an organization to purchase the Development, shall cease to apply to the Mortgage Loan as of the date of the sale or assignment of the Mortgage Loan.

(Source: Added at 31 Ill. Reg. 4392, effective February 28, 2007)

## SUBPART E: CONSTRUCTION

**Section 310.501 Design and Construction Standards**

Developments financed by Mortgage Loans under the Program shall be designed and constructed or rehabilitated to conform with applicable federal, State, and local statutes, regulations, ordinances, standards, and codes, with industry practices in Illinois, and, except for Developments financed with the proceeds of Conduit Bonds, with the requirements of applicable Authority Rules, contracts, agreements, guides, and other documents.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

## SUBPART F: MARKETING AND MANAGEMENT

**Section 310.602 Marketing and Management Plans**

- a) Approval. Before the Authority makes a Mortgage Loan other than a Conduit Loan and at other times required by the Authority, the Owner shall submit for the Authority's approval a marketing planMarketing Plan and a management planManagement Plan for the Development. In deciding whether to approve the marketing planMarketing Plan and the management planManagement Plan, the Authority shall consider the purposes of the Program, the provisions of the Tenant Selection Plan, and any other relevant matters.
- b) Compliance. The marketing planMarketing Plan and the management planManagement Plan shall comply with all applicable federal and State statutes and regulations and with the terms and conditions of all applicable contracts and agreements providing for federal subsidies or assistance relating to the Development.
- c) Contents of Marketing Plan. The marketing planMarketing Plan shall set forth the policies and procedures to be used by the marketing agent in marketing the Development and shall address the qualifications of the marketing agent; the nature of the market to be served by the Development; the dates of availability of

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

occupiable units by type and location; the dates of availability and locations of Development facilities essential to the marketing campaign, including any model units, rental office or community building; the promotion of the Development, including the use of mass media, public relations, brochures, signs, equipment and furnishings for model units and the rental office, and marketing staff; the intended mix of family, elderly and ~~disabled~~~~handicapped~~ Tenants; where appropriate, the intended Tenant income mix and method of achieving such a mix; the method of processing prospective tenants; the criteria upon which ~~prospective tenants'~~ applications ~~of prospective Tenants for occupancy~~ are to be approved or disapproved; preference for occupancy in the Development for persons and families displaced by urban renewal, slum clearance, other governmental action or natural disaster; rent schedules; and any other relevant matters.

- d) Contents of Management Plan. The ~~management plan~~~~Management Plan~~ shall set forth the policies and procedures to be used by the managing agent in operating the Development and shall address the qualifications of the managing agent; procedures for recruiting and supervising management personnel; physical maintenance of the Development; procedures for tenant selection; preference for occupancy in the Development for persons and families displaced by urban renewal, slum clearance, other governmental action or natural disaster; tenant/landlord relations; eviction procedures; marketing; financial reporting; books and records of the Development; the intended mix of family, elderly and ~~disabled Tenants~~~~handicapped Tenants~~; where appropriate, the intended Tenant income mix and method of achieving such a mix; the method of processing prospective Tenants; the criteria upon which ~~prospective tenants'~~ applications ~~of prospective Tenants for occupancy~~ are to be approved or disapproved; and any other relevant matters.
- e) Owner's Responsibility. The Owner shall be responsible for ensuring the marketing agent's and the managing agent's compliance with all applicable ordinances, regulations, statutes, ~~and Authority~~ Rules, agreements and requirements.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.604 Cost of Services**

The Owner shall not pay more for administrative, operating and maintenance expenses than is reasonable given the location and size of the Development, the level of administration, operation

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

and maintenance required by ~~the applicable Authority Rules and agreements, the requirements of the Regulatory Agreement or other Mortgage Loan documents,~~ the requirements of the marketing plan~~Marketing Plan, management plan~~Management Plan, and Tenant Selection Plan, the uniqueness or quality of available services or supplies, the presence of an emergency or other time constraint, the creditworthiness of suppliers and contractors and any other relevant factors. The Owner shall solicit bids for certain contracts in accordance with Authority agreements.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

## SUBPART G: OCCUPANCY

**Section 310.701 Tenant Selection Plan**

- a) Approval. Before making a conditional commitment for a Mortgage Loan ~~conditional commitment~~ under the Program, the Authority shall approve a Tenant Selection Plan submitted by the Owner that shall set and setting forth the income limits for Tenants of the Development. In approving the Tenant Selection Plan, the Authority shall consider whether the selection procedures will be equitable, considering the size and circumstances of the Tenant family; promote a heterogeneous mix of income levels to the extent appropriate; maintain the financial stability of the Development; and comply with the ~~Authority's Rules, agreements and requirements.~~
- b) Compliance. The Tenant Selection Plan shall comply with all applicable State and federal statutes and regulations, with the terms and conditions of all applicable contracts and agreements providing for federal subsidies or assistance relating to the Development, and with the affirmative fair housing marketing plan approved by the Authority for the Development.
- c) Requirement for Developments for which a Conditional Commitment Letter Has Been Issued on or after August 9, 1984. With respect to Developments for which a conditional commitment letter has been issued on or after August 9, 1984, the Tenant Selection Plan submitted by the Owner and approved by the Authority shall specify how many units in the Development shall be held available to persons and families of Very Low, Low ~~low~~ or Moderate Income ~~moderate income, as defined in Sec. 2(g) of the Act and Treas. Reg. Sec. 1.103-8(b)(8)(v)(1984)~~ and set forth the rental charges for those units. In determining the number of units ~~that~~ which shall be ~~so~~ held available for ~~such~~ rentals, the Authority shall require that the number of dwelling units reserved for persons and

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

families of Very Low, Low~~low~~ and Moderate Income~~moderate income~~ in each Development shall not be less than the number required by applicable federal and State law.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.702 Income and Rental Limits**

- a) General. A person's or family's initial occupancy of a unit held available for rental to persons and families of Very Low, Low~~low~~ or Moderate Income~~moderate income~~, as defined in ~~Section 2(g) of the Act, Treas. Reg. Sec. 1.103-8(b)(8)(v) (1984) (24 CFR 889.103 (1984))~~, shall be limited to persons and families initially meeting the income limits set forth in ~~subsection (b) of this Section 310.103~~. If a person or family meeting income requirements at the time of initial occupancy subsequently fails to continue to meet ~~those such~~ requirements, that failure shall not constitute non-compliance by that Tenant.
- b) ~~Determination of~~ Income Limits:
- 1) For all Developments financed by the Authority before January 1, 1987, an income limitation is established equal to 80% of the median family income for the metropolitan statistical area in which the Development is located for that proportion of the units (20%, or 15% in certain targeted areas) as is required by the Treasury Regulations under Section 103(b) of the United States Internal Revenue Code of 1954 (26 USC U.S.C. 103(b)) shall be reserved for Low Income Tenants, as amended.
  - 2) For Developments that have not or will not receive subsidies from HUD or mortgage insurance through the Federal Housing Administration, a minimum of 20% of the units shall be reserved for Low Income Tenants.
  - 3) For Developments that are financed with the proceeds of Tax-exempt Bonds after January 1, 1987, either 20% of the units must be reserved for Very Low Income Tenants or 40% of the units must be reserved for Low Income Tenants whose income is no greater than 60% of the Median Income. Provided, however, for Developments with Assisted Mortgage Financing, as that term is defined in the Act, involving programs of the United States Department of Housing and Urban Development (HUD), income limitations shall be established (at levels higher or lower than

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

~~otherwise would be established) which shall be consistent with applicable regulations and/or feasibility criteria of HUD or the Federal Housing Administration programs under the National Housing Act mortgage insurance or co-insurance programs under Sections 207, 220, 221, 236 and 255 of the National Housing Act (24 CFR 207.1 et seq. (1984); 24 CFR 220.1 et seq. (1984); 24 CFR 221.1 et seq. (1984); 24 CFR 236.1 et seq. (1984); 24 CFR 255.1 et seq. (1984)). The limitations may be established as a percentage of median income or as a dollar amount. No such income limitations shall be established for such Developments unless the Authority shall determine that, without the Authority mortgage loans and the HUD-related Assisted Mortgage Financing, rentals for such Developments would be required to be at levels which would equal or exceed 30% of the income of the Tenants.~~

- c) Rental Limits. Rents for units in Developments shall not exceed 30% of the maximum income permitted for a Very Low or Low Income Tenant in the Development, as applicable, unless otherwise required by applicable federal and State law. ~~Areas of Determination. Determination of income limits for persons and families of low and moderate income shall be made for metropolitan statistical areas (or segments thereof), as defined in Section 103A(1)(4)(B) of the Internal Revenue Code (26 U.S.C. 103(1)(4)(B)(1984)), in the State and for that portion of the State not within any metropolitan statistical area (or segments thereof).~~
- d) Certification. The Owner shall obtain from each prospective ~~Tenant~~ tenant intending to occupy a unit held available for rental to persons and families of Very Low, Low or Moderate Income ~~moderate income~~ a certification of income ~~that~~ which shall be submitted by letter to the Authority from the Owner.
- e) In determining the number of units in a Development that shall be held available for rental to Very Low, Low and Moderate Income Tenants, the Authority shall require that the number of units be not less than the number required by applicable federal and State law.
- g) The Owner of each Development shall enter into a Regulatory Agreement with the Authority setting forth, among other things, the income and rental restrictions governing the Development.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

**Section 310.703 Commercial Facilities**

- a) Facilities. The Owner shall rent commercial facilities, if any, only to such Commercial Tenants, at ~~such~~ rentals and for ~~such~~ purposes ~~that~~as have been approved by the Authority. In approving commercial facilities and Commercial Tenants, the Authority shall consider the Tenant Selection Plan, the ~~marketing plan~~Marketing Plan, the ~~management plan~~Management Plan, the nature of the prospective business, the credit history of the prospective Commercial Tenant, the benefit of the prospective business to Tenants of the Development, the prospective Commercial Tenant's ability to comply with applicable licensing and zoning requirements, the purposes of the Program, and any other relevant matters.
- b) Compliance. The Owner shall be responsible for ensuring the Commercial Tenant's compliance with all applicable ordinances, zoning codes, licensing requirements, regulations, statutes and ~~Authority~~ Rules, and agreements.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

SUBPART H: RATE OF RETURN ON EQUITY FOR  
LIMITED-PROFIT ENTITIES**Section 310.801 Statutory Authorization**

Pursuant to ~~Section 8~~Paragraph 308 of the Act, the Authority is required to establish the Owner's Equity on each Mortgage Loan provided to a Limited-Profit Entity at the time of final Mortgage disbursement. The Act provides that the maximum rate of return on Owner's Equity shall be 6% unless the Authority, pursuant to ~~these Rules~~ this Part, establishes criteria by which a higher rate is established. It is the purpose of this Subpart to set the criteria by which a rate of return higher than 6% will be established.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.802 Developments Eligible for Increased Rate of Return**

- a) ~~Subject to applicable federal law, any~~Any Development for which the Authority has issued a conditional commitment letter effective on or after August 9, 1984 is eligible for the establishment of an alternate basic rate of return in excess of 6% if, either:

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- 1) the Director or, in his or her absence, the Deputy Director determines it to be necessary in order to attract private enterprise to construct, rehabilitate, operate and maintain housing for Very Low, Low~~low~~ and Moderate Income~~moderate income~~ persons. The standard or test for determining whether a higher rate of return is necessary is that, but for the higher rate of return, private enterprise would be unable to acquire, construct, rehabilitate, operate and maintain housing for Very Low, Low~~low~~ and Moderate Income~~moderate income~~ persons. In making this determination, the Director or, in his or her absence, the Deputy Director shall consider but not be limited to the competing market interest rates, the alternative lending sources, financial projections based upon anticipated rents, debt service, utilities, taxes and other expenses and the comparative severity of the housing needs; or
  - 2) the Authority determines, pursuant to resolution of its Members, that an increase in the basic rate of return is necessary to preserve the Development as affordable for persons or families of Very Low, Low~~low~~ and Moderate Income~~moderate income~~ or that the increase provides for the creation of additional units of housing affordable to persons or families of Very Low, Low~~low~~ and Moderate Income~~moderate income in the Development or otherwise~~ in the State. It shall be a condition to an increase in the basic rate of return pursuant to this subsection (a)(2) that:
    - A) the Authority give its prior written consent to any increase in the rental charges for the Development;~~;~~ and
    - B) the Authority determine, in its sole discretion, that:
      - i) the Reserve Fund for Replacements is sufficient to pay the costs set forth in Section 310.405 ~~above~~ for the subsequent five years;~~;~~ and
      - ii) the amount needed to complete any deferred maintenance on the Development is less than one year's funding requirement for the Reserve Fund for Replacements.
- b) If the Authority makes a determination pursuant to subsection (a)(~~2~~ii)~~above~~, then, prior to the Authority increasing the basic rate of return, the Authority shall

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

require that the Owner execute an agreement evidencing the increase in the basic rate of return and containing the Owner's agreement either to preserve the Development as affordable for persons or families of Very Low, Low and Moderate Income ~~moderate income~~ for a period not less than five years (starting from the later of the date on which the owner acquires the right to prepay its Mortgage Loan or the date on which the increase in Equity is granted) or increase the number of units affordable to persons or families of Very Low, Low and Moderate Income ~~moderate income~~.

- c) Any increase in the basic rate of return approved pursuant to this Section shall conform to ~~with~~ any relevant federal statutes, rules or regulations.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.803 Retroactive Adjustments**

- a) Developments for which the Authority has issued a conditional commitment letter effective prior to August 9, 1984 are not eligible for an alternate basic rate of return in excess of 6%, unless:
- 1) the Development is a troubled Development as determined by the Director or, in his or her absence, the Deputy Director. A "troubled Development" for purposes of this Section is one for which a delinquency of more than 60 days exists for replacement reserve, tax and insurance reserve, or principal or interest payments and/or an alternate basic rate of return is necessary, as determined by the Director or, in his or her absence, the Deputy Director, to encourage a new Owner to acquire the Development, or to encourage an existing Owner to invest monies into the Development, or to assist an existing Owner to meet its financial obligations. In regard to the delinquencies, it shall be established to the satisfaction of the Director or, in his or her absence, the Deputy Director, that the increase in the rate of return is essential for the Development to meet these delinquency obligations. The standard to be applied shall be that but for the increased rate of return the Development would not be able to make these past due payments current. In making the determination whether one or more delinquencies exist, the Director or, in his or her absence, the Deputy Director shall consider, but not be limited to, an examination of all books and records the Authority has in regard to the delinquencies as well as all documentation submitted by or on behalf of the Development, and

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

anticipated rents, debt service, utilities, taxes and other expenses of the Development; or

- 2) the Authority determines, pursuant to resolution of its Members, that an increase in the basic rate of return is necessary to preserve the Development as affordable for persons or families of Very Low, Low and Moderate Income ~~moderate income~~ or that the increase provides for the creation of additional units of housing affordable to persons or families of Very Low, Low and Moderate Income ~~moderate income~~ in the Development or otherwise in the State. It shall be a condition to an increase in the basic rate of return pursuant to this subsection (a)(2) that:
  - A) the Authority give its prior written consent to any increase in the rental charges of the Development; and
  - B) the Authority determine, in its sole discretion, that:
    - i) the Reserve Fund for Replacements is sufficient to pay the costs set forth in Section 310.405 ~~above~~ for the subsequent five years; and
    - ii) the amount needed to complete any deferred maintenance on the Development is less than one year's funding requirement for the Reserve Fund for Replacements.
- b) In regard to an alternate basic rate of return to encourage a new Owner to acquire the Development, it shall be established to the satisfaction of the Director or, in his or her absence, the Deputy Director that, but for the increase in the rate of return, a new Owner could not be found to acquire the Development. In making this determination, the Director or, in his or her absence, the Deputy Director shall consider but not be limited to competing market interest rates, alternative lending sources, financial projections based upon anticipated rents, debt service, utilities, taxes and other expenses and the comparative severity of the housing needs.
- c) If the Authority makes the determination pursuant to subsection (a)(2) ~~above~~, the Authority, prior to increasing the basic rate of return pursuant to subsection (a)(2) ~~above~~, shall require that the Owner execute an agreement evidencing the increase in the rate of return and containing the Owner's agreement either to preserve the Development as affordable for persons or families of Very Low, Low and

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

~~Moderate Income moderate income~~ for a period not less than five years (starting from the later of the date on which the owner acquires the right to prepay its Mortgage Loan or the date on which the increase in ~~rate of return~~ Equity is granted) or to increase the number of units affordable to persons or families of Very Low, Low ~~low~~ and Moderate Income ~~moderate income~~.

- d) Any increase in the basic rate of return approved pursuant to this Section shall conform to ~~with~~ any relevant federal statutes, rules or regulations.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.804 Calculation of Alternate Basic Rate of Return**

- a) For Developments ~~that~~ which are eligible for an alternate basic rate of return in excess of 6%, pursuant to Section 310.802(a)(1) or 310.803(a)(1) ~~above~~, the Authority may establish an alternate basic rate of return in an amount not to exceed, except as provided in Section 310.805 ~~below~~, 200% two hundred percent of the yield paid on 30-year Government National Mortgage Association (GNMA) mortgage certificates as of the date of the issuance of the conditional commitment letter or, if a conditional commitment letter is not issued, a loan agreement for ~~to~~ that Development. In order for an alternate basic rate of return higher than 6% to be approved, it shall be established to the satisfaction of the Director or, in his or her absence, the Deputy Director that, but for increase in the rate of return, private enterprise would not be attracted to acquire, construct, rehabilitate, operate and maintain the Development. The Authority will establish an alternate basic rate of return if the Director or, in his or her absence, the Deputy Director determines and certifies that, but for a higher rate of return, private enterprise would not acquire, construct, rehabilitate, operate and maintain housing for Very Low, Low ~~low~~ and Moderate Income ~~moderate income~~ persons. In making the determination and certification whether an alternate basic rate of return will be approved and in determining and certifying the amount of the rate increase, the Director or, in his or her absence, the Deputy Director shall consider, but not be limited to, the competing market interest rates, alternative lending sources, financial projections based upon anticipated rents, debt service, taxes, utilities and other expenses and the comparative severity of the housing needs. The Chief Fiscal Officer of the Authority shall certify to the GNMA rate as of the date of the conditional commitment letter or the loan agreement, if a conditional commitment letter is not issued, for the Development, and the rate shall be fixed at that level.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- b) For Developments ~~that~~which are eligible for an alternate basic rate of return in excess of 6% pursuant to ~~Section~~Sections 310.802(a)(2) or 310.803(a)(2)~~above~~, the Authority may establish an annual alternate basic rate of return ~~that~~which shall not exceed, except as provided for in Section 310.805 ~~below~~, 200%~~two hundred percent~~ of the yield paid on 30-year GNMA mortgage certificates as of December 1~~st~~ of the year for which the alternate basic rate of return is to be applied. The Chief Fiscal Officer of the Authority shall certify to the GNMA rate as of December 1~~st~~ of the year for which the alternate basic rate of return is to be applied and the rate shall be fixed at that level.
- c) Any increase in the basic rate of return approved pursuant to this Section shall conform with any relevant federal statutes, rules or regulations.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.805 Risk Premium for Special Needs**

In addition to the increase to the alternate basic rate of return established pursuant to Sections 310.802 and 310.803, the Authority, through its Director or, in his or her absence, the Deputy Director may establish additional incentives in the form of additional return on equity in excess of the alternate basic rate of return if the criteria specified in subsections (a), (b) and (c)~~below~~ are met and if it is determined that the alternate basic rate of return is necessary. ~~The~~Such additional return will be limited to one additional percentage point of return on Owner's Equity to be paid for each of the following factors:

- a) For each additional 5% Low Income Tenant~~low income tenant~~ occupancy above the limits set forth in Section 142 103(b)(4) of the Internal Revenue-Code ~~(26 U.S.C. 103(b)(4)(1984))~~;
- b) Provision of housing for a special housing need, such as elderly facilities, handicapped facilities, or other qualified special needs, as specified in the Act, approved by the Director or, in his or her absence, the Deputy Director;
- c) Location of the Development within a specially designated Targeted Area (as defined by the U.S. Department of the Treasury under Section 6a.103A-2(b)(5) of the Treasury Regulations issued under section 142 103(b)(4) of the Internal Revenue-Code ~~of 1954~~ (26 CFR 6a.103A-2(b)(5)~~(1984)~~) and 47 Ill. Adm. Code 220.103 or within a State of Illinois Enterprise Zone established pursuant to 20

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

~~ILCS 655III. Rev. Stat.1991, ch. 67 1/2, pars. 601 et seq.~~

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.806 Increases in the Basic Rate of Return**

The Basic Rate of Return shall not be increased or decreased during the term of the Mortgage Loan, except as provided in Sections 310.802 through Section 310.805 of this Part, inclusive.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**SUBPART I: ENERGY EFFICIENCY STANDARDS FOR NEW  
AND REHABILITATED DEVELOPMENTS****Section 310.901 Statutory Authorization**

Pursuant to Section 7.24e of the Act, the Authority is required to establish rules governing minimum energy efficiency standards in Developments financed by the Authority. It is the purpose of this Subpart to set forth those minimum energy standards. After July 1, 1986, no Mortgage Loan conditional commitment for assisted mortgage financing shall be made by the Authority for the construction of a any new or rehabilitated Development unless the Director or, in his absence, the Deputy Director of the Authority determines that the plans and specifications for the proposed Development are incertifies compliance with the minimum energy efficiency standards set forth in this Partherein. Subject to Section 310.903 hereinCompliance shall be certified when all proposed construction documents comply with this Part. Unless otherwise stated herein, the same standards apply to both new and rehabilitated Developments.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.902 Definitions (Repealed)**

~~As used in this Subpart, the following words or terms mean:~~

~~"A.A.M.A.": Architectural Aluminum Manufacturers Association.~~

~~"A.H.A.M.": Association of Home Appliance Manufacturers.~~

~~"A.N.S.I.": American National Standards Institute.~~

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

~~"A.R.I.": Air Conditioning and Refrigeration Institute.~~

~~"A.S.H.R.A.E.": The American Society of Heating, Refrigerating and Air Conditional Engineers, Inc. as computed by the procedures set forth in the ASHRAE Handbook and Product Directory Systems Volume (1976).~~

~~"A.S.T.M.": American Society for Testing and Materials.~~

~~"BTU": (British Thermal Unit) is the amount of heat required to raise the temperature of one pound of water by one degree Fahrenheit.~~

~~"COP": (Coefficient of Performance—Heating) This is the ratio of the rate of net heat output by the heat pump to the rate of total on-site energy input to the heat pump, expressed in consistent units and under designated rating conditions.~~

~~"EER": (Energy Efficiency Ratio) is the ratio of net equipment cooling capacity in BTU per hour, to total rate of electric input in watts, under designated operating conditions.~~

~~"H.D.D.": (Heating Degree Day) is a unit, based upon temperature difference and time, used in estimating fuel consumption and specifying nominal heating load of a building in winter as computed in the procedures set forth in the ASHRAE Handbook and Product Directory, Systems Volume (1976).~~

~~"H.V.A.C.": Heating, Ventilating and Air Conditioning.~~

~~"High Rise Building": is a building which is eighty feet or more above grade.~~

~~"Low Rise Building": is a building which is less than eighty feet above grade.~~

~~"N.E.C.": National Electrical Code.~~

~~"Northern Illinois": is that portion of the State of Illinois north of the southern boundaries of the Illinois counties of Vermilion, Champaign, Piatt, Dewitt, Logan, Menard, Cass, Brown and Adams.~~

~~"R Value": (Assembly Insulation Value) is defined as thermal resistance, i.e. the reciprocal of thermal conductance as set forth in ASHRAE Standard 90A-1980.~~

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

~~"Southern Illinois": is that portion of the State of Illinois south of the southern boundaries of the Illinois counties of Vermilion, Champaign, Piatt, DeWitt, Logan, Menard, Cass, Brown and Adams.~~

~~"U.L.": Underwriters Laboratories located at 333 Pfingsten Road, Northbrook, Illinois 60062.~~

(Source: Repealed at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.903 Incorporation of National Standards**

~~All Developments shall be constructed or rehabilitated in compliance with the energy efficiency standards set forth in the International Energy Efficiency Code published in 2006 by the International Code Council, 4051 Flossmoor Road, Country Club Hills IL 60478. This Section does not include any later amendments, revisions or additions to the International Energy Efficiency Code. These energy efficiency standards are also published in the Authority's Architectural and Construction Guidelines.~~

~~Where standards are incorporated in this Part, they are incorporated by date and do not include any later editions or amendments.~~

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.904 Thermal Requirements (Repealed)**

~~The prescriptive assembly insulation requirements are as follows:-~~

<u>Section</u>	<u>R-Value Northern Illinois</u>	<u>R-Value Southern Illinois</u>
<del>Walls</del>	<del>R-19</del>	<del>R-19</del>
<del>Attic/Ceiling/Roof (low rise building)</del>	<del>R-38</del>	<del>R-30</del>
<del>Reinforced Concrete Roof (high rise building)</del>	<del>R-19</del>	<del>R-19</del>
<del>Floors over unheated spaces</del>	<del>R-22</del>	<del>R-19</del>
<del>Perimeter of slab on grade (which shall extend 2'-0" from interior edge)</del>	<del>R-10</del>	<del>R-10</del>

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

~~Walls below grade~~~~R-10~~~~R-10~~

(Source: Repealed at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.905 Air Infiltration Requirements (Repealed)**

- ~~a) All joints shall be caulked.~~
- ~~b) Plastic vapor barrier a minimum 6 mil in the thickness shall be installed on the warm side of insulation in walls, ceilings, and under slab on grade with seams sealed and lapped a minimum of 16". The membrane must not be punctured during construction.~~
- ~~c) Sill sealers, other than of fiberglass materials, shall be used below all exterior sill plates.~~
- ~~d) Foam insulation and/or caulk shall be applied around all exterior windows and door frames.~~
- ~~e) Electrical outlets, water, taps, exhaust vents and all other penetrations in exterior walls and ceilings shall be taped or sealed to the membrane vapor barrier.~~
- ~~f) Storm doors with a wood or metal threshold and thermal break shall be installed at all exterior doorways unless revolving doors are installed.~~
- ~~g) Combustion air ducts with automatic motorized dampers shall be installed on all furnaces, boilers and water heaters where fossil fired equipment is used.~~
- ~~h) Attic access doors shall be insulated and weatherstripped.~~
- ~~i) The edges of concrete slabs shall have thermal breaks.~~
- ~~j) Ventilation of the ceiling/roof area shall be in ratios in accordance with local building codes. Vents shall be equally distributed between ridge and eave locations.~~
- ~~k) Continuous soffit and/or ridge vents shall be required.~~

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.906 Doors, Windows and Glass (Repealed)**

- a) ~~Exterior doors shall be weatherstripped at jambs, head, and sill where the door is in contact with the threshold. Compressible filler shall be installed under threshold, except in handicapped units where flat sills are required.~~
- b) ~~Exterior metal doors shall be insulated to meet or exceed R-6 and shall be installed in frames of thermal break construction.~~
- c) ~~Windows and sliding glass doors shall be at least double glazed with a minimum of 1/4" air space between glazing set in frames of thermal break construction.~~
- d) ~~All windows, curtain walls and storefronts shall be of the rmal break construction with a listed condensation resistance factor (CRF) of not less than 45 as computed in Voluntary Test Method for Condensation Resistance of Windows, Doors and Glazed Wall Sections, AAMA 1502.7 (1981).~~
- e) ~~Air infiltration rates shall be determined by A.N.S.I./A.S.T.M. E283-73 (1973), Standard Method of Test for Rate of Air Leakage through Exterior Windows, Curtain Walls and Doors. Window air infiltration rate shall not exceed 0.5 cubic feet per minute per foot of sash crack. Swinging and Sliding doors used for entrance or exit from residential living units air infiltration rate shall not exceed 0.5 cubic feet per minute per square foot of door area. Air to air heat exchangers shall be used if there is less than 1/2 air changes per hour.~~

(Source: Repealed at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.907 Mechanical Work (Repealed)**

- a) ~~All hot water heaters shall meet or exceed A.S.H.R.A.E. Standard 90A-1980 energy efficiency requirements for water heaters.~~
- b) ~~A separate hot water storage tank with boiler shall be provided in multifamily developments where the storage tank serves more than one unit.~~
- c) ~~A recirculating pump for domestic hot water system shall be provided with return line aquastat control and all circulating lines shall be insulated.~~

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- d) ~~Low flow showerheads and flow restrictors shall be installed in new and/or existing plumbing fixtures with a maximum flow of three (3) gallons per minute.~~
- e) ~~Heat pumps must meet or exceed A.S.H.R.A.E. Standard 90A-1980 energy efficiency requirements and there shall not be less than a 2.5 coefficient of performance (COP).~~
- f) ~~Room air conditioning units shall meet or exceed A.N.S.I./A.H.A.M. Standard Z23A.1-1972 "Standard for Room Air Conditioners" and have an EER of at least 9.0. The electrical outlet for each unit shall be on a separate branch circuit and located directly below the unit. Wall mounted units shall be located no lower than 2' 6" above baseboard heating elements.~~
- g) ~~Central air conditioners shall meet or exceed ARI Standards 210-78 (1978), "Standard for Unitary Air Conditioning Equipment," energy efficiency requirements and have an EER of no less than 11.0.~~
- h) ~~Building exhaust fans shall be on clocktimers with a backdraft damper. The size, number and location of exhaust fans shall be determined by local building code.~~
- i) ~~Clock thermostats, unless prohibited by local code, shall be installed in all dwelling units where the tenant controls the heating and/or cooling system.~~
- j) ~~New furnaces and boilers shall meet or exceed A.S.H.R.A.E. Standard 90A-1980 efficiency requirement for H.V.A.C. equipment, the efficiency of which shall not be less than 82%.~~
- k) ~~Central boiler or furnace shall be provided with a setback thermostat and an outdoor reset control shall be provided for hot water systems.~~
- l) ~~Each kitchen exhaust fan shall be on a springback timer, unless prohibited by local code, and shall be vented to the outside.~~
- m) ~~Each bathroom exhaust fan shall be on a springback timer, unless prohibited by local code, and shall be vented to the outside.~~

(Source: Repealed at 31 Ill. Reg. 4392, effective February 28, 2007)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

**Section 310.908 Insulation (Repealed)**

- a) ~~Batt insulation shall have integral nailing flanges. Friction fit insulation shall not be installed in exterior walls.~~
- b) ~~Guards and vent chutes shall be installed adjacent to eave vents to prevent blockage of vents by blown in or batt insulation and passage of air from eave vents to attic roof vents.~~
- e) ~~Rigid roof insulation shall be installed in a minimum two layers with all joints staggered.~~

(Source: Repealed at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.909 Mechanical Work Insulation (Repealed)**

~~Insulation meeting or exceeding A.S.H.R.A.E. Standard 90A-1980 shall be provided for the following mechanical work:~~

- a) ~~For all plumbing and hot water lines located along perimeter walls or in unheated or uncooled spaces.~~
- b) ~~All heating and cooling supply and return piping.~~
- e) ~~All air conditioning supply ductwork and where returns pass through unconditioned spaces.~~

(Source: Repealed at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.910 Electrical Work (Repealed)**

- a) ~~All corridor and public space lighting shall be fluorescent.~~
- b) ~~All materials and devices shall conform to N.E.C. standards and be UL approved.~~
- e) ~~Electric service shall be individually metered for each dwelling unit.~~
- d) ~~Exterior security lighting shall be high intensity discharge.~~

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- e) ~~Electrical outlet plate gaskets shall be installed on all receptacle, switch or other electrical boxes in exterior walls.~~

(Source: Repealed at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.911 Energy Audit Analysis**

- a) If a proposed ~~Development~~development is a rehabilitation project, the Authority may require that an energy audit ~~shall~~ be performed and the results ~~shall~~ be provided to the Authority showing ~~(1)~~ heat loss-gain analysis of building without energy conservation measures; ~~(2)~~ projected savings for proposed energy conservation measures; and ~~(3)~~ life-cycle cost analysis of the proposed heating and cooling system and energy source showing they are the most cost-effective considering front-end capital investment and operating costs over their life time. This life-cycle analysis shall utilize: useful equipment life, operating and maintenance costs, inflation and fuel escalation factors.
- b) A heat load analysis and cooling load analysis shall be performed and the results shall be provided to the Authority showing the savings and cost projections for the Developmentnew developments. Both the energy audit and analysis shall show that the selected heating system, cooling system and energy source are the most cost effective, from the point of view of front-end capital investment and operating cost over its lifetime.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.912 Rehabilitation Guidelines (Repealed)**

- a) ~~All rehabilitation work shall conform to the levels of quality established by local building codes for new construction.~~
- b) ~~Where double hung replacement windows are specified for high wind loading conditions, replacement windows shall be provided at quality level A-2.5HP (A.A.M.A. grade specifications) or greater. All metal windows shall be of thermal break construction. All windows shall be at least double glazed with a minimum 1/4" air space between glazing, unless a storm window is provided. If existing windows can be repaired, storm windows rather than replacement windows are acceptable. Existing windows shall be rebuilt, repaired and caulked.~~

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

- e) ~~The most cost-effective heating and cooling system shall be provided taking into account both front-end capital investment and long-term operating costs, as determined by a life-cycle analysis (See Section 310.912(a)).~~

(Source: Repealed at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.913 Rehabilitation Waiver**

The Authority shall waive compliance with the minimum energy efficiency standards for a rehabilitation Development if:

- a) The Owner and/or developer submits a cost benefit analysis ~~that~~ which demonstrates that compliance with minimum energy efficiency standards would increase the costs of the rehabilitation of the Development to the extent that it would be impossible for the Development to meet the costs of debt service and operating expenses while providing housing ~~for Very Low, Low~~ at low and Moderate Income Tenants ~~moderate rentals as those terms are defined in Sections 2(i) and (h) of the Act,~~ and the Director or, in his or her absence, the Deputy Director certifies that there is a serious shortage of decent, safe and sanitary housing available to persons of Very Low, Low ~~low~~ and Moderate Income ~~moderate income~~ in that community and that, but for the waiver of compliance, the property would not be rehabilitated; or
- b) The minimum energy efficiency standards are in conflict with the energy efficiency requirements, rules, regulations, practices or procedures of any federal, State or local governmental entity through which a grant, loan, subsidy, insurance, underwriting or guarantee is provided for the rehabilitation of a development by any such entity; or
- c) The minimum energy efficiency standards are in conflict with any federal, State or local law, code or ordinance; or
- d) The Development does not meet the specific energy efficiency standards incorporated in Section 310.903 ~~set forth above~~, but a licensed consulting architect, retained by the Authority, certifies to the Authority that the Development meets standards that ~~which~~ are functionally equivalent to the specific energy efficiency standards of this Subpart.

(Source: Amended at 31 Ill. Reg. 4392, effective February 28, 2007)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED AMENDMENTS

SUBPART J: CONDUIT BOND ISSUANCES**Section 310.1001 Conduit Bonds**

From time to time, the Authority may issue Conduit Bonds to obtain financing for a Conduit Loan for a Development. This Subpart governs the making of Conduit Loans.

(Source: Added at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.1002 Applications**

Applicants for a Conduit Loan must apply to the Authority in the same manner as all other applicants for Mortgage Loans, and must adhere to the notification requirements of Subpart B.

(Source: Added at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.1003 Eligible Mortgagor**

The recipient of a Conduit Loan must be an Eligible Mortgagor.

(Source: Added at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.1004 Regulatory Agreement**

Each recipient of a Conduit Loan shall enter into a Regulatory Agreement with the Authority.

(Source: Added at 31 Ill. Reg. 4392, effective February 28, 2007)

**Section 310.1005 Applicable Rules**

All provisions of this Part shall apply to Conduit Loans, except the following: Section 310.404, Section 310.405, Section 310.601 and Section 310.602.

(Source: Added at 31 Ill. Reg. 4392, effective February 28, 2007)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Water Use Designations and Site Specific Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 303
- 3) Section Number: 303.445                      Adopted Action:  
New
- 4) Statutory Authority: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27]
- 5) Effective Date of Amendment: February 27, 2007
- 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 Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 17, 2006; 30 Ill. Reg. 4581
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The Board made only minor, typographical changes to the proposed text.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: For a more detailed discussion of this amendment see the Board's February 15, 2007, opinion and order in docket R06-24, Revisions to Water Quality Standards for Total Dissolved Solids in the Lower Des Plaines River ExxonMobil Oil Corporation: Proposed 35 Ill. Adm. Code 303.445. The ExxonMobil Oil Corporation (ExxonMobil) filed this site-specific rulemaking proposal

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

with the Board on February 7, 2006 to address discharges of Total Dissolved Solids (TDS) from the ExxonMobil Joliet Refinery during the months of November through April in each year.

This adopted amendment sets the TDS levels at 1,686 milligrams per Liter (mg/L) for both Secondary Contact and Indigenous Aquatic Life Use Waters General Use Waters. This 1,686 mg/L standard applies instead of the general use standard of 1,000 mg/L found in 35 Ill. Adm. Code 302.208 and the secondary contact use standard of 1,500 mg/L found in 302.407. The adopted amendment applies to a specific stretch of the Des Plaines River from the ExxonMobil refinery wastewater treatment plant discharge point located at I-55 and Arsenal Road to the Interstate 55 bridge.

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

John Knittle  
Illinois Pollution Control Board  
2125 South First St.  
Champaign, IL 61820

217/278-3109

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R06-24 in your request. The Board order is also available from the Board's Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us))

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

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARDPART 303  
WATER USE DESIGNATIONS AND SITE SPECIFIC  
WATER QUALITY STANDARDS

## SUBPART A: GENERAL PROVISIONS

Section	
303.100	Scope and Applicability
303.101	Multiple Designations
303.102	Rulemaking Required

## SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section	
303.200	Scope and Applicability
303.201	General Use Waters
303.202	Public and Food Processing Water Supplies
303.203	Underground Waters
303.204	Secondary Contact and Indigenous Aquatic Life Waters
303.205	Outstanding Resource Waters
303.206	List of Outstanding Resource Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE  
SPECIFIC WATER QUALITY STANDARDS

Section	
303.300	Scope and Applicability
303.301	Organization
303.311	Ohio River Temperature
303.312	Waters Receiving Fluorspar Mine Drainage
303.321	Wabash River Temperature
303.322	Unnamed Tributary of the Vermilion River
303.323	Sugar Creek and Its Unnamed Tributary
303.326	Unnamed Tributary of Salt Creek, Salt Creek, and Little Wabash River
303.331	Mississippi River North Temperature

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

303.341	Mississippi River North Central Temperature
303.351	Mississippi River South Central Temperature
303.352	Unnamed Tributary of Wood River Creek
303.353	Schoenberger Creek; Unnamed Tributary of Cahokia Canal
303.361	Mississippi River South Temperature
303.400	Bankline Disposal Along the Illinois Waterway/River
303.430	Unnamed Tributary to Dutch Creek
303.431	Long Point Slough and Its Unnamed Tributary
303.441	Secondary Contact Waters
303.442	Waters Not Designated for Public Water Supply
303.443	Lake Michigan Basin
303.444	Salt Creek, Higgins Creek, West Branch of the DuPage River, Des Plaines River
<u>303.445</u>	<u>Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River</u>

## SUBPART D: THERMAL DISCHARGES

## Section

303.500	Scope and Applicability
303.502	Lake Sangchris Thermal Discharges

303.APPENDIX A	References to Previous Rules
303.APPENDIX B	Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective September 10, 1992; amended in R92-17 at 18 Ill. Reg. 2981, effective February 14, 1994; amended in R91-23 at 18 Ill. Reg. 13457, effective August 19, 1994; amended in R93-13 at 19 Ill. Reg. 1310, effective January 30, 1995; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg. 1403, effective December 24, 1997; amended in R01-13 at 26 Ill. Reg. 3517, effective February

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENT

22, 2002; amended in R03-11 at 28 Ill. Reg. 3071, effective February 4, 2004; amended in R06-24 at 31 Ill. Reg. 4440, effective February 27, 2007.

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE  
SPECIFIC WATER QUALITY STANDARDS

**Section 303.445 Total Dissolved Solids Water Quality Standard for the Lower Des Plaines River**

- a) Beginning November 1 and continuing through April 30 of each year, the total dissolved solids (TDS) water quality standard for Secondary Contact and Indigenous Aquatic Life Use waters in 35 Ill. Adm. Code 302.407 does not apply to the portion of the Des Plaines River from the ExxonMobil refinery wastewater treatment plant discharge point located at Interstate 55 and Arsenal Road (said point being located in Will County, T34N, R9E, S15, Latitude: 41° 25' 20" North, Longitude: 88° 11' 20" West) and continuing to the Interstate 55 bridge. TDS levels in these waters must instead meet a water quality standard for TDS (STORET Number 70300) of 1,686 mg/L.
- b) Beginning November 1 and continuing through April 30 of each year, the TDS water quality standard for General Use Waters in 35 Ill. Adm. Code 302.208 does not apply to the Des Plaines River from the Interstate 55 bridge to the confluence of the Des Plaines River with the Kankakee River. TDS levels in these waters must instead meet a water quality standard for TDS (STORET Number 70300) of 1,686 mg/L.

(Source: Added at 31 Ill. Reg. 4440, effective February 27, 2007)

## 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>
310.410	Amendment
310.APPENDIX A TABLE B	New Section
310.APPENDIX A TABLE J	Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310.410 and 310.Appendix A Tables B and J to reflect the Agreement between CMS and the Department of Agriculture and the Laborers' International Union of North America - Illinois State Employees Association, Local 2002; Southern and Central Illinois Laborers' District Council signed February 22, 2007, and the Memorandum of Understanding (MOU) between CMS and the American Federation of State, County and Municipal Employees (AFSCME) that was signed February 5, 2007.

The Agreement assigns the Meat and Poultry Inspector Supervisor title to the VR-706 bargaining unit and a pay grade with rates in seven steps effective February 22, 2007. No position in the title was excluded from the bargaining unit by the Illinois Labor Relations Board so no position in the title is assigned to the Merit Compensation system effective February 22, 2007.

The MOU assigns the Office Administrator I, II, and III titles to the RC-014 bargaining unit and pay grades 7, 9, and 11, respectively, effective September 15, 2006. No position in the Office Administrator I and II titles was excluded from the bargaining unit by the Illinois Labor Relations Board so no position in these titles is assigned to the Salary Grade system effective September 15, 2006. Because some positions within the Office Administrator III title were excluded from the bargaining unit by the Illinois Labor Relations Board, the Office Administrator III title remains assigned to SG-11 also.
- 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: February 28, 2007

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

- 7) A Complete Description of the Subjects and Issues Involved: In the Table of Contents, the repealed Section 310.Appendix A Table B heading is removed and a new VR-706 bargaining unit heading is added.

In Section 310.410, the Meat and Poultry Inspector Supervisor title, its 26073 title code, and its MC-05 salary range are removed from the title table.

In Section 310.Appendix A Table B, the repealed heading is removed and a new VR-706 bargaining unit heading is added. The title Meat and Poultry Inspector Supervisor, its title code 26073, bargaining unit VR-706, and pay plan code B are included in the title table. The pay grade's rates by step effective February 22, 2007 are included in rate table following the effective date.

In Section 310.Appendix A Table J, the Office Administrator I title, its 29991 title code, its RC-014 bargaining unit and its 7 pay grade, the Office Administrator II title, its 29992 title code, its RC-014 bargaining unit and its 9 pay grade and the Office Administrator III title, its 29993 title code, its RC-014 bargaining unit and its 11 pay grade are added to the title table.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: February 28, 2007
- 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? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Ill. Reg. Citation:</u>
310.50	Amendment	30 Ill. Reg. 15240; 9/29/06
310.100	Amendment	30 Ill. Reg. 15240; 9/29/06
310.280	Amendment	30 Ill. Reg. 15240; 9/29/06
310.290	Amendment	30 Ill. Reg. 15240; 9/29/06
310.295	New Section	30 Ill. Reg. 15240; 9/29/06
310.410	Amendment	30 Ill. Reg. 15240; 9/29/06
310.490	Amendment	30 Ill. Reg. 15240; 9/29/06

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

310.500	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE J	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE Q	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE W	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX A TABLE X	Amendment	30 Ill. Reg. 15240; 9/29/06
310.APPENDIX B	Amendment	30 Ill. Reg. 15240; 9/29/06
310.290	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX C	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX D	Amendment	30 Ill. Reg. 16504; 10/20/06
310.APPENDIX G	Amendment	30 Ill. Reg. 16504; 10/20/06
310.50	Amendment	31 Ill. Reg. 344; 1/12/2007
310.80	Amendment	31 Ill. Reg. 344; 1/12/2007
310.100	Amendment	31 Ill. Reg. 344; 1/12/2007
310.280	Amendment	31 Ill. Reg. 344; 1/12/2007
310.290	Amendment	31 Ill. Reg. 344; 1/12/2007
310.295	New Section	31 Ill. Reg. 344; 1/12/2007
310.410	Amendment	31 Ill. Reg. 344; 1/12/2007
310.450	Amendment	31 Ill. Reg. 344; 1/12/2007
310.490	Amendment	31 Ill. Reg. 344; 1/12/2007
310.495	Amendment	31 Ill. Reg. 344; 1/12/2007
310.500	Amendment	31 Ill. Reg. 344; 1/12/2007
310.530	Amendment	31 Ill. Reg. 344; 1/12/2007
310.540	Amendment	31 Ill. Reg. 344; 1/12/2007
310.APPENDIX A TABLE J	Amendment	31 Ill. Reg. 344; 1/12/2007
310.APPENDIX A TABLE Q	Amendment	31 Ill. Reg. 344; 1/12/2007
310.APPENDIX A TABLE W	Amendment	31 Ill. Reg. 344; 1/12/2007
310.APPENDIX A TABLE X	Amendment	31 Ill. Reg. 344; 1/12/2007
310.APPENDIX B	Amendment	31 Ill. Reg. 344; 1/12/2007
310.APPENDIX C	Amendment	31 Ill. Reg. 344; 1/12/2007
310.APPENDIX D	Amendment	31 Ill. Reg. 344; 1/12/2007
310.APPENDIX G	Amendment	31 Ill. Reg. 344; 1/12/2007
13)	<u>Statement of Statewide Policy Objectives:</u> 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)	<u>Information and questions regarding these preemptory amendments shall be directed to:</u>	

Mr. Jason Doggett

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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  
CMS.PayPlan@Illinois.gov

The full text of the Peremptory 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
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
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
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	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

310.280	Designated Rate
310.290	Out-of-State Rate
310.295	Foreign Service Rate
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 and Bonuses
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 and Bonus Guidechart
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	RC-104 (Laborers' – ISEA Local #2002)
310.TABLE B	<a href="#"><u>VR-706 (Meat and Poultry Inspector Supervisors, Laborers' - ISEA Local #2002)</u></a> <del>HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)</del>
310.TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
310.TABLE D	HR-001 (Teamsters Local #726)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

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)
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 Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates
310.APPENDIX D	Merit Compensation System Salary Schedule
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

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,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; 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;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

peremptory 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; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired 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; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory 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,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective 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.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007.

## SUBPART C: MERIT COMPENSATION SYSTEM

**Section 310.410 Jurisdiction**

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

The Merit Compensation System shall apply to all classes of positions designated below and in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Appendix G.

<u>Title</u>	<u>Title Code</u>	<u>Salary Plan</u>
Accountant Supervisor	00135	MC-05
Activity Therapist Supervisor	00163	MC-07
Actuary III	00203	MC-16
Administrative Assistant I	00501	MC-04
Administrative Assistant II	00502	MC-06
Agricultural Marketing Representative	00810	MC-05
Assignment Coordinator	01530	MC-07
Assistant Automotive Shop Supervisor	01565	MC-03
Automotive Shop Supervisor	03749	MC-07
Boat Safety Inspection Supervisor	04850	MC-06
Building Construction Inspector I	05541	MC-04
Building Construction Inspector II	05542	MC-05
Business Manager	05815	MC-05
Commerce Commission Police Sergeant	08457	MC-07
Corrections Leisure Activities Specialist III	09813	MC-06
Corrections Leisure Activities Specialist IV	09814	MC-07
Corrections Vocational School Supervisor	09880	MC-05
Court Reporter Supervisor	09903	MC-08
Data Processing Supervisor II	11436	MC-04
Data Processing Supervisor III	11437	MC-07
Dietary Manager I	12501	MC-03
Dietary Manager II	12502	MC-05
Disability Claims Analyst	12540	MC-06
Economic Development Representative I	12931	MC-05
Economic Development Representative II	12932	MC-07
Electrical Engineer	13180	MC-10
Employment Security Field Office Supervisor	13600	MC-06
Engineering Technician IV	13734	MC-07
Executive I	13851	MC-05
Executive II	13852	MC-07

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Executive Secretary II	14032	MC-01
Executive Secretary III	14033	MC-02
Facility Fire Chief	14433	MC-02
Guard Supervisor	17685	MC-01
Guardianship Supervisor	17720	MC-07
Highway Construction Supervisor I	18525	MC-07
Highway Construction Supervisor II	18526	MC-09
Historical Library Chief of Acquisitions	18987	MC-06
Human Rights Mediator	19771	MC-05
Human Services Casework Manager	19788	MC-07
Internal Auditor I	21721	MC-05
Internal Security Investigator I	21731	MC-04
Internal Security Investigator II	21732	MC-07
International Marketing Representative I	21761	MC-05
KidCare Supervisor	22003	MC-07
Laundry Manager I	23191	MC-01
Librarian II	23402	MC-05
Lottery Regional Coordinator	24504	MC-07
Management Operations Analyst I	25541	MC-06
Manuscripts Manager	25610	MC-06
<del>Meat and Poultry Inspector Supervisor</del>	<del>26073</del>	<del>MC-05</del>
Mental Health Administrator I	26811	MC-05
Mental Health Administrator II	26812	MC-07
Mental Health Program Administrator	26908	MC-20
Methods and Procedures Advisor III	27133	MC-07
Office Administrator IV	29994	MC-02
Office Administrator V	29995	MC-03
Plumbing Consultant	32910	MC-09
Police Lieutenant	32977	MC-09
Private Secretary I	34201	MC-02
Private Secretary II	34202	MC-04
Property Tax Analyst III	34923	MC-05
Public Aid Family Support Specialist II	35842	MC-05
Public Aid Quality Control Supervisor	35900	MC-07
Public Aid Staff Development Specialist III	36073	MC-06
Public Health Program Specialist III	36613	MC-07
Radiologic Technologist Chief	37505	MC-03

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Rehabilitation Workshop Supervisor III	38196	MC-05
Reimbursement Officer II	38200	MC-05
Reproduction Service Supervisor II	38202	MC-04
Residential Care Program Supervisor I	38271	MC-06
Safety Responsibility Analyst Supervisor	38915	MC-02
Security Officer Chief	39875	MC-04
Security Officer Lieutenant	39876	MC-02
Security Therapy Aide IV	39904	MC-05
Sign Shop Foreman	41000	MC-06
Staff Development Specialist I	41771	MC-05
Staff Development Technician II	41782	MC-03
Statistical Research Specialist III	42743	MC-06
Statistical Research Supervisor	42745	MC-07
Storekeeper III	43053	MC-01
Supervising Vehicle Testing Compliance Officer	43680	MC-06
Switchboard Chief Operator	44410	MC-01
Technical Advisor I	45251	MC-05
Technical Advisor II	45252	MC-07
Telecommunications Supervisor	45305	MC-07
Utility Engineer I	47451	MC-05
Utility Engineer II	47452	MC-07
Vehicle Emissions Compliance Supervisor	47583	MC-05
Waterways Construction Supervisor I	49061	MC-05
Waterways Construction Supervisor II	49062	MC-07

(Source: Peremptory Amendment at 31 Ill. Reg. 4445, effective February 28, 2007)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE B VR-706 (Meat and Poultry Inspector Supervisors, Laborers' - ISEA Local #2002)~~HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)~~**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
<u>Meat and Poultry Inspector Supervisors</u>	<u>26073</u>	<u>VR-706</u>	<u>B</u>

**Effective February 22, 2007**

<u>STEPS</u>						
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
<u>3557</u>	<u>3712</u>	<u>3861</u>	<u>4007</u>	<u>4161</u>	<u>4396</u>	<u>4484</u>

(Source: Old Table B repealed by preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; new Table B added by preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

**Section 310.APPENDIX A Negotiated Rates of Pay****Section 310.TABLE J RC-014 (Clerical Employees, AFSCME)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Account Clerk I	00111	RC-014	05
Account Clerk II	00112	RC-014	07
Account Technician I	00115	RC-014	10
Account Technician II	00116	RC-014	12
Administrative Services Worker Trainee	00600	RC-014	02
Aircraft Dispatcher	00951	RC-014	12
Aircraft Lead Dispatcher	00952	RC-014	14
Audio Visual Technician I	03501	RC-014	06
Audio Visual Technician II	03502	RC-014	09
Buyer Assistant	05905	RC-014	10
Check Issuance Machine Operator	06920	RC-014	09
Check Issuance Machine Supervisor	06925	RC-014	11
Clerical Trainee	08050	RC-014	TR
Communications Dispatcher	08815	RC-014	09
Communications Equipment Technician I	08831	RC-014	17
Communications Equipment Technician II	08832	RC-014	19
Communications Equipment Technician III	08833	RC-014	20
Court Reporter	09900	RC-014	15
Data Processing Assistant	11420	RC-014	06
Data Processing Operator	11425	RC-014	04
Data Processing Operator Trainee	11428	RC-014	02
Drafting Worker	12749	RC-014	11
Electronic Equipment Installer/Repairer	13340	RC-014	10
Electronic Equipment Installer/Repairer Lead Worker	13345	RC-014	12
Electronics Technician	13360	RC-014	15
Emergency Response Lead Telecommunicator	13540	RC-014	12
Emergency Response Telecommunicator	13543	RC-014	10
Engineering Technician II	13732	RC-014	13
Engineering Technician III	13733	RC-014	16
Executive Secretary I	14031	RC-014	11
Executive Secretary II	14032	RC-014	14
Graphic Arts Designer	17366	RC-014	14
Graphic Arts Designer Supervisor	17365	RC-014	18

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Graphic Arts Technician	17400	RC-014	12
Human Resources Assistant	19690	RC-014	08
Industrial Commission Reporter	21080	RC-014	16
Industrial Commission Technician	21095	RC-014	11
Insurance Analyst I	21561	RC-014	09
Insurance Analyst II	21562	RC-014	12
Insurance Analyst Trainee	21566	RC-014	07
Intermittent Clerk	21686	RC-014	02H
Library Aide I	23421	RC-014	03
Library Aide II	23422	RC-014	05
Library Aide III	23423	RC-014	07
Library Technical Assistant	23450	RC-014	10
Lottery Telemarketing Representative	24520	RC-014	09
Microfilm Laboratory Technician I	27175	RC-014	07
Microfilm Laboratory Technician II	27176	RC-014	09
Microfilm Operator I	27181	RC-014	04
Microfilm Operator II	27182	RC-014	06
Microfilm Operator III	27183	RC-014	08
Office Aide	30005	RC-014	02
<a href="#">Office Administrator I</a>	<a href="#">29991</a>	<a href="#">RC-014</a>	<a href="#">07</a>
<a href="#">Office Administrator II</a>	<a href="#">29992</a>	<a href="#">RC-014</a>	<a href="#">09</a>
<a href="#">Office Administrator III</a>	<a href="#">29993</a>	<a href="#">RC-014</a>	<a href="#">11</a>
Office Assistant	30010	RC-014	06
Office Associate	30015	RC-014	08
Office Clerk	30020	RC-014	04
Office Coordinator	30025	RC-014	09
Photographer I	32085	RC-014	11
Photographer II	32086	RC-014	14
Photographer III	32087	RC-014	15
Photographic Technician I	32091	RC-014	11
Photographic Technician II	32092	RC-014	14
Photographic Technician III	32093	RC-014	15
Procurement Representative	34540	RC-014	09
Property and Supply Clerk I	34791	RC-014	03.5
Property and Supply Clerk II	34792	RC-014	05.5
Property and Supply Clerk III	34793	RC-014	08
Property Tax Examiner	34930	RC-014	09
Rehabilitation Case Coordinator I	38141	RC-014	08
Rehabilitation Case Coordinator II	38142	RC-014	10

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

Reproduction Service Supervisor I	38201	RC-014	13
Reproduction Service Technician I	38203	RC-014	05
Reproduction Service Technician II	38204	RC-014	09
Reproduction Service Technician III	38205	RC-014	11
Safety Responsibility Analyst	38910	RC-014	12
Storekeeper I	43051	RC-014	10.5
Storekeeper II	43052	RC-014	12.5
Storekeeper III	43053	RC-014	14
Stores Clerk	43060	RC-014	04.5
Switchboard Operator I	44411	RC-014	05
Switchboard Operator II	44412	RC-014	07
Switchboard Operator III	44413	RC-014	09
Telecommunicator – Command Center	45316	RC-014	13
Telecommunicator Lead Worker – Command Center	45318	RC-014	15
Telecommunicator	45321	RC-014	12
Telecommunicator – Call Taker	45322	RC-014	14
Telecommunicator – Lead Call Taker	45323	RC-014	16
Telecommunicator Lead Worker	45324	RC-014	14
Telecommunicator Trainee	45325	RC-014	10
Telecommunicator Specialist	45326	RC-014	15
Telecommunicator Lead Specialist	45327	RC-014	17
Vehicle Permit Evaluator	47585	RC-014	11
Veterans Service Officer Associate	47804	RC-014	13

**Effective July 1, 2006**  
**Bargaining Unit: RC-014**

Pay Grade	Pay Plan Code	S T E P S										
		1c	1b	1a	1	2	3	4	5	6	7	8
02	B	1992	2039	2087	2135	2183	2231	2292	2343	2397	2486	2561
02	Q	2069	2117	2167	2219	2268	2320	2381	2438	2492	2585	2663
02	S	2127	2174	2225	2277	2326	2376	2440	2495	2551	2644	2723
02H	B	12.26	12.55	12.84	13.14	13.43	13.73	14.10	14.42	14.75	15.30	15.76
02H	Q	12.73	13.03	13.34	13.66	13.96	14.28	14.65	15.00	15.34	15.91	16.39
02H	S	13.09	13.38	13.69	14.01	14.31	14.62	15.02	15.35	15.70	16.27	16.76

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

03	B	2035	2082	2131	2183	2231	2293	2347	2402	2459	2561	2640
03	Q	2113	2163	2215	2268	2320	2382	2441	2497	2556	2664	2743
03	S	2170	2221	2272	2326	2376	2441	2498	2555	2613	2722	2803
03.5	B	2080	2129	2181	2231	2289	2347	2404	2459	2521	2629	2707
03.5	Q	2161	2212	2266	2320	2378	2441	2499	2556	2621	2733	2815
03.5	S	2218	2270	2324	2376	2438	2498	2557	2613	2679	2791	2876
04	B	2080	2129	2181	2231	2293	2353	2406	2474	2528	2637	2715
04	Q	2161	2212	2266	2320	2382	2445	2501	2571	2629	2741	2823
04	S	2218	2270	2324	2376	2441	2502	2560	2630	2685	2799	2883
04.5	B	2132	2184	2235	2289	2347	2405	2469	2533	2591	2701	2781
04.5	Q	2216	2269	2324	2378	2441	2500	2566	2633	2694	2810	2893
04.5	S	2273	2327	2380	2438	2498	2559	2623	2689	2754	2868	2954
05	B	2135	2187	2238	2293	2356	2418	2481	2541	2603	2710	2792
05	Q	2219	2272	2327	2382	2447	2514	2578	2642	2707	2819	2904
05	S	2277	2330	2384	2441	2504	2571	2638	2701	2765	2877	2962
05.5	B	2187	2238	2293	2347	2406	2479	2540	2603	2671	2779	2863
05.5	Q	2272	2327	2382	2441	2501	2576	2641	2707	2779	2891	2979
05.5	S	2330	2384	2441	2498	2560	2635	2700	2765	2837	2950	3040
06	B	2193	2246	2300	2356	2419	2483	2553	2618	2690	2804	2887
06	Q	2278	2333	2390	2447	2515	2582	2655	2724	2797	2917	3003
06	S	2335	2392	2447	2504	2572	2640	2714	2782	2855	2977	3066
07	B	2253	2306	2363	2419	2486	2559	2632	2703	2778	2905	2991
07	Q	2339	2397	2454	2515	2585	2662	2737	2812	2890	3025	3116
07	S	2398	2453	2513	2572	2644	2719	2794	2870	2948	3085	3177

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

08	B	2313	2370	2428	2486	2565	2642	2724	2799	2878	3015	3104
08	Q	2404	2462	2524	2585	2669	2746	2835	2910	2998	3140	3233
08	S	2461	2520	2580	2644	2725	2804	2893	2972	3058	3200	3296
09	B	2384	2443	2503	2565	2645	2730	2814	2904	2990	3131	3224
09	Q	2480	2540	2603	2669	2751	2841	2928	3023	3114	3262	3361
09	S	2537	2599	2660	2725	2809	2898	2988	3084	3174	3325	3424
10	B	2461	2521	2584	2648	2745	2826	2920	3012	3105	3263	3362
10	Q	2559	2621	2686	2755	2854	2942	3041	3137	3235	3407	3507
10	S	2615	2679	2744	2812	2912	3001	3100	3196	3299	3471	3575
10.5	B	2534	2596	2660	2726	2814	2910	2999	3104	3194	3357	3458
10.5	Q	2634	2701	2768	2838	2928	3030	3124	3233	3330	3503	3609
10.5	S	2690	2758	2825	2895	2988	3091	3184	3298	3395	3570	3676
11	B	2549	2612	2679	2746	2839	2931	3036	3137	3234	3405	3508
11	Q	2651	2717	2785	2855	2957	3054	3163	3269	3373	3555	3661
11	S	2710	2775	2843	2913	3017	3113	3223	3331	3438	3618	3728
12	B	2649	2715	2783	2855	2960	3058	3172	3276	3397	3579	3686
12	Q	2756	2824	2896	2973	3083	3185	3308	3420	3545	3738	3850
12	S	2814	2882	2955	3031	3143	3247	3371	3484	3611	3805	3919
12.5	B	2711	2779	2851	2924	3032	3138	3256	3368	3478	3669	3779
12.5	Q	2820	2891	2966	3046	3158	3271	3397	3517	3632	3835	3950
12.5	S	2878	2950	3027	3105	3219	3333	3464	3582	3698	3903	4020
13	B	2746	2815	2887	2963	3072	3189	3309	3430	3558	3755	3869
13	Q	2855	2930	3006	3086	3200	3326	3455	3581	3713	3925	4043
13	S	2913	2989	3066	3146	3261	3389	3521	3646	3781	3992	4112
14	B	2857	2931	3011	3090	3208	3333	3478	3606	3743	3960	4079

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

14	Q	2975	3054	3136	3220	3345	3480	3632	3768	3912	4140	4264
14	S	3033	3113	3195	3282	3411	3544	3698	3834	3979	4205	4331
15	B	2967	3046	3128	3213	3354	3493	3630	3778	3918	4153	4279
15	Q	3091	3173	3260	3351	3500	3646	3792	3950	4095	4340	4470
15	S	3151	3232	3323	3415	3565	3709	3860	4016	4160	4407	4538
16	B	3099	3183	3269	3363	3514	3669	3822	3982	4141	4385	4517
16	Q	3228	3318	3413	3511	3669	3835	3995	4159	4327	4584	4722
16	S	3292	3383	3477	3577	3736	3903	4064	4227	4395	4648	4790
17	B	3237	3328	3424	3524	3686	3856	4020	4182	4352	4611	4749
17	Q	3377	3474	3575	3677	3853	4030	4199	4370	4548	4819	4965
17	S	3440	3539	3640	3744	3921	4099	4268	4438	4614	4888	5035
18	B	3402	3500	3601	3708	3887	4069	4253	4427	4604	4879	5026
18	Q	3551	3653	3762	3875	4066	4252	4447	4629	4812	5100	5252
18	S	3615	3717	3830	3940	4131	4320	4512	4695	4881	5165	5321
19	B	3580	3684	3793	3909	4108	4302	4502	4691	4886	5183	5338
19	Q	3739	3850	3966	4084	4293	4493	4706	4902	5108	5416	5578
19	S	3806	3919	4035	4152	4361	4562	4772	4970	5176	5483	5647
20	B	3781	3895	4011	4130	4339	4540	4756	4963	5168	5482	5646
20	Q	3953	4071	4191	4316	4534	4747	4971	5185	5401	5731	5903
20	S	4018	4138	4258	4384	4600	4812	5038	5252	5467	5795	5971

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**Effective January 1, 2007**  
**Bargaining Unit: RC-014**

Pay Pay Plan

S T E P S

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

<b>Grade</b>	<b>Code</b>	<b>1c</b>	<b>1b</b>	<b>1a</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>
02	B	2012	2059	2108	2156	2205	2253	2315	2366	2421	2511	2587
02	Q	2090	2138	2189	2241	2291	2343	2405	2462	2517	2611	2690
02	S	2148	2196	2247	2300	2349	2400	2464	2520	2577	2670	2750
02H	B	12.38	12.67	12.97	13.27	13.57	13.86	14.25	14.56	14.90	15.45	15.92
02H	Q	12.86	13.16	13.47	13.79	14.10	14.42	14.80	15.15	15.49	16.07	16.55
02H	S	13.22	13.51	13.83	14.15	14.46	14.77	15.16	15.51	15.86	16.43	16.92
03	B	2055	2103	2152	2205	2253	2316	2370	2426	2484	2587	2666
03	Q	2134	2185	2237	2291	2343	2406	2465	2522	2582	2691	2770
03	S	2192	2243	2295	2349	2400	2465	2523	2581	2639	2749	2831
03.5	B	2101	2150	2203	2253	2312	2370	2428	2484	2546	2655	2734
03.5	Q	2183	2234	2289	2343	2402	2465	2524	2582	2647	2760	2843
03.5	S	2240	2293	2347	2400	2462	2523	2583	2639	2706	2819	2905
04	B	2101	2150	2203	2253	2316	2377	2430	2499	2553	2663	2742
04	Q	2183	2234	2289	2343	2406	2469	2526	2597	2655	2768	2851
04	S	2240	2293	2347	2400	2465	2527	2586	2656	2712	2827	2912
04.5	B	2153	2206	2257	2312	2370	2429	2494	2558	2617	2728	2809
04.5	Q	2238	2292	2347	2402	2465	2525	2592	2659	2721	2838	2922
04.5	S	2296	2350	2404	2462	2523	2585	2649	2716	2782	2897	2984
05	B	2156	2209	2260	2316	2380	2442	2506	2566	2629	2737	2820
05	Q	2241	2295	2350	2406	2471	2539	2604	2668	2734	2847	2933
05	S	2300	2353	2408	2465	2529	2597	2664	2728	2793	2906	2992
05.5	B	2209	2260	2316	2370	2430	2504	2565	2629	2698	2807	2892
05.5	Q	2295	2350	2406	2465	2526	2602	2667	2734	2807	2920	3009
05.5	S	2353	2408	2465	2523	2586	2661	2727	2793	2865	2980	3070

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

06	B	2215	2268	2323	2380	2443	2508	2579	2644	2717	2832	2916
06	Q	2301	2356	2414	2471	2540	2608	2682	2751	2825	2946	3033
06	S	2358	2416	2471	2529	2598	2666	2741	2810	2884	3007	3097
07	B	2276	2329	2387	2443	2511	2585	2658	2730	2806	2934	3021
07	Q	2362	2421	2479	2540	2611	2689	2764	2840	2919	3055	3147
07	S	2422	2478	2538	2598	2670	2746	2822	2899	2977	3116	3209
08	B	2336	2394	2452	2511	2591	2668	2751	2827	2907	3045	3135
08	Q	2428	2487	2549	2611	2696	2773	2863	2939	3028	3171	3265
08	S	2486	2545	2606	2670	2752	2832	2922	3002	3089	3232	3329
09	B	2408	2467	2528	2591	2671	2757	2842	2933	3020	3162	3256
09	Q	2505	2565	2629	2696	2779	2869	2957	3053	3145	3295	3395
09	S	2562	2625	2687	2752	2837	2927	3018	3115	3206	3358	3458
10	B	2486	2546	2610	2674	2772	2854	2949	3042	3136	3296	3396
10	Q	2585	2647	2713	2783	2883	2971	3071	3168	3267	3441	3542
10	S	2641	2706	2771	2840	2941	3031	3131	3228	3332	3506	3611
10.5	B	2559	2622	2687	2753	2842	2939	3029	3135	3226	3391	3493
10.5	Q	2660	2728	2796	2866	2957	3060	3155	3265	3363	3538	3645
10.5	S	2717	2786	2853	2924	3018	3122	3216	3331	3429	3606	3713
11	B	2574	2638	2706	2773	2867	2960	3066	3168	3266	3439	3543
11	Q	2678	2744	2813	2884	2987	3085	3195	3302	3407	3591	3698
11	S	2737	2803	2871	2942	3047	3144	3255	3364	3472	3654	3765
12	B	2675	2742	2811	2884	2990	3089	3204	3309	3431	3615	3723
12	Q	2784	2852	2925	3003	3114	3217	3341	3454	3580	3775	3889
12	S	2842	2911	2985	3061	3174	3279	3405	3519	3647	3843	3958
12.5	B	2738	2807	2880	2953	3062	3169	3289	3402	3513	3706	3817

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENTS

12.5	Q	2848	2920	2996	3076	3190	3304	3431	3552	3668	3873	3990
12.5	S	2907	2980	3057	3136	3251	3366	3499	3618	3735	3942	4060
13	B	2773	2843	2916	2993	3103	3221	3342	3464	3594	3793	3908
13	Q	2884	2959	3036	3117	3232	3359	3490	3617	3750	3964	4083
13	S	2942	3019	3097	3177	3294	3423	3556	3682	3819	4032	4153
14	B	2886	2960	3041	3121	3240	3366	3513	3642	3780	4000	4120
14	Q	3005	3085	3167	3252	3378	3515	3668	3806	3951	4181	4307
14	S	3063	3144	3227	3315	3445	3579	3735	3872	4019	4247	4374
15	B	2997	3076	3159	3245	3388	3528	3666	3816	3957	4195	4322
15	Q	3122	3205	3293	3385	3535	3682	3830	3990	4136	4383	4515
15	S	3183	3264	3356	3449	3601	3746	3899	4056	4202	4451	4583
16	B	3130	3215	3302	3397	3549	3706	3860	4022	4182	4429	4562
16	Q	3260	3351	3447	3546	3706	3873	4035	4201	4370	4630	4769
16	S	3325	3417	3512	3613	3773	3942	4105	4269	4439	4694	4838
17	B	3269	3361	3458	3559	3723	3895	4060	4224	4396	4657	4796
17	Q	3411	3509	3611	3714	3892	4070	4241	4414	4593	4867	5015
17	S	3474	3574	3676	3781	3960	4140	4311	4482	4660	4937	5085
18	B	3436	3535	3637	3745	3926	4110	4296	4471	4650	4928	5076
18	Q	3587	3690	3800	3914	4107	4295	4491	4675	4860	5151	5305
18	S	3651	3754	3868	3979	4172	4363	4557	4742	4930	5217	5374
19	B	3616	3721	3831	3948	4149	4345	4547	4738	4935	5235	5391
19	Q	3776	3889	4006	4125	4336	4538	4753	4951	5159	5470	5634
19	S	3844	3958	4075	4194	4405	4608	4820	5020	5228	5538	5703
20	B	3819	3934	4051	4171	4382	4585	4804	5013	5220	5537	5702
20	Q	3993	4112	4233	4359	4579	4794	5021	5237	5455	5788	5962

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

20 S 4058 4179 4301 4428 4646 4860 5088 5305 5522 5853 6031  
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(Source: Peremptory Amendment at 31 Ill. Reg. 4445, effective February 28, 2007)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 26, 2007 through March 5, 2007 and have been scheduled for review by the Committee at its March 13, 2007 or April 18, 2007 meetings in Springfield. 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>
4/11/07	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	12/15/06 30 Ill. Reg. 18882	3/13/07
4/13/07	<u>Department of Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	1/12/07 31 Ill. Reg. 344	3/13/07
4/18/07	<u>Department of State Police</u> , Testing of Breath, Blood and Urine For Alcohol, Other Drugs, and Intoxicating Compounds (20 Ill. Adm. Code 1286)	12/29/06 30 Ill. Reg. 19597	4/18/07

## EXECUTIVE ORDER

## NUMBER 1 (2007)

**EXECUTIVE ORDER PROTECTING THE INTEGRITY  
OF STATE PROCUREMENT**

WHEREAS, the State of Illinois and governments within the State of Illinois are responsible for the prudent, efficient and ethical management of taxpayer dollars;

WHEREAS, the management of taxpayer dollars from time to time involves contracting with the private sector for the procurement of goods and services;

WHEREAS, the prudent expenditure of public dollars requires that the State and all Illinois governments' procurement processes lead to the selection of qualified and responsible contractors who have the ability to perform the contract;

WHEREAS, the State's procurement interests are served by doing business with contractors who conduct business with the highest standards of integrity and whose selection is based solely on ability to provide goods and services on terms most favorable to the State;

WHEREAS, lobbying on government procurements by family members of the Governor of the State of Illinois could undermine public confidence in the government procurement process;

WHEREAS, lobbying on government procurements by state government employees who have exercised authority over the procurement process also could undermine public confidence in the government procurement process; and

## EXECUTIVE ORDER

WHEREAS, State law directs that in the procurement of goods and services, the State act in a manner that maintains the integrity and public trust of State Government [30 ILCS 500/50-1];

THEREFORE, I hereby order the following:

I. Warrant and Certification Requirement

Seeking to protect these interests, the State requires that all contractors, vendors and bidders subject to this Executive Order warrant and certify that they and, to the best of their knowledge, their subcontractors have complied and will comply with the requirements set forth in this Order. All Chief Procurement Officers in the State shall issue whatever notices and directives they deem necessary to carry out this Order.

II. Definitions

The following definitions shall apply to this Order:

- (a) "State Procurement" means an agreement by a Contractor or Vendor with an agency under the jurisdiction of the Governor and/or the Office of the Governor to provide goods and/or services.
- (b) "Related Procurement" means an agreement to provide to a Related Government any goods and/or services.
- (c) "Related Government" means a municipal, county, township, board, commission, authority, or other unit of government in the State of Illinois.

## EXECUTIVE ORDER

- (d) "Contractor," "Vendor," or "Bidder" means a person, partnership, corporation or other entity which has or seeks to have a contract with the State.
- (e) "Subcontractor" means a person, partnership, corporation or other entity which enters into a contract with a contractor for performance of some or all of the contracted work.
- (f) "Procurement Lobbying Activities" means (i) any communication with any official or employee of State Government or any Related Government for the ultimate purpose of influencing executive, legislative or administrative action, undertaken by a lobbyist not solely a bona fide employee of the Contractor, Vendor or Bidder, where the action that the communication is intended to influence is a State Procurement or Related Procurement; or (ii) retaining an individual (who is not solely a bona fide employee of the procuring entity) or entity for the purposes of providing advice and/or counsel regarding government relations as regards State Procurement or Related Procurement. "Procurement lobbying activities" for purposes of this Order does not mean the bona fide practice of law related to procurement.
- (g) "Procurement authority" means the authority to participate personally and substantially in decisions to award State contracts with a cumulative value of over \$25,000. "Procurement authority" for purposes of this order does not include counsel regarding the procurement process by an attorney acting in a legal capacity.

## EXECUTIVE ORDER

- (h) "Lobbyist" means a person registered as a lobbyist under the Lobbyist Registration Act, 25 ILCS 170, a person who should be registered as a lobbyist under the Lobbyist Registration Act, or a person who undertakes procurement lobbying activities.
- (i) "Family member" means father, mother, son, daughter, brother, sister, uncle, aunt, husband, wife, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

III. Scope

This Order applies to all State Procurement processes initiated after the effective date of the Order, regardless of (a) which statutes, administrative rules or policies govern their procurement, (b) what method of procurement is used to procure the goods or services, or (c) any other characteristic of the procurement, as long as the value of the contract exceeds \$25,000. The prohibitions in Section IV herein shall begin on the effective date of this Order and shall not impose any consequences on procurement lobbying activities undertaken before the effective date.

IV. Restrictions on Procurement Lobbying

- (a) No Contractor, Vendor or Bidder may cause, direct or permit any procurement lobbying activities on its behalf to be undertaken by a family member of the then-serving Governor of the State of Illinois.
- (b) No Contractor, Vendor or Bidder may cause, direct or permit any procurement lobbying activities on its behalf to be undertaken by a former

## EXECUTIVE ORDER

employee of the State of Illinois who had procurement authority at any time during the one-year period immediately preceding the procurement lobbying activities.

V. Enforcement and Remedies:

- (a) Compliance with this Order is a material term of any State Procurement. If a Contractor, Vendor or Bidder on a State Procurement violates the terms of this Order the State shall be entitled to all remedies for a material breach of the State Procurement contract including but not limited to: (1) termination of the State Procurement without any additional compensation due; and (2) actual damages from the Contractor, Bidder or Vendor, including but not limited to damages caused by termination of the contract. (b) In addition, any Contractor, Bidder or Vendor on a State Procurement who violates the terms of this Order may be referred for suspension in accordance with the relevant provisions of the Illinois Administrative Code.

VI. Severability

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

VII. Effective Date

This Executive Order shall become effective upon filing with the Secretary of State.

EXECUTIVE ORDER

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ROD R. BLAGOJEVICH,  
Governor

Issued by Governor: February 28, 2007

Filed with Secretary of State: February 28, 2007

## PROCLAMATIONS

**2007-47  
NATIONAL TRIO DAY**

- WHEREAS, a large majority of United States citizens need developmental course work, tutoring and counseling to succeed in secondary school and in postsecondary freshman-level courses due to their various backgrounds and aspirations; and
- WHEREAS, TRIO programs, which were established by the federal government in 1965, are educational opportunity programs designed to motivate and support students from disadvantaged backgrounds; and
- WHEREAS, TRIO programs provide outreach services targeted to assist low-income, first-generation college students, and students with disabilities to progress from middle school to post-baccalaureate programs and enhance their prospects of achieving academic excellence; and
- WHEREAS, the TRIO program strives to increase college retention and graduation rates for eligible students, and to foster a supportive climate through activities such as tutoring, counseling, and study skill enhancement; and
- WHEREAS, Illinois has 116 TRIO Projects which offer services to over 31,000 residents located throughout the state on college campuses and in community agencies:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 19, 2007 as NATIONAL TRIO DAY in Illinois, and encourage all citizens to recognize the positive impact these programs have on the educational system in Illinois, and across the country.

Issued by the Governor on February 22, 2007.

Filed by the Secretary of State February 27, 2007.

**2007-48  
ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY**

- WHEREAS, for many years, the Electric and Telephone Cooperatives of Illinois have sponsored a paid tour of Washington, D.C., for approximately 60 outstanding Illinois high school students; and
- WHEREAS, the selection criteria for students to participate includes essay and youth leadership contests that are sponsored by member cooperatives; and

## PROCLAMATIONS

WHEREAS, students from Illinois, along with nearly 1,500 contest winners from other states, will have an opportunity to witness their federal government in action during the "Youth to Washington" tour taking place on June 8 – 15, 2007; and

WHEREAS, in an effort to provide a broader educational experience for students throughout the state, the Electric and Telephone Cooperatives of Illinois will also sponsor a trip to our state capitol March 28, 2007 for 250 contest finalists; and

WHEREAS, these hard-working young men and women are the future of our state and country, and deserve to be commended for their achievements and their desire to learn more about their nation's governing bodies:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 28, 2007 as ILLINOIS ELECTRIC AND TELEPHONE COOPERATIVES YOUTH DAY in Illinois, and encourage all citizens to support youth programs that assist those interested in learning about the United States government.

Issued by the Governor on February 22, 2007.

Filed by the Secretary of State February 27, 2007.

**2007-49****AMERICAN RED CROSS MONTH**

WHEREAS, in 1881, the efforts of Clara Barton led to the establishment of the American Red Cross, and now for more than a century the American Red Cross has been at the forefront of helping Americans prevent, prepare and respond to large and small disasters; and

WHEREAS, since its inception, the American Red Cross has grown into an organization which is uniquely chartered by the United States Congress to act in times of need by providing assistance to persons afflicted by local, state, national or international disasters, as well as to assist American Military personnel and their families; and

WHEREAS, American Red Cross chapters in Illinois responded to over 2,300 local emergencies, assisted over 11,000 military families and trained over 396,000 people in lifesaving skills such as First Aid, CPR, and Automated External Defibrillators; and

WHEREAS, the American Red Cross is committed to assuring a safe and adequate blood supply for Illinois and the entire nation by performing blood drives where

## PROCLAMATIONS

volunteers are asked to donate so that blood is readily available when needed by members of our communities; and

WHEREAS, through its work, the American Red Cross, an enduring American institution, restores hope at home and throughout the world every day. Furthermore, the vital services of this humanitarian organization would not be possible without generous contributions from the American people:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as AMERICAN RED CROSS MONTH in Illinois, and encourage all Illinois citizens to support the noble efforts of the American Red Cross by giving their time, money, or blood donations to this worthy organization so that it may continue to help our communities in time of need.

Issued by the Governor on February 22, 2007.

Filed by the Secretary of State February 27, 2007.

**2007-50****JENNIFER HUDSON DAY**

WHEREAS, Jennifer Kate Hudson was born on Chicago's South Side on September 12, 1981, and graduated from Dunbar Vocational Career Academy in 1999; and

WHEREAS, displaying her music and theatrical skills all throughout her adolescent years in dozens of talent shows and musical productions, Jennifer landed her first professional role in a local production of "Big River," a stage adaptation of Mark Twain's "The Adventures of Huckleberry Finn;" and

WHEREAS, in 2002, Jennifer began to catch the eyes and ears of the world, taking a job entertaining thousands of vacationers from all across the globe as a vocalist on the Disney Wonder Cruise Ship; and

WHEREAS, Jennifer received her first big break in 2004, being selected as a contestant on the third season of the popular FOX television program American Idol, where she became one of 12 finalists for the top prize; and

WHEREAS, although Jennifer was not victorious, she gained wide national and international attention as a singer and performer, and her next big break was quick on the horizon; and

## PROCLAMATIONS

- WHEREAS, in 2005, Jennifer landed the role of Effie in the film adaptation of the Broadway musical "Dreamgirls," from which she received universal critical acclaim and numerous award nominations; and
- WHEREAS, among her many nominations, Jennifer received several awards, including honors from the Screen Actors Guild and the Golden Globes, the latter of which is often seen as a predictor for the Academy Awards; and
- WHEREAS, on February 25, 2007, Jennifer beat out a formidable slate of nominees to earn the Oscar for Best Actress in a Supporting Role. At the age of 25, she is the eighth youngest woman to win this award, and only the third African-American woman to receive the honor; and
- WHEREAS, the State of Illinois is proud of its native daughter Jennifer Hudson, who went from Chicago kid, to American Idol contender, to Oscar winner. This award marks only the beginning of what promises to be a truly stellar career for this bright young star:
- THEREFORE, I, Rod R. Blagojevich, do hereby proclaim February 26, 2007 as JENNIFER HUDSON DAY in Illinois, in recognition of Jennifer's remarkable rise to Oscar Gold.

Issued by the Governor on February 26, 2007.

Filed by the Secretary of State February 27, 2007.

**2007-51****WOMEN VETERANS RECOGNITION MONTH**

- WHEREAS, throughout history, women have displayed their patriotism by courageously serving in the various branches of the United States Armed Forces; and
- WHEREAS, although women did not officially receive permanent military status until President Harry Truman signed the Women's Armed Services Integration Act in 1948, they have served and distinguished themselves in times of peace as well as during every major conflict since the birth of our great nation; and
- WHEREAS, prior to 1948, women served in numerous support roles both on and off the battlefields in such capacities as nurses, saboteurs, cooks, mechanics, clerks, telephone operators, and drivers; and

## PROCLAMATIONS

WHEREAS, today, there are approximately 350,000 women, or almost 15 percent of the active duty, reserve and guard units, enlisted in the various branches of the United States Armed Forces; and

WHEREAS, the State of Illinois is proud to participate in the "Salute to Women Veterans," which will be held on March 24th this year, and throughout the month of March, to acknowledge the numerous sacrifices and accomplishments made by the brave women who have served their country through military service:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as WOMEN VETERANS RECOGNITION MONTH in Illinois, and encourage all citizens to honor those women veterans who have courageously served their country.

Issued by the Governor on February 26, 2007.

Filed by the Secretary of State February 27, 2007.

**2007-52****SAVE ABANDONED BABIES DAY**

WHEREAS, signed into law in August 2001, the Illinois Abandoned Newborn Protection Act allows parents to relinquish a newborn infant to personnel at a local hospital, police station, fire station, or emergency medical facility anonymously and free from prosecution; and

WHEREAS, relinquished babies then may become custody of the state and are placed in a responsible and nurturing safe haven; and

WHEREAS, the Illinois Abandoned Newborn Protection Act provides a safe alternative to abandonment for Illinois parents who feel they cannot cope with the responsibility of caring for a newborn baby; and

WHEREAS, it is the hope of the State of Illinois that as awareness of this Act increases, it will stop the abandonment of newborn infants, a practice that has led to healthy babies being found harmed, deceased or in unsafe places; and

WHEREAS, the Illinois Abandoned Newborn Protection Act is a critical statute in the State of Illinois, as it affords the chance of a better life for abandoned newborn babies:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 3, 2007 as SAVE ABANDONED BABIES DAY in Illinois, and encourage all citizens to

## PROCLAMATIONS

recognize the importance of protecting abandoned infants and giving them the proper care they deserve.

Issued by the Governor on February 26, 2007.

Filed by the Secretary of State February 27, 2007.

**2007-53****FARMERS INSURANCE**

WHEREAS, the "Freedom's Song" documentary film, developed and funded by Farmers Insurance Group, continues to provide students the opportunity to enhance their knowledge and appreciation of significant contributions made by African Americans in the development of this great nation; and

WHEREAS, through a specially designed curriculum created by a team of educators at the University of Colorado at Colorado Springs, the program also provides middle and high school students with engaging classroom activities/lesson plans using video and audio interviews from DVD; and

WHEREAS, the "Freedom's Song" program is a multi-faceted approach to helping teachers effectively present materials and information about African-American history and African Americans to a broad group of students, across many socio-economic levels; and

WHEREAS, Farmers has partnered with the Association for the Study of African American Life and History, the founders of African-American History Month, to produce a thought-provoking and meaningful educational program for educators across the country; and

WHEREAS, Myrlie Evers-Williams provides an engaging and heart-felt introduction to the "Freedom's Song" documentary film; and

WHEREAS, the Web site presents important information about the program including rare archival photos, voices of students talking about what African-American history means and those associated with certain key moments in history, updated information on launch dates/cities, downloadable lesson plans for teachers, additional resources page for teachers:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize and honor FARMERS INSURANCE for their caring, thoughtful and insightful advancement of the historical knowledge of the children of our community.

## PROCLAMATIONS

Issued by the Governor on February 26, 2007.

Filed by the Secretary of State February 27, 2007.

**2007-54**

**SRI SRI RAVI SHANKAR DAY**

- WHEREAS, in 1982, Sri Sri Ravi Shankar founded the Art of Living Foundation (AOLF), an international nonprofit educational, charitable, and humanitarian organization which operates in consultative status with the Economic and Social Council of the United Nations; and
- WHEREAS, Sri Sri Ravi Shankar's life and work have been dedicated to reviving human values and bringing about world peace and by inspiring individual commitment to self-awareness, well-being and selfless service; and
- WHEREAS, born in 1956 in India, Sri Sri studied with many renowned spiritual masters and became a scholar of Vedic Literature. By the age of seventeen, he had obtained an Advanced Degree in Modern Physics from St. Joseph's College, Banaglore University; and
- WHEREAS, the AOLF, and its sister organization, the International Association for Human Values, is represented in more than 140 countries; and
- WHEREAS, the programs and service activities of the AOLF have benefited more than 25 million people across the globe from all walks of life, including survivors of 9/11, Kosovo, Afghanistan, the South East Asia tsunami, and Hurricane Katrina; and
- WHEREAS, AOLF's unique educational and self-development programs offer techniques to alleviate the effects of stress, improve health, expand awareness, foster a sense of belongingness, and restore human values; these techniques bring people from all backgrounds, religions, and cultural traditions together in celebration and service; and
- WHEREAS, during the week of March 25-31, 2007, the AOLF will host a gala on March 28, 2007 at the Kennedy Center in Washington D.C. to highlight the critical role human values play in eradication of violence and stress; and
- WHEREAS, on March 8, 2007, Chicago's Heroes of Humanity award ceremony will take place as part of an ongoing commitment to a violence-free and stress-free America, based upon the principles in the Foundation established by Sri Sri Ravi Shankar:

## PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 8, 2007 as SRI SRI RAVI SHANKAR DAY in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor on February 26, 2007.

Filed by the Secretary of State February 27, 2007.

**2007-55****KIDNEY CANCER AWARENESS MONTH**

WHEREAS, each year more than 36,000 people in the United States are diagnosed with kidney cancer, and more than 100,000 kidney cancer survivors are currently living throughout the U.S.; and

WHEREAS, the exact cause of kidney cancer is still unknown; and

WHEREAS, kidney cancer occurs nearly twice as often in men as in women, and it mostly occurs in men over 40 years old; and

WHEREAS, the American Cancer Society predicted that in 2006 there were about 38,890 new cases of kidney cancer in the U.S., and 12,840 people died from the disease; and

WHEREAS, signs and symptoms of kidney cancer may include: blood in the urine; low back pain on one side (not from an injury); a mass or lump in the belly; tiredness; weight loss (if you are not trying to lose weight); fever that does not go away after a few weeks and that is not from a cold, the flu, or other infection; and swelling of ankles and legs. A doctor should be consulted if any of these problems are occurring; and

WHEREAS, other than surgery, the most commonly used treatments for kidney cancer are immunotherapy, radiation, and chemotherapy; and

WHEREAS, breakthroughs in research over the last year have given renewed hope to patients who previously had few treatment options:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as KIDNEY CANCER AWARENESS MONTH in Illinois to raise awareness of kidney cancer, and encourage all citizens to be extra cognizant of the symptoms and causes of this disease, so that we can continue to strive toward more effective treatments.

## PROCLAMATIONS

Issued by the Governor on February 26, 2007.  
Filed by the Secretary of State February 27, 2007.

**2007-56****COLORECTAL CANCER AWARENESS MONTH**

- WHEREAS, colorectal cancer, cancer of the colon or rectum, is the third leading cause of cancer-related deaths in the United States for both men and women combined; and
- WHEREAS, sadly, there are thousands of Americans who die from colorectal cancer every year. An estimated 56,000 men and women died from the disease just in 2005, and it is estimated that more than 145,000 Americans will be diagnosed with colorectal cancer this year. In Illinois, 7,350 Illinoisans will be diagnosed in 2007 with colorectal cancer and 2,750 men and women will die from the disease this year; and
- WHEREAS, today, approximately 90 percent of colorectal cancers and deaths are thought to be preventable thanks to a procedure called a colonoscopy, which, unlike a sigmoidoscopy, allows doctors to look inside the entire large intestine; and
- WHEREAS, most cases of colorectal cancer begin as non-cancerous polyps, which are grape-like growths on the lining of the colon and rectum. These polyps can become cancerous. Consequently, their removal can prevent colorectal cancer from ever developing; and
- WHEREAS, because there are often no symptoms related to polyps, it is important to get screened regularly. Men and women at an average risk for the disease should start getting screened after the age of 50. Recent research has shown that African Americans are more frequently diagnosed at a younger age. Experts suggest they begin screening after the age of 45; and
- WHEREAS, colorectal cancer screening tests can even save lives when they detect polyps that have become cancerous. When discovered early, the disease can be cured in most cases. Unfortunately, less than 50 percent of Americans over the age of 50 receive regular screenings for colorectal cancer; and
- WHEREAS, a number of organizations, including the Illinois Department of Public Health, throughout the country will sponsor activities and events this March that educate the public about the importance of getting screened regularly, as well as other

## PROCLAMATIONS

ways to reduce the risk of colorectal cancer, such as adopting a healthy lifestyle and diet:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as COLORECTAL CANCER AWARENESS MONTH in Illinois to raise awareness about colorectal cancer, and to promote colonoscopies so that others can avoid the same fate as any of the victims of this terrible disease.

Issued by the Governor on February 26, 2007.

Filed by the Secretary of State February 27, 2007.

**2007-57****SCHOOL HEALTH CENTER AWARENESS MONTH**

WHEREAS, the growth and development of school age children is of paramount importance in Illinois, and across the country; and

WHEREAS, Illinois values its children and recognizes the need to provide them with the primary and preventative health care services necessary for their overall well-being; and

WHEREAS, approximately one in seven teenagers has no health insurance, and private health insurance plans often place restrictions on services for teens; and

WHEREAS, in 1982, school health centers began to emerge in Illinois as a way to provide health services to children and adolescents who would not otherwise have access to those services; and

WHEREAS, today, there are over fifty school health centers in Illinois providing accessible, affordable and quality health care and health education to school aged children; and

WHEREAS, research has shown that school health centers contribute to fewer school absences, higher compliance with required immunizations and physical exams, decreased smoking of tobacco and marijuana, fewer hospitalizations and emergency room visits, lower school drop-out rates and a decline in teen pregnancy:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as SCHOOL HEALTH CENTER AWARENESS MONTH in Illinois, and urge all citizens to recognize the role of local school-based and school-linked health centers in improving the lives of young people and their families.

## PROCLAMATIONS

Issued by the Governor on February 26, 2007.  
Filed by the Secretary of State February 27, 2007.

**2007-58**

**ILLINOIS POISON PREVENTION MONTH**

WHEREAS, all citizens should be made aware of the ever-present dangers posed by potentially poisonous household substances; and

WHEREAS, children too often have access to commonly used drugs and medicines and to such potentially toxic household products such as cleaners, polishes, paint solvents, and antifreeze; and

WHEREAS, over the past 45 years, the nation has been observing Poison Prevention Week to call attention to these hazards and how proper handling and disposal of these substances and proper use of safety packaging can help eliminate poisonings; and

WHEREAS, the Illinois Poison Center is a mainstay in the emergency medical care system of the state of Illinois and is recognized nationally for its contributions to poison treatment and prevention; and

WHEREAS, more than 50 percent of the more than 100,000 poisonings report last year to the Illinois Poison Center involved children less than six years of age and could have been prevented:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as ILLINOIS POISON PREVENTION MONTH in Illinois, and encourage all citizens to learn more about the Illinois Poison Center's prevention programs that alert citizens to the continuous problem of accidental poisonings and to encourage effective safeguards such as poison proofing as a deterrent to childhood poisonings.

Issued by the Governor on February 26, 2007.  
Filed by the Secretary of State February 27, 2007.

**2007-59**

**LAND SURVEYORS' MONTH**

WHEREAS, the profession of land surveying is one of the oldest technical services associated with our society. Each year, our complex civilization depends more and more on

## PROCLAMATIONS

land surveyors' skills and accuracy to determine property rights, method of design and construction; and

WHEREAS, the skills of George Washington, as a land surveyor, had a considerable influence on his job as Commander-in-Chief of our Revolutionary Forces, as the winning our nation's independence depended heavily on his planning of military operations and choice of selected battle sites; and

WHEREAS, more than 80 years later, when the states were threatened by a cruel division, another great President and former land surveyor, Abraham Lincoln, also used his land surveying skills to direct the war that preserved our nation; and

WHEREAS, it is important that we recognize the two "Land Surveyor Presidents," George Washington and Abraham Lincoln, during the Illinois Professional Land Surveyors Association 50th Annual Conference, which will be held in conjunction with the Missouri Society of Professional Surveyors and the American Congress on Surveying and Mapping Conference and Teaching Exhibition, held in St. Louis, Missouri, March 9-12, 2007; and

WHEREAS, during the month of March, the Illinois Professional Land Surveyors Association will be celebrating their 79th Anniversary of representing the profession of land surveying in the State of Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2007 as LAND SURVEYORS' MONTH in Illinois to recognize land surveyors for their indispensable work, and to congratulate the Illinois Professional Land Surveyors Association for their years of service to the profession of land surveying.

Issued by the Governor on February 26, 2007.

Filed by the Secretary of State February 27, 2007.

**2007-60****CHICAGO LATINO FILM FESTIVAL DAYS**

WHEREAS, 2007 marks the 23rd annual Chicago Latino Film Festival celebrated by the International Latino Cultural Center of Chicago (ILCC); and

WHEREAS, the ILCC is a Pan-Latino multi-arts organization dedicated to developing, promoting, and increasing awareness of Latino cultures among Latinos and others communities through a wide variety of art forms and education; and

## PROCLAMATIONS

WHEREAS, the ILCC has screened more than 1000 films and videos, including many award-winners that otherwise would have never been shown in Chicago; sponsored workshops and discussions with over 600 visiting filmmakers; and hosted more than 100 foreign journalists; and

WHEREAS, each year, the ILCC produces the two-week Festival in the spring, screening 100 of the best Latin American and Iberian feature length, documentary, and short films from over 20 nations. Over 20 years, attendance for the film festival has grown from 500 people to more than 35,000; and

WHEREAS, this year, ILCC will celebrate the Chicago Latino Film Festival from April 13 to April 25:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 13 – 25, 2007 as CHICAGO LATINO FILM FESTIVAL DAYS in Illinois in celebration of the International Latino Cultural Center of Chicago's 23rd Chicago Latino Film Festival, which has become an annual tradition anticipated by citizens from all around the state.

Issued by the Governor on February 26, 2007.

Filed by the Secretary of State February 27, 2007.

**2007-61****NORTHWEST SIDE IRISH ST. PATRICKS DAY PARADE**

WHEREAS, the Northwest Side Irish organization is holding their 4th annual Friends and Family St. Patrick's Day Parade on March 4, 2007; and

WHEREAS, the Northwest Side Irish organization is a not-for-profit corporation that was founded in 2002 in memory of Judith Murray, an Irish mother with a "heart of gold" whose home was always filled with her own five children and most of the neighbors' too. Mrs. Murray passed away in 2002; and

WHEREAS, over the last four years, the Northwest Side Irish organization has worked with many charities, including Maryville Academy, Misericordia Heart of Mercy, the Wounded Soldiers, Pediatric Oncology Treasure Chest Foundation, New Horizon, and this year Operation Support Our Troops; and

WHEREAS, this year, Northwest Side Irish is honoring Lt. Governor Pat Quinn as their 2007 "Humanitarian of the Year" for his endless efforts in assisting our American troops and American veterans and their families; and

## PROCLAMATIONS

WHEREAS, in celebration of Irish traditions, Northwest Side Irish will kick off the fourth annual "Friends and Family" Saint Patrick's Day parade on March 4, 2007 in Chicago, Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, am hereby proud to recognize the March 4, 2007 NORTHWEST SIDE IRISH ST. PATRICKS DAY PARADE, and encourage all citizens to join the Northwest Side Irish and other organizations, in commemorating this vibrant cultural tradition.

Issued by the Governor on March 1, 2007.

Filed by the Secretary of State March 2, 2007.

**2007-62****CHICAGO BUSINESS OPPORTUNITY DAYS**

WHEREAS, the 40th Annual Chicago Business Opportunity Fair, which is of special interest to Illinois-based businesses, will be held April 2-4, 2007; and

WHEREAS, the fair will provide minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and

WHEREAS, Paul La Schiazza, President, AT&T of Illinois, will serve as Chairperson of the fair's Sponsors Committee; and

WHEREAS, the 40th Anniversary of the Chicago Business Opportunity Fair assists in advancing the year-round efforts of the Chicago Minority Business Development Council, Inc. and an organization devoted to stimulating minority purchasing in Chicago and the sponsor fair; and

WHEREAS, John W. Rogers, Jr., Chairman and CEO, Ariel Capital Management Inc, is the Honorary Chairman of the CBOF Minority Business Committee Input Committee of the Chicago Minority Business Development Council's 29th Annual Awards Dinner in honor of public and private sector representatives for their contributions to minority suppliers' growth and development on April 2, 2007:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, proclaim April 2-4, 2007 as CHICAGO BUSINESS OPPORTUNITY DAYS in Illinois.

Issued by the Governor on March 1, 2007.

Filed by the Secretary of State March 2, 2007.

## PROCLAMATIONS

**2007-63****WOMEN IN CONSTRUCTION WEEK**

WHEREAS, the National Association of Women in Construction (NAWIC) has distinguished itself as the voice of women in construction in Illinois for over 45 years; and

WHEREAS, since their inception, the NAWIC has formed seven different chapters throughout the state, whose work with community development and educational programs has greatly benefited Illinois; and

WHEREAS, based on their core values, which "Believes in Unlimited possibilities, Inspires future, Leadership, and is Dedicated to enhancing the Success of women in construction," the NAWIC has unceasingly promoted the employment and advancement of women in the construction industry; and

WHEREAS, the construction community, represented by the NAWIC, has been a driving force in fostering community development through renovation and beautification projects, promotion of skilled trades careers, and a positive vision for the future of Illinois and the entire United States:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 4-10, 2007 as WOMEN IN CONSTRUCTION WEEK in Illinois and encourage all citizens to join me in congratulating the organization on its many accomplishments.

Issued by the Governor on March 1, 2007.

Filed by the Secretary of State March 2, 2007.

**2007-64****GHANA INDEPENDENCE WEEK**

WHEREAS, the Republic of Ghana is a nation in West Africa. In 1957, Ghana became the first sub-Saharan country in colonial Africa to gain its independence; and

WHEREAS, Ghana gained independence from the United Kingdom on March 6; and

WHEREAS, Ghana has 9 regions and the Ghana National Council is made up of three representatives of each region as well as the chairman, president and vice president; and

## PROCLAMATIONS

WHEREAS, the Ghana National Council of Metropolitan Chicago is dedicated to sponsoring various events and activities that create unity within the Ghanaian community in Metropolitan Chicago, as well as help develop surrounding communities. Their hard work is part of a collaborative effort to foster relationships within the Chicago Metropolitan area and the global community; and

WHEREAS, this year, the Ghana National Council of Metropolitan Chicago and the Ghanaian community are coming together to celebrate Ghana's 50th Independence from March 4-10, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 4-10, 2007 as GHANA INDEPENDENCE WEEK in Illinois in recognition of the country's 50th Anniversary of Independence, and in tribute to all the Ghanaian Americans who call Illinois their home.

Issued by the Governor on March 1, 2007.

Filed by the Secretary of State March 2, 2007.

**2007-65****SEVERE WEATHER PREPAREDNESS WEEK**

WHEREAS, while severe weather such as tornadoes, thunderstorms and flooding can occur at any time of the year in Illinois, it is particularly prevalent during the spring and summer months; and

WHEREAS, Illinois experienced a record-setting 124 tornadoes in 2006, which resulted in one death and 49 injuries, as well as damaging or destroying hundreds of homes and businesses; and

WHEREAS, the state also experienced several severe thunderstorms during 2006, which also damaged homes and businesses and left thousands of residents without power for up to a week; and

WHEREAS, flooding is the number one severe weather killer nationwide and more than a dozen people in Illinois have died as a result of flash floods since 1995; and

WHEREAS, many storm-related deaths and injuries can be prevented if people take the time to learn about and follow safety measures before, during and after a storm; and

WHEREAS, some of these measures include using a National Oceanic and Atmospheric Administration (NOAA) Weather Alert Radio, which provides round-the-clock

## PROCLAMATIONS

alerts of approaching storms for families, businesses, and gathering places; maintaining an emergency supply kit with a flashlight, batteries, radio, food, water and other necessities; having a predetermined safe location where people can go during severe storms or tornadoes; and never driving or walking on a flooded road; and

WHEREAS, a statewide tornado drill will be held Tuesday, March 6, 2007 at 10:00 AM to encourage schools and businesses to practice their severe storm emergency plans; and

WHEREAS, the Illinois Emergency Management Agency and the National Weather Service are joining together to increase public awareness of severe weather hazards in Illinois and encourage citizens to prepare for severe weather:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 4-10, 2007 as SEVERE WEATHER PREPAREDNESS WEEK in Illinois. During this week I urge all citizens of Illinois to learn more about the dangers of thunderstorms, tornadoes and flooding and to take steps to ensure they are prepared to stay safe when severe weather threatens.

Issued by the Governor on March 1, 2007.

Filed by the Secretary of State March 2, 2007.

**2007-66****CASIMIR PULASKI DAY**

WHEREAS, Casimir Pulaski met Benjamin Franklin when he was recruiting volunteers to fight in America's War of Independence. Aware that England had recommended that Poland be partitioned by her hostile neighbors in 1772, Pulaski enthusiastically responded to Franklin's plea for assistance; and

WHEREAS, in his letter of introduction to Washington, Franklin wrote of Pulaski as "an officer famous throughout Europe for his bravery and conduct in defense of the liberties of his country against ... great invading powers"; and

WHEREAS, in September 1777, while awaiting his formal appointment by Congress, Pulaski was invited by Washington to serve on his staff during the Battle of Brandywine. Pulaski's performance during this baptism of blood in America earned him a commission as Brigadier General of the entire American cavalry; and

## PROCLAMATIONS

WHEREAS, in 1779, Pulaski was ordered to join General Lincoln in the South to help recapture Savannah. After French General D'Estaing, leader in the attack on the southern capital, fell wounded, Pulaski is reported to have rushed forward to assume command and raise the soldiers' spirits by his example and courage, only to be mortally wounded himself. Pulaski was named the "Father of the American Cavalry", and remains one of the well known figures of the American Revolutionary War; and

WHEREAS, although General Pulaski passed away in 1779, his legacy still lives on as we continue to honor his bravery and heroism. General Pulaski not only is a testament to the significance that Polish Americans have had in this country, but Americans of all backgrounds and ethnicities. His strong work ethic, deep religious faith, and great cultural pride truly serve as a model for all of us to follow. With Chicago boasting the largest Polish population of any city outside of Poland, it is fitting that we take the time to recognize the amazing contributions that Casimir Pulaski has made to our nation:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 5, 2007 as CASIMIR PULASKI DAY in Illinois, and encourage all citizens to join in commemorating the life and accomplishments of a true American Revolutionary hero, the Polish patriot Casimir Pulaski.

Issued by the Governor on March 2, 2007.

Filed by the Secretary of State March 2, 2007.

**2007-67****MULTIPLE SCLEROSIS AWARENESS WEEK**

WHEREAS, Multiple Sclerosis (MS) is a chronic and disabling disease of the central nervous system in which the progression, severity and specific symptoms cannot be foreseen; and

WHEREAS, every hour of every day someone new is diagnosed with MS, a disease that can erode a person's abilities and hopes, halt a career and unravel the fabric of families; and

WHEREAS, last year in Illinois many dollars were raised to find the cure for MS and develop effective treatments for the disease, as well as provide a wide range of client programs to improve the lives of the individuals living with MS in our state; and

## PROCLAMATIONS

WHEREAS, this investment is paying off in significant advances in treating MS, such as new medications which may reduce or delay future disability for people with MS; and

WHEREAS, while research advances have brought us closer to finding the cure, much remains to be done, and services must continue to be provided to those who live with the disease; and

WHEREAS, there are public and private agencies available to serve the constantly changing needs of those with MS and their families living in Illinois by extending essential services to all who need them:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 5-11, 2007 as MULTIPLE SCLEROSIS AWARENESS WEEK in Illinois, and encourage all citizens to join in this worthy observance.

Issued by the Governor on March 2, 2007.

Filed by the Secretary of State March 2, 2007.

**2007-68****NATIONAL FOREIGN LANGUAGE WEEK**

WHEREAS, all citizens live and participate in an increasingly interdependent global community; and

WHEREAS, boundaries between countries are being dissolved by new technology, making foreign language study increasingly important as people begin to experience and enjoy the growing social, cultural, and economic ties between nations; and

WHEREAS, in order to compete on a global scale, many employers are now seeking individuals proficient in foreign languages who are able to operate and adapt in the culturally diverse international marketplace; and

WHEREAS, recent studies show that the study of foreign languages contributes to improved academic performance and a greater understanding of people from different language and cultural backgrounds; and

WHEREAS, foreign language educators in Illinois urge the public to recognize the importance of foreign language study and its ability to expand people's cultural and literary horizons; and

PROCLAMATIONS

WHEREAS, this year, the fiftieth anniversary of National Foreign Language Week is being celebrated from March 5-11, 2007:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 5-11, 2007 as NATIONAL FOREIGN LANGUAGE WEEK in Illinois, and encourage all citizens to recognize and appreciate the value that foreign language study brings to our society.

Issued by the Governor on March 2, 2007.

Filed by the Secretary of State March 2, 2007.

# ILLINOIS ADMINISTRATIVE CODE

## Issue Index - With Effective Dates

Rules acted upon in Volume 31, Issue 11 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

### PROPOSED RULES

38 - 190	.....	4298
89 - 148	.....	4308
4 - 825	.....	4321

### ADOPTED RULES

89 - 307	02/28/2007.....	4328
89 - 307	02/28/2007.....	4330
68 - 1320	03/05/2007.....	4339
47 - 310	02/28/2007.....	4392
35 - 303	02/27/2007.....	4440

### PEREMPTORY RULES

80 - 310	02/28/2007.....	4445
----------	-----------------	------

### EXECUTIVE ORDERS AND PROCLAMATIONS

07 - 1	02/28/2007.....	4473
07 - 47	02/22/2007.....	4479
07 - 48	02/22/2007.....	4479
07 - 49	02/22/2007.....	4480
07 - 50	02/26/2007.....	4481
07 - 51	02/26/2007.....	4482
07 - 52	02/26/2007.....	4483
07 - 53	02/26/2007.....	4484
07 - 54	02/26/2007.....	4485
07 - 55	02/26/2007.....	4486
07 - 56	02/26/2007.....	4487
07 - 57	02/26/2007.....	4488
07 - 59	02/26/2007.....	4489
07 - 58	02/26/2007.....	4489
07 - 60	02/26/2007.....	4490
07 - 61	03/01/2007.....	4491
07 - 62	03/01/2007.....	4492
07 - 63	03/01/2007.....	4493
07 - 64	03/01/2007.....	4493
07 - 65	03/02/2007.....	4494
07 - 66	03/02/2007.....	4495
07 - 67	03/02/2007.....	4496
07 - 68	03/02/2007.....	4497

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