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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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

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

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

2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
21	May 12, 2008	May 23, 2008
22	May 19, 2008	May 30, 2008
23	May 27, 2008	June 6, 2008

24	June 2, 2008	June 13, 2008
25	June 9, 2008	June 20, 2008
26	June 16, 2008	June 27, 2008
27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
32	July 28, 2008	August 8, 2008
33	August 4, 2008	August 15, 2008
34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
36	August 25, 2008	September 5, 2008
37	September 2, 2008	September 12, 2008
38	September 8, 2008	September 19, 2008
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40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
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43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
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47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

Editor's Note: The Secretary of State Index Department is providing this opportunity to notify you that the next filing period for your Regulatory Agenda will occur from April 21, 2008 to July 1, 2008.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) Section Number: 104.207 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: The proposed amendment removes language regarding a judicial trial by jury in the case of a paternity hearing because currently there is no authority.
- 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 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 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., 3rd Floor
Springfield IL 62763-0002

217/557-7157

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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: 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 inadvertently omitted when the most recent regulatory agenda was published.

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 a: GENERAL PROVISIONS

PART 104

PRACTICE IN ADMINISTRATIVE HEARINGS

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104.12	Notice of Hearing
104.20	Conduct of Hearings
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104.22	Appellant Participation in Hearing
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SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

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104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104	Conduct of Other Hearings
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Orders

- 104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

Section

- 104.200 Applicability
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DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

104.470 Administrative Disqualification Hearing Decision and Notice of Decision
104.480 Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section
104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; preemptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p.80, effective May 8, 1980; preemptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November 27, 2002; amended at 27 Ill. Reg. 5853, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 28 Ill. Reg. 2735, effective February 1, 2004; emergency amendment at 29 Ill. Reg. 2735, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10187, effective June 30, 2005; amended at 31 Ill. Reg. 2387, effective January 19, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART C: MEDICAL VENDOR AND ALTERNATE PAYEE HEARINGS

Section 104.207 Notice of Contested Paternity Hearing

- a) In a matter referred to a Department Hearing Officer pursuant to Section 160.61(c)(5) for a contested paternity hearing, the Department shall notify the alleged father of the hearing in writing, setting forth:
- 1) the time, place and nature of the hearing;
 - 2) the legal authority and jurisdiction under which the hearing is to be held;
 - 3) a reference to the particular Sections of the substantive and procedural statutes and rules involved;
 - 4) the consequences of the failure to appear at the hearing; and
 - 5) the Title IV-D case name and identification number, the names and birthdates of the children he is alleged to have fathered and the name of the mother; and
 - 6) ~~that the alleged father has the right to demand a judicial trial by jury and that this demand must be made no later than 28 days after receipt of the notice provided pursuant to this Section.~~
- b) No request for a hearing or other pleading need be filed in response to the notice.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Child Support Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 160
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
160.5	Amendment
160.60	Amendment
160.75	Amendment
160.140	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: The proposed amendments clarify the definition, "Date of Collection" and specify retroactive support payments will be addressed upon request from the IV-D client.

Public Act 95-0468 provides for entry of a judgment against a payor or an officer or employee of the payor as provided by law if that payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice even when the payor company has been dissolved or gone bankrupt.

As current, payment information may also be accessed on the child support website 24 hours a day, 7 days a week, the Department received federal approval allowing quarterly production/ mailing in lieu of the monthly Statement of Child Support Account Activity to all TANF and former TANF clients.

- 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 does not affect units of local government.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 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 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., 3rd Floor
Springfield IL 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: Any payor or officer or employee of the payor within a child support case.
 - 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: July 2007

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER f: COLLECTIONS

PART 160

CHILD SUPPORT ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section

- 160.1 Incorporation by Reference
- 160.5 Definitions
- 160.10 Child Support Enforcement Program
- 160.12 Administrative Accountability Process
- 160.15 Fees for IV-D Non-TANF Cases
- 160.20 Assignment of Rights to Support
- 160.25 Recoupment

SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT

Section

- 160.30 Cooperation With Support Enforcement Program
- 160.35 Good Cause for Failure to Cooperate with Support Enforcement
- 160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
- 160.45 Suspension of Child Support Enforcement Upon a Claim of Good Cause

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS

Section

- 160.60 Establishment of Support Obligations
- 160.61 Uncontested and Contested Administrative Paternity and Support Establishment
- 160.62 Cooperation with Paternity Establishment and Continued Eligibility
Demonstration Program (Repealed)
- 160.64 Compromise of Assigned Obligations
- 160.65 Modification of Support Obligations

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- Section
- 160.70 Enforcement of Support Orders
- 160.71 Credit for Payments Made Directly to the Title IV-D Client
- 160.75 Withholding of Income to Secure Payment of Support
- 160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena or Warrant to State Licensing Agencies
- 160.80 Amnesty – 20% Charge (Repealed)
- 160.85 Diligent Efforts to Serve Process
- 160.88 State Case Registry
- 160.89 Interest

SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

- Section
- 160.90 Earmarking Child Support Payments

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

- Section
- 160.95 State Disbursement Unit
- 160.100 Distribution of Child Support for TANF Recipients
- 160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who Continue to Receive Child Support Enforcement Services
- 160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled
- 160.130 Distribution of Intercepted Federal Income Tax Refunds
- 160.132 Distribution of Child Support for Non-TANF Clients
- 160.134 Distribution of Child Support For Interstate Cases
- 160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
- 160.138 Distribution of Child Support for Medical Assistance No Grant Cases

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

- Section
- 160.140 [Quarterly Notice](#)~~Statement~~ of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

Section

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 160.150 Department Review of Distribution of Child Support for TANF Recipients
160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the Illinois Public Aid Code [305 ILCS 5/4-1.7, Art. X, 12-4.3 and 12-13].

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill. Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9, 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852, effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18, 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052, effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg. 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997; emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050, effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998; emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380,

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effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000; emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732, effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill. Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007; emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 160.5 Definitions

"Assignment of Medical Support" refers to the transfer of support rights to the Department by the acceptance of Medicaid benefits under 42 USC 1396k and Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1].

"Assignment of support" refers to the transfer of support rights to the Department by the acceptance of TANF benefits, pursuant to 42 USC 608(a)(3) and Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1] or the Department of Children and Family Services (DCFS), in the case of IV-E foster care, pursuant to 42 USC 671(a)(17) and Section 9.1 of the Children and Family Services Act [20 ILCS 505/9.1].

"Assistance Standard" shall have the meaning ascribed to it in 89 Ill. Adm. Code 111.

"Cancellation" refers to the discontinuance of TANF financial and medical benefits for an assistance unit because of the failure to satisfy the conditions of eligibility under the Title IV-A State Plan.

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"Child" refers to any child under the age of 18 years and any child under the age of 19 years who is still attending high school (see Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]).

"Child support enforcement services" refers to those services provided to establish, enforce and collect support, in accordance with an approved State Plan under Title IV-D of the Social Security Act (42 USC 654).

"Date of Collection" for distribution purposes in all cases refers to the date on which [a collection is received by the Department as a result of withholding of an amount by](#); the Department of Employment Security ~~withholds an amount~~ from a responsible relative's unemployment insurance benefits (UIB) to meet a support obligation ~~when there is withholding of UIB~~; a collection as a result of intercept of a federal income tax refund is received by the Department; or in all other instances, a support payment is received by the State Disbursement Unit (SDU) except that, if current support is withheld by an employer in the month when due and received by the SDU in the month following the month when due, the date of withholding may be deemed to be the date of collection.

"IV-D account receivable" or "support account" refers to a part of the accounting system in KIDS used to record charges, payments, and account adjustments for a particular account. More than one account may exist for a given caretaker relative and for a given responsible relative. For example, a mother with two children by one father from one marriage, and three children by a second father from another marriage, will have two support accounts if there are two separate support obligations. If children are born in a non-marital relationship, there will be one account per child.

"IV-D program" or "IV-D" refers to the child support program set forth in 42 USC 651 et seq. and this Part.

"IV-E foster care" or "IV-E" refers to the foster care program set forth in 42 USC 670 et seq.

"Initial receipt in the State" for disbursement purposes in all cases refers to the date on which the Department of Employment Security withholds an amount from a responsible relative's unemployment insurance benefits (UIB) to meet a support obligation, when there is a withholding of UIB, a collection as a result of intercept of a federal income tax refund is received by the Department, or in all other

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instances, a support payment is received by the State Disbursement Unit.

"Key Information Delivery System" or "KIDS" refers to the data processing system used to process all IV-D cases in Illinois.

"MANG" refers to Medical Assistance No Grant under the Medicaid Program, Title XIX of the Social Security Act (42 USC 1396k), that is medical assistance to families and individuals wherein no cash payment is made.

"Responsible relative" refers to a person who is responsible, or alleged to be responsible, under law for support of a dependent.

"Support case" refers to a case established in the KIDS for the purpose of providing establishment, enforcement and collection services to dependent children and their custodial parent, in accordance with the provisions of Title IV-D of the Social Security Act (42 USC 654).

"Support obligation" refers to the duty a non-custodial relative owes to his or her dependents, as set forth in a legally-valid court or administrative order.

"TANF" refers to Temporary Assistance for Needy Families, Title IV-A of the Social Security Act (42 USC 601 et seq.) that is financial and medical assistance available to families with one or more children or on behalf of children in foster care under the guardianship of the Department of Children and Family Services.

"TANF MANG" refers to Medical Assistance No Grant cases in which medical assistance only is available to families with one or more children.

"TANF MANG recipient" refers to a member of a family with one or more children receiving medical assistance only in the current month.

"TANF recipient" refers to a person who is receiving financial and medical assistance under the TANF program in the current month.

"Two business days", for purposes of disbursement of support payments under Subpart F of this Part, shall have the meaning and be qualified in the same manner as in Section 454B of the Social Security Act (42 USC 654b).

"Unreimbursed former AFDC or TANF" refers to the total amount of financial

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assistance provided to a family unit, in accordance with Title IV-A of the Social Security Act (42 USC 601 et seq.) for which the State and Federal governments have not been reimbursed. The State and Federal governments are limited in the amount of support payments they may retain for "unreimbursed former AFDC or TANF", in accordance with the provisions set forth in Sections 160.100, 160.110 and 160.130 of this Part. The "amount of unreimbursed assistance accrued prior to the former AFDC or TANF cancellation", reported in the Department's "Statements of Child Support Account Activity for Former Recipients" (see Section 160.140), is that limited amount which the Department is entitled to retain.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART C: ESTABLISHMENT AND MODIFICATION OF
CHILD SUPPORT ORDERS**Section 160.60 Establishment of Support Obligations**

- a) Definitions
- 1) "FSS" means any Family Support Specialist performing assigned duties, his supervisory staff and any other person assigned responsibility by the Director of the Department.
 - 2) "Service" or "Served" means notice given:
 - A) by personal service, certified mail (with or without return receipt requested) or restricted delivery,
 - B) *by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 [225 ILCS 447] or by a registered employee of a private detective agency certified under that Act, or*
 - C) *in counties with a population of less than 2,000,000 [305 ILCS 5/10-4], by any method provided by law for service of summons. (See Sections 2-202, 2-203 and 2-206 of the Code of Civil Procedure [735 ILCS 5/2-202, 2-203 and 2-206].)*

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- 3) "Support Statutes" means the following:
 - A) Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X];
 - B) The Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5];
 - C) The Non-Support Punishment Act [750 ILCS 16];
 - D) The Uniform Interstate Family Support Act [750 ILCS 22];
 - E) The Illinois Parentage Act of 1984 [750 ILCS 45]; and
 - F) Any other statute in another state that provides for child support.
 - 4) "Retroactive support" means support for a period prior to the date a court or administrative support order is entered.
 - 5) "Child's needs" means:
 - A) the custodial parent's statement of the associated costs, including, but not limited to, providing a child with: food, shelter, clothing, schooling, recreation, transportation and medical care; or
 - B) the State's current minimum hourly wage multiplied by 40 hours per work week, multiplied by 4.3 weeks per month, multiplied by the applicable child support guideline percentage contained in subsection (c)(1) of this Section.
- b) Responsible Relative Contact
- 1) Timing and Purpose of Contact
 - A) The Department shall contact and interview responsible relatives in Title IV-D cases to establish support obligations, following the IV-D client interview.
 - B) The purpose of contact and interview shall be to obtain relevant facts, including income information (for example, paycheck stubs,

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income tax returns) necessary to determine the financial ability of such relatives for use in obtaining stipulated, consent and other court orders for support and in entering administrative support orders, pursuant to the support statutes.

- 2) At least ten working days in advance of the interview, the Department shall notify each responsible relative contacted of his support obligation, by ordinary mail, which notice shall contain the following:
 - A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is sought or other information identifying such persons, such as a prior court number;
 - C) that the responsible relative has a legal obligation to support the named persons;
 - D) the date, time, place and purpose of the interview and that the responsible relative may be represented by counsel; and
 - E) that the responsible relative should bring specified information regarding his income and resources to the interview.
- 3) The Department shall notify each Title IV-D client of the date, time and place of the responsible relative interview and that the client may attend if he or she chooses.

c) Determination of Financial Ability

- 1) In cases handled under subsection (d) of this Section, the Family Support Specialist shall determine the amount of child support and enter an administrative support order on the following basis:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	28%
3	32%

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4	40%
5	45%
6 or more	50%

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income;
 - ix) Medical expenditures necessary to preserve life or health; and
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(1)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders that

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contain provisions for an automatic increase in the support obligation upon termination of such payment period.

- 2) In de novo hearings provided for in subsection (d)(5)(H) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall determine the minimum amount of child support as follows:

Number of Children	Percent of Responsible Relative's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

- A) "Net Income" is the total of all income from all sources, minus the following deductions:
- i) Federal income tax (properly calculated withholding or estimated payments);
 - ii) State income tax (properly calculated withholding or estimated payments);
 - iii) Social Security (FICA payments);
 - iv) Mandatory retirement contributions required by law or as a condition of employment;
 - v) Union dues;
 - vi) Dependent and individual health/hospitalization insurance premiums;
 - vii) Prior obligations of support or maintenance actually paid pursuant to a court order or administrative support order;
 - viii) Expenditures for repayment of debts that represent

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- reasonable and necessary expenses for the production of income;
- ix) Medical expenditures necessary to preserve life or health; and
 - x) Reasonable expenditures for the benefit of the child and the other parent, exclusive of gifts.
- B) The deductions in subsections (c)(2)(A)(viii), (ix) and (x) of this Section shall be allowed only for the period that such payments are due. The Department shall enter administrative support orders that contain provisions for an automatic increase in the support obligation upon termination of such payment period.
- C) The above guidelines shall be applied in each case unless the Department finds that application of the guidelines would be inappropriate after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:
- i) the financial resources and needs of the child;
 - ii) the financial resources and needs of the custodial parent;
 - iii) the standard of living the child would have enjoyed had the marriage not been dissolved, the separation not occurred or the parties married;
 - iv) the physical and emotional condition of the child, and his educational needs; and
 - v) the financial resources and needs of the non-custodial parent.
- D) Each order requiring support that deviates from the guidelines shall state the amount of support that would have been required under the guidelines. The reason or reasons for the variance from the guidelines shall be included in the order.

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- 3) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the amount of child support due in accord with Section 505 and medical support in accordance with Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505].
- 4) All orders for support shall include a provision for the health care coverage of the child. In all cases where health insurance coverage is not being furnished by the responsible relative to a child to be covered by a support order, the Department shall enter administrative, or request the court to enter, support orders requiring the relative to provide such coverage when a child can be added to an existing insurance policy at reasonable cost or indicating what alternative arrangement for health insurance coverage is being provided. Net income shall be reduced by the cost thereof in determining the minimum amount of support to be ordered.
- 5) In cases where the net income of the responsible relative cannot be determined because of default or any other reason, the Department shall order or request the court to order the responsible relative to pay retroactive support for the prior period in the amount of the child's needs as defined by subsection (a)(5)(A) or (B) of this Section [when the IV-D client requests that such an order for retroactive support be entered or requested.](#)
- 6) The final order in all cases shall state the support level in dollar amounts.
- 7) If there is no net income because of the unemployment of a responsible relative who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving cash assistance in Illinois, the Department, when proceeding under subsection (d) of this Section, shall order, or, when proceeding under subsection (e) of this Section, shall request the court to order the relative to report for participation in job search, training or work programs established for such relatives. In TANF cases, the Department shall order, when proceeding under subsection (d) of this Section, or, when proceeding under subsection (e) of this Section, shall request the court to order payment of past-due support pursuant to a plan and, if the responsible relative is unemployed, subject to a payment plan and not incapacitated, that the responsible relative participate in job

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search, training and work programs established under Section 9-6 and Article IXA of the Illinois Public Aid Code [305 ILCS 5/9-6 and Art. IXA].

- 8) The Department shall enter administrative support orders, or request the court to enter support orders, that include a provision requiring the responsible relative to notify the Department, within seven days:
 - A) of any new address of the responsible relative;
 - B) of the name and address of any new employer or source of income of the responsible relative;
 - C) of any change in the responsible relative's Social Security Number;
 - D) whether the responsible relative has access to health insurance coverage through the employer or other group coverage; and
 - E) if so, the policy name and number and the names of persons covered under the policy.
- 9) The Department shall enter administrative support orders, or request the court to enter support orders, that include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of majority or is otherwise emancipated. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. The provision of a termination date in the order shall not prevent the order from being modified.
- 10) The Department shall enter administrative support orders, or request the court to enter support orders, that include a statement that if there is an unpaid arrearage or delinquency equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, then the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid

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arrearage or delinquency.

- 11) ~~At the request of the IV-D client, the~~The Department shall enter administrative support orders, or request the court to enter support orders, that include provisions for retroactive support, as follows: ~~when appropriate.~~
- A) In cases handled under subsection (d) of this Section, the Department shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties' separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), ~~unless, in cases where the IV-D client has never received public assistance during the retroactive time period, the IV-D client waives, by notarized statement, all support during the retroactive support period.~~
- B) In de novo hearings provided for in subsection (d)(5)(H) of this Section and 89 Ill. Adm. Code 104.102, the Department's hearing officer shall order the period of retroactive support to begin with the later of two years prior to the date of entry of the administrative support order or the date of the married parties separation (or the date of birth of the child for whom support is ordered, if the child was born out of wedlock), unless, in cases where the child was born out of wedlock, the hearing officer, after having examined the factors set forth in Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505] decides that another date is more appropriate.
- C) In cases referred for judicial action under subsection (e) of this Section, the Department's legal representative shall ask the court to determine the date retroactive support is to commence in accord with Article X of the Illinois Public Aid Code [305 ILCS 5/Art. X], Sections 510 and 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/510 and 505], and Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14].
- d) Administrative Process

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- 1) Use of Administrative Process
 - A) Unless otherwise directed by the Department, the FSS shall establish support obligations of responsible relatives through the administrative process set forth in this subsection (d), in Title IV-D cases, wherein the court has not acquired jurisdiction previously, in matters involving:
 - i) presumed paternity as set forth in Section 5 of the Illinois Parentage Act of 1984 [750 ILCS 45/5] and support is sought from one or both parents;
 - ii) alleged paternity and support is sought from the mother;
 - iii) an administrative paternity order entered under Section 160.61 and support is sought from the man determined to be the child's father, or from the mother, or both;
 - iv) an establishment of parentage in accordance with Section 6 of the Illinois Parentage Act of 1984 [750 ILCS 45/6]; and
 - v) an establishment of parentage under the laws of another state, and support is sought from the child's father, or from the mother, or both.
 - B) In addition to those items specified in subsection (b)(2) of this Section, the notice of support obligation shall inform the responsible relative of the following:
 - i) that the responsible relative may be required to pay retroactive support as well as current support; and
 - ii) that in its initial determination of child support under subsection (c) of this Section, the Department will only consider factors listed in subsections (c)(1)(A)(i) through (x) of this Section; and
 - iii) that the Department will enter an administrative support

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order based only on those factors listed in subsections (c)(1)(A)(i) through (x) of this Section; and

- iv) that in order for the Department to consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
 - v) that both the client and the responsible relative have a right to request a de novo hearing within 30 days after the mailing or delivery of an administrative support order, at which time a Department hearing officer may consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14], and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505]; and
 - vi) that unless the client and/or the responsible relative requests a de novo hearing within 30 days after the order's mailing or delivery, the administrative support order will become a final enforceable order of the Department; and
 - vii) that upon failure of the responsible relative to appear for the interview or to provide necessary information to determine net income, an administrative support order may be entered by default or the Department may seek court determination of financial ability based upon the guidelines.
- 2) The FSS shall determine the ability of each responsible relative to provide support in accordance with subsection (c) of this Section when such relative appears in response to the notice of support obligation and provides necessary information to determine net income. An administrative support order shall be entered which shall incorporate the resulting support amount therein. [When requested by the IV-D client,](#)

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~~the~~The FSS shall also determine (and incorporate in the administrative support order) the amount of retroactive support the responsible relative shall be required to pay by applying the relative's current net income (unless the relative provides necessary information to determine net income for the prior period) to the support guidelines in accordance with subsection (c) of this Section. The FSS shall reduce the total amount of retroactive support determined by the amount of cash contributions made by the responsible relative to the IV-D client for the benefit of the child during the retroactive period as specified in the IV-D client's affidavit of direct contribution. In no event shall credit be given in excess of the total amount of the retroactive support determined.

- 3) Failure to Appear
 - A) In instances in which the responsible relative fails to appear in response to the notice of support obligation or fails to provide necessary information to determine net income, the FSS shall enter an administrative support order by default, except as provided in subsection (d)(3)(D) of this Section. The terms of the order shall be based upon the needs of the child for whom support is sought, as defined by subsection (a)(5) of this Section. No default order shall be entered when a responsible relative fails to appear at the interview unless the relative shall have been served as provided by law with a notice of support obligation.
 - B) The FSS may issue a subpoena to a responsible relative who fails to appear for interview, or who appears and furnishes income information, when the FSS has information from the Title IV-D client, the relative's employer or any other reliable source indicating that:
 - i) financial ability, as determined from the guidelines contained in subsection (c) of this Section, exceeds the amount indicated in case of default, as indicated in subsection (d)(3)(A) of this Section; or
 - ii) income exceeds that reported by the relative.
 - C) The FSS will not issue a subpoena under subsection (d)(3)(B) of

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this Section where the information from the Title IV-D client, the responsible relative's employer or other source concerning the relative's financial ability is verified through documentation such as payroll records, paycheck stubs or income tax returns.

- D) In instances in which the relative fails or refuses to accept or fully respond to a Department subpoena issued to him pursuant to subsection (d)(3)(B) of this Section, the FSS may enter a temporary administrative support order by default, in accordance with subsection (d)(3)(A) of this Section, and may then, after investigation and determination of the responsible relative's financial ability to support, utilizing existing State and federal sources (for example, Illinois Department of Employment Security), client statements, employer statements, or the use of the Department's subpoena powers, enter a support order in accord with subsection (c)(1) of this Section.
- 4) The Department shall register, enforce or modify an order entered by a court or administrative body of another state, and make determinations of controlling order where appropriate, in accordance with the provisions of the Uniform Interstate Family Support Act [750 ILCS 22].
- 5) An administrative support order shall include the following:
- A) the Title IV-D case name and identification number;
 - B) the names and birthdates of the persons for whom support is ordered;
 - C) the beginning date, amount and frequency of support;
 - D) any provision for health insurance coverage ordered under subsection (c)(4) of this Section;
 - E) [a provision for retroactive support ordered under subsection \(c\)\(11\), including](#) the total retroactive support obligation and the beginning date, amount (~~that~~~~which~~ shall not be less than 20 percent of the current support amount) and frequency of payments to be made until the retroactive support obligation is paid in full ~~or the~~

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~~statement that the IV-D client has signed a statement waiving all rights to retroactive support;~~

- F) the amount of any arrearage that has accrued under a prior support order and the beginning date, amount (~~that~~which shall not be less than 20 percent of the support order) and frequency of payments to be made until the arrearage is paid in full;
- G) a provision requiring that support payments be made to the State Disbursement Unit;
- H) a statement informing the client and the responsible relative that they have 30 days from the date of mailing of the administrative support order in which to petition the Department for a release from or modification of the order and receive a hearing in accordance with 89 Ill. Adm. Code 104.102 and subsection (c)(2) of this Section, except that for orders entered as a result of a decision after a de novo hearing, the statement shall inform the client and the responsible relative that the order is a final administrative decision of the Department and that review is available only in accord with provisions of the Administrative Review Law [735 ILCS 5/Art III];
- I) except where the order was entered as a result of a decision after a de novo hearing, a statement that the order was based upon the factors listed in subsection (c)(1)(A) of this Section and that in order to have the Department consider other factors listed in subsection (c)(2)(C) of this Section, Section 14(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/14] and Section 505 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/505], either the responsible relative or the client must request a de novo hearing within 30 days after mailing or delivery of the administrative support order; and
- J) in each administrative support order entered or modified on or after January 1, 2002, a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid for 30 days or more shall accrue simple interest at the rate of nine percent per

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- 6) Every administrative support order entered on or after July 1, 1997, shall include income withholding provisions based upon and containing the same information as prescribed in Section 160.75. The Department shall also prepare and serve income withholding notices after entry of an administrative support order and effect income withholding in the same manner as prescribed in Section 160.75.
- 7) The Department shall provide to each client and each responsible relative a copy of each administrative support order entered, no later than 14 days after entry of such order, by:
 - A) delivery at the conclusion of an interview where financial ability to support was determined. An acknowledgment of receipt signed by the client or relative or a written statement identifying the place, date and method of delivery signed by the Department's representative shall be sufficient for purposes of notice to that person.
 - B) regular mail to the party not receiving personal delivery where the relative fails or refuses to accept delivery, where either party does not attend the interview, or the orders are entered by default.
- 8) In any case where the administrative support process has been initiated for the custodial parent and the non-marital child, and the custodial parent and the non-marital child move outside the original county, the administrative support case shall remain in the original county unless a transfer to the other county in which the custodial parent and the non-marital child reside is requested by either party or the Department and the hearing officer assigned to the original county finds that a change of venue would be equitable and not unduly hamper the administrative support process.
- 9) In any case in which an administrative support order is entered to establish and enforce an arrearage only, and the responsible relative's current support obligation has been terminated, the administrative support order shall require the responsible relative to pay a periodic amount equal to the terminated current support amount until the arrearage is paid in full.

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- e) Judicial Process
- 1) The Department shall refer Title IV-D cases for court action to establish support obligations of responsible relatives, pursuant to the support statutes (see subsection (a)(3) of this Section) in matters requiring the determination of parentage (except when paternity is to be determined administratively under Section 160.61), when the court has acquired jurisdiction previously and in instances described in subsection (d)(3)(D) of this Section, and as otherwise determined by the Department.
 - 2) The Department shall prepare and transmit pleadings and obtain or affix appropriate signature thereto, which pleadings shall include, but not be limited to, petitions to:
 - A) intervene;
 - B) modify;
 - C) change payment path;
 - D) establish an order for support;
 - E) establish retroactive support [when the IV-D client requests it](#);
 - F) establish past-due support;
 - G) establish parentage;
 - H) obtain a rule to show cause;
 - I) enforce judicial and administrative support orders; and
 - J) combinations of the above.
 - 3) Department legal representatives shall request that judicial orders for support require payments to be made to the State Disbursement Unit in accordance with Section 10-10.4 of the Illinois Public Aid Code [305 ILCS 5/10-10.4], Section 507.1 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/507.1], Section 320 of the Uniform Interstate

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Family Support Act [750 ILCS 22/320], Section 21.1 of the Illinois Parentage Act of 1984 [750 ILCS 45/21.1] and Section 25 of the Non-Support Punishment Act [750 ILCS 16/25].

- f) Petitions for Release from Administrative Support Orders – Extraordinary Remedies
- 1) Notwithstanding the statements required by subsections (d)(5)(H) and (d)(5)(I) of this Section, more than 30 days after the entry of an administrative support order under subsection (d) of this Section, a party aggrieved by entry of an administrative support order may petition the Department for release from the order on the same grounds as are provided for relief from judgments under Section 2-1401 of the Code of Civil Procedure.
 - 2) Petitions under this subsection (f) must:
 - A) cite a meritorious defense to entry of the order;
 - B) cite the exercise of due diligence in presenting that defense to the Department;
 - C) be filed no later than two years following the entry of the administrative support order, except that times listed below shall be excluded in computing the two years:
 - i) time during which the person seeking relief is under legal disability;
 - ii) time during which the person seeking relief is under duress;
 - iii) time during which the ground for relief is concealed from the person seeking relief;
 - D) be supported by affidavit or other appropriate showing as to matters not supported by the record.
 - 3) Notice of the filing of the petition must be given and a copy of the petition must be served on the other parent, caretaker or responsible relative by

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certified mail, return receipt requested, or by any manner provided by law for service of process. The filing of a petition under this subsection (f) does not affect the validity of the administrative support order.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS

Section 160.75 Withholding of Income to Secure Payment of Support

- a) **Definitions**
The definitions contained in Section 15 of the Income Withholding for Support Act [750 ILCS 28/15], are incorporated herein by reference.
- b) **Entry of Order for Support Containing Income Withholding Provisions; Income Withholding Notice**
 - 1) The Department, through its legal representative, shall request that when entering an order for support the court include in the order the following income withholding provisions, as required by law:
 - A) that an income withholding notice be prepared by the Department and served immediately upon any payor of the obligor, unless a written agreement is reached between and signed by both parties providing for an alternative arrangement, approved and entered into the record by the court, which ensures payment of support. In that case, the Department, through its legal representative, shall request that the order for support provide that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support; and
 - B) a dollar amount to be paid until payment in full of any delinquency that accrues after entry of the order for support; the dollar amount not to be less than 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the order for support; and
 - C) the obligor's Social Security Number disclosed to the court as required by law; and

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- D) if the obligor is not a United States citizen, the obligor's alien registration number, passport number, and home country's social security or national health number disclosed to the court as required by law.
- 2) The income withholding notice prepared by the Department shall:
- A) be in the standard format prescribed by the federal Department of Health and Human Services; and
 - B) state the date of entry of the order for support upon which the income withholding notice is based; and
 - C) direct any payor to withhold the dollar amount required for current support under the order for support; and
 - D) direct any payor to withhold the dollar amount required to be paid periodically under the order for support for payment of the amount of any arrearage stated in the order for support; and
 - E) state the amount of the payor income withholding fee as provided by law; and
 - F) state that the amount actually withheld from the obligor's income for support and other purposes, including the payor's withholding fee, may not be in excess of the maximum amount permitted under the federal Consumer Credit Protection Act; and
 - G) state the duties of the payor and the fines and penalties provided by law for failure to withhold and pay over income and for discharging, disciplining, refusing to hire, or otherwise penalizing the obligor because of the duty to withhold and pay over income; and
 - H) state the rights, remedies, and duties of the obligor, as provided by law; and
 - I) include the Social Security Number of the obligor; and

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- J) include the date withholding for current support terminates, which shall be the date of termination of the current support obligation set forth in the order for support; and
 - K) contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office, except that the failure to contain the signature of the obligee or the printed name and telephone number of the authorized representative of the public office shall not affect the validity of the income withholding notice; and
 - L) direct any payor to pay over amounts withheld for payment of support to the State Disbursement Unit.
- 3) Notwithstanding the exception to immediate income withholding referred to in subsection (b)(1)(A) of this Section, if the court finds at the time of any hearing that an arrearage has accrued, the Department, through its legal representative, shall request that the court order immediate service of an income withholding notice upon the payor, as required by law.
- c) Service of Income Withholding Notice
- 1) If the order for support requires immediate service of an income withholding notice, the Department shall serve the notice on the payor within two business days after the date the order is received if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If the Department receives the payor's address from the Illinois Directory of New Hires, as established under Section 1801.1 of the Unemployment Insurance Act [820 ILCS 405/1801.1], the Department shall serve an income withholding notice and, where applicable, a National Medical Support Notice, on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.
 - 2) The Department may serve the income withholding notice on the payor or its superintendent, manager, or other agent by ordinary mail or certified mail, return receipt requested, by facsimile transmission or other

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electronic means, by personal delivery, or by any method provided by law for service of a summons. At the time of service on the payor and as notice that withholding has commenced, the Department shall serve a copy of the income withholding notice on the obligor by ordinary mail addressed to his or her last known address. A copy of the income withholding notice together with proofs of service on the payor and the obligor shall be filed by the Department with the Clerk of the Circuit Court.

- 3) Notwithstanding the fact that the order for support, under the exception to immediate withholding referred to in subsection (b)(1)(A) of this Section, provides that an income withholding notice is to be prepared and served only if the obligor becomes delinquent in paying the order for support, the Department shall serve an income withholding notice on the payor prior to accrual of a delinquency if the obligor executes a written waiver of that condition and requests immediate service on the payor.
 - 4) At any time after the initial service of an income withholding notice, the Department may serve any other payor of the obligor with the same income withholding notice without further notice to the obligor. A copy of the income withholding notice together with a proof of service on the other payor shall be filed with the Clerk of the Circuit Court.
- d) Income Withholding After Accrual of Delinquency
- 1) The Department shall prepare and serve an income withholding notice within two business days after the date the obligor accrues a delinquency if the payor's address is known on that date, or, if the address is unknown on that date, within two business days after locating the payor's address. If the payor's address is unknown on the date the obligor accrues a delinquency, and the Department receives the payor's address from the Illinois Directory of New Hires, the Department shall serve an income withholding notice on the payor within two business days after the date information regarding the obligor and payor is entered into the Illinois Directory of New Hires.
 - 2) An income withholding notice prepared by the Department under subsection (d)(1) of this Section shall:

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- A) contain the information required under subsection (b)(2) of this Section; and
 - B) contain the total amount of the delinquency as of the date of the notice; and
 - C) direct the payor to withhold the dollar amount required to be withheld periodically under the order for support for payment of the delinquency; and
 - D) be served on the payor and the obligor in the manner provided in subsection (c)(2) of this Section.
- 3) The obligor may contest withholding commenced under this subsection (d) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to:
- A) a dispute concerning the existence or amount of the delinquency; or
 - B) the identity of the obligor.
- 4) The accrual of a delinquency as a condition for service of an income withholding notice, under the exception to immediate withholding referred to in subsection (b)(1)(A) of this Section, shall apply only to the initial service of an income withholding notice on a payor of the obligor.
- e) Initiated Withholding
- 1) Notwithstanding any other provision of this Section, if the court has not required that income withholding take effect immediately, the Department, pursuant to this subsection (e), may initiate withholding regardless of whether a delinquency has accrued, by preparing and serving an income withholding notice on the payor that contains the information required under subsection (b)(2) of this Section and states that the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) of this Section no longer ensures payment of

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support, and the reason or reasons why it does not.

- 2) The income withholding notice and the obligor's copy of the income withholding notice shall be served as provided in subsection (c)(2) of this Section.
 - 3) The obligor may contest withholding commenced under this subsection (e) by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. However, as required by law, the grounds for the petition to contest withholding shall be limited to a dispute concerning the conditions in subsections (e)(3)(A) and (B) of this Section (it shall not be grounds for filing a petition that the obligor has made all payments due by the date of the petition):
 - A) whether the parties' written agreement providing an alternative arrangement to immediate withholding under subsection (b)(1)(A) of this Section continues to ensure payment of support; or
 - B) the identity of the obligor.
- f) Petitions to Modify, Suspend or Terminate an Order for Withholding
- 1) At any time the Department, through its legal representative, may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension, or termination of the underlying order for support;
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or
 - C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery.
 - 2) The Department shall serve on the payor, in the manner provided for

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service of income withholding notices in subsection (c)(2) of this Section, a copy of any order entered pursuant to this subsection (f) that affects the duties of the payor.

- 3) The Department may serve a notice on the payor to:
 - A) cease withholding of income for payment of current support for a child when the support obligation for that child has automatically ceased under the order for support through emancipation or otherwise; or
 - B) cease withholding of income for payment of delinquency or arrearage when the delinquency or arrearage has been paid in full.
- 4) The notice provided for under subsection (f)(3) of this Section shall be served on the payor in the manner provided for service of income withholding notices in subsection (c)(2) of this Section, and a copy shall be provided to the obligor and the obligee.
- g) **Additional Duties**

The Department shall provide notice to the payor and Clerk of the Circuit Court of any other support payment made, including but not limited to:

 - 1) an offset under federal or State law; or
 - 2) partial payment of the delinquency or arrearage or both.
- h) **Alternative Procedures for Service of an Income Withholding Notice**
 - 1) The procedures of this subsection (h) shall be used by the Department in any matter to serve an income withholding notice on a payor if:
 - A) For any reason the most recent order for support entered does not contain the income withholding provisions stated in subsection (b) of this Section, irrespective of whether a separate order for withholding was entered prior to July 1, 1997; and
 - B) The obligor has accrued a delinquency after entry of the most recent order for support.

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- 2) The Department shall prepare and serve the income withholding notice in accordance with the provisions of subsection (d) of this Section, except that the notice shall contain a periodic amount for payment of the delinquency equal to 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the most recent order for support.
 - 3) If the obligor requests in writing that income withholding become effective prior to the obligor accruing a delinquency under the most recent order for support, the Department shall prepare and serve an income withholding notice on the payor as provided in subsections (b) and (c) of this Section. In addition to filing proofs of service of the income withholding notice on the payor and the obligor, the Department shall file a copy of the obligor's written request for income withholding with the Clerk of the Circuit Court.
- i) Notice to Payor
Whenever the Department serves an income withholding notice on a payor, notice of the following shall be included in or with the income withholding notice:
- 1) that the payor must begin deducting no later than the next payment of income which is payable or creditable to the obligor that occurs 14 days following the date the income withholding notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the payor;
 - 2) that the payor must pay the amount withheld to the State Disbursement Unit within seven business days after the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
 - 3) that if the payor knowingly fails to withhold the amount designated in the income withholding notice or to pay any amounts withheld to the State Disbursement Unit within seven business days after the date the amount would have been paid or credited to the obligor, the payor is subject to a penalty of \$100 for each day that the amount designated in the income withholding notice (whether or not withheld by the payor) is not paid to the State Disbursement Unit after the period of seven business days has expired;

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- 4) that the payor may combine all amounts withheld for the benefit of an obligee or public office into a single payment and transmit the payment with a listing of obligors from whom withholding has been effected;
- 5) that for each deduction the payor must provide the State Disbursement Unit at the time of transmittal, with the date the amount would (but for the duty to withhold income) have been paid or credited to the obligor;
- 6) that for withholding of income, the payor is entitled to a fee not to exceed \$5 per month to be taken from the income to be paid to the obligor;
- 7) that the amount actually withheld for support, the child's health insurance premium and payor withholding fee shall not exceed the maximum amount permitted under the federal Consumer Credit Protection Act. Income available for withholding shall be applied first to the current support obligation, then to any premium required for employer, labor union, or trade union-related health insurance coverage ordered under the order for support, and then to payment required on past due support obligations. If there is insufficient available income remaining to pay the full amount of the required health insurance premium after withholding of income for the current support obligation, then the remaining available income shall be applied to payments required on past due support obligations;
- 8) require that whenever the obligor is no longer receiving income from the payor, the payor must return a copy of the income withholding notice to the Department and provide the obligor's last known address and the name and address of the obligor's new payor, if known;
- 9) that withholding of income under the income withholding notice must be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors;
- 10) that the income withholding notice is binding upon the payor until service of an order of the court or a notice from the Department or Clerk of the Circuit Court;
- 11) that the payor is subject to a fine of up to \$200 for discharging,

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disciplining or otherwise penalizing an obligor because of the duty to withhold income;

- 12) that if the payor willfully fails to withhold or pay over income pursuant to a properly served income withholding notice that the payor is liable for the total amount that the payor willfully failed to withhold or pay over;
 - 13) that if the payor has been served with more than one income withholding notice pertaining to the same obligor, the payor shall allocate income available on a proportionate share basis, giving priority to current support payments; and
 - 14) that a payor who complies with an income withholding notice that is regular on its face is not subject to civil liability with respect to any individual, any agency, or any creditor of the obligor for conduct in compliance with the notice.
- j) Notice to Obligor
When the Department serves a copy of the income withholding notice on the obligor as required under this Section, notice of the following shall be included in or with the obligor's copy of the income withholding notice:
- 1) that income withholding has commenced;
 - 2) the information provided to the payor under subsection (i) of this Section;
 - 3) the procedures and the permissible grounds for contesting withholding commenced under subsection (d), (e) or (h) of this Section, as applicable;
 - 4) that at any time the obligor may petition the court to:
 - A) modify, suspend or terminate the income withholding notice because of a modification, suspension or termination of the underlying order for support; or
 - B) modify the amount of income to be withheld to reflect payment in full or in part of the delinquency or arrearage by income withholding or otherwise; or

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- C) suspend the income withholding notice because of inability to deliver income withheld to the obligee due to the obligee's failure to provide a mailing address or other means of delivery; or
 - D) correct a term contained in an income withholding notice to conform to that stated in the underlying order for support for:
 - i) the amount of current support;
 - ii) the amount of the arrearage;
 - iii) the periodic amount for payment of the arrearage; or
 - iv) the periodic amount for payment of the delinquency;
 - 5) that the obligor is required by law to notify the obligee, the Department, and the Clerk of the Circuit Court of any new address or payor within seven days after the change; and
 - 6) that where a payor willfully discharges, disciplines, refuses to hire or otherwise penalizes an obligor because of the duty to withhold income, the obligor may file a complaint with the court against the payor, and that the court may order employment or reinstatement of or restitution to the obligor, or may impose a fine upon the payor not to exceed \$200.
- k) Penalties
- In cases where a payor willfully fails to withhold or pay over income, pursuant to a properly served income withholding notice, or otherwise fails to comply with any income withholding duties imposed by law, the Department, through its legal representatives, may request that the court:
- 1) enter judgment [against the payor, or an officer or employee of the payor, as provided by law](#), and direct the enforcement thereof for the total amount that the payor willfully failed to withhold or pay over;
 - 2) impose a penalty or fine upon the payor or invoke any other remedy allowed by law.
- l) Interstate Income Withholding

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Within the timeframes specified in subsections (c)(1) and (d)(1) of this Section, and pursuant to the provisions of the Uniform Interstate Family Support Act [750 ILCS 22], the Department shall engage income withholding in cases in which the obligor is receiving income from a payor located in another state.

- m) Use of National Medical Support Notice to Enforce Health Insurance Coverage
- 1) When an order for support is being enforced by the Department under this Section, any requirement for health insurance coverage to be provided through an employer, including withholding of premiums from the income of the obligor, shall be enforced through use of a National Medical Support Notice.
 - 2) A National Medical Support Notice shall be served on the employer in the manner and under the circumstances provided for serving an income withholding notice under this Section, except that an order for support that conditions service of an income withholding notice on the obligor becoming delinquent in paying the order for support shall not prevent immediate service of a National Medical Support Notice by the Department. The Department may serve a National Medical Support Notice on an employer in conjunction with service of an income withholding notice. Service of an income withholding notice is not a condition for service of a National Medical Support Notice, however.
 - 3) At the time of service of a National Medical Support Notice on the employer, the Department shall serve a copy of the Notice on the obligor by ordinary mail addressed to the obligor's last known address. The Department shall file a copy of the National Medical Support Notice, together with proofs of service on the employer and the obligor, with the clerk of the circuit court.
 - 4) Within 20 business days after the date of a National Medical Support Notice, an employer served with the Notice shall transfer the severable notice to plan administrator to the appropriate group health plan providing any health insurance coverage for which the child is eligible. As required in the part of the National Medical Support Notice directed to the employer, the employer shall withhold any employee premium necessary for coverage of the child and shall send any amount withheld directly to the plan. The employer shall commence the withholding no later than the

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next payment of income that occurs 14 days after the date the National Medical Support Notice was mailed, sent by facsimile or other electronic means, or placed for personal delivery to or service on the employer. Notwithstanding the requirement to withhold premiums from the obligor's income, if the plan administrator informs the employer that the child is enrolled in an option under the plan for which the employer has determined that the obligor's premium exceeds the amount that may be withheld from the obligor's income due to the withholding limitation or prioritization contained in Section 35 of the Income Withholding for Support Act, the employer shall complete the appropriate item in the part of the National Medical Support Notice directed to the employer according to the instructions in the Notice and shall return that part to the Department.

- 5) If one of the following circumstances exists, an employer served with a National Medical Support Notice shall complete the part of the Notice directed to the employer in accordance with the instructions in the Notice and shall return that part to the Department within 20 business days after the date of the Notice:
 - A) The employer does not maintain or contribute to plans providing dependent or family health insurance coverage.
 - B) The obligor is among a class of employees that is not eligible for family health insurance coverage under any group health plan maintained by the employer or to which the employer contributes.
 - C) Health insurance coverage is not available because the obligor is no longer employed by the employer.
- 6) The administrator of a health insurance plan to whom an employer has transferred the severable notice to plan administrator part of a National Medical Support Notice shall complete that part with the health insurance coverage information required under the instructions in the Notice and shall return that part to the Department within 40 business days after the date of the Notice.
- 7) The obligor may contest withholding under this Section based only on a mistake of fact and may contest withholding by filing a petition with the

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clerk of the circuit court within 20 days after service of a copy of the National Medical Support Notice on the obligor. The obligor must serve a copy of the petition on the Department at the address stated in the National Medical Support Notice. The National Medical Support Notice, including the requirement to withhold any required premium, shall continue to be binding on the employer until the employer is served with a court order resolving the contest or until notified by the Department.

- 8) Whenever the obligor is no longer receiving income from the employer, the employer shall return a copy of the National Medical Support Notice to the Department and shall provide information for the purpose of enforcing health insurance coverage under this Section.
- 9) The Department shall promptly notify the employer when there is no longer a current order for health insurance coverage in effect that the Department is responsible for enforcing.
- 10) Unless stated otherwise in this Section, all of the provisions of this Section relating to income withholding for support shall pertain to income withholding for health insurance coverage under a National Medical Support Notice, including but not limited to, the duties of the employer and obligor, and the penalties contained in Section 35 and Section 50 of the Income Withholding for Support Act. In addition, an employer who willfully fails to transfer the severable notice to plan administrator part of a National Medical Support Notice to the appropriate group health plan providing health insurance coverage for which a child is eligible, within 20 business days after the date of the Notice, is liable for the full amount of medical expenses incurred by or on behalf of the child which would have been paid or reimbursed by the health insurance coverage had the severable notice to plan administrator part of the Notice been timely transferred to the group health insurance plan. This penalty may be collected in a civil action that may be brought against the employer in favor of the obligee or the Department.
- 11) When the administrator of a health insurance plan returns the severable notice to plan administrator portion of a National Medical Support Notice to the Department indicating that there is more than one option available for coverage of the child under the plan, the Department, within 20 days after the date the portion is returned, shall consult with the obligee, select

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from the available options, and inform the plan administrator of the option selected.

- n) Refund of Improperly Withheld Amounts
The Department shall promptly refund to the obligor amounts found to have been improperly withheld from the obligor's income.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section 160.140 Quarterly Notice ~~Statement~~ of Child Support Account Activity

- a) The Department will send to current TANF recipients, and former AFDC or TANF recipients, a quarterly notice of child support account activity when the following circumstances exist:
- 1) an IV-D account's receivable has been established;
 - 2) an assignment of support rights is currently in effect or assigned arrearages are owed; and
 - 3) the Department has received a child support payment during the quarter covered by the Notice.
- b) The quarterly Notice of Child Support Account Activity shall contain the following information regarding payments collected during the quarter from each non-custodial parent owing a duty of support to the family:
- 1) the months of the quarter covered by the Notice;
 - 2) the terms of the support order, the child support order number and the beginning date of the support order;
 - 3) the amount of current support collected during each month of the quarter;
 - 4) the amount of arrearages collected during each month of the quarter;

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- 5) the amount of child support interest collected during each month of the quarter;
 - 6) the amount of support, interest or both that was collected and paid to the family for the quarter covered by the Notice;
 - 7) the amount of support, interest or both that was collected and retained by the Department or sent to another state;
 - 8) the account balance of each month during the quarter;
 - 9) the amount of unreimbursed assistance as of the date of the Notice;
 - 10) the means by which a TANF recipient, or a former AFDC or TANF recipient, can obtain additional information concerning his or her child support account and/or:
 - A) can appeal the Department's distribution of support, in the case of a current TANF recipient; or
 - B) dispute the distribution of support by requesting an account review, in the case of a former AFDC or TANF recipient.
- c) In addition to the information required by subsection (b) of this Section, the Quarterly Notice of Child Support Account Activity sent to former AFDC or TANF recipients shall contain the following:
- 1) the effective month and year of AFDC or TANF cancellation;
 - 2) the total amount of support due at AFDC or TANF cancellation that remains unpaid under the support order; and
 - 3) the total amount of current support due after AFDC or TANF cancellation that remains unpaid under the support order.
- d) In the case of a current TANF recipient, the Quarterly Notice of Child Support Account Activity shall also contain an insert setting forth the Department's policy on earmarking income pursuant to Section 160.90.

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~~The Department will send to each TANF recipient and each former AFDC or TANF recipient a "Statement of Child Support Account Activity ("Notice")", in accordance with the provisions of subsections (a) through (c) below:~~

- a) ~~Notice Sent Monthly to TANF Recipients~~
 - 1) ~~The Department will send a notice monthly to each TANF recipient for whom a IV-D accounts receivable has been established. This notice will include the following information for the third previous month:~~
 - A) ~~the terms of each support order, the support order number, and beginning date of each support order;~~
 - B) ~~the account balance of each support order for the reporting month;~~
 - C) ~~total amount paid in the reporting month under each support order;~~
 - D) ~~identification of the reporting month;~~
 - E) ~~total payments received for all support orders for the reporting month;~~
 - F) ~~the amount of unreimbursed assistance;~~
 - G) ~~the distribution of support payments for the 11 month period for which distribution is complete, including:~~
 - i) ~~the amount of support received;~~
 - ii) ~~TANF grant amount;~~
 - iii) ~~amount of support paid to the client as current, Pass Through and excess;~~
 - iv) ~~the amount of support retained to reimburse the Department;~~
 - v) ~~the amount of support applied to future obligations; and~~

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- H) ~~the means by which a TANF recipient can obtain additional information concerning her child support account and/or can appeal the Department's determination.~~
- 2) ~~The notice will also contain an insert setting forth the Department's policy on earmarking income pursuant to Section 160.90.~~
- b) ~~Notice Sent to Former AFDC or TANF Recipients in the First and Second Month Following Case Cancellation~~
~~For two consecutive months following the month of AFDC or TANF cancellation, the Department will send to each former AFDC or TANF recipient for whom a IV-D accounts receivable has been established, a notice which includes the following information for her case:~~
- 1) ~~the effective month and year of AFDC or TANF cancellation;~~
- 2) ~~the terms of each support order, the support order number, and beginning date of each support order;~~
- 3) ~~total amount paid in the reporting month under each support order;~~
- 4) ~~the total amount of support due at AFDC or TANF cancellation which remains unpaid under each support order;~~
- 5) ~~the total amount of current support due after AFDC or TANF cancellation which remains unpaid under each support order;~~
- 6) ~~identification of the reported month;~~
- 7) ~~the remaining amount of unreimbursed assistance accrued prior to the AFDC or TANF cancellation;~~
- 8) ~~the distribution of support payments for the five month period for which distribution is complete, including:~~
- A) ~~the amount of support received;~~
- B) ~~AFDC or TANF grant amount;~~

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- ~~C) amount of support paid to the client as current, Pass Through and excess;~~
 - ~~D) the amount of support retained to reimburse the Department;~~
 - ~~E) the amount of support applied to future obligations;~~
 - ~~9) the total amount of child support collected in the prior month and the source of collection;~~
 - ~~10) the total amount of support paid to the client (i.e., current, excess and past due) for the prior month;~~
 - ~~11) the amount of support retained to reimburse the Department; and~~
 - ~~12) the means by which a former AFDC or TANF recipient can obtain additional information concerning her child support account and/or can dispute the distribution of support by requesting an account review.~~
- e) ~~Notice Sent to Former AFDC or TANF Recipients in the Third Month Following Case Cancellation and for Any Subsequent Month for Which the Department Receives a Child Support Payment~~
~~The Department will send to each former AFDC or TANF recipient (for whom a IV-D accounts receivable has been established) beginning with the third month following the month of AFDC or TANF cancellation and for any subsequent month for which the Department receives a child support payment, a notice which includes the following information:~~
- ~~1) the effective month and year of AFDC or TANF cancellation;~~
 - ~~2) the terms of each support order, the support order number, and beginning dates of each support order;~~
 - ~~3) total amount paid in the prior month under each support order;~~
 - ~~4) the total amount of support due at AFDC or TANF cancellation which remains unpaid under each support order;~~
 - ~~5) the total amount of current support due after AFDC or TANF cancellation~~

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- ~~which remains unpaid under each support order;~~
- ~~6) identification of the prior month;~~
 - ~~7) the remaining amount of unreimbursed assistance accrued prior to the AFDC or TANF cancellation;~~
 - ~~8) the total amount of support paid to the client (i.e., current and past due) for the prior month;~~
 - ~~9) the total amount of child support collected in the prior month and the source of collection;~~
 - ~~10) the amount of support retained to reimburse the Department; and~~
 - ~~11) the means by which a former AFDC or TANF recipient can obtain additional information concerning her child support account and/or can dispute the distribution of support by requesting an account review.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures Applicable to All Agencies
- 2) Code Citation: 44 Ill. Adm. Code 750
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
750.5	Amendment
750.110	Amendment
750.150	Amendment
750.APPENDIX A	Amendment
- 4) Statutory Authority: Implementing Sections 2-105(A), 7-101(A), and 7-105(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A), 7-101(A) and 7-105(A)]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Section 1-103(I) of the Illinois Human Rights Act (Act) [775 ILCS 5/1-103(I)], the word "Handicap" has been replaced with the word "Disability". Further, pursuant to Section 1-103(I) of the Act, "Unlawful Discrimination" includes discrimination based on sexual orientation and military status [775 ILCS 5/1-103(Q)]. The proposed amendments clarify the Department's regulations to make the regulations consistent with the Act.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: The proposed amendment does not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights – Legal Division

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100 W. Randolph St., Ste. 10-100
Chicago, IL 60601

312/814-6257 or
312/263-1579 (TTY)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not including on either of the two most recent regulatory agendas because: The Department did not anticipate the proposed rulemaking at the time the regulatory agendas were published.

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER X: DEPARTMENT OF HUMAN RIGHTS

PART 750
PROCEDURES APPLICABLE TO ALL AGENCIES

SUBPART A: DEFINITIONS

Section
750.5 Definitions

SUBPART B: EQUAL OPPORTUNITY CLAUSE

Section
750.10 Clause to be Included in All Contracts
750.20 Incorporation by Operation of the Regulation
750.30 Subcontracts
750.40 Contracts or Subcontracts with Religious Entities

SUBPART C: DUTIES OF PUBLIC CONTRACTORS AND SUBCONTRACTORS

Section
750.110 General
750.120 Identification of Underutilization
750.130 Affirmative Action Plans
750.140 Information and Reports
750.150 Recruitment of Employees
750.160 Segregated Facilities
750.170 Subcontracts

SUBPART D: BIDDING AND COMPLIANCE

Section
750.210 Eligibility for Public Contracts
750.220 Construction Employee Utilization Projection
750.230 Compliance Review; Enforcement

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750.APPENDIX A Equal Employment Opportunity Clause

AUTHORITY: Implementing Sections 2-105(A), 7-101(A), and 7-105(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A), 7-101(A) and 7-105].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; codified at 8 Ill. Reg. 17889; amended at 22 Ill. Reg. 11774, effective July 1, 1998; amended at 30 Ill. Reg. 18709, effective November 20, 2006; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 750.5 Definitions

Where used in this Part, unless the context otherwise clearly requires:

~~The term "Act" shall mean~~ the Illinois Human Rights Act [775 ILCS 5].

~~The term "Construction Contract" shall mean~~ any public contract as defined in this Section, for the rehabilitation, alteration, conversion, extension, landscaping, repair, maintenance or other improvements of buildings, highways or other real property.

~~The term "Contracting Agency" shall mean~~ any office, department, board, agency, commission, institution or other entity of the State ~~or~~; any of its political subdivisions or municipal corporations; who may enter into any public contract.

~~The term "Department" shall mean~~ the Department of Human Rights.

~~The term "Director" shall mean~~ the Director of the Department or a duly authorized designee.

~~The term "Eligible Bidder" shall have~~ the same meaning as in Section 2-101(J) of the Act ~~[775 ILCS 5/2-101(J)]~~.

~~The term "Number" shall mean~~ an Illinois Department of Human Rights

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Eligibility Number provided pursuant to Section 750.210 of this Part.

~~The term "Person" – an entity described shall have the same meaning as prescribed~~ in Section 1-103 of the Act.

~~The term "Public Contract" – shall mean~~ any contract, purchase order, lease, or other agreement or understanding, written or otherwise, between the State of Illinois ~~or~~, any of its political subdivisions or municipal corporations or any agent thereof and any other person, for the procurement of any thing or service of value, such as, for example, any real or personal property, equipment, merchandise, goods, materials, labor or services for or by the State ~~or, such~~ political subdivision or municipal corporation. ~~;~~ ~~and~~ Public Contract further means any loan or grant by the State of Illinois ~~or~~, any of its political subdivisions or municipal corporations from which such a contract, purchase order, lease, or other agreement or understanding may be financed in whole or in part.

~~The term "Public Contractor" – shall mean~~ any person who bids for or who has been awarded a public contract by a contracting agency, either through a competitive bidding procedure or otherwise.

~~The term "Subcontract" – shall mean~~ any agreement, arrangement or understanding, written or otherwise, between a public contractor and any person under which any portion of the public contractor's obligations under one or more public contracts is performed, undertaken or assumed. ~~The; the~~ term "subcontract", however, shall not include any agreement, arrangement or understanding in which the parties stand in the relationship of an employer and an employee, or between a bank or other financial institution and its customers.

~~The term "Subcontractor" – shall mean~~ any person having a subcontract as defined in this Section.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART C: DUTIES OF PUBLIC CONTRACTORS AND SUBCONTRACTORS

Section 750.110 General

- a) No public contractor or subcontractor shall discriminate or permit discrimination against any applicant for employment, or in the terms or conditions of

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employment of any employee, or in connection with any apprenticeship or other training program, because of race, color, religion, sex, marital status, national origin or ancestry, [citizenship status](#), age, physical or mental [disabilityhandicap](#) unrelated to ability, [sexual orientation, military status](#) or unfavorable discharge from military service.

- b) Each public contractor and subcontractor shall examine all its job classifications to determine if minority persons or women are underutilized in any [such](#) classifications (see Section 750.120 of this Part). If underutilization exists in any job classification, the contractor or subcontractor shall take appropriate affirmative action to rectify any [such](#)-underutilization.
- c) If a public contractor or subcontractor hires additional employees in order to perform any contract or portion [of a contractthereof](#), it will determine the availability (see Section [750.120751.120](#) of [this Partthese Rules](#)) of minorities and women in the [areasarea\(s\)](#) from which it may reasonably recruit and will hire for each job classification in [such](#)-a way that minorities and women are not underutilized.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 750.150 Recruitment of Employees

In all solicitations or advertisements for employees placed by it or on its behalf, each public contractor and subcontractor shall state that all applicants will be afforded equal employment opportunity without discrimination because of race, color, religion, sex, marital status, national origin or ancestry, [citizenship status](#), age, physical or mental [disabilityhandicap](#) unrelated to ability, [sexual orientation, military status](#) or unfavorable discharge from military service. Contractors and subcontractors shall also advise in writing their personnel, their employee referral sources, and any labor organizations or representatives with which they have collective bargaining or other agreements or understandings, of the contractor's or subcontractor's obligations under the Act, this Part and any affirmative action plan. If any labor organization with which [asuch](#) contractor or subcontractor has an exclusive hiring or referral arrangement fails or refuses to refer minority or female applicants to the contractor or subcontractor in numbers sufficient for it to meet its obligations under this Part and any affirmative action plan, the contractor or subcontractor shall solicit and employ minority or female applicants from other sources. It shall be no excuse that the labor organization with which the contractor or subcontractor has such an agreement failed to refer sufficient minority or female employees.

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(Source: Amended at 32 Ill. Reg. _____, effective _____)

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Section 750.APPENDIX A Equal Employment Opportunity Clause

EQUAL EMPLOYMENT OPPORTUNITY

In the event of the contractor's non-compliance with the provisions of this Equal Employment Opportunity Clause, the ~~Illinois Human Rights~~ Act or the Rules and Regulations of the ~~Illinois Department of Human Rights~~ ("Department"), the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and ~~such~~ other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:

- 1) That ~~he or she~~ will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental ~~disability~~~~handicap~~ unrelated to ability, ~~sexual orientation~~, military status, or an unfavorable discharge from military service; and, further, that ~~he or she~~ will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any ~~such~~ underutilization.
- 2) That, if ~~he or she~~ hires additional employees in order to perform this contract or any portion ~~of this contract~~~~thereof~~, ~~he or she~~ will determine the availability (in accordance with the Department's Rules ~~and Regulations~~) of minorities and women in the areas from which ~~he or she~~ may reasonably recruit and ~~he or she~~ will hire for each job classification for which employees are hired in ~~such~~ a way that minorities and women are not underutilized.
- 3) That, in all solicitations or advertisements for employees placed by ~~him or her~~ or on ~~his or her~~s behalf, ~~he or she~~ will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental ~~disability~~~~handicap~~ unrelated to ability, ~~sexual orientation~~, military status, or an unfavorable discharge from military service.
- 4) That ~~he or she~~ will send to each labor organization or representative of workers with which ~~he or she~~ has or is bound by a collective bargaining or other agreement or understanding, a notice advising ~~the~~~~such~~ labor organization or representative of the contractor's obligations under the ~~Illinois Human Rights~~ Act

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and the Department's Rules [and Regulations](#). If any ~~such~~-labor organization or representative fails or refuses to cooperate with the contractor in [his or her](#)'s efforts to comply with ~~the~~[such](#) Act and Rules [and Regulations](#), the contractor will promptly ~~so~~-notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations [under the contract](#)~~thereunder~~.

- 5) That [he or she](#) will submit reports as required by the Department's Rules [and Regulations](#), furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the [Illinois Human Rights](#) Act and the Department's Rules [and Regulations](#).
- 6) That [he or she](#) will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the [Illinois Human Rights](#) Act and the Department's Rules [and Regulations](#).
- 7) That [he or she](#) will include verbatim or by reference the provisions of this clause in every subcontract ~~awarded~~[it awards](#) under which any portion of the contract obligations are undertaken or assumed, so that ~~the~~[such](#) provisions will be binding upon ~~the~~[such](#) subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by ~~such~~-subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply [with the provision](#)~~therewith~~. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Child Health Examination Code
- 2) Code Citation: 77 Ill. Adm. Code 665
- 3) Section Number: 665.140 Proposed Action: Amend
- 4) Statutory Authority: Section 27-8.1 of the School Code [105ILCS 5/27-8.1] and the Communicable Disease Prevention Act [410 ILCS 315]
- 5) A Complete Description of the Subjects and Issues Involved: Existing rules set forth the required physical examinations, immunizations and acceptable exemptions for children entering school-operated programs below the kindergarten level and kindergarten through 12th grade. Proposed changes to the immunizations rules will align the physical examination requirement with that as established by PA 95-0422.
- 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? Yes
- 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 does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH

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217/782-2043

e-mail: DPH.RULES@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 8778.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Racing Board
- 2) Code Citation: 11 Ill. Adm. Code 200
- 3) Section Number: 200.40 Proposed Action:
New
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: In addressing the Board's ability to conduct warrantless searches on racetrack property, the separate harness and thoroughbred rules for racetrack inspections in 11 Ill. Adm. Code 1325.190 and 11 Ill. Adm. Code 1424.20, respectively, are being repealed and replaced by this proposed rulemaking, Section 200.40.

The amendments to the Board's rule allowing warrantless searches on racetrack property address deficiencies noted by both State and federal courts in a line of decisions challenging the IRB inspections rule from 1987 through 1994. Serpas v. Schmidt, 827 F.2d 23 (7th Cir. 1987) (holding that warrantless dormitory searches under 11 Ill. Adm. Code 1425.20 are unconstitutional); People v. Strauss, 151 Ill. App.3d 191 (1st Dist, 1986) (holding that reasonable warrantless searches in a regulated industry fall within the administrative exception rule); Hansen v. Illinois Racing Board, 179 Ill.App.3d 353 (1st Dist. 1989) (holding that 11 Ill. Adm. Code 1325.190 was unconstitutional on its face because it failed to limit the discretion of the inspection officers); Dimeo v. Griffin, 943 F.2d 679 (7th Cir. 1991) (holding that the Racing Board's random drug testing program was not in violation of the Fourth Amendment because Racing is a pervasively regulated industry); and LeRoy v. Illinois Racing Board, 39 F.3d 711 (7th Cir. 1994) (holding that 11 Ill. Adm. Code 1325.190 was constitutionally sound as applied to an automobile search on the race track grounds.)

The proposed rule addresses time, place and scope limits on the Board by specifying the permissible places of entry and search, which include stalls, tack rooms, barns sheds, horse trailers and vehicles in the immediate area where horses are kept. Warrantless searches of dormitories are prohibited. All searches require a reasonable suspicion standard and an impartial assessment of reasonableness prior to conducting a search of personal property or such areas in the form of a written authorization signed by the stewards or the Executive Director.

ILLINOIS RACING BOARD

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- 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 in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:
- Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 7-701
Chicago, Illinois 60601
312/814-5017
- 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: This rulemaking was inadvertently omitted from the 2008 Regulatory Agenda.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

PART 200
ILLINOIS RACING BOARD

Section

200.10	All Races Governed by Rules and Regulations
200.20	Full Access to Track
200.30	Inspection of Tack
200.40	Inspections and Searches

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

SOURCE: Adopted at 25 Ill. Reg. 14521, effective November 1, 2001; amended at 32 Ill. Reg. _____, effective _____.

Section 200.40 Inspections and Searches

- a) The Illinois Racing Board or the State Stewards investigating for violations of law or the rules and regulations of the Board shall have the power to permit persons authorized by either of them to search:
- 1) the person of all persons licensed by the Board, and of all employees and agents of any race track operator licensed by the Board, or to enter and search the jockey and drivers' rooms, paddocks, stables, stalls, tack rooms, barns, sheds, horse trailers, other vehicles related to the transportation of racehorses and/or the transportation of equipment used by or in the care of the racehorses, or other vehicles and equipment in the immediate stable area; and
 - 2) the person and/or property of all vendors who are permitted by the race track operator to sell and distribute their wares and merchandise within the race track enclosure; and

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- 3) all public areas in the racetrack enclosure, in order to inspect and examine the personal effects or property of licensees and vendors.
- b) Dormitory rooms are excluded from searches conducted pursuant to this Section, but may be subject to search pursuant to a warrant.
- c) Searches conducted pursuant to this Section shall be based on reasonable suspicion of a violation of law or of the rules and regulations of the Board by the party whose premises or person is the subject of the search and shall be conducted between the hours of 7:00 a.m. and 1:00 a.m., shall be concluded in a reasonable period of time, and shall not be so frequent as to constitute harassment of a licensee. Searches of persons conducted pursuant to this Section shall consist of an external pat down and shall not be internally invasive. The policies of the Board in relation to administrative searches shall be posted at every racetrack under the Board's control.
- d) Each licensee, in accepting a license, releases all claims or possible actions for damages that he or she may have by virtue of any action taken under this Section. Each employee of a licensed operator, in accepting his or her employment, and each vendor who is permitted to sell and distribute merchandise within the race track enclosure, does thereby irrevocably consent to search under this Section and waive and release all claims or possible actions for damages resulting from any action taken under this Section. At the time a licensee applies for or renews his or her license, he or she shall receive a copy of the policies of the Board in relation to administrative searches, including relevant Sections of the Illinois Horse Racing Act. The consent to a search of premises or person pursuant to this Section shall be included on the license applications of all licensees. Any person who refuses to be searched pursuant to this Section may have his or her license suspended or revoked and may be ejected from the racetrack facilities.
- e) The Board delegates the authority to conduct inspections and searches pursuant to this Section to the Director of Security of the Illinois Racing Board and to Special Agents of the Illinois State Police, or other designees of the Department of State Police assigned, from time to time, to assist the Chief Investigator. Prior to conducting a search under this Section, a written authorization for administrative inspection shall be issued by either two stewards, the Executive Director of the Board, or a Member of the Board. The written authorization for administrative inspection shall include the name and title of the person or persons authorizing the search, the names of the persons conducting the search, the persons and/or areas

ILLINOIS RACING BOARD

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to be searched, the date and time of the search, and the purpose of the search. Should exigent circumstances arise, such as the flight of a suspect with items reasonably suspected of being contraband and/or other circumstances that make it impractical to obtain prior written authorization, the requirement of written authorization shall not apply.

- f) At least two personnel of the Board, or the State Stewards, or those authorized for such purposes, shall be present for any of the searches conducted pursuant to this Section. Any Board personnel, State Steward, or person authorized to conduct a search under this Section shall be provided with detailed instructions on how a particular search is to be conducted, including the information contained in the authorization for administrative inspection.

(Source: Added at 32 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Security and Admissions
- 2) Code Citation: 11 Ill. Adm. Code 1325
- 3) Section Number: 1325.190 Proposed Action:
 Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: In addressing the Board's ability to conduct warrantless searches on racetrack property, it is the Board's opinion that Section 1325.190 should be repealed. Proposed rulemaking (11 Ill. Adm. Code 200.40) replaces Section 1325.190 with additional language to apply limits on the discretion of inspecting officers to meet the concerns of the state and federal courts.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

312/814-5017

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Board did not anticipate the need for this rulemaking at the time the agendas were published.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

PART 1325
SECURITY AND ADMISSIONS

Section	
1325.10	Stable Enclosures Fenced
1325.20	Report of Arrival and Departure of Horses
1325.30	Stable Area Security
1325.40	Policing of Premises
1325.50	Admission to Parts of Premises
1325.60	Identification Cards and Badges
1325.70	Admission Statements
1325.80	State Admissions Tax
1325.90	Admissions Records
1325.100	Board Approval of Tickets and Credentials
1325.110	Credential and Ticket Specimens
1325.120	Tax Exempt Credentials
1325.130	Tax Exempt Credentials Report (Repealed)
1325.140	Track Responsible for Credentials
1325.150	Board Access to Records
1325.160	Turnstiles and Electronic Scanning Devices
1325.170	Admission to Track
1325.180	Revocation of Credentials
1325.190	Inspections and Searches (Repealed)
1325.200	Investigative Authority

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

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 25, 1973, filed November 26, 1973; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10955; amended at 14 Ill. Reg. 17665, effective October 16, 1990; amended at 15 Ill. Reg. 5748, effective April 4, 1991;

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

amended at 31 Ill. Reg. 15099, effective November 1, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 1325.190 Inspections and Searches (Repealed)

- a) ~~The Illinois Racing Board or the state steward investigating for violations of law or the Rules and Regulations of the Board, shall have the power to permit persons authorized by either of them to search the person, or enter and search the stables, rooms, vehicles, or other places within the track enclosure at which a meeting is held, or other tracks or places where horses eligible to race at said race meeting are kept, of all persons licensed by the Board, and of all employees and agents of any race track operator licensed by said Board; and of all vendors who are permitted by said race track operator to sell and distribute their wares and merchandise within the race track enclosure, in order to inspect and examine the personal effects or property on such persons or kept in such stables, rooms, vehicles, or other places as aforesaid. Each of such licensees, in accepting a license, does thereby irrevocably consent to such search as aforesaid and waive and release all claims or possible actions for damages that he may have by virtue of any action taken under this rule. Each employee of a licensed operator, in accepting his employment, and each vendor who is permitted to sell and distribute his merchandise within the race track enclosure, does thereby irrevocably consent to such search as aforesaid and waive and release all claims or possible actions for damages they may have by virtue of any action taken under this rule. Any person who refuses to be searched pursuant to this rule may have his license suspended or revoked.~~
- b) ~~The Illinois Racing Board delegates the authority to conduct inspections and searches, under this rule, to the Chief Investigator of the Illinois Racing Board and to Special Agents of the Illinois Bureau of Investigation, or other designees of the Department of Law Enforcement assigned, from time to time, to assist the Chief Investigator in his duties.~~

(Source: Repealed at 32 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Regulations for Meetings
- 2) Code Citation: 11 Ill. Adm. Code 1424
- 3) Section Number: Proposed Action:
 1424.40 Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: In addressing the Board's ability to conduct warrantless searches on racetrack property, it is the Board's opinion that Section 1424.40 should be repealed. Proposed rulemaking (11 Ill. Adm. Code 200.40) replaces Section 1424.40 with additional language to apply limits on the discretion of inspecting officers to meet the concerns of the state and federal courts.
- 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 in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

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

312/814-5017

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1424
REGULATIONS FOR MEETINGS
(THOROUGHBRED)

Section

1424.10	Illinois Racing Board Right of Entry
1424.20	Office for Racing Board
1424.25	Moving Offices (Repealed)
1424.40	Inspections and Searches (Repealed)
1424.45	Investigative Authority
1424.50	Allocation of Stalls
1424.55	AGID (Coggins) Test (Repealed)
1424.60	Distance Poles
1424.70	Arrivals, Departures and Stabling
1424.80	Departure Slips
1424.90	Horse Ambulance
1424.100	Races Per Day (Repealed)
1424.110	Extra Races
1424.120	Clockers
1424.125	Outriders
1424.140	Safety Rails
1424.150	Backstretch Paging System
1424.160	Camera
1424.170	Emergency Medical Services
1424.175	Manned Ambulance (Repealed)
1424.180	Policing of Premises
1424.190	Stable Area Security
1424.200	Stable Area Security
1424.210	Security Reports
1424.220	Night Patrol
1424.230	Telephones
1424.240	Calls Through Switchboard (Repealed)
1424.250	Races for Illinois Horses

ILLINOIS RACING BOARD

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1424.260	Breeder Awards
1424.270	Admission to Parts of Premises
1424.280	Stable Areas Fenced
1424.290	Merchandise Selling
1424.300	Tip Sheets
1424.310	Alcoholic Beverages
1424.320	Jockey Quarters
1424.330	Water Supply and Washrooms
1424.340	Drug Vendors
1424.350	Seven Day Rule
1424.353	Penalty for Violation of Rules
1424.355	Stall Availability Prior to Meet
1424.360	Notification of Change

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

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10996; amended at 8 Ill. Reg. 12460, effective June 27, 1984; amended at 9 Ill. Reg. 9166, effective May 30, 1985; amended at 14 Ill. Reg. 20545, effective December 7, 1990; amended at 16 Ill. Reg. 7493, effective April 24, 1992; amended at 16 Ill. Reg. 11193, effective June 25, 1992; amended at 17 Ill. Reg. 3038, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7779, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13943, effective November 2, 1999; amended at 28 Ill. Reg. 6605, effective April 19, 2004; amended at 31 Ill. Reg. 16536, effective December 1, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 1424.40 Inspections and Searches (Repealed)

- a) ~~The Illinois Racing Board or the state steward investigating for violations of law or the Rules and Regulations of the Board, shall have the power to permit persons authorized by either of them to search the person, or enter and search the stables, rooms, vehicles, or other places within the track enclosure at which a meeting is~~

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~~held, or other tracks or places where horses eligible to race at said race meeting are kept, of all persons licensed by the Board, and of all employees and agents of any race track operator licensed by said Board; and of all vendors who are permitted by said race track operator to sell and distribute their wares and merchandise within the race track enclosure, in order to inspect and examine the personal effects or property on such persons or kept in such stables, rooms, vehicles, or other places as aforesaid. Each of such licensees, in accepting a license, does thereby irrevocably consent to such search as aforesaid and waive and release all claims or possible actions for damages that he may have by virtue of any action taken under this rule. Each employee of a licensed operator, in accepting his employment, and each vendor who is permitted to sell and distribute his merchandise within the race track enclosure, does thereby irrevocably consent to such search as aforesaid and waive and release all claims or possible actions for damages they may have by virtue of any action taken under this rule. Any person who refuses to be searched pursuant to this rule may have his license suspended or revoked.~~

- b) ~~The Illinois Racing Board delegates the authority to conduct inspections and searches, under this rule, to the Chief Investigator of the Illinois Racing Board and to Special Agents of the Illinois Bureau of Investigation, or other designees of the Department of Law Enforcement assigned, from time to time, to assist the Chief Investigator in his duties.~~

(Source: Repealed at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Number: 130.330 Proposed Action: Amendment
- 4) Statutory Authority: P.A 95-707; 35 ILCS 105/3-50
- 5) A Complete Description of the Subjects and Issues Involved: Implements changes made by Public Act 95-707 to expand the sales and use tax exemption for manufacturing and assembling machinery and equipment to include "production related tangible personal property" for purchases made for the one-year period from July 1, 2007 through June 30, 2008. The exemption is capped at an aggregate of \$10,000,000.
- 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? Yes
- 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>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
130.120	Amendment	32 Ill. Reg. 4155; March 21, 2008
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Samuel J. Moore
Associate Counsel
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This exemption is available to small businesses that purchase production related tangible personal property. It is unlikely to impact small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Persons filing a claim for this exemption will be required to keep records for audit purposes as provided in the proposed rule.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: None (PA 95-707 became law on January 18, 2008 after the most recent Regulatory Agenda was compiled.)

The full text of the Proposed Amendment is identical to the Emergency Amendment in this issue of the *Illinois Register* which begins on page 8785.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
150.340	New Section
- 4) Statutory Authority: Public Act 95-707; 35 ILCS 105/3-50
- 5) A Complete Description of the Subjects and Issues Involved: Implements changes made by Public Act 95-707 to expand the sales and use tax exemption for manufacturing and assembling machinery and equipment to include "production related tangible personal property" for purchases made for the one-year period from July 1, 2007 through June 30, 2008. The exemption is capped at an aggregate of \$10,000,000.
- 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: Yes
- 8) Does this rulemaking contain an automatic repeal date? No, although the exemption expires on June 30, 2008.
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
150.306	Amendment	31 Ill. Reg. 7397; May 25, 2007
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Samuel J. Moore
Associate Counsel

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: This exemption is available to small businesses that purchase production related tangible personal property. It is unlikely to impact small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Persons filing a claim for this exemption will be required to keep records for audit purposes as provided in the proposed rule.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: None (PA 95-707 became law on January 11, 2008 after the most recent regulatory agenda was compiled.)

The full text of the Proposed Amendment is identical to the Emergency Amendment in this issue of the *Illinois Register* which begins on page 8806.

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: High Speed Internet Services and Information Technology Program
- 2) Code Citation: 14 Ill. Adm. Code 547
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
547.10	New
547.20	New
547.30	New
547.110	New
547.120	New
547.130	New
547.140	New
547.150	New
547.160	New
547.170	New
547.180	New
547.190	New
- 4) Statutory Authority: Authorized by Section 15(C) of the High Speed Internet Services and Information Technology Act [20 ILCS 661]
- 5) Effective Date of Rulemaking: June 2, 2008
- 6) Do these rules contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 3452; March 14, 2008
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: Grammatical, stylistic, and other nonsubstantive changes were made.
- 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 COMMERCE AND ECONOMIC OPPORTUNITY

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- 13) Will these rules replace any emergency rules currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The deployment and adoption of high speed Internet services and information technology has resulted in enhanced economic development and public safety for the State's communities, improved health care and educational opportunities, and a better quality of life for the State's residents. Continued progress in the deployment and adoption of high speed Internet services and information technology is vital to ensuring that this State remains competitive and continues to create business and job growth.

The purpose of the High Speed Internet Services and Information Technology Program (as authorized by Public Act 95-684) is to encourage and support the partnership of the public and private sectors in the continued growth of high speed Internet and information technology for the State's residents and businesses. The legislation (PA 95-684) was developed in cooperation with the Illinois Telecommunication Association and mirrors pending federal legislation that has the potential to provide federal funding for this initiative.

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

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield, IL 62701

217/557-1820

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

DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

NOTICE OF ADOPTED RULES

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITYPART 547
HIGH SPEED INTERNET SERVICES AND
INFORMATION TECHNOLOGY PROGRAM

SUBPART A: ADMINISTRATIVE REQUIREMENTS

Section	
547.10	General Purpose
547.20	Definitions
547.30	Legal Requirements

SUBPART B: HIGH SPEED INTERNET SERVICES AND
INFORMATION TECHNOLOGY PROGRAM

547.110	Purpose
547.120	Coordination with Economic Development Activities
547.130	Eligible Applicants
547.140	Authorized Activities
547.150	Allowable Costs
547.160	Proposal Content
547.170	Review Criteria and Negotiation Procedures
547.180	Limitations
547.190	Reporting

AUTHORITY: Authorized by Section 15(c) of the High Speed Internet Services and Information Technology Act [20 ILCS 661].

SOURCE: Emergency rule adopted at 32 Ill. Reg. 4093, effective February 27, 2008, for a maximum of 150 days; adopted at 32 Ill. Reg. 8565, effective June 2, 2008.

SUBPART A: ADMINISTRATIVE REQUIREMENTS

Section 547.10 General Purpose

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NOTICE OF ADOPTED RULES

The deployment and adoption of high speed Internet services and information technology has resulted in enhanced economic development and public safety for the State's communities, improved health care and educational opportunities, and a better quality of life for the State's residents. Continued progress in the deployment and adoption of high speed Internet services and information technology is vital to ensuring that Illinois remains competitive and continues to create business and job growth. The purpose of the High Speed Internet Services and Information Technology Program is to encourage and support the partnership of the public and private sectors in the continued growth of high speed Internet and information technology for the State's residents and businesses. [20 ILCS 661/5]

Section 547.20 Definitions

The following words and phrases, for the purposes of this Part, have the same meaning respectively ascribed to them in Section 10 of the High Speed Internet Services and Information Technology Act.

"Act" means the High Speed Internet Services and Technology Act [20 ILCS 661].

"Department" means the Department of Commerce and Economic Opportunity. [20 ILCS 661/10]

"Director" means the Director of the Department of Commerce and Economic Opportunity.

"Grant Agreement" means a written and signed contractual document between the Grantee and the Department that includes a description of the activities to be performed, budget, and all terms and conditions of the contract.

"High speed Internet services", "advanced telecommunications services", "advanced services", or "broadband" means services capable of supporting, in at least one direction, a speed in excess of 200 kilobits per second (kbps) to the network demarcation point at the subscriber's premises. [220 ILCS 5/13-517]

"Local technology planning team" means entities representing a cross section of the community, including, but not limited to, representatives of business, K-12 education, health care, libraries, higher education, community-based organizations, local government, tourism, parks and recreation, and agriculture. [20 ILCS 661/20]

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"Nonprofit organization" means an organization that is described in section 501(c)(3) of the federal Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code and is organized under, subject to, and has all the powers and duties of a not-for-profit corporation under the General Not For Profit Corporation Act of 1986 [805 ILCS 105]. [20 ILCS 661/10]

"Program" means the High Speed Internet Services and Information Technology Program.

Section 547.30 Legal Requirements

- a) Any entity awarded funds under the Program shall be required to execute a grant agreement that sets forth the rights and responsibilities of the Grantee and the Department. The Grant Agreement shall reflect all applicable State and federal statutory and administrative requirements, including but not limited to provisions covering the expenditure of grant funds and utilization of property purchased with grant funds.
- b) The Grant Agreement shall contain substantive provisions including, but not limited to, the following:
 - 1) A recitation of legal authority under which the Grant Agreement is made;
 - 2) An identification of the scope of work and schedule, or services to be performed or conducted by the Grantee;
 - 3) An identification of the grant amount;
 - 4) The conditions by and manner in which the Department shall pay the grant amount subject at all times to annual appropriation by the General Assembly;
 - 5) A promise by the Grantee not to assign or transfer any of the rights, duties or obligations of the Grantee without the written consent of the Department;
 - 6) A promise by the Grantee not to amend the Grant Agreement without the written consent of the Department. Failure to do so will result in a cost

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disallowance. The project must be completed by the completion date on the notice of grant award unless a written request for an extension is submitted no later than 15 days prior to the award completion date;

- 7) A covenant that the Grantee shall expend the grant amount and any accrued interest only for the purposes of the scope of work as stated in the Grant Agreement and approved by the Department; and
- 8) A covenant that the Grantee shall refrain from entering into any written or oral agreement or understanding with any party that might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Program.

SUBPART B: HIGH SPEED INTERNET SERVICES AND
INFORMATION TECHNOLOGY PROGRAM**Section 547.110 Purpose**

Subject to appropriation, the Department shall make grants to *a nonprofit organization to implement a comprehensive, statewide high speed Internet deployment strategy and demand creation initiative with the purpose of:*

- a) *ensuring that all State residents and businesses have access to affordable and reliable high speed Internet service;*
- b) *achieving improved technology literacy, increased computer ownership, and home high speed Internet use among State residents and businesses;*
- c) *establishing and empowering local technology planning teams in each county to plan for improved technology use across multiple community sectors; and*
- d) *establishing and sustaining an environment ripe for high speed Internet access and technology investment statewide. [20 ILCS 661/15]*

Section 547.120 Coordination with Economic Development Activities

The Department must coordinate the administration of the Program with the Department's technology related planning and economic development initiatives.

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Section 547.130 Eligible Applicants

Non-profit organizations are eligible applicants for grants under the Program. Eligible non-profit organizations are subject to the following conditions:

- a) *The nonprofit organization shall have a board of directors that is not composed of a majority of individuals who are also employed by, or otherwise associated with, any federal, State, or local government or agency. No part of the net earnings of the nonprofit organization may inure to the benefit of any member, founder, contributor, or individual. [20 ILCS 661/10]*
- b) *The nonprofit organization and its Board of Directors shall exist separately and independently from the Department and any other governmental entity, but shall cooperate with other public or private entities it deems appropriate in carrying out its duties. [20 ILCS 661/20]*
- c) *The nonprofit organization shall have an established competency and proven record of working with public and private sectors to accomplish wide-scale deployment and adoption of broadband and information technology in Illinois. [20 ILCS 661/15]*
- d) *The nonprofit organization shall include the representation of constituencies throughout the State of Illinois. [20 ILCS 661/10]*

Section 547.140 Authorized Activities

In general, authorized activities shall include, but not be limited to, developing and implementing a high speed Internet deployment strategy and demand creation initiative. The activities of the nonprofit organization shall include:

- a) *Creating a geographic statewide inventory of high speed Internet service and other relevant broadband and information technology services. The inventory shall:*
 - 1) *Identify geographic gaps in high speed Internet service through a method of GIS mapping of service availability and GIS analysis at the census block level; and*

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- 2) *Provide a baseline assessment of statewide high speed Internet deployment in terms of percentage of Illinois households with high speed Internet availability.*
- b) *Tracking and identifying, through customer interviews and surveys and other publicly available sources, statewide residential and business adoption of high speed Internet, computers, and related information technology and any barriers to adoption.*
- c) *Building and facilitating in each county or designated region a local technology planning team. Each team shall benchmark technology use across relevant community sectors, set goals for improved technology use within each sector, and develop a plan for achieving its goals, with specific recommendations for online application development and demand creation.*
- d) *Collaborating with high speed Internet providers and technology companies to encourage deployment and use, especially in underserved areas, by aggregating local demand, mapping analysis, and creating market intelligence to improve the business case for providers to deploy.*
- e) *Collaborating with the Department in developing a program to increase computer ownership and broadband access for disenfranchised populations across the State. The program may include grants to local community technology centers that provide technology training, promote computer ownership, and increase broadband access.*
- f) *Applying and implementing federal grants consistent with the objectives of the Act.*
- g) *Obtaining or raising funds other than the grants received from the Department to implement the objectives consistent with the Act. [20 ILCS 661/20]*

Section 547.150 Allowable Costs

The grant funds shall be used for any reasonable and necessary expenses associated with the planning and implementation of the Program, as agreed to by the Department and as specified in a Grant Agreement between the Department and the grant recipient. Such costs may include expenses for:

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- a) Personal services;
- b) Fringe benefits;
- c) Travel;
- d) Facilities costs;
- e) Consultant services;
- f) Sub-contractual costs; and
- g) Other costs, as agreed upon by the Department and as specified in a Grant Agreement between the Department and the grant recipient.

Section 547.160 Proposal Content

Subject to appropriations, the Department shall issue instructions and formats to eligible applicants for the submittal of grant proposals. The proposal shall contain sufficient information to clearly explain the nature and potential benefits of the proposed project. The proposal will generally include the following sections:

- a) An executive summary;
- b) Assurances that the applicant is eligible to apply for a grant pursuant to the requirements of Section 547.130 of this Part;
- c) A description of the applicant, including:
 - 1) A description of the organization and the location of the applicant agency;
 - 2) A description of the organization's current financial information;
 - 3) A listing of the organization's Board of Directors;
 - 4) A description of the services typically provided; and
 - 5) A description of the applicant's participation in related programs and initiatives;

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- d) A description of the activities proposed by the applicant to be undertaken during the period of performance of the grant;
- e) A description of the measurable outcomes and objectives to be achieved during the period of performance for the grant;
- f) A description of the qualifications and related experience of key project staff;
- g) A budget requesting grant funds for allowable costs and a justification for all costs requested; and
- h) A schedule for the implementation of proposed activities.

Section 547.170 Review Criteria and Negotiation Procedures

Grant proposals shall be reviewed on a competitive basis. Based on the competitive review, applicants shall be selected to enter into negotiations with the Department for a grant. The purpose of negotiations shall be to arrive at mutually acceptable grant provisions, which will be reflected in the Grant Agreement, including general, budgetary, and scope of work provisions. The final decision to make a grant award will be made by the Director of the Department. The Department shall use the following criteria when reviewing grant proposals and making awards:

- a) the experience of the nonprofit organization;
- b) the related experience and qualification of the project staff;
- c) the quality of the project work plan;
- d) the proposed project costs in relationship to planned outcomes;
- e) the relations of the project to the Department's economic development plans and initiatives; and
- f) the quality of presentations made to the Department, if the Department requests information.

Section 547.180 Limitations

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- a) *Nothing in the Program shall be construed as giving the Department, the nonprofit organization, or other entities associated with the program initiatives any additional authority, regulatory or otherwise, over providers of telecommunications, broadband, and information technology. [20 ILCS 661/25]*
- b) *Any information that is designated confidential or proprietary by an entity providing the information to the nonprofit organization or any other entity to accomplish the objectives of the Program shall be deemed confidential, proprietary, and a trade secret and treated by the nonprofit organization or anyone else possessing the information as such and shall not be disclosed. [20 ILCS 661/20].*

Section 547.190 Reporting

- a) *A nonprofit organization receiving grant funds under the Act shall provide a report to the Commission on Government Forecasting and Accountability on an annual basis for the first three complete State fiscal years following the execution of the Grant Agreement. [20 ILCS 661/20]*
- b) Unless otherwise specified in the Grant Agreement between the Department and the recipient, an entity receiving a grant shall report financial and programmatic data to the Department on a regular basis using the format provided by the Department. The Department shall require semiannual reporting of expenditures and program achievements at a level of detail sufficient to provide for program accountability.
 - 1) Expenditures: Unless otherwise specified in the Grant Agreement with the Department, an entity receiving a grant shall report actual expenditures using an expenditure report format supplied by the Department. Expenditure summaries are to be submitted to the Department by the 15th day following the end of the period in which any expenditure of grant funds is made (January 15 and July 15).
 - 2) Program Report: Unless otherwise specified in the Grant Agreement with the Department, an entity receiving a grant shall submit a program report in a format provided by the Department. The program report shall include a narrative describing the entity's progress towards achieving objectives and activities as specified in the Grant Agreement with the Department.

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Program reports shall be submitted to the Department by the 15th day following the reporting period (January 15 and July 15).

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Environmental Disclosure
- 2) Code Citation: 83 Ill. Adm. Code 421
- 3) Section Number: 421.30 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 16-127 of the Public Utilities Act [220 ILCS 5/16-127]
- 5) Effective Date of Amendment: June 2, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 16623; December 21, 2007
- 10) Has JCAR issued a Statement of Objection to this amendment? 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? No changes necessary.
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The Illinois Commerce Commission has adopted Part 421, "Environmental Disclosure" to require electric utilities and alternative retail electric suppliers to inform their customers on the sources of electricity used by the utilities or suppliers. The Part sets out the guidelines for the provision of the information. The amendment will update the rule regarding changes in information technology that have occurred since the adoption of this Part. The amendment also updates the Commission's web address.

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NOTICE OF ADOPTED AMENDMENT

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 421
ENVIRONMENTAL DISCLOSURE

Section

421.10	Applicability
421.20	Definitions
421.30	Disclosure Statements Provided to the Commission
421.40	Customer Billing Disclosure Statements
421.EXHIBIT A	Sources of Electricity Table
421.EXHIBIT B	Sources of Electricity Supplied Pie-Chart
421.EXHIBIT C	Emissions and Nuclear Waste Table

AUTHORITY: Implementing and authorized by Section 16-127 of the Public Utilities Act [220 ILCS 5/16-127].

SOURCE: Adopted at 22 Ill. Reg. 22220, effective December 15, 1998; amended at 32 Ill. Reg. 8577, effective June 2, 2008.

Section 421.30 Disclosure Statements Provided to the Commission

- a) The following information shall be submitted to the Commission from every utility and ARES, to the maximum extent practicable, on at least a quarterly basis:
 - 1) A break-down, on a percentage basis, of the known sources of electricity supplied in Illinois. This break-down shall provide percentages of biomass power, coal-fired power, hydro power, natural gas-fired power, nuclear power, oil-fired power, solar power, wind power, other resources and unknown resources purchased from other companies, respectively.
 - A) The percentage used shall be rounded to the nearest whole number.
 - B) Any source of electricity in subsection (a)(1) that is not used shall be listed in the table and depicted as "0%".
 - C) This table shall be as depicted in Exhibit A.

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- 2) A pie-chart, which graphically depicts the information in subsection (a)(1), shall also be provided.
 - A) Any source of electricity in subsection (a)(1) that is not used shall not be depicted in the pie-chart;
 - B) Each segment in the pie-chart shall be depicted in the following colors: biomass power – light brown; coal-fired power – black; hydro power – blue; natural gas-fired power – grey; nuclear power – red; oil-fired power – dark brown; solar power – yellow; wind power – green; other resources – white; and unknown resources purchased from other companies – purple.
 - C) This pie-chart shall be as depicted in Exhibit B.
- 3) A table shall be provided that depicts the amounts of carbon dioxide, nitrogen oxides and sulfur dioxide emissions and high-level and low-level nuclear waste attributable to the aggregate known sources of electricity identified in subsection (a)(1).
 - A) The carbon dioxide emissions, nitrogen oxide emissions, and sulfur dioxide emissions shall be stated in pounds per 1,000 kilowatt-hours (lbs/1,000 kWh).
 - B) The high-level nuclear waste shall be stated in pounds of high-level nuclear waste per 1,000 kilowatt-hours (lbs/1,000 kWh).
 - C) The low-level nuclear waste shall be stated in cubic feet of low-level nuclear waste per 1,000 kilowatt-hours (ft³/1,000 kWh).
 - D) Any high-level nuclear waste that is less than "0.0001" shall be depicted as "<0.0001".
 - E) The table shall include a footnote to disclose the percentage of total electrical power supplied for which the utility or ARES does not know the amount of emissions in subsection (a)(3)(A) or nuclear waste in subsections (a)(3)(B) and (C).

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- F) This table and footnote shall be as depicted in Exhibit C.
- 4) Any other information the utility or ARES believes to be relevant to the information required may be provided.
- 5) A utility or ARES submitting information shall identify itself on such information.
- b) Information timetable
- 1) Information in subsection (a) for the 12 month period ending March 31 of each year shall be provided to the Commission on July 1 of that year; information for the 12 month period ending June 30 of each year shall be provided on October 1 of that year; information for the 12 month period ending September 30 of each year shall be provided on January 1 of the following year; and information for the 12 month period ending December 31 of each year shall be provided on April 1 of the following year.
- 2) For disclosure during calendar year 1999, utilities and ARES shall provide information for the preceding 12 month period, to the extent such information is available. Utilities and ARES shall explicitly state the period on which the disclosure is based.
- c) Filing requirements
- 1) The information required to be filed by this Part shall be submitted to the Commission in both printed and electronic form. The printed version shall be the same as that submitted in mailings to customers pursuant to Section 16-127(a) and (b) of the Act [220 ILCS 5/16-127(a) and (b)] and shall be the official version filed with the Commission's Chief Clerk. The computerized version of the data and information shall be in a clearly legible 12 point font size in the format described in subsections (a)(1), (2), and (3) of this Section and provided electronically in [PDF \(Adobe Acrobat Portable Document Format\)](#) ~~Microsoft Word Version 7.0, IBM personal computer compatible file format~~ and delivered to the Commission's offices on [CDs \(Compact Discs\) or DVDs \(Digital Video Discs and Digital Versatile Discs\)](#) ~~3.5 inch floppy disks~~. If the computerized version is scanned from paper, it shall be saved in a PDF that includes both image and text to allow indexing. The computerized version of the data and

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information shall be included in the Commission's World Wide Web site (www.icc.illinois.gov ~~www.iec.state.il.us~~).

- 2) The information filed with the Commission pursuant to this Section shall be signed by an officer, agent or attorney for the utility or ARES. The contents of the filing shall be verified by the filing party before a notary public.

(Source: Amended at 32 Ill. Reg. 8577, effective June 2, 2008)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Telephone Assistance Programs
- 2) Code Citation: 83 Ill. Adm. Code 757
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
757.130	Amendment
757.235	Amendment
757.430	Amendment
757.EXHIBIT D	Amendment
- 4) Statutory Authority: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-301, 13-301.1 and 10-101]
- 5) Effective Date of Amendments: June 1, 2008
- 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 Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 12, 2007; 31 Ill. Reg. 14189
- 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? No changes 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 Amendments: The Federal Communications Commission has directed state commissions to adopt rules governing customer certification and verification of eligibility for these programs. The amendments relate specifically to eligibility verification for these programs.

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NOTICE OF ADOPTED AMENDMENTS

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

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-3922

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 757
TELEPHONE ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

- 757.10 Definitions
- 757.15 Dispute Procedures

SUBPART B: LINK UP PROGRAM

Section

- 757.100 Link Up Service Requirement
- 757.105 Link Up Recovery Mechanism
- 757.110 Link Up Publicity
- 757.115 Link Up Application Procedure and Processing
- 757.120 Link Up Filing Requirements
- 757.125 Link Up Eligibility
- | 757.130 [Link Up Eligibility](#)~~Income~~ Certification

SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section

- 757.200 Service Requirement
- 757.205 UTSAP Funding
- 757.210 UTSAP Recovery
- 757.215 UTSAP Administrator
- 757.220 UTSAP Contribution Solicitation and Program Publicity
- 757.225 UTSAP Eligibility
- 757.230 UTSAP Application Procedure and Processing
- | 757.235 UTSAP [Eligibility](#)~~Income~~ Certification
- 757.240 Recertification (Repealed)
- 757.245 UTSAP Filing Requirements

SUBPART D: STAFF LIAISON

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Section
757.300 Staff Liaison

SUBPART E: LIFELINE SERVICE

Section
757.400 Lifeline Service Requirements
757.405 Lifeline Recovery Mechanism
757.410 Lifeline Publicity
757.415 Lifeline Application Procedures and Processing
757.420 Lifeline Filing Requirements
757.425 Lifeline Eligibility
757.430 [Lifeline Eligibility](#)~~Income~~ Certification and [Verification](#)~~Recertification~~

757.EXHIBIT A LEC Quarterly Report to Commission
757.EXHIBIT B Monthly LEC Supplemental Assistance Charge and Contributions Report
757.EXHIBIT C Quarterly UTSAP Administrator Report to Commission
757.EXHIBIT D Lifeline [Verification](#)~~Recertification~~ Ineligibility Notice
757.EXHIBIT E Link Up/Lifeline Programs Certification Form

AUTHORITY: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-301, 13-301.1 and 10-101].

SOURCE: Adopted at 13 Ill. Reg. 14366, effective October 1, 1989; amended at 14 Ill. Reg. 17923, effective October 15, 1990; emergency repealer at 15 Ill. Reg. 5082, effective March 25, 1991, for a maximum of 150 days; Part repealed at 15 Ill. Reg. 11929, effective August 12, 1991; new Part adopted at 16 Ill. Reg. 17981, effective December 15, 1992; amended at 20 Ill. Reg. 15257, effective December 1, 1996; emergency amendments at 21 Ill. Reg. 16416, effective December 10, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8810, effective May 9, 1998; amended at 23 Ill. Reg. 11875, effective October 1, 1999; amended at 28 Ill. Reg. 346, effective January 1, 2004; amended at 30 Ill. Reg. 18196, effective November 1, 2006; amended at 32 Ill. Reg. 8583, effective June 1, 2008.

SUBPART B: LINK UP PROGRAM

| **Section 757.130** [Link Up Eligibility](#)~~Income~~ Certification

| Certification of eligibility shall be determined as provided in Section 757.430(a)~~(e)~~.

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(Source: Amended at 32 Ill. Reg. 8583, effective June 1, 2008)

SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section 757.235 UTSAP Eligibility~~Income~~ Certification

- a) The ~~same income~~ certification and verification procedures guidelines as shown in Section 757.430~~(a), (b), and (c)~~ will be applicable for the UTSAP.
- b) The LEC shall place an individual in the UTSAP upon determination of eligibility.

(Source: Amended at 32 Ill. Reg. 8583, effective June 1, 2008)

SUBPART E: LIFELINE SERVICE

Section 757.430 Lifeline Eligibility~~Income~~ Certification and Verification~~Recertification~~

- a) Certification of Lifeline Eligibility
 - 1) Applications containing the information specified in Exhibit E shall be processed and certified by the eligible telecommunications carrier within 14 days after the date the application was received.
 - 2b) The applicant shall be solely responsible for establishing eligibility in one or more of the Proxy Programs. If an eligible telecommunications carrier finds that an applicant's eligibility cannot be established through the records of a Proxy Program, the applicant will be advised by the eligible telecommunications carrier to contact the Proxy Program to establish or verify eligibility.
 - 3e) In the event an applicant takes exception to the eligibility status as determined by the eligible telecommunications carrier, the eligible telecommunications carrier shall advise the applicant of the proper dispute procedures as outlined in Section 757.15.
- bd) Verification~~Recertification~~ of a participant's continuing eligibility for Lifeline shall be conducted in the following manner:

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- 1) Each eligible~~Eligible~~ telecommunications carrier~~carriers~~ shall establish procedures for verifying that Lifeline customers continue to be eligible to receive Lifeline assistance~~be responsible for recertification~~. Verification procedures may include checking eligibility against the records of one or more Proxy Programs, requiring customers to supply proof of continued eligibility, customer self-certification of continued eligibility, and/or other methods designed to verify continued eligibility. If an eligible telecommunications carrier's procedure involves verification of a sample of customers from one or more Proxy Programs, that sample must be a statistically valid random sample of the customers from the Proxy Program or Programs. These procedures need not be submitted to the Commission for approval, but shall be available for Commission review upon request.
- 2) Verification of continued lifeline eligibility~~Recertification~~ shall be conducted no less than once a year.
- 3) If an eligible telecommunications carrier determines upon verification~~recertification~~ that a participant is no longer eligible, the eligible telecommunications carrier shall provide the participant 30 days notice prior to terminating the participant. Notice of ~~such~~ a determination shall be provided to the participant in writing, and shall include~~be provided~~ the information specified in Exhibit D.
- 4) Each eligible telecommunications carrier shall file with the Commission by August 1 of each year an affidavit signed by a representative of the eligible telecommunications carrier that:
 - A) states that the eligible telecommunications carrier has a procedure in place to verify continued eligibility of Lifeline subscribers;
 - B) states that the verification procedure meets the requirements of this Section;
 - C) states that the eligible telecommunications carrier has verified the continued eligibility of Lifeline subscribers pursuant to its procedure at least one time in the 12 months preceding the affidavit; and

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D) summarizes the results of the most recent verification.

(Source: Amended at 32 Ill. Reg. 8583, effective June 1, 2008)

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Section 757.EXHIBIT D Lifeline ~~Verification/Recertification~~ Ineligibility Notice

NOTICE OF REMOVAL FROM THE LIFELINE WAIVER PROGRAM

LEC (UTILITY) NAME _____

LEC PHONE # _____

Customer Name _____

Address _____

City, State, Zip _____

Phone Number _____

Account Number _____

Records show that you are not receiving benefits under one of the following programs:

- Food Stamps
- Medicaid
- Supplemental Security Income
- Federal Public Housing Assistance
- Low-Income Home Emergency Assistance Program
- National School Lunch Free Lunch Program
- Temporary Assistance to Needy Families

You will therefore be removed from the Lifeline Program.

TO AVOID REMOVAL IF YOU ARE STILL RECEIVING BENEFITS

1. If you are still receiving benefits under one of the above listed programs, call the applicable agency.
2. If the agency has your name on their master list, then call your LEC.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

IF YOU NEED TO REAPPLY

1. If you reapply for benefits under one of the programs listed above and the agency grants your application before (Date) _____, call your LEC to have your eligibility checked.
2. If your application is granted by the agency after (Date) _____, you can reapply for the Lifeline benefits by calling your LEC.
3. There will be no retroactive Lifeline benefits between the time that your benefits are discontinued and the time that your application is approved.

REMOVAL IN ERROR

If you believe that the agency has improperly terminated you from one of the listed programs, you must resolve this with the applicable agency.

If your benefits are continued while the dispute is pending, your Lifeline benefits will also be continued.

If your benefits are not continued while the dispute with the applicable agency is pending, you will not receive Lifeline benefits until you have won your appeal.

Call your LEC to let them know if your benefits are being continued and/or if you have won your appeal.

There will be no retroactive Lifeline benefits between the time that your benefits are discontinued and the time that your application is approved.

(Source: Amended at 32 Ill. Reg. 8583, effective June 1, 2008)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Number: 3000.245 Adopted Action:
Amendment
- 4) Statutory Authority: Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5 (c) (2), (3), and (6) of this Act [230 ILCS 10/5 (c) (2), (3), and (6)]
- 5) Effective Date of Amendment: May 29, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: February 1, 2008; 32 Ill. Reg. 1206
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:
In subsections (b)(2)(D) and (g)(2)(D), "an eight" was changed to "a 9an-eight".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
3000.100	Amendment	32 Ill. Reg. 1512; February 8, 2008
3000.635	Amendment	32 Ill. Reg. 1512; February 8, 2008
3000.1050	Amendment	32 Ill. Reg. 3136; March 7, 2008
- 15) Summary and Purpose of Amendment: The purpose of the proposed rulemaking will be to amend Section 3000.245, Occupational Licenses, to provide that identification badges worn by occupational licensees and applicants for occupational licenses shall contain space for a 9, rather than 8, digit number.

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NOTICE OF ADOPTED AMENDMENT

Badge numbers are assigned in sequential order. The current rule requires the owner licensees to provide a space for an 8 digit number on the temporary and permanent badge. The use of eight digits only allows 9,999 unique numbers for each casino. Because some of the casinos have now hired in excess of 10,000 employees since their inception, it is necessary to add space for another digit to keep the identification numbers unique.

The following example shows the anatomy of a representative (9-digit) badge number:

08G105623

Year	Boat Identification	Personal Identification #	Level
08	G	10562	3

- 16) Information and Questions regarding this adopted amendment may be addressed to:

Michael Fries
Chief Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601
Fax No. 312/814-4143
mfries@revenue.state.il.us

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

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control

ILLINOIS GAMING BOARD

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3000.224	Economic Disassociation
3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.244	Surrender of Supplier's License
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.272	Certification of Voucher Systems
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices
3000.285	Certification and Registration of Voucher Validation Terminals

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements – Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

RESTRICTION OF LICENSE, PLACEMENT ON BOARD EXCLUSION LIST OR
REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section	
3000.500	Riverboat Cruises
3000.510	Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

3000.635	Issuance and Use of Tokens for Gaming
3000.636	Distribution of Coupons for Complimentary Chips, Tokens and Cash
3000.640	Exchange of Chips, Tokens, and Vouchers
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
3000.655	Destruction of Chips, Tokens, and Vouchers
3000.660	Minimum Standards for Electronic Gaming Devices
3000.661	Minimum Standards for Voucher Systems
3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
3000.667	Integrity of Voucher Systems
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices
3000.671	Computer Monitoring Requirements of Voucher Systems

SUBPART G: EXCLUSION OF PERSONS

Section	
3000.700	Organization of Subpart
3000.701	Duty to Exclude
3000.705	Voluntary Self-Exclusion Policy (Repealed)
3000.710	Distribution and Availability of Board Exclusion List
3000.720	Criteria for Exclusion or Ejection and Placement on the Board Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from the Board Exclusion List
3000.745	Voluntary Self-Exclusion Policy
3000.750	Establishment of a Self-Exclusion List
3000.751	Locations to Execute Self-Exclusion Forms
3000.755	Information Required for Placement on the Self-Exclusion List
3000.756	Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760	Distribution and Availability of Confidential Self-Exclusion List
3000.770	Duties of Licensees
3000.780	Request for Removal from the IGB Self-Exclusion List
3000.782	Required Information, Recommendations, Forms and Interviews
3000.785	Appeal of a Notice of Denial of Removal
3000.786	Duties of Owner Licensees to Persons Removed from the Self-Exclusion List
3000.787	Placement on the Self-Exclusion List Following Removal
3000.790	Duties of the Board

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SUBPART H: SURVEILLANCE AND SECURITY

Section

3000.800	Required Surveillance Equipment
3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility
3000.860	Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section

3000.900	Liquor Control Commission
3000.910	Liquor Licenses
3000.920	Disciplinary Action
3000.930	Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section

3000.1000	Ownership Records
3000.1010	Accounting Records
3000.1020	Standard Financial and Statistical Records
3000.1030	Annual and Special Audits and Other Reporting Requirements
3000.1040	Accounting Controls Within the Cashier's Cage
3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
3000.1070	Tips or Gratuities
3000.1071	Admission Tax and Wagering Tax
3000.1072	Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section

3000.1100	Coverage of Subpart
3000.1105	Duty to Maintain Suitability

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3000.1110	Board Action Against License or Licensee
3000.1115	Complaint
3000.1120	Appearances
3000.1125	Answer
3000.1126	Appointment of Hearing Officer
3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication
3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 32 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967, effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended

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at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008.

SUBPART B: LICENSES

Section 3000.245 Occupational Licenses

- a) Overview of Licensing Procedures. Applications for Occupational Licenses shall be subject to the following procedures prior to licensing:
 - 1) Application;
 - 2) Issuance of a temporary identification badge;
 - 3) Investigation of the applicant;
 - 4) Action of the Board; and
 - 5) Different or additional licensing procedures as required of the applicant by the Board.

- b) Temporary Identification Badge Requirements
 - 1) Each occupational applicant shall receive from his employer a partially completed temporary identification badge. The applicant shall deliver such badge to a Board agent at applicant's employer's dock site facility for processing and completion.

 - 2) The ~~temporary~~Temporary identification badge shall:
 - A) Be a white 3½" by 2" card bearing the name and logo of the Riverboat Gaming Operation;
 - B) Provide space for a 1" by 1¼" photograph;
 - C) Display applicant's first name and job title;

 - D) Provide a space for ~~a 9~~an eight (8) digit number;

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- E) Provide a space for the Administrator's signature;
 - F) Provide spaces for the dates of issuance and expiration of such temporary badge; and
 - G) Provide on the reverse side a line for the employee's last name, signature, social security number and date of birth.
- 3) Upon presentation of the partially completed badge to a Board agent at the dock facility, the applicant shall be photographed and fingerprinted by the agent who shall complete and laminate the badge.
- 4) A temporary identification badge will not be issued if the Administrator or his designated agent has reason to believe the applicant is the subject of a pending investigation or disciplinary action, or is ineligible for licensing pursuant to Section 9(a)(1) or 9(a)(2) of the Act. If the temporary identification badge is not issued, the applicant is not permitted to work for the Riverboat Gaming Operation until and unless the Board issues a license to the applicant.
- 5) Temporary identification badges are valid for up to one year from the date of the application unless extended by the Administrator. A temporary identification badge is not transferable and upon resignation or termination of employment, must be returned by the Occupational License applicant to the holder of an Owner's License or to the Board. If returned to the holder of an Owner's License, the holder must then return the badge to the Board.
- 6) Withdrawal of Temporary Identification Badge.
- A) The Administrator, upon written notification to the applicant and the holder of the Owner's License, may withdraw an applicant's temporary identification badge upon determining a recommendation of denial to the Board.
 - B) If an applicant's temporary identification badge is withdrawn, the applicant is not permitted to work for the Riverboat Gaming Operation until and unless the Board issues a license to the applicant.

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- C) If an applicant's temporary identification badge is withdrawn, the applicant's application for licensing will proceed to Board action unless it is withdrawn by the applicant prior to Board action on licensure.
- c) Investigation of the Applicant and Application. An applicant is responsible for compliance with all requests for information, documents, or other materials relating to the applicant and his application.
- d) Action of the Board
- 1) In determining whether to grant such a license, the Board shall consider the character, associations and reputation of the applicant and the qualifications of the applicant to perform the duties of the position to be licensed.
 - 2) If the Board finds the applicant suitable for licensing, it shall direct the Administrator to issue the applicant a license.
 - 3) If the Board finds the applicant not suitable for licensing, it shall issue the applicant a Notice of Denial by certified mail or personal delivery.
- e) Request for Hearing
- 1) An applicant who is served with a Notice of Denial may request a hearing in accordance with Section 3000.405.
 - 2) If a hearing is not requested, the Notice of Denial becomes the final order of the Board denying the applicant's license application.
- f) Reapplication for Denied License. If an applicant is denied a license, the applicant may not reapply for a license within one year from the date on which the final order of denial was voted upon by the Board, without leave of the Board.
- g) Permanent Identification Badge Requirements
- 1) Upon notification of a finding of suitability by the Board and issuance of an Occupational License to applicant, applicant shall receive from his employer a partially completed permanent identification badge. Applicant

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shall deliver such badge to a Board agent at applicant's dock site facility for completion and processing.

- 2) The permanent identification badge shall:
 - A) Be of a color selected by the Riverboat Gaming Operation for use on all permanent identification badges utilized by its occupational licensees;
 - B) Be a 3½" by 2" card bearing the name and logo of the Riverboat Gaming Operation;
 - C) Provide space for a 1" by 1¼" photograph;
 - D) Provide a space for a ~~9an-eight~~ digit number;
 - E) Display the employee's first name and job title;
 - F) Provide a space for the Administrator's signature;
 - G) Provide a space for the dates of issuance and expiration of applicant's Occupational License;
 - H) Provide on the reverse side of the card a line for the employee's last name, signature, social security number and date of birth.
 - 3) Permanent identification badges are not transferable and upon resignation or termination of employment must be returned by the occupational licensee to the holder of an Owner's License or to the Board. If returned to the holder of an Owner's License, the holder must then return the badge to the Board.
- h) **Display of Identification Badges**
Identification badges as required by subsections (b) and (g) of this Section shall be worn by all employees during work hours, including those persons employed on the dock site. Identification badges shall be clearly displayed.
 - i) A fee of \$10.00 shall be paid to the Board for any necessary ~~replacement~~replacement(s) of identification badges.

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NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 32 Ill. Reg. 8592, effective May 29, 2008)

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Agency Sustainability Planning Tool
- 2) Code Citation: 71 Ill. Adm. Code 2500
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2500.10	New Section
2500.20	New Section
2500.30	New Section
2500.40	New Section
2500.50	New Section
2500.APPENDIX A	New Section
- 4) Statutory Authority: Implementing and authorized by Green Governments Illinois Act [20 ILCS 3954]
- 5) Effective Date of Rules: June 6, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: February 29, 2008; 32 Ill. Reg. 2876
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: No substantive changes were necessary.
- 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? Yes
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rules: The Green Governments Illinois Act was adopted to demonstrate the State's commitment to reducing negative environmental impacts, reducing greenhouse gases, and preserving resources for current and future generations.
- 16) Information and questions regarding these adopted rules shall be directed to:

Kate Tomford
Office of Lt. Governor Pat Quinn
100 W. Randolph, Suite 15-200
Chicago IL 60601

312/814-5220
Fax: 312/814-4862

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

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

NOTICE OF ADOPTED RULES

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER IX: ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCILPART 2500
AGENCY SUSTAINABILITY PLANNING TOOL

Section

- 2500.10 Applicability of Requirements
2500.20 Definitions
2500.30 Sustainability Committee
2500.40 Agency Sustainability Plans and Sustainability Progress Reports
2500.50 Enforcement
2500.APPENDIX A Agency Sustainability Plan Template

AUTHORITY: Implementing and authorized by Green Governments Illinois Act [20 ILCS 3954].

SOURCE: Adopted by emergency rulemaking at 32 Ill. Reg. 2984, effective February 29, 2008; adopted at 32 Ill. Reg. 8605, effective June 6, 2008.

Section 2500.10 Applicability of Requirements

The requirements in this Part must be met by all State agencies as defined in Section 2500.20. The agency sustainability planning tool will also be made available for voluntary use by units of local government and educational institutions.

Section 2500.20 Definitions

Agency Sustainability Plan – The sustainability assessment and plan completed using the Agency Sustainability Planning Tool.

Agency Sustainability Planning Tool – The internet-based sustainability assessment and planning and reporting application, available on the Council's website.

Act – The Green Governments Illinois Act [20 ILCS 3954].

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Council – The Illinois Green Governments Coordinating Council created by the Green Governments Illinois Act and authorized by the Act to create the agency sustainability planning tool.

Sustainability Goal – A general statement of intended outcome.

Measure for Assessment – A unit for determining success of a sustainability objective.

Sustainability Objective – A specific result expressed as a quantity achieved in a certain time frame.

State Agency – An Agency described in the Illinois State Auditing Act [30 ILCS 5/1-7], excluding any agencies with 10 or fewer full-time equivalent employees.

Sustainability Progress Report – An annual statement of performance toward sustainability objectives.

Sustainability Strategy – An action-step needed to achieve a desired sustainability objective.

Section 2500.30 Sustainability Committee

- a) The director or chief executive of each State agency, or his or her designee, shall appoint staff to an agency-specific Sustainability Committee.
- b) Each Sustainability Committee shall be responsible for completing the agency sustainability plan.
- c) The director or chief executive of each State agency, or his or her designee, shall appoint persons with knowledge, skills and abilities in each of the areas of operation contained in the agency sustainability plan.
- d) The director or chief executive of each State agency, or his or her designee, shall appoint one member of the Sustainability Committee, who is also a senior member of management, as liaison to the Council.
- e) Unless the director or chief executive of each State agency, or his or her designee, otherwise notifies the Council, the liaison will have all rights and responsibilities

ILLINOIS GREEN GOVERNMENTS COORDINATING COUNCIL

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of the director or chief executive as pertaining to agency responsibilities under the Act.

Section 2500.40 Agency Sustainability Plans and Sustainability Progress Reports

- a) Any State agency that does not have an agency sustainability plan on file with the Council as of the effective date of this Part shall file an agency sustainability plan no later than 90 days after the effective date of this Part.
- b) A State agency shall submit its agency sustainability plan via the agency sustainability planning tool on the Council's website. If using the agency sustainability planning tool would impose extraordinary costs, the State agency may submit its plan using the paper-based form in Appendix A.
- c) Each State agency sustainability plan shall include an assessment of environmental impacts in each of the applicable areas of operation:
 - 1) Transportation
 - 2) Purchasing of Goods and Services
 - 3) Office Operations
 - 4) Facility Management
 - 5) Construction and Renovation
- d) Each State agency sustainability plan shall include sustainability goals, objectives, strategies and measures for assessment of progress in each of the applicable areas of operation listed in subsection (c).
- e) A State agency must submit at least one sustainability goal and related sustainability objective, sustainability strategy and measure for assessment. A State agency may submit multiple sustainability goals, objectives, strategies and measures for assessment.
- f) The State agency must submit a revised sustainability plan by no later than three years after the date of the initial plan.
- g) Each State agency shall complete the sustainability progress report on or before July 1, 2008 and on or before June 1 of each subsequent year. The State agency may, but is not required to, revise the agency sustainability plan at the time of submitting the sustainability progress report.

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- h) Any plans, reports or other submissions to the Council shall be sent to Green Governments Coordinating Council, c/o Lt. Governor's Office, 100 W. Randolph, Suite 15-200, Chicago, Illinois 60601.
- i) Any materials submitted via the Council's website need not also be submitted by paper.

Section 2500.50 Enforcement

- a) The Council will not give any State agency any award authorized by the Act if the agency has not submitted required agency sustainability plans and complied with all reporting requirements.
- b) The Council shall publish a list of all State agencies with their plan submission and reporting status. The list shall be posted on the Council's website and otherwise made available to the public.

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Section 2500.APPENDIX A Agency Sustainability Plan Template



**State of Illinois
Illinois Green Governments Coordinating Council
Agency Sustainability Plan Template**

Area of Operations: Office Operations

Goal: _____
Objective: _____
Measure: _____
Strategy: _____
Strategy: _____
Strategy: _____

Goal: _____
Objective: _____
Measure: _____
Strategy: _____
Strategy: _____
Strategy: _____

Area of Operations: Purchasing of Goods and Services

Goal: _____
Objective: _____
Measure: _____

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Strategy: _____
 Strategy: _____
 Strategy: _____

Goal: _____
 Objective: _____
 Measure: _____
 Strategy: _____
 Strategy: _____
 Strategy: _____

Area of Operations: Transportation

Goal: _____
 Objective: _____
 Measure: _____
 Strategy: _____
 Strategy: _____
 Strategy: _____

Goal: _____
 Objective: _____
 Measure: _____
 Strategy: _____
 Strategy: _____
 Strategy: _____

Areas of Operations: Facility Management

Goal: _____
 Objective: _____
 Measure: _____

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Strategy: _____
Strategy: _____
Strategy: _____

Goal: _____
Objective: _____
Measure: _____
Strategy: _____
Strategy: _____
Strategy: _____

Area of Operations: Construction and Renovation

Goal: _____
Objective: _____
Measure: _____
Strategy: _____
Strategy: _____
Strategy: _____

Goal: _____
Objective: _____
Measure: _____
Strategy: _____
Strategy: _____
Strategy: _____

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
147.150	Amendment
147.175	Amendment
147.200	Amendment
147.TABLE A	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 29, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 11, 2008; 32 Ill. Reg. 300
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: The following changes were made during the public comment period:
 - In 147.150(c)(1)(E)(ii), strike "Exceptional Care" and add "exceptional care".
 - In 147.150(c)(1)(E)(iii), after the period add "The resulting ventilator add-on shall be multiplied by one minus the ratio computed in Section 147.150(c)(1)(E)(i).".
 - In 147.150(c)(2), strike "Variable Time" and add "variable time".
 - In 147.175(e)(2), change "the rule" to "this Part".
 - In 147.175(e)(5), after the period add "The original sample population is defined as 20%, or no less than 10, of the eligible residents pursuant to Section 147.150(b).".

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

In 147.175(e)(6), change "result in" to "be subject to".

In 147.200(a)(1), change "ARD" to "Assessment Reference Date (ARD)".

In 147.200(i)(19), change "specific definitions defined in" to "specifications of".

In 147.200(n)(6), change "CVA" to "cerebral vascular accident (CVA)".

In 147.200(x)(1), change "section" to "subsection".

In 147.200(e)(e) and Table A, under "Psychotropic Medication Monitoring", change "F320" to "F329".

In 147.200(jj)(5), change "CPS" to "Cognitive Performance Scale (CPS)".

In 147.200(kk)(5) and Table A, under "Psychotropic Medication Monitoring" and "Complex Wounds", change "tag" to "F-tag".

In 147.200(nn)(2), change "the above" to "these items".

- 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 these amendments replace any emergency amendments currently in effect? Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments concerning reimbursement for nursing facilities provide changes to the Minimum Data Set (MDS)-based reimbursement system to more clearly identify the needs of nursing facility residents and related services and to implement the additional monies for the MDS reimbursement system as provided in Public Act 95-707. Furthermore, the amendments make additions to the required documentation in order to clarify the type of documentation needed for verification of coded areas under the MDS-based reimbursement methodology implemented January 1, 2007. The documentation requirements provide additional guidance to facilities and provide support and evidence to Department staff who will be conducting monitoring reviews to substantiate that coded MDS items are being delivered to residents of the facility in accordance to the rules and the federal Resident Assessment

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Instrument Manual. Department staff has researched other states and found that these documentation requirements are consistent with requirements found in other states and in accordance with good clinical practice. Additionally, a new calculation is included to incentivize the care of ventilator-dependent residents.

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

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 147

REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section

147.5	Minimum Data Set-Mental Health (MDS-MH) Based Reimbursement System
147.15	Comprehensive Resident Assessment (Repealed)
147.25	Functional Needs and Restorative Care (Repealed)
147.50	Service Needs (Repealed)
147.75	Definitions (Repealed)
147.100	Reconsiderations (Repealed)
147.105	Midnight Census Report
147.125	Nursing Facility Resident Assessment Instrument
147.150	Minimum Data Set (MDS) Based Reimbursement System
147.175	Minimum Data Set (MDS) Integrity
147.200	Minimum Data Set (MDS) On-Site Review Documentation
147.205	Nursing Rates (Repealed)
147.250	Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (Repealed)
147.300	Payment to Nursing Facilities Serving Persons with Mental Illness
147.301	Sanctions for Noncompliance
147.305	Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities (Repealed)
147.310	Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness (Repealed)
147.315	Comprehensive Functional Assessments and Reassessments (Repealed)
147.320	Interdisciplinary Team (IDT) (Repealed)
147.325	Comprehensive Program Plan (CPP) (Repealed)
147.330	Specialized Care – Administration of Psychopharmacologic Drugs (Repealed)
147.335	Specialized Care – Behavioral Emergencies (Repealed)
147.340	Discharge Planning (Repealed)
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric Rehabilitation Services for Individuals with Mental Illness (Repealed)
147.350	Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing

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NOTICE OF ADOPTED AMENDMENTS

Facilities

147.TABLE A	Staff Time (in Minutes) and Allocation by Need Level
147.TABLE B	MDS-MH Staff Time (in Minutes and Allocation by Need Level)
147.TABLE C	Comprehensive Resident Assessment (Repealed)
147.TABLE D	Functional Needs and Restorative Care (Repealed)
147.TABLE E	Service (Repealed)
147.TABLE F	Social Services (Repealed)
147.TABLE G	Therapy Services (Repealed)
147.TABLE H	Determinations (Repealed)
147.TABLE I	Activities (Repealed)
147.TABLE J	Signatures (Repealed)
147.TABLE K	Rehabilitation Services (Repealed)
147.TABLE L	Personal Information (Repealed)

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

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.Table H and 140.Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14233, effective August 31, 1992; amended at 16 Ill. Reg. 17332, effective November 6, 1992; amended at 17 Ill. Reg. 1128, effective January 12, 1993; amended at 17 Ill. Reg. 8486, effective June 1, 1993; amended at 17 Ill. Reg. 13498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective

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September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2405, effective January 25, 1994; amended at 18 Ill. Reg. 4271, effective March 4, 1994; amended at 19 Ill. Reg. 7944, effective June 5, 1995; amended at 20 Ill. Reg. 6953, effective May 6, 1996; amended at 21 Ill. Reg. 12203, effective August 22, 1997; amended at 26 Ill. Reg. 3093, effective February 15, 2002; emergency amendment at 27 Ill. Reg. 10863, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18680, effective November 26, 2003; expedited correction at 28 Ill. Reg. 4992, effective November 26, 2003; emergency amendment at 29 Ill. Reg. 10266, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18913, effective November 4, 2005; amended at 30 Ill. Reg. 15141, effective September 11, 2006; expedited correction at 31 Ill. Reg. 7409, effective September 11, 2006; amended at 31 Ill. Reg. 8654, effective June 11, 2007; emergency amendment at 32 Ill. Reg. 415, effective January 1, 2008, for a maximum of 150 days; emergency amendment suspended at 32 Ill. Reg. 3114, effective February 13, 2008; emergency suspension withdrawn in part at 32 Ill. Reg. 4399, effective February 26, 2008 and 32 Ill. Reg. 4402, effective March 11, 2008; amended at 32 Ill. Reg. 8614, effective May 29, 2008.

Section 147.150 Minimum Data Set (MDS) Based Reimbursement System

- a) Public Act ~~94-096492-0848~~ requires the Department to implement, effective ~~January 1, 2007~~July 1, 2003, a payment methodology for the nursing component of the rate paid to nursing facilities. Except for nursing facilities that are defined as Class I Institutions for Mental Diseases (IMDs) pursuant to 89 Ill. Adm. Code 145.30, reimbursement for the nursing component shall be calculated using the Minimum Data Set (MDS). Increased reimbursement under this payment methodology shall be paid only if specific appropriation for this purpose is enacted by the General Assembly. For Class I IMDs, the nursing component shall be the rate in effect on June 30, 2005 until a payment methodology using the Illinois Minimum Data Set-Mental Health (IL MDS-MH), appropriate for the care needs of the IMD resident population, is implemented. The payment methodology using the IL MDS-MH shall be implemented no later than July 1, 2007.
- b) The nursing component of the rate shall be calculated annually and may be adjusted quarterly. The determination of rates shall be based upon a composite of MDS data collected from each eligible resident in accordance with Section 147. Table A for those eligible residents who are recorded in the Department's Medicaid Management Information System as of 30 days prior to the rate period as present in the facility on the last day of the second quarter preceding the rate period. Residents for whom MDS resident identification information is missing or inaccurate, or for whom there is no current MDS record for that quarter, shall

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be placed in the lowest MDS acuity level for calculation purposes for that quarter. The nursing component of the rate may be adjusted on a quarterly basis if any of the following conditions are met:

- 1) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds total variable nursing time calculated for the previous rate quarter by more than five percent.
 - 2) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section exceeds total variable nursing time as calculated for the annual rate period by more than ten percent.
 - A) ~~total variable nursing time as calculated for the annual rate period by more than ten percent.~~
 - B) ~~total variable nursing time as recalculated and adjusted for the annual period by more than five percent.~~
 - 3) Total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section declines from the total variable nursing time as calculated for the annual period by more than five percent. No quarterly nursing component rate reduction shall exceed five percent from the previous rate quarter.
- c) Per diem reimbursement rates for nursing care in nursing facilities consist of three elements: variable time reimbursement; fringe benefit reimbursement; and reimbursement for supplies, consultants, medical directors and nursing directors.
- 1) Variable Time Reimbursement. Variable nursing time is that time necessary to meet the major service needs of residents that vary due to their physical or mental conditions. Each need level or specific nursing service measured by the Resident Assessment Instrument is associated with an amount of time and staff level (Section 147. Table A). Reimbursement is developed by multiplying the time for each service by the wage(s) of the type of staff performing the service except for occupational therapy, physical therapy and speech therapy. If more than one level of staff are involved in delivering a service, reimbursement for that service will be weighted by the wage and number of minutes allocated to each staff type. In calculating a facility's rate, the figures used by the

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Department for wages will be determined in the following manner:

- A) The mean wages for the applicable staff levels (RNs, LPNs, certified nursing assistants (CNAs), activity staff, social workers), as reported on the cost reports and determined by regional rate area, will be the mean wages.
- B) Fringe benefits will be the average percentage of benefits to actual salaries of all nursing facilities based upon cost reports filed pursuant to 89 Ill. Adm. Code 140.543. Fringe benefits will be added to the mean wage.
- C) The base wage, including fringe benefits, will then be updated for inflation from the time period for which the wage data are available to the midpoint of the rate year to recognize projected base wage changes.
- D) Special minimum wage factor. The process used in subsection (c)(1)(A) of this Section to determine regional mean wages for RNs, LPNs and CNAs will include a minimum wage factor. For those facilities below 90% of the Statewide average, the wage is replaced by 90% of the Statewide average.
- E) Beginning January 1, 2007, facilities shall be paid a rate based upon the sum of the following:
 - i) the facility MDS-based rate multiplied by the ratio the numerator of which is the quotient obtained by dividing the additional funds appropriated specifically to pay for rates based upon the MDS nursing component methodology above the December 31, 2006 funding by the total number of Medicaid patient days utilized by facilities covered by the MDS-based system and the denominator of which is the difference between the weighted mean rate obtained by the MDS-based methodology and the weighted mean rate in effect on December 31, 2006.
 - ii) the facility rate in effect on December 31, 2006, which is defined as the facility rate in effect on December 31, 2006

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plus the ~~exceptional care reimbursement~~Exceptional Care per diem computed in 89 Ill. Adm. Code 140.569(a)(1), multiplied by one minus the ratio computed in Section 147.150(c)(1)(E)(i). The ~~exceptional care~~Exceptional Care reimbursement per diem effective January 1, 2007 computed in 89 Ill. Adm. Code 140.569 shall be included in the nursing component of the June 30, 2006 rate unless the total variable nursing time for a rate quarter as calculated in subsection (c)(1) of this Section is more than a five percent drop from the total variable nursing time calculated for the June 30, 2006 rate quarter. Then the facility will receive for the rate period zero percent of the ~~exceptional care~~Exceptional Care reimbursement per diem computed in 89 Ill. Adm. Code 140.569

iii) For facilities in which the number of ventilator care residents in any quarter has increased over the number used to compute the exceptional care per diem as specified in 89 Ill. Adm. Code 140.569(a)(1), the rate computed in subsection (c)(1)(E)(i) and (c)(1)(E)(ii) shall add the sum of total variable time reimbursement for the ventilator care add-on, vacation time, the average facility special patient need factors, and supply, consultant, and Director of Nursing factors for each resident receiving ventilator care in excess of the number used to compute the exceptional care per diem as specified in 89 Ill. Adm. Code 140.569(a)(1) divided by the total number of residents used to compute the MDS portion of the paid rate for that quarter. The resulting ventilator add-on shall be multiplied by one minus the ratio computed in Section 147.150(c)(1)(E)(i). This addition to the rate shall apply for each quarter regardless of the facility's eligibility for use of that quarter's MDS rate for computation of the paid facility rate as defined in subsection (b) of this Section.

F) The annual amount of new funds allocated for MDS reimbursement methodology ~~for Fiscal Year 2007~~, beginning January 1, 2007, is ~~\$60~~\$30 million. The annual amount of new

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[funds allocated for MDS reimbursement methodology beginning January 1, 2008 is \\$50 million.](#)

- 2) Vacation, Sick Leave and Holiday Time. The time to be added for vacation, sick leave, and holidays will be determined by multiplying the total of ~~variable time~~Variable Time by 5%.
- 3) Special Supplies, Consultants and the Director of Nursing. Reimbursement will be made for health care and program supplies, consultants required by the Department of Public Health (including the Medical Director), and the Director of Nursing by applying a factor to variable time and vacation, sick leave and holiday time. (A list of consultants required by the Department of Public Health can be found in 77 Ill. Adm. Code 300.830).
 - A) Supplies will be updated for inflation using the General Services Inflator (see 89 Ill. Adm. Code 140.551). Health care and program salaries shall be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for supplies will be the Statewide mean of the ratio of total facility health care and programs supply costs to total facility health care and programs salaries.
 - B) The Director of Nursing and the consultants will be updated for inflation using the Nursing and Program Inflator (see 89 Ill. Adm. Code 140.552). A factor for the Director of Nursing and consultant costs shall be the Statewide mean of the ratio of all facilities' Director of Nursing and consultant costs to total facility health care and programs salaries.
 - C) These costs shall be updated pursuant to cost reports as referenced in 89 Ill. Adm. Code 153.125(f).
- d) Determination of Facility Rates.

An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wages for each assessment item (see subsection (c)(1) of this Section), adding the amounts for vacation, sick and holiday time (see subsection (c)(2) of this Section), and supplies, consultants, and the Director of Nursing (see subsection (c)(3) of this Section). The average of the

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rates for eligible residents assessed will become the facility's per diem reimbursement rate for each eligible resident in the facility.

- e) A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect July 1, 2003 shall be provided for a period not exceeding December 31, 2006, as follows:
- 1) MDS-based rate adjustments under this Section shall not be effective until the attainment of a threshold. The threshold shall be attained at the earlier of either:
 - A) when all nursing facilities have established a rate (sum of all components) which is no less than the rate effective June 30, 2002, or
 - B) January 1, 2007.
 - 2) For a facility that would receive a lower nursing component rate per resident day under the payment methodology effective July 1, 2003 than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be held at the level in effect on June 30, 2003 until a higher nursing component rate of reimbursement is achieved by that facility.
 - 3) For a facility that would receive a higher nursing component rate per resident day under the payment methodology in effect on July 1, 2003 than the facility received June 30, 2003, the nursing component rate per resident day for the facility shall be adjusted based on the payment methodology in effect July 1, 2003.
 - 4) Notwithstanding subsections (e)(2) and (3) of this Section, the nursing component rate per resident day for the facility shall be adjusted in accordance with subsection (c)(1)(E) of this Section.

(Source: Amended at 32 Ill. Reg. 8614, effective May 29, 2008)

Section 147.175 Minimum Data Set (MDS) Integrity

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- a) The Department shall conduct reviews to determine the accuracy of resident assessment information transmitted in the Minimum Data Set (MDS) that are relevant to the determination of reimbursement rates. Such reviews may, at the discretion of the Department, be conducted electronically or in the facility.
- b) The Department shall quarterly select, at random, a number of facilities in which to conduct on-site reviews. ~~The~~In addition, the Department may select facilities for on-site review based upon facility characteristics, past performance, or the Department's experience. This may include, but is not limited to, analysis of case mix profile of nursing facilities in regard to frequency in distribution of the residents in identified reimbursement categories. In addition, the Department may use findings of the licensing and certification survey conducted by IDPH indicating the facility is not accurately assessing residents. It may also include resident assessments submitted by the provider that do not meet submission deadlines, facilities with a high percentage of corrections and facilities with high submission error rates.
- c) Electronic review. The Department shall conduct quarterly an electronic review of MDS data for eligible individuals to identify facilities for on-site review.
- d) On-site review. The Department shall conduct an on-site review of MDS data for eligible individuals.
 - 1) On-site reviews may be conducted with respect to residents or facilities that are identified pursuant to subsection (b) or (c) of this Section. Such review may include, but shall not be limited to, the following:
 - A) Review of resident records and supporting documentation, as identified in Section 147.200, observation and interview, to determine the accuracy of data relevant to the determination of reimbursement rates.
 - B) Review and collection of information necessary to assess the need for a specific service or care area.
 - C) Review and collection of information from the facility that will establish the direct care staffing level. The amount of staff available in the facility shall be sufficient to carry out the number

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and frequency of restorative programs identified for reimbursement.

- 2) The number of residents in any selected facility for whom information is reviewed may, at the sole discretion of the Department, be limited or expanded.
 - 3) Upon the conclusion of any review, the Department shall conduct a meeting with facility management to discuss preliminary conclusions of the review. If facility management disagrees with those preliminary conclusions, facility management may, at that time, provide additional documentation to support their position.
- e) Corrective action. Upon the conclusion of the review and the consideration of any subsequent supporting documentation provided by the facility, the Department shall notify the facility of its final conclusions, both with respect to accuracy of data and recalculation of the facility's reimbursement rate.
- 1) Data Accuracy
 - A) Final conclusions with respect to inaccurate data shall be referred to the Department of Public Health.
 - B) The Department, in collaboration with the Department of Public Health, shall make available additional training in the completion of resident assessments and the coding and transmission of MDS records.
 - 2) Recalculation of Reimbursement Rate. The Department shall determine if reported MDS data or facility staffing data that were subsequently determined to be unverifiable would cause the direct care component of the facility's rate to be calculated differently when using the accurate data. No change in reimbursement required as a result of a review shall take effect before July 1, 2004. Prior to the record review of residents receiving skills training, the following components of this Part will be reviewed to ensure compliance: A facility's rate shall only be recalculated on those residents who have been subject to a Department review. A facility's rate will be subject to change if the recalculation of the direct care component rate, as a result of using MDS data that are verifiable

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- A) Skills training shall be provided by staff that are paid by the facility and have been trained in leading skills groups by a Department approved trainer.
 - B) A private room shall be available with no other programs or activities going on at the same time. The environment shall be conducive to learning in terms of comfort, noise, and other distractions.
 - C) Schedules shall be presented that identify residents and reflect the facility's ability to provide the sessions in increments of a minimum of 30 minutes for each skills training (not including time to assemble and settle). The sessions shall be scheduled at least three times per week.
 - D) Training shall utilize a well-developed, structured curriculum and specific written content developed in advance to guide each of the sessions.
- 3) In the event one or more of these components are not in place, the recalculated rate may be extrapolated to the entire population receiving this service.
 - 4) When problems are noted in 30 percent of the population of residents receiving skills training during the record review, the recalculated rate may be extrapolated to the entire population receiving this service. When the recalculated rate has been extrapolated to the entire population, the facility shall obtain prior approval from the Department before future reimbursement for skills training is allowable. The Department shall have up to 90 days to determine this approval.
 - 5) When problems are noted in 30 percent of coded responses to the sample population for other services areas, the review may be expanded to up to 100 percent for those service areas. The original sample population is defined as 20%, or no less than 10, of the eligible residents pursuant to Section 147.150(b).

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- 6) In addition, the facilities with widespread problems in restorative and psychosocial adaptation may be subject to follow up reviews to ensure problems are corrected.
- 7) A facility's rate will be subject to change if the recalculation of the direct care component rate, as a result of using MDS data that are verifiable:
- A) Increases the rate by more than one percent. The rate is to be changed, retroactive to the beginning of the rate period, to the recalculated rate.
 - B) Decreases the rate by more than one percent. The rate is to be changed, retroactive to the beginning of the rate period, to the recalculated rate.
 - C) Decreases the rate by more than ten percent in addition to the rate change specified in this subsection (e)(~~72~~). The direct care component of the rate shall be reduced, retroactive to the beginning of the rate period, by \$1 for each whole percentage decrease in excess of two percent.
- 83) Any evidence or suspicion of deliberate falsification or misrepresentation of MDS data shall be referred to the Department's Inspector General and the Department of Public Health.
- f) Appeals. Facilities disputing any rate change may submit an appeal request request a hearing pursuant to 89 Ill. Adm. Code 140.830.

(Source: Amended at 32 Ill. Reg. 8614, effective May 29, 2008)

Section 147.200 Minimum Data Set (MDS) On-Site Review Documentation

- a) Pursuant to Section 147.175, Department staff shall conduct on-site reviews of Minimum Data Set (MDS) data to determine the accuracy of resident information that is relevant to the determination of reimbursement rates. Each nursing facility shall make accessible to the Department all provider, resident and other records necessary to determine that the needs of the resident are being met, and to determine the appropriateness of services. The Department shall provide for a program of delegated utilization review and quality assurance. The Department

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~~may contract with Medical Peer Review organizations to provide utilization review and quality assurance.~~

- 1) Department staff shall request in writing the current charts of individual residents needed to begin the review process. Current charts and completed MDSs for the previous 15 months shall be provided to the review team within an hour after this request. Additional documentation regarding reimbursement areas for the identified Assessment Reference Date (ARD) timeframe shall be provided to the review team within four hours after the initial request.
- 2) When further documentation is needed by the review team to validate an area, the team will identify the area of reimbursement requiring additional documentation and provide the facility with the opportunity to produce that information. The facility shall provide the team with the additional documentation within 24 hours after the initial request. All documentation that is to be considered for validation must be provided to the team prior to exit.
- 3) Pursuant to 89 Ill. Adm. Code 140.12(f), the facility shall provide Department staff with access to residents, professional and non-licensed direct care staff, facility assessors, clinical records and completed resident assessment instruments, as well as other documentation regarding residents' care needs and treatments.
- 4) Failure to provide timely access to records may result in suspension or termination of a facility's provider agreement in accordance with 89 Ill. Adm. Code 140.16(a)(4).
- 5) Some states may have regulations that require supportive documentation elsewhere in the record to substantiate the resident's status on particular MDS items used to calculate payment under the State's Medicaid system (RAI Manual, page 1-24). These additional documentation requirements shall be met for reimbursement.
- 6) The Department shall provide for a program of delegated utilization review and quality assurance. The Department may contract with medical peer review organizations to provide utilization review and quality assurance.

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- b) There shall be documentation in the resident's record to support an MDS coded response indicating that the condition or activity was present or occurred during the observation or look back period. Directions provided by the RAI User's Manual (as described in Section 147.125) are the basis for all coding of the MDS. Section S is reserved for additional State-defined items. All documentation requirements pertain to the MDS 2.0 and Section S items.
- c) Each nursing facility shall ensure that MDS data for each resident accurately and completely describes the resident's condition, as documented in the resident's clinical records, maintained by the nursing facility, and the clinical records shall be current, accurate and in sufficient detail to support the reported resident data.
- d) Documentation guidance has been compiled from the RAI Manual, instructions that are present on the MDS 2.0 form itself, RAI-MH, and Illinois additional documentation requirements. If later guidance is released by CMS that contradicts or augments guidance provided in this Section, the more current information from CMS becomes the acceptable standard. If additional [ICD-9/ICD9](#) codes are published, they will be reviewed for appropriateness.
- e) Documentation from all disciplines and all portions of the resident's clinical record may be used to verify an MDS item response. All supporting documentation shall be found in the facility during an on-site visit.
- f) All conditions or treatments shall have been present or occurred within the designated observation period. Documentation in the clinical record shall consistently support the item response and reflect care related to the symptom/problem. Documentation shall apply to the appropriate observation period and reflect the resident's status on all shifts. In addition, the problems that are identified by the [MDS/DS](#) item responses that affect the resident's status shall be addressed on the care plan. Insufficient or inaccurate documentation may result in a determination that the MDS item response submitted could not be validated.
- g) Disease Diagnoses. [Throughout Table A, when a diagnosis is required, the following must be met:](#)
- 1) Code only those diseases or infections that have a relationship to the resident's current ADL (Activities of Daily Living) status, cognitive status,

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mood or behavior status, medical treatments, nursing monitoring or risk of death as directed in the RAI Manual.

- 2) The disease conditions require a physician-documented diagnosis in the clinical record. It is good clinical practice to have the resident's physician provide supporting documentation for any diagnosis.
- 3) Do not include conditions that have been resolved or no longer affect the resident's functioning or care plan. One of the important functions of the MDS assessment is to generate an updated, accurate picture of the resident's health status.

h) Activities of Daily Living (ADL).

1) Facilities shall maintain documentation that supports the coding of Section G, Physical Functioning, and Structural Problems on the MDS during the [look-back assessment reference](#) period. The documentation shall show the MDS coded level of resident self-performance and support has been met.

2) [Documentation shall be dated within the look-back period and must contain information from all three shifts that clearly supports the level of self-performance and support needed.](#)

3) [When there is a widespread lack of supporting documentation as described in subsections \(h\)\(1\) and \(2\), the ADL scores for the residents lacking documentation will be reset to zero.](#)

4) [When there is an occasional absence of documentation for residents in the sample, ADL scores will be based on the observation and/or interview of the resident and facility staff at the time of the review. If the resident has been discharged and there is no documentation to support the ADL coding, ADL scores will be reset to one.](#)

i) [Restorative services are programs under the direction and supervision of a licensed nurse and are provided by nursing staff. The programs are designed to promote the resident's ability to adapt and adjust to living as independently and safely as possible. The focus is on achieving and/or maintaining optimal physical, mental, and psychosocial functioning. A program is defined as a specific approach that is organized, planned, documented, monitored, and evaluated.](#)

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Although therapists may participate in designing the initial program, members of nursing staff are still responsible for the overall coordination and supervision of restorative nursing programs. Staff completing the programs shall be communicating progress, maintenance, regression and other issues/concerns to the licensed nurse overseeing the programs. To qualify for reimbursement, the provision of restorative programs shall meet the following criteria for each program identified for reimbursement. Restorative specific documentation shall include:

- 1) When programs are designed using verbal cueing as the only intervention, documentation and/or observation must support the following:
 - A) Without such cueing the resident would be unable to complete the required ADL task.
 - B) The verbal interventions are aimed at providing the resident with instructions for completing the task in such a way that promotes the resident's safety and awareness.
 - C) Verbal interventions that are simply reminders to complete the task may not be the sole content of the program. Documentation shall define the resident's needs and identify a restorative nursing plan of care to assist the resident in reaching and/or maintaining his or her highest level of functioning. Documentation shall contain objective and measurable information so that progress, maintenance or regression can be recognized.
- 2) Documentation shall clearly define the resident's need for the program and the defined program shall correspond to the identified need of the resident. Observation and/or interview shall also support the need for the program.
- 3) The clinical record shall identify a restorative nursing plan of care to assist the resident in reaching and/or maintaining his or her highest level of functioning. Staff completing the programs shall be aware of the program and the resident's need for the program.
- 4) Documentation must support that the program was reevaluated and goals and interventions were revised as necessary to assist the resident in reaching and/or maintaining his or her highest level of functioning.

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- 5) Documentation shall contain objective and measurable information so that progress, maintenance or regression can be recognized from one report to the next.
- 62) Goals shall be resident specific, realistic, and measurable. Goals shall be revised as necessary. Revisions shall be made based on the resident's response to the program~~The resident's endurance and ability to participate in the programs shall be addressed.~~
- 7) The resident's ability to participate in the program shall be addressed.
- 83) Written evidence of measurable objectives and interventions shall be in the restorative plan of care and be individualized to the resident's problems and needs. There shall be evidence the objectives and interventions were reviewed quarterly and revised as necessary~~resident's care plan, reviewed quarterly, and revised as necessary.~~
- 94) There shall be~~Written~~ evidence of quarterly evaluation written by a licensed nurse ~~shall be~~ in the clinical record. The evaluation must assess the resident's progress and participation in the program since the last evaluation. It shall contain specific information that includes the resident's response to the program (i.e., amount of assistance required, devices used, the distance, the progress made, how well the resident tolerated the program). An evaluation shall be documented on each restorative program the resident is receiving.
- 105) There shall be written evidence that staff carrying out the programs have been trained in techniques that promote resident involvement in the activity.
- 6) ~~There shall be written evidence that techniques are carried out or supervised by members of the nursing staff.~~
- 117) If volunteers or other staff were assigned to work with specific residents, there shall be written evidence of specific training in restorative techniques that promote the resident's involvement in the restorative program~~Sometimes under licensed nurse supervision, other staff and volunteers will be assigned to work with specific residents. If a volunteer~~

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~~is assigned to a specific resident, there shall be written evidence of specific training in techniques that promote that resident's involvement in the restorative program.~~

- 128) There shall be documentation to support that the programs are ongoing and administered as planned outside the look-back period, unless there is written justification in the clinical record that supports the need to discontinue the program. Observation and/or interviews must also support that the programs are ongoing and administered as planned.~~Restorative programs shall be ongoing, unless there is written justification in the clinical record that supports the need to discontinue the program.~~
- 13) If a restorative program is in place when a care plan is being revised, it is appropriate to reassess progress, goals, duration and frequency as part of the care planning process. The results of this reassessment shall be documented in the record.
- 149) The actual number of minutes per day spent in a restorative program shall be documented for each resident and for each restorative program during the look-back~~look-back~~ period.
- ~~40)~~ ~~The medical record shall also include documentation that restorative nursing services were administered as planned.~~
- 1544) The Department designated endurance assessment must be completed quarterly on each resident receiving two or more restorative programs. A licensed nurse must complete this assessment.~~An assessment designed by the Department shall be required quarterly to assess the resident's endurance and ability to benefit from two or more restorative programs.~~
- 16) A resident coded as totally dependent in an ADL function will only be reimbursed for one quarter for the following corresponding restorative programs: bed mobility, transfer, walking, dressing/grooming, and/or eating/swallowing.
- 17) A resident scoring and/or receiving hospice services shall not be eligible for the following restorative programs: bed mobility, transfer, walking, dressing/grooming, eating and/or other restoratives.

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- 12) ~~A splint or brace is defined as an appliance for the fixation, union or protection of an injured part of the body.~~
- 13) ~~A check and change program will not be scored as a toileting program.~~
- 18) When multiple restoratives are coded in a facility, the staff levels must support the ability to deliver these programs based on the number and frequency of programs coded.
- 1944) All restorative programs shall meet the specifications of the RAI Manual for the individual restoratives.~~All restorative programs provided per criteria of the RAI manual shall be coded on the MDS.~~
- j) Passive Range of Motion (PROM).
- 1) The restorative program shall meet the definition of PROM as identified in the RAI Manual.
- 2) The PROM program shall address the functional limitations identified in section G4 of the MDS.
- 3) There shall be evidence that the program is planned and scheduled. PROM that is incidental to dressing, bathing, etc., does not count as part of a formal restorative program.
- j) ~~Discharge Planning~~
~~Social services shall document monthly on the resident's potential for discharge, specific steps being taken toward discharge, and the progress being made. Social Service documentation shall demonstrate realistic evaluation, planning, and follow-through. Discharge plans shall address the current functional status of the resident, medical nursing needs, and the availability of family and/or community resources to meet the needs of the resident.~~
- k) Active Range of Motion (AROM).
- 1) The restorative program meets the definition of AROM as identified in the RAI Manual.
- 2) The AROM programs shall address the functional limitations identified in

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section G4 of the MDS.

- 3) There shall be evidence that the program is planned and scheduled. AROM that is incidental to dressing, bathing, etc., does not count as part of a formal restorative program.
 - 4) AROM does not include exercise groups with more than four residents assigned per supervising helper or caregiver.
- k) Psychosocial Adaptation Services
~~Behavioral symptoms shall be assessed and tracked during the look back period. They shall be addressed in the care plan with individualized goals and interventions.~~
- l) Splint/Brace Assistance. A splint or brace is defined as an appliance for the fixation, union, or protection of an injured part of the body.
- ↳ Skills Training
~~Skills training is specific methods for assisting residents who need and can benefit from this training to address identified deficits and reach personal and clinical goals. To qualify for reimbursement, the provision of skills training shall meet all of the following criteria:~~
- 1) ~~Skills and capabilities shall be assessed with the use of a standardized skills assessment, a cognitive assessment and an assessment of motivational potential. The assessment of motivational potential will assist in determining the type and size of the group in which a resident is capable of learning.~~
 - 2) ~~Addresses identified skill deficits related to goals noted in the treatment plan.~~
 - 3) ~~Skills training shall be provided by facility staff, trained in leading skills groups, who are paid by the facility.~~
 - 4) ~~Training shall be provided in a private room with no other programs or activities going on at the same time. The environment shall be conducive to learning in terms of comfort, noise, and other distractions.~~

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- ~~5) Training shall be provided in groups no larger than ten, with reduced group size for residents requiring special attention due to cognitive, motivational or clinical issues, as determined by the skills assessment, cognition and motivational potential. Individual sessions can be provided as appropriate and shall be identified in the care plan.~~
 - ~~6) Training shall utilize a well-developed, structured curriculum and specific written content developed in advance to guide each of the sessions. (Published skills modules developed for the severe mentally ill (SMI) and Mental Illness/Substance Abuse (MISA) populations are available for use and as models).~~
 - ~~7) The curriculum shall address discrete sets of skill competencies, breaking skills down into smaller components or steps in relation to residents' learning needs.~~
 - ~~8) The specific written content shall provide the rationale for learning, connecting skill acquisition to resident goals.~~
 - ~~9) Training shall employ skill demonstration/modeling, auditory and visual presentation methods, role playing and skill practice, immediate positive and corrective feedback, frequent repetition of new material, practice assignments between training sessions (homework), and brief review of material from each previous session.~~
 - ~~10) There shall be opportunities for cued skill practice and generalization outside session as identified in the care plan and at least weekly documentation relative to skill acquisition.~~
 - ~~11) Each training session shall be provided and attended in increments of a minimum of 30 minutes each (not counting time to assemble and settle) at least three times per week. Occasional absences are allowable, with individual coverage of missed material as necessary.~~
- m) Dressing or Grooming Restorative. Grooming programs, including programs to help the resident learn to apply make-up, may be considered restorative nursing programs when conducted by a member of the activity staff. These programs shall have goals, objectives, and documentation of progress and be related to the identified deficit.

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- m) ~~Close and Constant Observations~~
~~Coding of this item is intended only for interventions applied in response to the specific current significant need of an individual resident. This item should not be coded for observation conducted as standard facility policy for all residents, such as for all new admissions, or as part of routine facility procedures, such as for all returns from hospital or conducted as a part of periodic resident headcounts.~~
- n) Scheduled Toileting.
- 1) The program shall have documentation to support that all the requirements identified in the RAI Manual are met.
 - 2) The description of the plan shall be documented, including: frequency, reason, and response to the program.
 - 3) The plan shall be periodically evaluated and revised, as necessary, including documentation of the resident's response to the plan.
 - 4) This does not include a "check and change" program or routine changing of the resident's incontinent briefs, pads or linens when wet, when there is no participation in the plan by the resident.
 - 5) There shall be documentation to support the deficit in toileting and/or the episodes of incontinence.
 - 6) A resident scoring S1 = 1 (meets Subpart S criteria) shall have a corresponding diagnosis of cerebral vascular accident (CVA) or multiple sclerosis to qualify for reimbursement in scheduled toileting.
- n) ~~Ancillary Provider Services~~
- 1) ~~Ancillary provider services are services that are provided by direct non-facility psychiatric service providers in order to meet 77 Ill. Adm. Code 300, Subpart S requirements.~~
 - 2) ~~Psychiatric rehabilitation services that are provided by non-facility providers or an outside entity shall meet the needs of the SMI resident as determined by the resident's individual treatment plan (ITP).~~

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- 3) ~~Facilities must ensure compliance with 77 Ill. Adm. Code 300.4050 when utilizing non-facility or outside ancillary providers.~~
- o) Continence Care.
- 1) Documentation shall support that catheter care was administered during the look-back period.
 - 2) The type and frequency of the care shall be documented.
 - 3) Documentation shall support that the RAI requirements for a bladder retraining program were administered during the look-back period.
 - 4) The resident's level of incontinence shall be documented during the look-back period to support the bladder retraining program.
 - 5) Bladder scanners cannot be the sole content of the bladder retraining program.
- o) ~~Psychotropic Medication Monitoring~~
~~Facilities are to follow documentation guidelines as directed by 42 CFR 483.25(i) (State Operations Manual tags F329, F330, F331).~~
- p) Pressure Ulcer Prevention.
- 1) Documentation shall support the history of resolved ulcer in the identified timeframe and/or the use of the coded interventions during the identified timeframe.
 - 2) Interventions and treatments shall meet the RAI definitions for coding.
 - 3) Documentation shall support a specific approach that is organized, planned, monitored and evaluated for coding a turning and positioning program.
 - 4) There shall be documentation that the resident was assessed related to his or her risk for developing ulcers. A resident assessed to be at high risk shall have interventions identified in the plan of care.

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p) ~~Dementia Care Unit~~

- 1) ~~If the resident has a CPS score of five, care planning shall address the resident's participation in the unit's activities.~~
- 2) ~~If a particular resident does not participate in at least an average of four activities per day over a one-week period, the unit director shall evaluate the resident's participation and have the available activities modified and/or consult with the interdisciplinary team.~~
- 3) ~~Documentation shall support staff's efforts to involve the resident.~~

q) Moderate Skin Care/Intensive Skin Care.

- 1) Interventions and treatments shall meet the RAI definitions for coding.
- 2) Documentation of ulcers shall include staging as the ulcers appear during the look-back period.
- 3) Documentation of ulcers shall include a detailed description that includes, but is not limited to, the stage of the ulcer, the size, the location, any interventions and treatments used during the look-back period.
- 4) Documentation of burns shall include, but is not limited to, the location, degree, extent, interventions and treatments during the look-back period.
- 5) Documentation of open lesions shall include, but is not limited to, location, size, depth, any drainage, interventions and treatments during the look-back period.
- 6) Documentation of surgical wounds shall include, but is not limited to, type, location, size, depth, interventions and treatment during the look-back period.
- 7) All treatments involving M5e, M5f, M5g, and M5h shall have a physician's order with the intervention and frequency.
- 8) Documentation to support that the intervention was delivered during the

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look-back period shall be included.

- 9) Documentation of infection of the foot shall contain a description of the area and the location.
- 10) Documentation shall support a specific approach that is organized, planned, monitored and evaluated for coding a turning and positioning program.
- 11) Documentation for items coded in M4 shall include documentation of an intervention, treatment, and/or monitoring of the problem or condition identified.

g) ~~Exceptional Care Services~~

1) ~~Extensive Respiratory Services~~

- A) ~~A respiratory therapist shall evaluate the status of the resident at least monthly if the resident has a tracheostomy.~~
- B) ~~Documentation of respiratory therapy being provided 15 minutes a day shall be present in the clinical record for the look-back period.~~
- C) ~~Respiratory therapy requires documentation in the record of the treatment and the times given by a qualified professional (respiratory therapist or trained nurse) as defined in the RAI manual.~~

2) ~~Documentation shall be in place to support weaning from the ventilator.~~

3) ~~Ventilator Care~~

- A) ~~If the facility has residents receiving ventilator care, the facility shall have a respiratory therapist available at the facility or on call 24 hours a day.~~
- B) ~~A respiratory therapist shall evaluate and document the status of the resident at least weekly.~~

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- 4) ~~Morbid Obesity~~
- A) ~~A dietician's evaluation shall be completed with evidence of on-going consultation.~~
 - B) ~~On-going monitoring of weight shall be evident.~~
 - C) ~~The psychosocial needs related to weight issues shall be identified and addressed.~~
- 5) ~~Wound Care Services~~
~~Facilities are to follow documentation guidelines as directed by 42 CFR 483.25(c) (State Operations Manual tag F314).~~
- 6) ~~Traumatic Brain Injury (TBI)~~
- A) ~~Documentation shall support that psychological therapy is being delivered by licensed mental health professionals, as described in the RAI manual.~~
 - B) ~~Documentation shall support a Special Symptom Evaluation program as an ongoing, comprehensive, interdisciplinary evaluation of behavioral symptoms as described in the RAI manual.~~
 - C) ~~Documentation shall support evaluation by a licensed mental health specialist in the last 90 days. This shall include an assessment of a mood, behavior disorder, or other mental health problems by a qualified clinical professional as described in the RAI manual.~~
 - D) ~~The care plan shall address the behaviors of the resident and the interventions used.~~
- r) IV Therapy.
- 1) Documentation shall include the date delivered, type of medication and method of administration.

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- 2) Documentation shall support monitoring of an acute medical condition (physical or psychiatric illness) by a licensed nurse as required in subsection (y) of this Section.
- r) ~~Clarification and additional documentation requirements are as follows:~~
- 1) ~~Defined actions such as further assessment or documentation, described in the RAI Manual as "good clinical practice" are required by the Department as supporting documentation. Clinical documentation that contributes to identification and communication of a resident's problems, needs and strengths, that monitors his or her condition on an on-going basis, and that records treatments and response to treatment is a matter of good clinical practice and is an expectation of trained and licensed health care professionals (RAI page 1-23).~~
- 2) ~~The facility shall have in place policies and procedures to address specific care needs of the residents, written evidence of ongoing in-services for staff related to residents' specific care needs and all necessary durable medical equipment to sustain life and carry out the plan of care as designed by the physician. In the absence of the above, a referral will be made to the Illinois Department of Public Health.~~
- 3) ~~No specific types of documentation or specific forms are mandated, but documentation shall be sufficient to support the codes recorded on the MDS. Treatments and services ordered and coded shall be documented as delivered in the clinical record.~~
- 4) ~~When completing a significant change assessment, the guidelines provided in the RAI Manual shall be followed. This includes documenting "the initial identification of a significant change in terms of the resident's clinical status in the progress notes" as described in RAI page 2-7.~~
- s) Injections. Documentation shall include the drug, route given and dates given.
- t) Oxygen Therapy. Documentation shall include a physician's order and the method of administration and date given.
- u) Chemotherapy. Documentation shall support the resident was monitored for response to the chemotherapy.

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- v) Dialysis. Documentation shall support the resident was monitored for response to the dialysis.
- w) Blood Glucose Monitoring.
- 1) Documentation shall support that RAI criteria for coding a diagnosis was met, including a physician documented diagnosis.
 - 2) Documentation shall support coding of a therapeutic diet being ordered and given to the resident.
 - 3) Documentation shall support coding of a dietary supplement being ordered and given to the resident during the look-back period. There shall be evidence to support it was not part of a unit's daily routine for all residents.
 - 4) Documentation shall support the coding that injections were given the entire seven days of the look-back period.
- x) Infectious Disease.
- 1) Documentation shall support that the criteria defined in the RAI Manual for coding this subsection were met.
 - 2) Documentation shall support the active diagnosis by the physician and shall include signs and symptoms of the illness.
 - 3) Interventions and treatments shall be documented.
 - 4) Documentation shall support that all RAI requirements for coding a Urinary Tract Infection (UTI) are met.
 - 5) Administration of maintenance medication to prevent further acute episodes of UTI is not sufficient to code I2j.
- y) Acute Medical Conditions.
- 1) Documentation shall support that the RAI requirements for coding these areas are met.

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- 2) Documentation shall support monitoring of an acute medical condition (physical or psychiatric illness) by a licensed nurse.
 - 3) There shall be evidence that the physician has evaluated and identified the medically unstable or acute condition for which clinical monitoring is needed.
 - 4) There shall be evidence of significant increase in licensed nursing monitoring.
 - 5) There shall be evidence that the episode meets the definition of acute, which is usually of sudden onset and time-limited course.
- z) Pain Management.
- 1) There shall be documentation to support the resident's pain experience during the look-back period and that interventions for pain were offered and/or given.
 - 2) Residents shall be assessed in a consistent, uniform and standardized process to measure and assess pain.
- aa) Discharge Planning.
- 1) Social services shall document monthly the resident's potential for discharge, specific steps being taken toward discharge, and the progress being made.
 - 2) Social service documentation shall demonstrate realistic evaluation, planning, and follow-through.
 - 3) Discharge plans shall address the current functional status of the resident, medical nursing needs, and the availability of family and/or community resources to meet the needs of the resident.
- bb) Nutrition.

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- 1) Documentation shall support coding of tube feeding during the look-back period.
 - 2) Intake and output records and caloric count shall be documented to support the coding of K6.
 - 3) Documentation of a planned weight change shall include a diet order and a documented purpose or goal that is to facilitate weight gain or loss.
 - 4) Documentation of a dietary supplement shall include evidence that resident received the supplement and that it was ordered and given between meals.
- cc) Hydration.
- 1) Documentation shall support that the resident passes two or fewer bowel movements per week, or strains more than one of four times when having a bowel movement during the look-back period to support the coding of H2b.
 - 2) Documentation shall support that the resident received a diuretic medication during the look-back period to support the coding of O4e.
 - 3) Documentation shall include frequency of episodes and accompanying symptoms to support the coding of vomiting.
 - 4) Documentation shall include signs and symptoms, interventions and treatments used to support the coding of volume depletion, dehydration or hypovolemia.
 - 5) There shall be documentation of temperature to support the coding of fever.
 - 6) There shall be documentation to support the coding of internal bleeding that shall include the source, characteristics and description of the bleeding.
 - 7) There shall be documentation that interventions were implemented related to the problem identified.

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dd) Psychosocial Adaptation. Psychosocial adaptation is intended for residents who require a behavior symptom evaluation program or group therapy to assist them in dealing with a variety of mood or behavioral issues. The criteria for reimbursement in this area requires both an intervention program and the identification of mood or behavioral issues. Residents shall be assessed for mood and behavioral issues and interventions shall be implemented to assist the resident in dealing with the identified issues. To qualify for reimbursement in this area, the facility must meet the following criteria:

- 1) Criteria for a special behavior symptom evaluation program.
 - A) There must be documentation to support that the program is an ongoing and comprehensive evaluation of behavior symptoms.
 - B) Documentation must support the resident's need for the program.
 - C) The documentation must show that the purpose of the program is to attempt to understand the "meaning" behind the resident's identified mood or behavioral issues.
 - D) Interventions related to the identified issues must be documented in the care plan.
 - E) The care plan shall have interventions aimed at reducing the distressing symptoms.
- 2) Criteria for group therapy.
 - A) There is documentation the resident regularly attends sessions at least weekly.
 - B) Documentation supports that the therapy is aimed at helping reduce loneliness, isolation, and the sense that one's problems are unique and difficult to solve.
 - C) This area does not include group recreational or leisure activities.
 - D) The therapy and interventions are addressed in the care plan.

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- E) This must be a separate session and cannot be conducted as part of skills training.
- 3) Criteria for indicators of depression.
 - A) There must be documentation to support that identified indicators occurred during the look-back period.
 - B) The documentation shall support the frequency of the indicators as coded during the look-back period.
 - C) There shall be documentation to support that interventions were implemented to assist the resident in dealing with these issues.
- 4) Criteria for sense of initiative/involvement.
 - A) There is documentation to support the resident was not involved or did not appear at ease with others or activities during the look-back period.
 - B) There shall be evidence that interventions were implemented to assist the resident in dealing with these issues.
- 5) Criteria for unsettled relationships/past roles.
 - A) There is documentation to support the issues coded in this area during the look-back period.
 - B) There shall be evidence that interventions were implemented to assist the resident in dealing with the issues identified.
- 6) Criteria for behavioral symptoms.
 - A) There is documentation to support that the behaviors occurred during the look-back period and the interventions used.
 - B) Documentation should reflect the resident's status and response to interventions.

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- C) Documentation should include a description of the behavior exhibited and the dates it occurred, as well as staff response to the behaviors.
 - D) Documentation supporting that the behaviors coded meet the RAI definitions for the identified behavior.
 - E) The care plan identifies the behaviors and the interventions to the behaviors.
- 7) Criteria for delusions/hallucinations.
- A) There is documentation to support that the delusions or hallucinations occurred during the look-back period.
 - B) Documentation contains a description of the delusion or hallucinations the resident was experiencing.
 - C) There is documentation to support the interventions used.
- ee) Psychotropic Medication Monitoring.
Documentation shall support the facility followed the documentation guidelines as directed by 42 CFR 483.25(l), Unnecessary drugs (State Operations Manual F-tag F329).
- ff) Psychiatric Services (Section S).
- 1) There shall be evidence the resident met IDPH Subpart S criteria during the look-back period.
 - 2) There shall be evidence a pre-admission screening completed by a Department of Human Services-Division of Mental Health screening entity was completed on the resident that identifies the resident as having a serious mental illness (SMI).
 - 3) Ancillary provider services are services that are provided by direct non-facility psychiatric service providers in order to meet 77 Ill. Adm. Code 300, Subpart S requirements.

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- 4) Psychiatric rehabilitation services that are provided by non-facility providers or an outside entity shall meet the needs of the SMI resident as determined by the resident's individual treatment plan (ITP).
 - 5) Facilities must ensure compliance with 77 Ill. Adm. Code 300.4050 when utilizing non-facility or outside ancillary providers.
 - 6) Adjustments in the rate for utilization of ancillary providers shall be calculated based upon Department claims data for ancillary provider billing.
- gg) Skills Training. Skills training is specific methods for assisting residents who need and can benefit from this training to address identified deficits and reach personal and clinical goals. To qualify for reimbursement, the provision of skills training shall meet all of the following criteria:
- 1) Skills and capabilities shall be assessed with the use of a standardized skills assessment, a cognitive assessment and an assessment of motivational potential. The assessment of motivational potential will assist in determining the type and size of the group in which a resident is capable of learning.
 - 2) Addresses identified skill deficits related to goals noted in the treatment plan.
 - 3) Skills training shall be provided by staff that are paid by the facility and have been trained in leading skills groups by a Department approved trainer.
 - 4) Training shall be provided in a private room with no other programs or activities going on at the same time. The environment shall be conducive to learning in terms of comfort, noise, and other distractions.
 - 5) Training shall be provided in groups no larger than ten, with reduced group size for residents requiring special attention due to cognitive, motivational or clinical issues, as determined by the skills assessment, cognition and motivational potential. Individual sessions can be provided as appropriate and shall be identified in the care plan.

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- 6) Training shall utilize a well-developed, structured curriculum and specific written content developed in advance to guide each of the sessions. (Published skills modules developed for the severe mentally ill (SMI) and Mental Illness/Substance Abuse (MISA) populations are available for use and as models.)
 - 7) The curriculum shall address discrete sets of skill competencies, breaking skills down into smaller components or steps in relation to residents' learning needs.
 - 8) The specific written content shall provide the rationale for learning, connecting skill acquisition to resident goals.
 - 9) Training shall employ skill demonstration/modeling, auditory and visual presentation methods, role-playing and skill practice, immediate positive and corrective feedback, frequent repetition of new material, practice assignments between training sessions (homework), and brief review of material from each previous session.
 - 10) There shall be opportunities for cued skill practice and generalization outside session as identified in the care plan and at least weekly documentation relative to skill acquisition.
 - 11) Each training session shall be provided and attended in increments of a minimum of 30 minutes each (not counting time to assemble and settle) at least three times per week. Occasional absences are allowable, with individual coverage of missed material as necessary. However, on-going 1:1 training shall not qualify under this area.
- hh) Close or Constant Observations.
- 1) Coding of this item is intended only for interventions applied in response to the specific current significant need of an individual resident. This item shall not be coded for observation conducted as standard facility policy for all residents, such as for all new admissions, or as part of routine facility procedures, such as for all returns from hospital, or as a part of periodic resident headcounts.

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- 2) There shall be documentation for the reason for use, confirmation that the procedure was performed as coded with staff initials at appropriate intervals, brief explanation of the resident's condition and reason for terminating the observation.
- ii) Cognitive Impairment/Memory Assistance Services.
- 1) Documentation shall include a description of the resident's short-term memory problems.
 - 2) A method of assessing and determining the short-term memory problem shall be documented.
 - 3) Documentation shall include a description of the resident's ability to make everyday decisions about tasks or activities of daily living.
 - 4) Documentation shall include a description of the resident's ability to make himself or herself understood.
- jj) Dementia Care Unit.
- 1) Unit was Illinois Department of Public Health certified during look-back period.
 - 2) Resident resided in the unit during the look-back period.
 - 3) Activity programming is planned and provided seven days a week for an average of eight hours per day.
 - 4) Required assessments were completed on the resident.
 - 5) If the resident has a Cognitive Performance Scale (CPS) score of five, care planning shall address the resident's participation in the unit's activities.
 - 6) If a particular resident does not participate in at least an average of four activities per day over a one-week period, the unit director shall evaluate the resident's participation and have the available activities modified and/or consult with the interdisciplinary team.

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7) Documentation shall support staff's efforts to involve the resident.

kk) Exceptional Care Services.

1) Respiratory Services.

A) A respiratory therapist shall evaluate the status of the resident at least monthly if the resident has a tracheostomy.

B) Documentation of respiratory therapy being provided 15 minutes a day shall be present in the clinical record for the look-back period.

C) Documentation of a physician's order for the treatments.

D) Respiratory therapy requires documentation in the record of the treatment and the times given by a qualified professional (respiratory therapist or trained nurse) as defined in the RAI Manual.

E) Documentation of suctioning includes type, frequency and results of suctioning.

F) Documentation of trach care includes type, frequency and description of the care provided.

2) Ventilator Care.

A) If the facility has residents receiving ventilator care, the facility shall have a respiratory therapist available at the facility or on call 24 hours a day.

B) A respiratory therapist shall evaluate and document the status of the resident at least weekly.

3) Weaning From Ventilator.
Documentation shall be in place to support weaning from the ventilator.

4) Morbid Obesity.

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- A) A dietician's evaluation shall be completed with evidence of on-going consultation.
 - B) On-going monitoring of weight shall be evident.
 - C) The psychosocial needs related to weight issues shall be identified and addressed.
- 5) Complex Wounds.
Facilities are to follow documentation guidelines as directed by 42 CFR 483.25(c) (State Operations Manual F-tag F314). All documentation requirements listed in F314 shall be met.
- 6) Traumatic Brain Injury (TBI).
- A) Documentation shall support that psychological therapy is being delivered by licensed mental health professionals, as described in the RAI Manual.
 - B) Documentation shall support a special symptom evaluation program as an ongoing, comprehensive, interdisciplinary evaluation of behavioral symptoms as described in the RAI Manual.
 - C) Documentation shall support evaluation by a licensed mental health specialist in the last 90 days. This shall include an assessment of a mood, behavioral disorder, or other mental health problems by a qualified clinical professional as described in the RAI Manual.
 - D) The care plan shall address the behaviors of the resident and the interventions used.
- II) Accident/Fall Prevention.
- 1) Documentation shall support that the resident has the risk factor identified on the MDS.

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- 2) Documentation shall support that the resident has been assessed for fall risks.
 - 3) If the resident is identified as high risk for falls, documentation shall support that interventions have been identified and implemented.
- mm) Restraint Free.
- 1) There shall be documentation to support the previous use of a restraint and the resident response to the restraint.
 - 2) There shall be evidence that the restraint was discontinued.
- nn) Clarification and additional documentation requirements are as follows:
- 1) Defined actions such as further assessment or documentation, described in the RAI Manual as "good clinical practice", are required by the Department as supporting documentation. Clinical documentation that contributes to identification and communication of a resident's problems, needs and strengths, that monitors his or her condition on an on-going basis, and that records treatments and response to treatment is a matter of good clinical practice and is an expectation of trained and licensed health care professionals (RAI page 1-23).
 - 2) The facility shall have in place policies and procedures to address specific care needs of the residents, written evidence of ongoing in-services for staff related to residents' specific care needs and all necessary durable medical equipment to sustain life and carry out the plan of care as designed by the physician. In the absence of these items, a referral will be made to the Illinois Department of Public Health.
 - 3) No specific types of documentation or specific forms are mandated, but documentation shall be sufficient to support the codes recorded on the MDS. Treatments and services ordered and coded shall be documented as delivered in the clinical record.
 - 4) When completing a significant change assessment, the guidelines provided in the RAI Manual shall be followed. This includes documenting "the

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initial identification of a significant change in terms of the resident's clinical status in the progress notes" as described in RAI page 2-7.

- 5) Documentation used to support coding must be signed or initialed and dated. Changes to documentation shall be done in accordance with professional standards of practice, which includes lining through the error, initialing and dating the changes made.

(Source: Amended at 32 Ill. Reg. 8614, effective May 29, 2008)

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Section 147. TABLE A Staff Time (in Minutes) and Allocation by Need Level

- a) Effective July 1, 2003, each Medicare and Medicaid certified nursing facility shall complete, and transmit quarterly to the Department, a full Minimum Data Set (MDS) for each resident who resides in a certified bed, regardless of payment source. A description of the MDS items referenced in the tables found following subsection (e) of this Table A are contained in the Long Term Care Resident Assessment Instrument User's Manual available from the Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244 (December 2002).
- b) Table A identifies ~~51~~ MDS items that shall be used to calculate a profile on each Medicaid-eligible resident within each facility.
- c) The profile for each Medicaid-eligible resident shall then be blended to determine the nursing component of the nursing facility's Medicaid rate.
- d) Each MDS item in Table A includes a description of the item and the variable time referred to in Section 147.150(c)(1). The variable time assigned to each level represents the type of staff that should be delivering the service (unlicensed, licensed, social worker and activity) and the number of minutes allotted to that service item.
- e) Following is a listing of the ~~51~~ reimbursable MDS items found in Table A.
- 1) Base Social Work and Activity
 - 2) Activities of Daily Living (ADL)
 - 3) Restorative Programs
- PROM/AROM
- AROM
- Splint/Brace
- Bed Mobility

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Mobility/Transfer

Walking

Dressing/Grooming

Eating

Prosthetic Care

Communication

Other Restorative

Scheduled Toileting

4) Medical Services

Continence Care

Catheter Care

Bladder Retraining

Pressure Ulcer Prevention

Moderate Skin Care Services

Intensive Skin Care Services

Ostomy Care

IV Therapy

Injections

Oxygen Therapy

Chemotherapy

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Dialysis

Blood Glucose Monitoring

End Stage Care

Infectious Disease

Acute Medical Conditions

Pain Management

Discharge Planning

Nutrition

Hydration

5) Mental Health (MH) Services

Psychosocial Adaptation

Psychotropic Medication Monitoring

Psychiatric Services (Section S)

Skills Training

Close or Constant Observation

6) Dementia Services

Cognitive Impairment/Memory Assistance

Dementia Care Unit

7) Exceptional Care Services

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Extensive Respiratory Services

Ventilator Care

Total Weaning From Ventilator

Morbid Obesity

Complex Wound Care

Traumatic Brain Injury (TBI)

8) Special Patient Need Factors:

Communication: add 1% of staff time accrued for ADLs through Exceptional Care Services

Vision Problems: add 2% of staff time accrued for ADLs through Exceptional Care Services

Accident/Fall Prevention: add 3% of staff time accrued for ADLs through Exceptional Care Services

Restraint Free Care: add 2% of staff time accrued for ADLs through Exceptional Care Services

Activities: add 2% of staff time accrued for ADLs through Exceptional Care Services

MDS ITEMS AND ASSOCIATED STAFF TIMES

Throughout Table A, where multiple levels are identified, only the highest level shall be scored.

1) Base Social Work and Activity

Level		Unlicensed	Licensed	Social Worker	Activity
I	All Clients	0	0	5	10

2) Activities of Daily Living

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Documentation shall support the following for scoring Activities of Daily Living.

- 1) Coding of Section G, Physical Functioning, and Structural Problems on the MDS during the look-back period.
- 2) MDS coded level of resident self-performance and support has been met.
- 3) When there is a widespread lack of supporting documentation as described in subsections (1) and (2) of this item (2), the ADL scores for the residents lacking documentation will be reset to zero.
- 4) When there is an occasional absence of documentation for residents in the sample, ADL scores will be based on the observation and/or interview of the resident and facility staff at the time of the review. If the resident has been discharged and there is no documentation to support the ADL coding, ADL scores will be reset to one.

Level	Composite Scores	Unlicensed	Licensed	Social Worker	Activity
I	Composite 7-8	50	7.5 RN 7.5 LPN		
II	Composite 9-11	62	9.5 RN 9.5 LPN		
III	Composite 12-14	69	10.5 RN 10.5 LPN		
IV	Composite 15-29	85	12.5 RN 12.5 LPN		

ADL Scoring Chart for the above Composite Levels

MDS values equal to "-" denote missing data.

ADL	MDS items	Description	Score
Bed Mobility	G1aA = - or G1aA = 0 or G1aA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1aA = 2.	Self-Performance = limited assistance	3

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	G1aA = 3 or G1aA = 4 or G1aA = 8 AND G1aB = - or G1aB = 0 or G1aB = 1 or G1aB = 2.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist	4
	G1aB = 3 or G1aB = 8.	Support = 2+ person physical assist Support = activity did not occur	5
Transfer	G1bA = - or G1bA = 0 or G1bA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1bA = 2.	Self-Performance = limited assistance	3
	G1bA = 3 or G1bA = 4 or G1bA = 8 AND G1bB = - or G1bB = 0 or G1bB = 1 or G1bB = 2.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist	4
	G1bB = 3 or G1bB = 8.	Support = 2+ person physical assist Support = activity did not occur	5
Locomotion	G1eA = - or G1eA = 0 or G1eA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1eA = 2.	Self-Performance = limited assistance	3

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	G1eA = 3 or G1eA = 4 or G1eA = 8 AND G1eB = - or G1eB = 0 or G1eB = 1 or G1eB = 2.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist	4
	G1eB = 3 or G1eB = 8.	Support = 2+ person physical assist Support = activity did not occur	5
Toilet	G1iA = - or G1iA = 0 or G1iA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1iA = 2.	Self-Performance = limited assistance	3
	G1iA = 3 or G1iA = 4 or G1iA = 8 AND G1iB = - or G1iB = 0 or G1iB = 1 or G1iB = 2.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur Support = missing Support = no set up or physical help Support = set up help only Support = 1 person assist	4
	G1iB = 3 or G1iB = 8.	Support = 2+ person physical assist Support = activity did not occur	5
	Dressing	G1gA = - or G1gA = 0 or G1gA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision
	G1gA = 2.	Self-Performance = limited assistance	2
	G1gA = 3 or G1gA = 4 or G1gA = 8.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur	3

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Hygiene	G1jA = - or G1jA = 0 or G1jA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1jA = 2.	Self-Performance = limited assistance	2
	G1jA = 3 or G1jA = 4 or G1jA = 8.	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur	3
Eating	G1hA = - or G1hA = 0 or G1hA = 1.	Self-Performance = missing Self-Performance = independent Self-Performance = supervision	1
	G1hA = 2.	Self-Performance = limited assistance	2
	G1hA = 3 or G1hA = 4 or G1hA = 8	Self-Performance = extensive assistance Self-Performance = total dependence Self-Performance = activity did not occur	3
	Or K5a = 1 or K5b = 1 and Intake = 1	Parenteral/IV in last 7 days Tube feeding in last 7 days See below	
	Where		
	Intake = 1 if		
	K6a = 3 or	Parenteral/enteral intake 51-75% of total calories	
	K6a = 4	Parenteral/enteral intake 76-100% of total calories	
	Or Intake = 1 if		
	K6a = 2 and K6b = 2 or	Parenteral/enteral intake 26-50% of total calories Average fluid intake by IV or tube is 501-1000 cc/day	

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	K6b = 3 or	Average fluid intake by IV or tube is 1001-1500 cc/day	
	K6b = 4 or	Average fluid intake by IV or tube is 1501-2000 cc/day	
	K6b = 5.	Average fluid intake by IV or tube is 2001 or more cc/day	

3) Restorative Programs

With the exception of amputation/prosthesis care and splint or brace assistance restoratives, the total number of restorative programs eligible for reimbursement shall be limited to fourfive, with no more than three being a Level II restorative. Scheduled toileting shall be included in this limit. Splint or brace assistance and amputation/prosthesis care shall be reimbursed independently. A resident coded in I1t (CVA/stroke), I1v (hemiplegia/hemiparesis), I1w (Multiple Sclerosis), I1x (paraplegia) or I1cc (Traumatic Brain Injury) on the MDS and also coded as B4≤2 (cognitive skills for decision making) shall be limited to a total of six restoratives with no more than four being a Level II restorative. A Department designed assessment shall be required quarterly to assess the resident's endurance and the resident's ability to benefit from two or more restorative programs.

For the following restorative programs: bed mobility, mobility/transfer, walking, dressing/grooming, and eating, when the corresponding ADL is coded a "1" under self-performance on the current MDS, the previous MDS must have a code of greater than "1" to qualify for reimbursement.

If PROM is scored, AROM is reset to zero unless the resident has a diagnosis of CVA, hemiplegia/hemiparesis, multiple sclerosis, paraplegia or traumatic brain injury.

When the number of restoratives coded on the MDS exceeds the allowable limits for reimbursement, the following order shall be used.

- A) Eating Restorative
- B) Scheduled Toileting
- C) Walking Restorative
- D) Transfer Restorative

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- E) PROM/AROM
- F) Bed Mobility Restorative
- G) Communication Restorative
- H) Dressing/Grooming Restorative
- I) Other Restorative
- J) AROM

Restorative Services are programs under the direction and supervision of a licensed nurse and are provided by nursing staff. The programs are designed to promote the resident's ability to adapt and adjust to living as independently and safely as possible. The focus is on achieving and/or maintaining optimal physical, mental, and psychosocial functioning. A program is defined as a specific approach that is organized, planned, documented, monitored, and evaluated. Although therapists may participate in designing the initial program, members of nursing staff are still responsible for the overall coordination and supervision of restorative nursing programs. Staff completing the programs should be communicating progress, maintenance, regression and other issues/concerns to the licensed nurse overseeing the programs. To qualify for reimbursement, the provision of restorative programs shall meet the following criteria for each program identified for reimbursement:

- 1) When programs are designed using verbal cueing as the only intervention, documentation and/or observation must support the following:
 - A) Without such cueing, the resident would be unable to complete the required ADL task.
 - B) The verbal interventions are aimed at providing the resident with instructions for completing the task in such a way that promotes the resident's safety and awareness.
 - C) Verbal interventions that are simply reminders to complete the task may not be the sole content of the program.

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- 2) Documentation shall clearly define the resident's need for the program and the program defined shall correspond to the identified need of the resident. Observation and/or interview shall also support the need for the program.
- 3) The clinical record shall identify a restorative nursing plan of care to assist the resident in reaching and/or maintaining his or her highest level of functioning. Staff completing the programs shall be aware of the program and the resident's need for the program.
- 4) Documentation must support that the program was reevaluated and goals and interventions were revised as necessary to assist the resident in reaching and/or maintaining his or her highest level of functioning.
- 5) Documentation shall contain objective and measurable information so that progress, maintenance or regression can be recognized from one report to the next.
- 6) Goals shall be resident specific, realistic, and measurable. Goals shall be revised as necessary. Revisions shall be made based on the resident's response to the program.
- 7) The resident's ability to participate in the program shall be addressed.
- 8) Written evidence of measurable objectives and interventions shall be in the restorative plan of care and be individualized to the resident's problems and needs. There shall be evidence the objectives and interventions were reviewed quarterly and revised as necessary.
- 9) There shall be evidence of quarterly evaluation written by a licensed nurse in the clinical record. The evaluation must assess the resident's progress and participation in the program since the last evaluation. It shall contain specific information that includes the resident's response to the program (i.e., amount of assistance required, devices used, the distance, the progress made, how well the resident tolerated the program). An evaluation shall be documented on each restorative program the resident is receiving.

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- 10) There shall be written evidence that staff carrying out the programs have been trained in techniques that promote resident involvement in the activity.
- 11) If volunteers or other staff were assigned to work with specific residents, there shall be written evidence of specific training in restorative techniques that promote the resident's involvement in the restorative program.
- 12) There shall be documentation to support that the programs are ongoing and administered as planned outside the look-back period, unless there is written justification in the clinical record that supports the need to discontinue the program. Observation and/or interviews must also support that the programs are ongoing and administered as planned.
- 13) If a restorative program is in place when a care plan is being revised, it is appropriate to reassess progress, goals, duration and frequency as part of the care planning process. The results of this reassessment shall be documented in the record.
- 14) The actual number of minutes per day spent in a restorative program shall be documented for each resident and for each restorative program during the look-back period.
- 15) The Department designated endurance assessment must be completed quarterly on each resident receiving two or more restorative programs. A licensed nurse must complete this assessment.
- 16) A resident coded as totally dependent in an ADL function will only be reimbursed for one quarter for the following corresponding restorative programs: bed mobility, transfer, walking, dressing/grooming, and/or eating/swallowing.
- 17) A resident scoring and/or receiving hospice services shall not be eligible for the following restorative programs: bed mobility, transfer, walking, dressing/grooming, eating and/or other restoratives.

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18) When multiple restoratives are coded in a facility, the staff levels must support the ability to deliver these programs based on the number and frequency of programs coded.

19) All restorative programs shall meet the specifications in the RAI Manual for the individual restoratives.

Passive Range of Motion (PROM)

The following documentation shall support the following for scoring PROM.

- 1) The restorative program shall meet the definition of PROM as identified in the RAI Manual.
- 2) The PROM program shall address the functional limitations identified in section G4 of the MDS.
- 3) There shall be evidence that the program is planned and scheduled. PROM that is incidental to dressing, bathing, etc., does not count as part of a formal restorative program.

Lev	MDS items	Description	Unl	Lic	SW	Act
	G4aA > 0 or	Any function limits in ROM of neck				
	G4bA > 0 or	Any function limits in ROM of arm				
	G4cA > 0 or	Any function limits in ROM of hand				
	G4dA > 0 or	Any function limits in ROM of leg				
	G4eA > 0 or	Any function limits in ROM of foot				
	G4fA > 0 or	Any function limits in ROM of other limitation or loss				
	G4aB > 0 or	Any function limits in voluntary movement of neck				

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	G4bB > 0 or G4cB > 0 or G4dB > 0 or G4eB > 0 or G4fB > 0	Any function limits in voluntary movement of arm Any function limits in voluntary movement of hand Any function limits in voluntary movement of leg Any function limits in voluntary movement of foot Any function limits in voluntary movement of other limitation or loss				
	AND					
I	$3 \leq P3a \leq 5$	3 to 5 days of PROM rehab	10	3 RN 3 LPN		
II	$6 \leq P3a \leq 7$	6 to 7 days of PROM rehab	15	3 RN 3 LPN		

Active Range of Motion (AROM)

The following documentation shall support the following for scoring AROM.

- 1) The restorative program meets the definition of AROM as identified in the RAI Manual.
- 2) The AROM programs shall address the functional limitations identified in section G4 of the MDS.
- 3) There shall be evidence that the program is planned and scheduled. AROM that is incidental to dressing, bathing, etc., does not count as part of a formal restorative program.
- 4) AROM does not include exercise groups with more than four residents assigned per supervising helper or caregiver.

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Lev	MDS items	Description	Unl	Lic	SW	Act
	G4aA > 0 or	Any function limits in ROM of neck				
	G4bA > 0 or	Any function limits in ROM of arm				
	G4cA > 0 or	Any function limits in ROM of hand				
	G4dA > 0 or	Any function limits in ROM of leg				
	G4eA > 0 or	Any function limits in ROM of foot				
	G4fA > 0 or	Any function limits in ROM of other limitation or loss				
	G4aB > 0 or	Any function limits in voluntary movement of neck				
	G4bB > 0 or	Any function limits in voluntary movement of arm				
	G4cB > 0 or	Any function limits in voluntary movement of hand				
	G4dB > 0 or	Any function limits in voluntary movement of leg				
	G4eB > 0 or	Any function limits in voluntary movement of foot				
	G4fB > 0	Any function limits in voluntary movement of other limitation or loss				
	AND					
I	$3 \leq P3b \leq 5$	3 to 5 days of AROM rehab	8	2 RN 2 LPN		

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II	$6 \leq P3b \leq 7$	6 to 7 days of AROM rehab	12	2 RN 2 LPN		
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Splint/Brace Assistance

[The program shall meet the specifications of this restorative as defined in the RAI Manual.](#)

[A splint or brace is defined as an appliance for the fixation, union, or protection of an injured part of the body.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	$3 \leq P3c \leq 5$	3 to 5 days of assistance	8	2 RN 2 LPN		
II	$6 \leq P3c \leq 7$	6 to 7 days of assistance	12	2 RN 2 LPN		

Bed Mobility Restorative

[The program shall meet the specifications of this restorative as defined in the RAI Manual.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
	$0 < G1aA < 8$ AND $G7 = 1$	Need assistance in bed mobility Some or all ADL tasks broken into subtasks				
	AND					
I	$3 \leq P3d \leq 5$	3 to 5 days of rehab or restorative techniques	10	3 RN 3		

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				LPN		
II	$6 \leq P3d \leq 7$	6 to 7 days of rehab or restorative techniques	15	3 RN 3 LPN		

Mobility (Transfer) Restorative

[The program shall meet the specifications of this restorative as defined in the RAI Manual.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
	$0 < G1bA < 8$ AND $G7 = 1$	Need assistance in transfer Some or all ADL tasks broken into subtasks				
	AND					
I	$3 \leq P3e \leq 5$	3 to 5 days of rehab or restorative techniques	10	3 RN 3 LPN		
II	$6 \leq P3e \leq 7$	6 to 7 days of rehab or restorative techniques	15	3 RN 3 LPN		

Walking Restorative

[The program shall meet the specifications of this restorative as defined in the RAI Manual.](#)

Lev	MDS items	Description	Unl	Lic	S W	Act
	$0 < G1cA < 8$ or	Need assistance in walking in room				

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	0 < G1dA < 8 or 0 < G1eA < 8 or 0 < G1fA < 8 AND G7 = 1	Need assistance in walking in corridor Need assistance in locomotion on unit Need assistance in locomotion off unit Some or all ADL tasks broken into subtasks				
	AND					
I	3 ≤ P3f ≤ 5	3 to 5 days of rehab or restorative techniques	10	3 RN 3 LPN		
II	6 ≤ P3f ≤ 7	6 to 7 days of rehab or restorative techniques	15	3 RN 3 LPN		

Dressing or Grooming Restorative

[The program shall meet the specifications of this restorative as defined in the RAI Manual.](#)

[Grooming programs, including programs to help the resident learn to apply make-up, may be considered restorative nursing programs when conducted by a member of the activity staff.](#)

[These programs shall have goals, objectives, and documentation of progress and be related to the identified deficit.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
	0 < G1gA < 8 or 0 < G1jA < 8 AND	Need assistance in dressing Need assistance in personal hygiene				

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	G7 = 1 AND	Some or all ADL tasks broken into subtasks				
	B4 ≤ 2	Cognitive skills for decision making				
	AND					
	S1 = 0 AND	Does not meet Illinois Department of Public Health (IDPH) Subpart S Criteria				
I	3 ≤ P3g ≤ 5	3 to 5 days of rehab or restorative techniques	10	3 RN 3 LPN		
II	6 ≤ P3g ≤ 7	6 to 7 days of rehab or restorative techniques	15	3 RN 3 LPN		

Eating Restorative

[The program shall meet the specifications of this restorative as defined in the RAI Manual.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
	0 < G1hA < 8 or K1b = 1 AND G7 = 1	Need assistance in eating Has swallowing problem Some or all ADL tasks broken into subtasks				
	AND					
I	3 ≤ P3h ≤ 5	3 to 5 days of rehab or restorative techniques	15	3 RN 3 LPN		

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II	$6 \leq P3h \leq 7$	6 to 7 days of rehab or restorative techniques	20	3 RN 3 LPN		
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Amputation/Prosthetic Care

[The program shall meet the specifications of this restorative as defined in the RAI Manual.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	$3 \leq P3i \leq 5$	3 to 5 days of assistance	10	3 RN 3 LPN		
II	$6 \leq P3i \leq 7$	6 to 7 days of assistance	15	3 RN 3 LPN		

Communication Restorative

[The program shall meet the specifications of this restorative as defined in the RAI Manual.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
	C4 > 0	Deficit in making self understood				
	AND					
I	$3 \leq P3j \leq 5$	3 to 5 days of rehab or restorative techniques	10	3 RN 3 LPN		

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II	$6 \leq P3j \leq 7$	6 to 7 days of rehab or restorative techniques	15	3 RN 3 LPN		
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Other Restorative

[The program shall meet the specifications of this restorative as defined in the RAI Manual.](#)

[Other Restorative shall only be reimbursed for a total of two quarters regardless of the level.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P3k=3 or greater AND Q2 < 2 AND B2a = 0 AND B4 = 0 or 1 AND C6 = 0 or 1 AND S1 = 0	Other Restorative Improved or no change in care needs Short term memory okay Cognitive skills for decision making Ability to understand others Does not meet IDPH Subpart S criteria	6	5 RN 5 LPN		
II	P3k = 3 or greater AND Q1c = 1 or 2 AND	Other restorative Stay projected to be of a short duration – discharge expected to be within 90 days	6	7.5 RN 7.5 LPN		

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Q2 < 2 AND P1ar = 1 AND B2a = 0 AND B4 = 0 or 1 AND C6 = 0 or 1 AND S1 = 0	Improved or no change in care needs Provide training to return to the community Short-term memory Cognitive skills for decision making Ability to understand others Does not meet IDPH Subpart S criteria				
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~~Other Restorative shall only be reimbursed for a total of two quarters regardless of the level.~~

Scheduled Toileting

Documentation shall support the following for scoring scheduled toileting.

- 1) The program shall have documentation to support that all the requirements identified in the RAI Manual are met.
- 2) The description of the plan, including: frequency, reason, and response to the program.
- 3) The plan shall be periodically evaluated and revised, as necessary, including documentation of the resident's response to the plan.
- 4) This does not include a "check and change" program or routine changing of the resident's incontinent briefs, pads or linens when wet, where there is no participation in the plan by the resident.
- 5) There shall be documentation to support the deficit in toileting and/or the episodes of incontinence.

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- 6) [A resident scoring S1 = 1 \(meets Subpart S criteria\) shall have corresponding diagnosis of CVA or multiple sclerosis to qualify for reimbursement in scheduled toileting.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	H3a = 1 AND S1= 0	Any scheduled toileting plan Does not meet criteria for Subpart S	22	1.5 RN 1.5 LPN		
	H3b = 0 AND	No bladder retraining program				
	H3d = 0 AND	No indwelling catheter				
	H1b > 1 or	Incontinent at least 2 or more times a week				
	GliA > 1 and < 8	Self-performance = limited to total assistance				

4) **Medical Services****Contenance Care**

[Documentation shall support the following for scoring continence care.](#)

- 1) [That catheter care was administered during the look-back period.](#)
- 2) [The type and frequency of the care.](#)
- 3) [RAI requirements for bladder retraining program were administered during the look-back period.](#)
- 4) [The resident's level of incontinence shall be documented during the look-back period to support the bladder retraining program.](#)
- 5) [Bladder scanners cannot be the sole content of the bladder retraining program.](#)

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Contenance Care – Level II (Bladder Retraining) shall only be reimbursed for two quarters.

Lev	MDS items	Description	Unl	Lic	SW	Act
I	Catheter Care H3d = 1 AND H3a = 0	Indwelling catheter present No scheduled toileting plan	12	.5 RN .5 LPN		
II	Bladder Retraining H3b = 1 AND H3a = 0 AND H1b > 1 AND B4 = 0 or 1 OR H3b = 1 AND H3a = 0 AND H1b ≤ 1 AND H4 = 1 AND	Bladder retraining program No scheduled toileting plan Incontinent at least 2 or more times a week Cognitive skills for decision making Bladder retraining program No scheduled toileting plan Bladder continence Change in continence	32	5 RN 5 LPN		

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B4 = 0 or 1	Cognitive skills in decision making				
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~~Bladder scanners cannot be the sole content of the program. Contenance Care—Level II (Bladder Retraining) shall only be reimbursed for two quarters.~~

Pressure Ulcer Prevention

Documentation shall support the following for scoring pressure ulcer prevention.

- 1) History of resolved ulcer in the identified timeframe and/or the use of the identified interventions during the identified timeframe.
- 2) Interventions and treatments shall meet the RAI definitions for coding.
- 3) A specific approach that is organized, planned, monitored and evaluated for coding a turning and positioning program.
- 4) Resident was assessed related to his or her risk for developing ulcers. A resident assessed to be at high risk shall have interventions identified in the plan of care.

Lev	MDS items	Description	Unl	Lic	SW	Act
I	M3 = 1 or Any two of: M5a M5b M5c M5d M5i	History of resolved ulcers in last 90 days Pressure relieving devices for chair Pressure relieving devices for bed Turning or repositioning program Nutrition or hydration intervention for skin Other prevention for skin (other than feet)	15	4 RN 4 LPN		

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Moderate Skin Care/Intensive Skin Care

Documentation shall support the following for scoring moderate skin care/intensive skin care.

- 1) Interventions and treatments shall meet the RAI definitions for coding.
- 2) Documentation of ulcers shall include staging as the ulcers appear during the look-back period.
- 3) Documentation of ulcers shall include a detailed description that includes, but is not limited to, the stage of the ulcer, the size, the location, any interventions and treatments used during the look-back period.
- 4) Documentation of burns shall include, but is not limited to, the location, degree, extent, interventions and treatments during the look-back period.
- 5) Documentation of open lesions shall include, but is not limited to, location, size, depth, any drainage, interventions and treatments during the look-back period.
- 6) Documentation of surgical wounds shall include, but is not limited to, type, location, size, depth, interventions and treatment during the look-back period.
- 7) All treatments involving M5e, M5f, M5g and M5h shall have a physician's order, with the intervention and frequency.
- 8) Documentation to support that the intervention was delivered during the look-back period shall be included.
- 9) Documentation of infection of the foot shall contain a description of the area and the location.
- 10) Documentation shall support a specific approach that is organized, planned, monitored and evaluated for coding a turning and positioning program.
- 11) Documentation for items coded in M4 shall include documentation of an intervention, treatment and/or monitoring of the problem or condition identified.

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Lev	MDS items	Description	Unl	Lic	SW	Act
I		Moderate Skin Care Services	5	5 RN		
	M1a > 0 or	Stage 1 ulcers		5 LPN		
	M1b > 0 or	Stage 2 ulcers				
	Any of:	Other Skin Problems (below):				
	M4a = 1	Abrasions, bruises				
	M4b = 1	Burns				
	M4c = 1	Open lesions other than ulcers				
	M4d = 1	Rashes				
	M4e = 1	Skin desensitized to pain or pressure				
	M4f = 1	Skin tears or cuts (other than surgery)				
	M4g = 1	Surgical wounds				
	AND					
	4 of the following:	Skin Treatments (below):				
	M5a = 1	Pressure relieving devices for chair				
	M5b = 1	Pressure relieving devices for bed				
	M5c = 1	Turning or repositioning program				
	M5d = 1	Nutrition or hydration intervention for skin				
	M5e = 1	Ulcer care				
	M5f = 1	Surgical wound care				

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	M5g = 1 M5h = 1 M5i = 1 OR (M6b = 1 or M6c = 1) AND M6f = 1	Application of dressings (other than feet) Application of ointments (other than feet) Other prevention for skin (other than feet) Infection of the foot Open lesion of the foot And application of a dressing				
II	M1c > 0 or M1d > 0 AND 4 of the following: M5a = 1 M5b = 1 M5c = 1 M5d = 1 M5e = 1 M5f = 1 M5g = 1	Intensive Skin Care Services Stage 3 ulcers Stage 4 ulcers Skin Treatments (below): Pressure relieving devices for chair Pressure relieving devices for bed Turning or repositioning program Nutrition or hydration intervention for skin Ulcer care Surgical wound care Application of dressings (other than feet)	5	15 RN 15 LPN		

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NOTICE OF ADOPTED AMENDMENTS

M5h = 1	Application of ointments (other than feet)				
M5i = 1	Other prevention for skin (other than feet)				

Ostomy Services

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1af = 1	Ostomy care performed	5	2.5 RN 2.5 LPN		

IV Therapy

Documentation shall support the following for scoring IV Therapy.

- 1) Date delivered, type of medication and method of administration.
- 2) Monitoring of an acute medical condition (physical or psychiatric illness) by a licensed nurse as required under acute medical conditions.

Lev	MDS items	Description	Unl	Lic	SW	Act
I	Plac = 1 or K5a = 1 AND P1ae = 1	IV medication Parenteral/IV nutrition Monitoring acute medical condition	1	15 RN 15 LPN		

Injections

Documentation shall include the drug, route given and dates given.

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NOTICE OF ADOPTED AMENDMENTS

Lev	MDS items	Description	Unl	Lic	SW	Act
I	O3 = 7 ≥ 2	Number of injections in last 7 days		3 RN 3 LPN		

Oxygen Therapy

[Documentation shall include a physician's order and the method of administration and date given.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1ag = 1	Oxygen therapy administered in last 14 days	9	7.5 RN 7.5 LPN		

Chemotherapy

[Documentation shall support that the resident was monitored for response to the chemotherapy.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1aa = 1	Chemotherapy given	1	5 RN 5 LPN		

Dialysis

[Documentation shall support that the resident was monitored for response to the dialysis.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1ab = 1	Dialysis given	1	5 RN 5	2	

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NOTICE OF ADOPTED AMENDMENTS

				LPN		
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Blood Glucose Monitoring

Documentation shall support the following for scoring blood glucose monitoring.

- 1) RAI criteria for coding that a diagnosis was met, including a physician documented diagnosis.
- 2) Coding of a therapeutic diet being ordered and given to the resident.
- 3) Coding of a dietary supplement being ordered and given to the resident during the look-back period. There shall be evidence to support it was not part of a unit's daily routine for all residents.
- 4) Coding that injections were given the entire seven days of the look-back period.

Lev	MDS items	Description	Unl	Lic	SW	Act
I	I1a = 1 AND K5e = 1 or K5f = 1 or O3 = 7	Diabetes mellitus Therapeutic diet Dietary supplement Injections daily		1 RN 1 LPN		

End Stage Care

Lev	MDS items	Description	Unl	Lic	SW	Act
I	J5c = 1	End stage disease, 6 or fewer months to live Restoratives including scheduled toileting and bladder retraining	10	6 RN 6 LPN	8	

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NOTICE OF ADOPTED AMENDMENTS

		sets to level '0' except AROM, PROM, splint/brace. Limit of 4 quarters				
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If End Stage Care has been scored, Discharge Planning shall be set to zero.

Infectious Disease

Documentation shall support the following for scoring infectious disease.

- 1) Criteria defined in the RAI Manual for coding this section was met.
- 2) Active diagnosis by the physician, including signs and symptoms of the illness.
- 3) Interventions and treatments shall be documented.
- 4) All RAI requirements for coding a urinary tract infection (UTI) are met.
- 5) Administration of maintenance medication to prevent further acute episodes of UTI is not sufficient to code I2j.

Lev	MDS items	Description	Unl	Lic	SW	Act
I	I2a = 1 or	Antibiotic resistant infection	18	8.5 RN 8.5 LPN	1	
	I2b = 1 or	Clostridium Difficile				
	12e = 1 or	Pneumonia				
	12g = 1 or	Septicemia				
	I2i = 1 or	TB				
	12 j = 1 or	Urinary Tract infection present				
	I2k = 1 or	Viral hepatitis				
	12l = 1 or	Wound infection				
	I3 = ICD9 code 041.01,133.0	Streptococcus Group A, scabies				

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NOTICE OF ADOPTED AMENDMENTS

Acute Medical Conditions

Documentation shall support the following for scoring acute medical conditions.

- 1) RAI requirements for coding these areas are met.
- 2) Monitoring of an acute medical condition (physical or psychiatric illness) by a licensed nurse.
- 3) Evidence that the physician has evaluated and identified the medically unstable or acute condition for which clinical monitoring is needed.
- 4) Evidence of significant increase in licensed nursing monitoring.
- 5) Evidence that the episode meets the definition of acute, which is usually of sudden onset and time-limited course.

Lev	MDS items	Description	Unl	Lic	SW	Act
I	J5b = 1 AND	Acute episode or flare-up of chronic condition	1	11.5 RN 11.5 LPN	1	
	P1ae = 1 AND	Monitoring acute medical condition				
	P1ao = 0 OR	Not hospice care				
	(J5a = 1 AND	Condition makes resident's cognitive, ADL, mood or behavior patterns unstable				
	P1ao = 0 AND	Not hospice care				
	P1ae = 1) OR	Monitoring acute medical condition				
	(B5a = 2 or	Easily distracted over last 7 days				

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B5b = 2 or	Periods of altered perceptions or awareness of surroundings over last 7 days				
B5c = 2 or	Episodes of disorganized speech over last 7 days				
B5d = 2 or	Periods of restlessness over last 7 days				
B5e = 2 or	Periods of lethargy over last 7 days				
B5f = 2) AND	Mental function varies over course of day in last 7 days				
P1ae = 1 AND	Monitoring acute medical condition				
P1ao = 0	Not hospice care				

Pain Management

There shall be documentation to support the resident's pain experience during the look-back period and that interventions for pain were offered and/or given.

Residents shall be assessed in a consistent, uniform and standardized process to measure and assess pain.

Lev	MDS items	Description	Unl	Lic	SW	Act
I	J2a > 0 AND	Demonstrate or complain of pain	4	4 RN 4 LPN	1	1
	J2b > 0	Mild to excruciating intensity				

Discharge Planning

Discharge planning shall only be reimbursed for two quarters.

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If end stage care has been scored, discharge planning shall be set to zero.

Documentation shall support the following for scoring discharge planning.

- 1) Social services shall document monthly the resident's potential for discharge, specific steps being taken toward discharge, and the progress being made.
- 2) Social service documentation shall demonstrate realistic evaluation, planning, and follow-through.
- 3) Discharge plans shall address the current functional status of the resident, medical nursing needs, and the availability of family and/or community resources to meet the needs of the resident.

Lev	MDS items	Description	Unl	Lic	SW	Act
I	Q1c = 1 or 2 AND	Stay projected to be of short duration – discharge expected to be within 90 days		8 RN 8 LPN	16	
	Q2 < 2 AND	Improved or no change in care needs				
	P1ar = 1 AND SI=0	Provide training to return to community Does not meet IDPH Subpart S criteria				

~~Discharge Planning shall only be reimbursed for two quarters. If End Care has been scored, Discharge Planning shall be set at zero.~~

Nutrition

Documentation shall support the following for scoring nutrition.

- 1) Coding of tube feeding during the look-back period.
- 2) Intake and output records and caloric count shall be documented to support the coding of K6.

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- 3) [Planned weight change, including a diet order and a documented purpose or goal, that is to facilitate weight gain or loss.](#)
- 4) [Dietary supplement, including evidence the resident received the supplement and that it was ordered and given between meals.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	K5h = 1 OR K5f = 1	On a planned weight change program Dietary supplement given between meals	<u>24</u>	51.5 RN 51.5 LPN	<u>+</u>	
II	K5b = 1 and Intake = 1 Intake = 1 if K6a = 3 or K6a = 4 Or Intake = 1 if K6a = 2 and K6b = 2 or K6b = 3 or	Tube feeding in last 7 days See below Parenteral/ enteral intake 51-75% of total calories Parenteral/enteral intake 76-100% of total calories Parenteral/enteral intake 26-50% of total calories Average fluid intake by IV or tube is 501-1000 cc/day Average fluid intake by IV or tube is 1001-1500 cc/day	<u>20</u>	1211 RN 1211 LPN	<u>2+</u>	

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NOTICE OF ADOPTED AMENDMENTS

K6b = 4 or	Average fluid intake by IV or tube is 1501-2000 cc/day				
K6b = 5	Average fluid intake by IV or tube is 2001 or more cc/day				

Hydration

Documentation shall support the following for scoring hydration.

- 1) The resident passes two or fewer bowel movements per week, or strains more than one of four times when having a bowel movement during the look-back period to support the coding of H2b.
- 2) Resident received a diuretic medication during the look-back period to support the coding of O4e.
- 3) Frequency of episodes and accompanying symptoms to support the coding of vomiting.
- 4) Signs and symptoms, interventions and treatments used to support the coding of volume depletion, dehydration or hypovolemia.
- 5) Documentation of temperature shall be present to support the coding of fever.
- 6) Coding of internal bleeding shall include the source, characteristics and description of the bleeding.
- 7) Interventions were implemented related to the problem identified.

Lev	MDS items	Description	Unl	Lic	SW	Act
I	H2b = 1 or	Constipation	1045	23.5 RN 23.5 LPN		1

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ICD9 = 564.00 or 564.7	Constipation				
AND					
K5a = 0	No parenteral/IV				
AND					
K5b = 0	No feeding tube				
OR					
Any two of the following separate conditions:					
1 ≤ O4e ≤ 7 or	Received a diuretic medication in last 7 days				
J1o = 1 or	Vomiting				
I3 a,b,c,d,e = 276.5 or	Volume depletion				
276.50 or	Volume depletion, unspecified				
276.51 or	Dehydration				
276.52 or	Hypovolemia				
I2j = 1 or	Urinary tract infection in last 30 days				
J1c = 1 or	Dehydrated				
J1d = 1 or	Did not consume most fluids provided (3 days)				
J1h = 1 or	Fever				
J1j = 1	Internal bleeding				
AND					
K5a = 0	Not have parenteral/IV				
AND					
K5b = 0	No feeding tube				

5) Mental Health Services

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NOTICE OF ADOPTED AMENDMENTS

Psychosocial Adaptation

Psychosocial adaptation is intended for residents who require a behavioral symptom evaluation program or group therapy to assist them in dealing with a variety of mood or behavioral issues. The criteria for reimbursement in this area require both an intervention program and the identification of mood or behavioral issues. Residents shall be assessed for mood and behavioral issues and interventions shall be implemented to assist the resident in dealing with the identified issues. To qualify for reimbursement in this area, the facility must meet the following criteria:

- 1) Criteria for special behavioral symptom evaluation program.
 - A) There must be documentation to support that the program is an ongoing and comprehensive evaluation of behavioral symptoms.
 - B) Documentation must support the resident's need for the program.
 - C) The documentation must show that the purpose of the program is to attempt to understand the "meaning" behind the resident's identified mood or behavioral issues.
 - D) Interventions related to the identified issues must be documented in the care plan.
 - E) The care plan shall have interventions aimed at reducing the distressing symptoms.
- 2) Criteria for group therapy.
 - A) There is documentation that the resident regularly attends sessions at least weekly.
 - B) Documentation supports that the therapy is aimed at helping reduce loneliness, isolation, and the sense that one's problems are unique and difficult to solve.
 - C) This area does not include group recreational or leisure activities.
 - D) The therapy and interventions are addressed in the care plan.

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NOTICE OF ADOPTED AMENDMENTS

- E) This must be a separate session and can not be conducted as part of skills training.
- 3) Criteria for indicators of depression.
 - A) There must be documentation to support identified indicators occurred during the look-back period.
 - B) The documentation shall support the frequency of the indicators as coded during the look-back period.
 - C) There shall be documentation to support that interventions were implemented to assist the resident in dealing with these issues.
- 4) Criteria for sense of initiative/involvement.
 - A) There is documentation to support that the resident was not involved or did not appear at ease with others or activities during the look-back period.
 - B) There shall be evidence that interventions were implemented to assist the resident in dealing with these issues.
- 5) Criteria for unsettled relationships/past roles.
 - A) There is documentation to support the issues coded in this area during the look-back period.
 - B) There shall be evidence that interventions were implemented to assist the resident in dealing with the issues identified.
- 6) Criteria for behavioral symptoms.
 - A) There is documentation to support that the behaviors occurred during the look-back period and the interventions used.
 - B) Documentation should reflect the resident's status and response to interventions.

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- C) Documentation should include a description of the behavior exhibited and the dates it occurred, as well as staff response to the behaviors.
- D) Documentation supports that the behaviors coded meet the RAI definitions for the identified behavior.
- E) The care plan identifies the behaviors and the interventions to the behaviors.
- 7) Criteria for delusions/hallucinations.
- A) There is documentation to support that the delusions or hallucinations occurred during the look back period.
- B) Documentation contains a description of the delusions or hallucinations the resident was experiencing.
- C) There is documentation to support the interventions used.

Lev	MDS items	Description	Unl	Lic	SW	Act
I	(P2a = 1 or P2b = 1 or P2c = 1) AND P2d = 1) AND Any E1a-p > 0 or F1g = 1 or Any F2a-g = 1 or Any F3a-c = 1 or E4aA > 0 or	Behavior symptom evaluation Evaluation by licensed MH specialist within last 90 days Group therapy Resident specific changes to environment Indicators of depression No indicators of psychosocial well-being Any unsettled relationships Issues with past roles Wandering in last 7 days	12	3 RN 3 LPN	8	2

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NOTICE OF ADOPTED AMENDMENTS

E4bA > 0 or	Verbally abusive in last 7 days				
E4cA > 0 or	Physically abusive in last 7 days				
E4dA > 0 or	Inappropriate or disruptive behavior in last 7 days				
E4eA > 0 or	Resisted care in last 7 days				
J1e= 1 or	Delusions				
J1i = 1	Hallucinations				

Psychotropic Medication Monitoring

[Documentation shall support that the facility followed the documentation guidelines as directed by 42 CFR 483.25\(l\), Unnecessary drugs \(State Operations Manual F-tag F329\).](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	O4a = 7 or	Antipsychotic meds	5	2.5 RN 2.5 LPN		
	O4b = 7 or	Antianxiety meds				
	O4c = 7 or	Antidepressant meds				
	O4d = 7	Hypnotic meds				

Psychiatric Services (Section S)

[Documentation shall support the following for scoring psychiatric services \(Section S\).](#)

- 1) [There shall be evidence the resident met IDPH Subpart S criteria during the look-back period.](#)
- 2) [There shall be evidence a pre-admission screening completed by a Department of Human Services-Division of Mental Health screening entity was completed on the resident that identifies the resident as having a serious mental illness \(SMI\).](#)

[The following shall be used in coding ancillary provider services.](#)

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- 1) Ancillary provider services are services that are provided by direct non-facility psychiatric service providers in order to meet 77 Ill. Adm. Code 300, Subpart S requirements.
- 2) Psychiatric rehabilitation services that are provided by non-facility providers or an outside entity shall meet the needs of the SMI resident as determined by the resident's individual treatment plan.
- 3) Facilities shall ensure compliance with 77 Ill. Adm. Code 300.4050 when utilizing non-facility or outside ancillary providers.
- 4) Adjustments in the rate for utilization of ancillary providers shall be calculated based upon Department claims data for ancillary provider billing.

Lev	MDS items	Description	Unl	Lic	SW	Act
I	S1 = 1 AND ADL Index = 4 AND One or more of the following are coded M1c or M1d >0 or K5b = 1 or K5a = 1 or Plab = 1 or J5c = 1 or Plaa = 1 or	Meets IDPH Subpart S criteria Activities of Daily Living Composite Score = 15-29 Stage 3 or stage 4 ulcers Feeding tube Parenteral/IV Dialysis End Stage Disease Chemotherapy	6	1.5 RN 1.5 LPN	10	

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	Plaj = 1 or Plal = 1 AND Psychiatric Services Level II, Level III, Level IV skills training, close and constant observation, dressing/grooming and other restorative, cognitive performance, dementia care unit and discharge planning reset to zero	Tracheostomy Care provided Ventilator				
II	SI = 1 AND	Meets IDPH Subpart S criteria	13	2.5 RN 2.5 LPN	20	
	S8 = 1 AND Dressing/grooming and other restorative, cognitive performance, and dementia care unit and discharge planning reset to zero	Ancillary provider services delivered by non-facility providers				
III	SI = 1 AND	Meets IDPH Subpart S criteria	13	4.5 RN 4.5 LPN	20	

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NOTICE OF ADOPTED AMENDMENTS

	ADL Index=3 or 4 AND (AA3-A3a)/365.25 ≥ 65 AND	ADL composite score between 12-29 Resident is 65 years of age or older at time of the assessment reference date				
	Dressing/grooming and other restorative, cognitive performance, and dementia care unit and discharge planning reset to zero					
IV	SI = 1 AND S8 = 0 AND Dressing/grooming and other restorative, cognitive performance, and dementia care unit and discharge planning reset to zero	Meets IDPH Subpart S criteria Ancillary provider services delivered by facility providers	16	5 RN 5 LPN	25	

Skills Training – Section S

Skills training is specific methods for assisting residents who need, and can benefit from, this training to address identified deficits and reach personal and clinical goals. To qualify for reimbursement, the provision of skills training shall meet all of the following criteria.

- 1) Skills and capabilities shall be assessed with the use of a standardized skills assessment, a cognitive assessment and an assessment of motivational potential.

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NOTICE OF ADOPTED AMENDMENTS

The assessment of motivational potential will assist in determining the type and size of the group in which a resident is capable of learning.

- 2) Addresses identified skill deficits related to goals noted in the treatment plan.
- 3) Skills training shall be provided by staff who are paid by the facility and have been trained in leading skills group by a Department approved trainer.
- 4) Training shall be provided in a private room with no other programs or activities going on at the same time. The environment shall be conducive to learning in terms of comfort, noise and other distractions.
- 5) Training shall be provided in groups no larger than ten, with reduced group size for a resident requiring special attention due to cognitive, motivational or clinical issues, as determined by the skills assessment, cognition and motivational potential. Individual sessions can be provided as appropriate and shall be identified in the care plan.
- 6) Training shall utilize a well-developed, structured curriculum and specific written content developed in advance to guide each of the sessions. (Published skills modules developed for the SMI and Mental Illness/Substance Abuse (MISA) populations are available for use and as models.)
- 7) The curriculum shall address discrete sets of skills competencies, breaking skills down into smaller components or steps in relation to residents' learning needs.
- 8) The specific written content shall provide the rationale for learning, connecting skill acquisition to resident goals.
- 9) Training shall employ skill demonstration/modeling, auditory and visual presentation methods, role-playing and skill practice, immediate positive and corrective feedback, frequent repetition of new material, practice assignments between training sessions (homework), and brief review of material from each previous session.
- 10) There shall be opportunities for cued skill practice and generalization outside session as identified in the care plan and at least weekly documentation relative to skill acquisition.

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NOTICE OF ADOPTED AMENDMENTS

- 11) [Each training session shall be provided and attended in increments of a minimum of 30 minutes each \(not counting time to assemble and settle\) at least three times per week. Occasional absences are allowable, with individual coverage of missed material as necessary. However, on-going 1:1 training shall not qualify under this area.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	S7S5 = 1 AND	Skills training provided	6	6 RN 6 LPN	8	6
	S1 = 1	Meets IDPH Subpart S criteria				

Close or Constant Observation – Section S

[The following criteria shall be met for coding close or constant observation.](#)

- 1) [Coding of this item is intended only for interventions applied in response to the specific current significant need of an individual resident. This item shall not be coded for observation conducted as standard facility policy for all residents, such as for all new admissions, or as part of routine facility procedures, such as for all returns from the hospital, or as a part of periodic resident headcounts.](#)
- 2) [There shall be documentation for the reason for use, confirmation that the procedure was performed as coded, with staff initials at appropriate intervals, brief explanation of the resident's condition and reason for terminating the observation.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	S5a-e ≥ 1 AND	Close or constant observation	6	2 RN 2 LPN	5	
	S1 = 1	Meets IDPH Subpart S criteria				

[If close or constant observation is scored, acute medical conditions is reset to zero.](#)

6) Dementia Services

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NOTICE OF ADOPTED AMENDMENTS

Cognitive Impairment/Memory Assistance Services

Documentation shall support the following for scoring cognitive impairment/memory assistance services.

- 1) Description of the resident's short-term memory problems.
- 2) Method of assessing and determining the short-term memory problem shall be documented.
- 3) Description of the resident's ability to make everyday decisions about tasks or activities of daily living.
- 4) Description of the resident's ability to make himself or herself understood.

Lev	CPS items	Description	Unl	Lic	SW	Act
I	CPS = 2 AND S1 = 0	Cognitive performance scale of 2 Does not meet IDPH Subpart S criteria	6			4
II	CPS = 3 or 4 AND S1 = 0	Cognitive performance scale is 3 or 4 Does not meet IDPH Subpart S criteria	16	3 RN 3 LPN	11	10
III	CPS = 5 or 6 AND S1 = 0	Cognitive performance scale is 5 or 6 Does not meet IDPH Subpart S criteria	21	5.5 RN 5.5 LPN	16	15

Cognitive Performance Scale Codes

Scale	Description
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NOTICE OF ADOPTED AMENDMENTS

0	Intact
1	Borderline Intact
2	Mild Impairment
3	Moderate Impairment
4	Moderate Severe Impairment
5	Severe Impairment
6	Very Severe Impairment

Impairment Count for the Cognitive Performance Scale

I code	MDS items	Description
		Note: None of B2a, B4, or C4 can be missing
IC 1	B2a = 1	Memory problem
IC 2	B4 = 1 or 2	Some dependence in cognitive skills
IC 3	$1 \leq C4 \leq 3$	Usually understood to rarely or never understood

Severe Impairment Count for the Cognitive Performance Scale

I code	MDS items	Description
		Note: None of B2a, B4, or C4 can be missing
SIC 0	Below not met	
SIC 1	B4 = 2	Moderately impaired in cognitive skills
SIC 2	C4 = 2 or 3	Sometimes understood to rarely or never understood

Cognitive Performance Scale

Scale	MDS items	Description
Coma	N1a = 0 and N1b = 0 and N1c = 0 and B1 = 1 and	Awake all or most of the time in the morning Awake all or most of the time in the afternoon Awake all or most of the time in the evening Is comatose

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6	G1aA = 4 or 8 And G1bA = 4 or 8 And G1hA = 4 or 8 And G1iA = 4 or 8 And Not (B4 = 0,1, 2)	Bed-Mobility Self-Performance = total dependence or did not occur Transfer Self-Performance = total dependence or did not occur Eating Self-Performance = total dependence or did not occur Toilet Use Self-Performance = total dependence or did not occur Not have cognitive skills independent to moderately impaired
6	B4 = 3 And G1hA = 4 or 8	Cognitive skills severely impaired Eating Self-Performance = total dependence or did not occur
5	B4 = 3 And G1hA = - or ≤ 3	Cognitive skills severely impaired Eating Self-Performance = missing to extensive assistance
4	If IC code = 2 or 3 And SIC code = 2	Some dependence in cognitive skills Usually understood to rarely or never understood Sometimes understood to rarely or never understood
3	If IC code = 2 or 3 And SIC code = 1 If IC code = 2 or 3	Some dependence in cognitive skills Usually understood to rarely or never understood Moderately impaired in cognitive skills Some dependence in cognitive skills Usually understood to rarely or never understood
2	And SIC code = 0	Better than moderate cognition skills and usually can be understood
1	If IC code = 1	Memory problem

Dementia Care Unit

[Documentation shall support the following for scoring dementia care unit.](#)

- 1) [Unit was IDPH certified during the look-back period.](#)
- 2) [Resident resided in the unit during the look-back period.](#)
- 3) [Activity programming is planned and provided seven days a week for an average of eight hours per day.](#)

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NOTICE OF ADOPTED AMENDMENTS

- 4) [If the resident has a CPS score of five, care planning shall address the resident's participation in the unit's activities.](#)
- 5) [If a particular resident does not participate in a least an average of four activities per day over a one-week period, the unit director shall evaluate the resident's participation and have the available activities modified and/or consult with the interdisciplinary team.](#)
- 6) [Staff's efforts to involve the resident.](#)
- 7) [Required assessments were completed on the resident.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1an = 1 AND I1q = 1 or I1u = 1 AND S1 = 0 AND CPS 2,3,4,5 AND Dementia care unit is IDPH certified	Alzheimer's/Dementia special care unit Alzheimer's Disease Dementia other than Alzheimer's Does not meet IDPH Subpart S criteria CPS score	15	4 RN 4 LPN	10	10

7) **Exceptional Care Services****Respiratory Services**

[Documentation shall support the following for scoring respiratory services.](#)

- 1) [A respiratory therapist shall evaluate the status of the resident at least monthly if the resident has a tracheostomy.](#)

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NOTICE OF ADOPTED AMENDMENTS

- 2) [Respiratory therapy being provided 15 minutes a day shall be present in the clinical record for the look-back period.](#)
- 3) [Physician's order for the treatments.](#)
- 4) [Respiratory therapy in the record of the treatment and the times given by a qualified professional \(respiratory therapist or trained nurse\) as defined in the RAI Manual.](#)
- 5) [Suctioning, including type, frequency and results of suctioning.](#)
- 6) [Trach care, including type, frequency and description of the care provided.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1ai = 1 or P1aj = 1 or P1bdA = 7	Perform suctioning Administered trach care Respiratory therapy	5	15 RN 15 LPN		
II	P1ai = 1 AND P1aj = 1 AND P1bdA > 0	Performed suctioning Administered trach care Respiratory therapy	105	2422 5 RN 2422 5 LPN		

A \$50.00 add-on cost will be applied to all residents receiving trach care.

Ventilator Care

[Documentation shall support the following for scoring ventilator care.](#)

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NOTICE OF ADOPTED AMENDMENTS

- 1) [If the facility has residents receiving ventilator care, the facility shall have a respiratory therapist available at the facility or on call 24 hours a day.](#)
- 2) [A respiratory therapist shall evaluate and document the status of the resident at least weekly.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1a1 = 1	Receiving ventilator care	155	37.5 35 RN 37.5 35 LPN		

A \$150.00 add-on cost shall be applied to all residents receiving ventilator care. The track add-on cost shall not be included.

Weaning From Ventilator

[Documentation shall be in place to support weaning from ventilator.](#)

Lev	MDS items	Description	Unl	Lic	SW	Act
I	P1a1 = 0 on current MDS AND P1a1 = 1 on previous MDS	Resident no longer on ventilator Resident previously on ventilator	5	15 RN 15 LPN		

Morbid Obesity

[Documentation shall support the following for scoring morbid obesity.](#)

- 1) [A dietician's evaluation was completed with evidence of on-going consultation.](#)
- 2) [On-going monitoring of weight shall be evident.](#)
- 3) [The psychosocial needs related to weight issues shall be identified and addressed.](#)

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Lev	MDS items	Description	Unl	Lic	SW	Act
I	I3 = 278.01 AND K5e = 1 AND K5h = 1 AND G1aA = 3 and G1aB=3 or G1bA=3 and G1bB=3 or G1cA=3 and G1cB=3 AND P3d=7 or P3e=7 or P3f = 7	ICD9 for morbid obesity is marked On a therapeutic diet On planned weight change program Extensive assist Requires 2+ assist with bed mobility Extensive assist Requires 2+ assist with transfers Extensive assist Requires 2+ assist with walk in room On bed mobility restorative On transfer restorative On walking restorative	1020	57.5 RN 57.5 LPN	5	

A \$40.00 add-on shall be applied to all residents meeting the Morbid Obesity category.

Complex Wounds

[Facilities shall follow documentation guidelines as directed by 42 CFR 483.25\(c\) \(State Operations Manual F-tag F314\). All documentation requirements listed in F314 shall be met.](#)

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There are no minutes assigned to this area. It is strictly a \$15.00 add-on applied to residents meeting the following criteria.

MDS item	Description
M1c or M1d \geq 0 AND	Presence of stage 3 or 4 PU
M2a \geq 0 or	Type of ulcer, pressure
M2b \geq 0 AND	Type of ulcer, stasis
B1 = 1 or	Comatose
G1Aa = 3 or 4 or	Bed mobility (extensive)
G1Ab = 3 or 4	Transfer (extensive)
AND any 3 of the follow:	
ICD 9 codes of (260, 261, 262, 263.0, 263.1, 263.2, 263.8, 263.9)	ICD 9-Malnutrition
ICD 9 585	ESRD
I1a = 1	Diabetes Mellitus
I1qq = 1	Renal Failure
I1j = 1	Peripheral vascular disease
I1x = 1	Paraplegia
I1z = 1	Quadriplegia
I1w = 1	Multiple Sclerosis
J5c = 1	End stage disease
H1a = 4	Incontinence of bowel
H1b = 4	Incontinence of bladder
J1c = 1	Dehydration
G6a = 1	Bedfast
J2a = 2	Pain daily
M3 = 1	History of resolved ulcers
AND all of the following:	

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M5a = 1 and/or	Pressure relieving device/chair
M5b = 1	Pressure relieving device/bed
AND	
M5c = 1	Turn and position
AND	
M5d = 1	Nutrition or hydration
AND	
M5e = 1	Ulcer care

Traumatic Brain Injury

Documentation shall support the following for scoring traumatic brain injury.

- 1) Psychological therapy shall be delivered by licensed mental health professionals as described in the RAI Manual.
- 2) A special symptom evaluation program shall be an on-going, comprehensive, interdisciplinary evaluation of behavioral symptoms as described in the RAI Manual.
- 3) Evaluation by a licensed mental health specialist in the last 90 days. This shall include an assessment of a mood, behavioral disorder or other mental health problems by a qualified clinical professional as described in the RAI Manual.
- 4) Care plan shall address the behaviors of the resident and the interventions used.

There are no minutes assigned to this area. It is strictly a \$50.00 add-on applied to residents meeting the following criteria.

MDS item	Description
I1cc = 1	Traumatic brain injury
AND	
B1 = 0	Not comatose
AND	
S1 = 0	Does not meet Subpart S criteria
AND	

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E4aA = 3 and E4 a B = 1 or E4bA = 3 and E4bB = 1 or E4cA = 3 and E4cB = 1 or E4dA = 3 and E4dB = 1 or E4eA = 3 and E34eB = 1 AND P1beA \geq 1 AND P2a = 1 AND P2b = 1	Wandering daily and alterability Verbally abusive behavioral symptoms daily and alterability Physically abusive behavioral symptoms daily and alterability Socially inappropriate/disruptive behavioral symptoms daily and alterability Resists care daily and alterability Psychological therapy Special behavior symptom evaluation Evaluation by a mental health specialist in last 90 days
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8) Special Patient Need Factors

[There shall be documentation to support the deficits identified on the MDS in communication and vision problems.](#)

Communication

Count	MDS items	Description	Staff Minutes
I	C4 > 0 or C6 > 0	Deficit in making self understood Deficit in understanding others	1% of all staff time accrued in all categories from ADLs through Exceptional Care

Vision Problems

Count	MDS items	Description	Staff Minutes
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I	D1 > 0 or	Vision impaired to Severely impaired	2% of all staff time accrued in all categories from ADLs through Exceptional Care
	D2a = 1 or	Decreased peripheral vision	
	D2b = 1	Experience halos around lights, light flashes	

Accident/Fall Prevention

Documentation shall support the following for scoring accident/fall prevention.

- 1) The resident has the risk factor identified on the MDS.
- 2) The resident has been assessed for fall risks.
- 3) If the resident is identified as high risk for falls, interventions have been identified and implemented.

Count	MDS items	Description	Staff Minutes
I	I1aa = 1 or O4a-d = 7 or H1b > 0 or J1f = 1 or J4a = 1 or J4b = 1 or J1n = 1 or E4aA > 0	Seizure disorder Medications Incontinent urine Dizziness Fell in past 30 days Fell in past 31-180 days Has unsteady gait Wandered in last 7 days	3% of all staff time accrued in all categories from ADLs through Exceptional Care

Restraint Free

There shall be documentation to support the previous use of a restraint and the resident response to the restraint. There shall be evidence that the restraint was discontinued.

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Count	MDS items	Description	Staff Minutes
I	P4c > 1 or P4d > 1 or P4e > 1 And P4c = 0 and P4d = 0 and P4e = 0	In last assessment: Used trunk restraint daily in last 7 days Used limb restraint daily in last 7 days Used chair that prevents rising daily in last 7 days And in current assessment: Not used trunk restraint in last 7 days Not used limb restraint in last 7 days Not used chair that prevents rising in last 7 days	2% of all staff time accrued in all categories from ADLs through Exceptional Care

Activities

[There shall be documentation to support the average time involved in activities.](#)

Count	MDS items	Description	Staff Minutes
I	N2 = 0 or 1 AND Any of the following checked: G6a = 1 or	Average time involved in activities Bedfast all or most of the time	2% of all staff time accrued in all categories from ADLs through Exceptional Care

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C4 > 1 or	Sometimes too rarely understood
C6 > 1 or	Sometimes too rarely understands others
E1o > 0 or	Withdrawal from activity
AA3 ≤ 50 or	Age is 50 or younger at assessment reference date
E1p > 0 or	Reduced social interactions
E4a-eA > 0 or	Any behavioral symptoms
G4b-dB > 0 OR	Any limited ROM
N2 = 0 or 1 AND	Average time involved in activities
E2 > 0 AND	Mood persistence
E1a > 0 or	Negative statements
E1n > 0 or	Repetitive physical movements

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E4eA > 0 or	Resists care
E1o > 0 or	Withdraws from activity
E1p > 0 or	Reduced social interaction
E1j > 0 or	Unpleasant mood in morning
N1d = 1 or	Not awake all or most of the time
E1g > 0 or	Statements that something terrible will happen
K3a = 1 or	Weight loss
(N1a,b,c ≤ 1 AND	Not awake all or most of the time
B1 = 0)	Not comatose

(Source: Amended at 32 Ill. Reg. 8614, effective May 29, 2008)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.130 Adopted Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: May 29, 2008
- 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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 11, 2008; 32 Ill. Reg. 303
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: Nonsubstantive changes were made.
- 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? Yes
- 14) Are there any other amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
148.126	Amendment	32 Ill. Reg. 2885; February 29, 2008
148.500	Amendment	32 Ill. Reg. 3552; March 14, 2008
148.510	Amendment	32 Ill. Reg. 3552; March 14, 2008
148.117	Amendment	32 Ill. Reg. 8218; June 6, 2008
148.122	Amendment	32 Ill. Reg. 8218; June 6, 2008
148.126	Amendment	32 Ill. Reg. 8218; June 6, 2008
148.295	Amendment	32 Ill. Reg. 8218; June 6, 2008

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148.402	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.404	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.406	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.408	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.410	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.412	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.414	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.416	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.418	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.420	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.422	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.424	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.426	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.428	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.430	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.432	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.434	Repeal	32 Ill. Reg. 8218; June 6, 2008
148.440	New Section	32 Ill. Reg. 8218; June 6, 2008
148.442	New Section	32 Ill. Reg. 8218; June 6, 2008
148.444	New Section	32 Ill. Reg. 8218; June 6, 2008
148.446	New Section	32 Ill. Reg. 8218; June 6, 2008
148.448	New Section	32 Ill. Reg. 8218; June 6, 2008
148.450	New Section	32 Ill. Reg. 8218; June 6, 2008
148.452	New Section	32 Ill. Reg. 8218; June 6, 2008
148.454	New Section	32 Ill. Reg. 8218; June 6, 2008
148.456	New Section	32 Ill. Reg. 8218; June 6, 2008
148.458	New Section	32 Ill. Reg. 8218; June 6, 2008

15) Summary and Purpose of Amendment: The amendment makes an adjustment to the Hospital outlier calculation to allow for recognition of excessively costly outlier stays for children specialty providers to permit outliers on recipients up to the age of 18 versus currently up to age 6. It is estimated that this will result in an additional four million dollars to "True Children" specialty providers.

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

Tamara Tanzillo Hoffman
 Chief of Staff
 Illinois Department of Healthcare and Family Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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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
148.117	Outpatient Assistance 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

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- 148.150 Public Law 103-66 Requirements
- 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 Children's 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

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148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (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

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148.TABLE C List of Metropolitan Counties by SMSA Definition

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,

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effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, 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,

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effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 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;

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emergency amendment at 31 Ill. Reg. 1999, effective January 15, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 5596, effective April 1, 2007; amended at 31 Ill. Reg. 8123, effective May 30, 2007; amended at 31 Ill. Reg. 8508, effective June 1, 2007; emergency amendment at 31 Ill. Reg. 10137, effective July 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 11688, effective August 1, 2007; amended at 31 Ill. Reg. 14792, effective October 22, 2007; amended at 32 Ill. Reg. 312, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 518, effective January 1, 2008, for a maximum of 150 days; emergency amendment at 32 Ill. Reg. 2993, effective February 16, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8718, effective May 29, 2008.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.130 Outlier Adjustments for Exceptionally Costly Stays

- a) Outlier Adjustments. Outlier adjustments are provided for exceptionally costly stays provided by hospitals or distinct part units reimbursed on a per diem basis or hospitals reimbursed in accordance with Section 148.82(g).
- b) The determination of those services qualified for an outlier adjustment shall be made as follows for services provided on and after October 1, 1992, and for each subsequent rate period, as defined in Section 148.25(g)(2)(B), for hospitals or distinct part units reimbursed on a per diem basis or hospitals reimbursed in accordance with Section 148.82(g):
 - 1) The services must have been provided on or after October 1, 1992; and
 - 2) The services must have been provided to:
 - A) Children who have not attained the age of six years by hospitals defined by the Department as DSH hospitals under Section 148.120(a); or
 - B) Infants who have not attained the age of one year by hospitals that do not meet the definition of a DSH hospital under Section 148.120(a); or
 - C) Provided on or after January 1, 2008, by a hospital devoted exclusively to the care of children as defined in 89 Ill. Adm. Code

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149.50(c)(3)(A), to children who have not attained the age of 19 on the date of admission.

- 3) Claims with total covered charges equal to or above the mean total covered charges plus one standard deviation shall be considered for outlier adjustments once the following calculations have been performed:
 - A) Total covered charges (less charges attributable to medical education) equal to or exceeding one standard deviation above the mean shall be multiplied by the hospital's cost to charge ratio.
 - B) The hospital's rate for services provided on the claim shall be multiplied by the number of covered days on the claim.
 - C) The product of subsection (b)(3)(B)-above shall be subtracted from the product of subsection (b)(3)(A)-above.
 - D) The difference of subsection (b)(3)(C)-above shall be multiplied by .25, the product of which shall be the outlier adjustment for the claim.
 - E) Third party payments (credits) shall be applied to the final payment made on the claim.
- c) The determination of those services qualified for an outlier adjustment shall be made in accordance with 89 Ill. Adm. Code 149.105 for hospitals reimbursed on a per case basis.
- d) Definition of terms relating to outlier adjustments are as follows:
 - 1) "Base fiscal year" means the hospital's fiscal year cost report most recently audited by the Department.
 - 2) "Cost to Charge Ratio" means the hospital's Medicaid total allowable cost for all care divided by the Medicaid total covered charges for all care. The Cost to Charge Ratio is derived by utilizing cost report data from the hospital's base fiscal year.
 - 3) "Mean total covered charges" means the mean total covered charges (as

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described in subsection (d)(5)-below, for services provided in the most recent state fiscal year for which complete information is available and which have been adjudicated by the Department, as follows:

- A) For hospitals that do not meet the definition of a DSH hospital under Section 148.120(a) in the DSH determination year, the mean total covered charges for all claims for inpatient services provided to individuals under the age of one year; and
 - B) For hospitals defined by the Department as DSH hospitals under Section 148.120(a) in the DSH determination year, the mean total covered charges for all claims for inpatient services provided to individuals under the age of six years.
- 4) "Rate for services provided" means the inpatient rate in effect for the type of services provided.
 - 5) "Total covered charges" means the amount entered on the UB-82 or UB-92 Uniform Billing Form for revenue code 001 in column 53 (Total Charges).

(Source: Amended at 32 Ill. Reg. 8718, effective May 29, 2008)

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- 1) Heading of the Part: Hospital Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 152
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
152.150	Amendment
152.200	Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 29, 2008
- 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 materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 11, 2008; 32 Ill. Reg. 305
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences Between Proposal and Final Version: No substantive changes were necessary.
- 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 amendments currently in effect? Yes
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The adopted amendments make an adjustment to the Hospital Outlier calculation. It is anticipated that this change will result in a savings to the Department by approximately \$40M annually, (FY08 impact \$10M). Further, this will result in less reimbursement to Illinois hospitals than anticipated under the current method. The change is not predicted to be a net reduction in current funding levels and is only anticipated to slow the growth.

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

Tamara Tanzillo Hoffman
Chief of Staff
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/557-7157

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152

HOSPITAL REIMBURSEMENT CHANGES

Section

152.100	Reimbursement Add-on Adjustments (Repealed)
152.150	Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)
152.200	Non-DRG Reimbursement Methodologies
152.250	Appeals (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V and VI and Sections 12-13 and 14-8 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and Sections 12-13 and 14-8].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16272, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9272, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15712, effective November 27, 1996; emergency amendment at 21 Ill. Reg. 9544, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16153, effective November 26, 1997; emergency amendment at 25 Ill. Reg. 218, effective January 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6966, effective May 28, 2001; emergency amendment at 25 Ill. Reg. 16122, effective December 3, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7309, effective April 29, 2002; emergency amendment at 29 Ill. Reg. 10299, effective July 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 19997, effective November 23, 2005; emergency amendment at 30 Ill. Reg. 11847, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18703, effective November 27, 2006; emergency amendment at 32 Ill. Reg. 529, effective January 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 8730, effective May 29, 2008.

Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes described in subsections (b) and (c) of this Section will be effective January 18,

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1994.

- b) For the rate periods, as described in 89 Ill. Adm. Code 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).
- c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect hereafter.
- d) For hospital inpatient services rendered on or after July 1, 1995, the Department shall reimburse hospitals using the relative weighting factors and the base payment rates calculated pursuant to the methodology described in this Section, that were in effect on June 30, 1995, less the portion of such rates attributed by the Department to the cost of medical education.
- e) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 149 (DRG PPS), the changes described in this subsection (e) shall be effective January 1, 2001. Payments for hospital inpatient and outpatient services shall not exceed charges to the Department. This payment limitation shall not apply to government owned or operated hospitals or children's hospitals as defined at 89 Ill. Adm. Code 149.50(c)(3). This payment limitation shall not apply to or affect disproportionate share payments as described at 89 Ill. Adm. Code 148.120, payments for outlier costs as described at 89 Ill. Adm. Code 149.105 or payments for Medicaid High Volume Adjustments as described at 89 Ill. Adm. Code 148.290(d).
- f) Notwithstanding the provisions of 89 Ill. Adm. Code 149, payment for outlier cases pursuant to 89 Ill. Adm. Code 149.105 shall be determined by using the following factors that were in effect on June 30, 1995:
 - 1) The marginal cost factor (see 89 Ill. Adm. Code 149.5(c)(4)),
 - 2) The Metropolitan Statistical Area (MSA) wage index (see 89 Ill. Adm. Code 148.120(b)),

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- 3) The Indirect Medical Education (IME) factor (see 89 Ill. Adm. Code 148.260(a)(1)(B)(iv)),
- 4) The cost to charge ratio (see 89 Ill. Adm. Code 149.105(c)(3)), and
- 5) Outlier Threshold
 - A) For admissions on December 3, 2001 through June 30, 2005, the cost outlier threshold (see 89 Ill. Adm. Code 149.5(c)(5)) multiplied by 1.22.
 - B) For admissions on or after July 1, 2005 through June 30, 2006, the cost outlier threshold (see 89 Ill. Adm. Code 149.5(c)(5)) multiplied by 1.40.
 - C) For admissions on or after July 1, 2006 [through December 31, 2007](#), the cost outlier threshold (see 89 Ill. Adm. Code 149.5(c)(5)) multiplied by 1.47.
 - D) [For admissions on or after January 1, 2008, the cost outlier threshold \(see 89 Ill. Adm. Code 149.5\(c\)\(5\)\) multiplied by 1.64.](#)

(Source: Amended at 32 Ill. Reg. 8730, effective May 29, 2008)

Section 152.200 Non-DRG Reimbursement Methodologies

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes described in subsection (b) of this Section will be effective January 18, 1994.
- b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170, 148.175 and 148.290(a), (c) and (d), in effect on January 18, 1994, less the portion of such rates attributed by the Department to the cost of medical education, shall remain in effect hereafter.
- c) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 148, Hospital Services, and 89 Ill. Adm. Code 146, Subpart A, Ambulatory Surgical Treatment Centers, the changes described in this subsection (c) shall be effective January 1,

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2001. Payments for hospital inpatient and outpatient services and ambulatory surgical treatment services shall not exceed charges to the Department. This payment limitation shall not apply to government owned or operated hospitals or children's hospitals as defined at 89 Ill. Adm. Code 149.50(c)(3). This payment limitation shall not apply to or affect disproportionate share payments as described at 89 Ill. Adm. Code 148.120, payments for outlier costs as described at 89 Ill. Adm. Code 148.130 or payments for Medicaid High Volume Adjustments as described at 89 Ill. Adm. Code 148.290(d).

- d) Notwithstanding the provisions of subsections (a), (b) and (c) of this Section, payment for outlier adjustments provided for exceptionally costly stays pursuant to 89 Ill. Adm. Code 148.130 shall be determined using the following factors:
- 1) For admissions on December 3, 2001 through June 30, 2005, a factor of 0.22 in place of the factor 0.25 described at 89 Ill. Adm. Code 148.130(b)(3)(D).
 - 2) For admissions on or after July 1, 2005 through June 30, 2006, a factor of 0.20 in place of the factor 0.22 as described in subsection (d)(1) of this Section.
 - 3) For admissions on or after July 1, 2006, through December 31, 2007, a factor of 0.18 in place of the factor 0.20 as described in subsection (d)~~(2)~~~~(4)~~ of this Section.
 - 4) For admissions on or after January 1, 2008, a factor of 0.17 in place of the factor 0.18 as described in subsection (d)(3) of this Section.

(Source: Amended at 32 Ill. Reg. 8730, effective May 29, 2008)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Day and Temporary Labor Services Act
- 2) Code Citation: 56 Ill. Adm. Code 260
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
260.100	Amended
260.310	Amended
260.450	Amended
- 4) Statutory Authority: Authorized by the Day and Temporary Labor Services Act [820 ILCS 75]
- 5) Effective Date of Amendments: May 29, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The rulemaking does contain an incorporation by reference pursuant to Section 5-75 of the Illinois Administrative Procedure Act; see Section 260.100.
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's Springfield office and are available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: January 4, 2008; 1 Ill. Reg. 11.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Restore Section 260.310(i). In the rest of Section 260.310, relabel "i)" through "o)" as "j)" through "p)".
- 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 adopted amendments pending on this Part? No

DEPARTMENT OF LABOR

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- 15) Summary and Purpose of Amendments: The rulemaking reflects changes to the existing statute through the enactment of PA 95-499, which was signed into law on August 28, 2007.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Sara Scherer
Illinois Department of Labor
1 W. Old State Capitol Plaza, 3rd Floor
Springfield, Illinois 62701

217/558-1270

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

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 260
DAY AND TEMPORARY LABOR SERVICES ACT

SUBPART A: GENERAL PROVISIONS

Section
260.100 Definitions

SUBPART B: COMPLAINT AND INVESTIGATION

Section
260.200 Complaint
260.210 Investigation

SUBPART C: REGISTRATION PROCESS

Section
260.300 Registration
260.310 Content of Application to Register
260.320 Expiration and Renewal of Registration
260.330 Registration Fees

SUBPART D: DUTIES AND RESPONSIBILITIES OF DAY AND
TEMPORARY LABOR SERVICE AGENCIES

260.400 Employment Notice
260.410 Recordkeeping
260.420 Inspection and Maintenance of Records
260.430 Meals
260.440 Transportation
260.450 Wage Payment and Notice
260.460 Deductions from Wages
260.470 Placement Fees
260.480 Public Access Area
260.490 Postings

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- 260.495 Liability Insurance
260.497 Worker's Compensation Insurance

SUBPART E: DUTIES AND RESPONSIBILITIES OF THIRD PARTY CLIENTS

- 260.500 Wage Payments and Legal Responsibility
260.510 Verification of Registration
260.520 Work Verification Form

SUBPART F: SUSPENSION, REVOCATION,
DENIAL OF REGISTRATION, AND HEARINGS

- Section
260.600 Suspension, Revocation, or Denial
260.610 Initiation of Hearing
260.620 Considerations in Reaching a Decision (Repealed)

AUTHORITY: Implementing and authorized by Section 45 of the Day and Temporary Labor Services Act [820 ILCS 175/45].

SOURCE: Adopted at 24 Ill. Reg. 6901, effective April 17, 2000; amended at 25 Ill. Reg. 856, effective January 5, 2001; amended at 30 Ill. Reg. 11557, effective June 22, 2006; amended at 32 Ill. Reg. 8736, effective May 29, 2008.

SUBPART A: GENERAL PROVISIONS

Section 260.100 Definitions

"Act" means the Day and Temporary Labor Services Act [820 ILCS 175].

"Contract" means an agreement, written, oral or otherwise as agreed to between the parties.

"Day" means a calendar day.

"Day or Temporary Laborer" means *a natural person who contracts for employment with a day and temporary labor service agency.*

"Day and Temporary Labor" means *work performed by a day or temporary*

DEPARTMENT OF LABOR

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~~*laborer at a third party client, the duration of which may be specific or undefined, pursuant to a contract or understanding between the day and temporary labor service agency and the third party client. labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day and temporary labor service agency or the third party client for work undertaken by day or temporary laborers pursuant to a contract between the day and temporary labor service agency and the third party client. "Day and temporary labor" does not include labor or employment of a professional or clerical nature.*~~

"Day and Temporary Labor Service Agency" means *any person or entity engaged in the business of employing day and temporary laborers to provide services, for a fee, to or for any third party client pursuant to a contract with the day and temporary labor service agency and the third party client, and which is located, operates or transacts business within the State of Illinois.* [\[820 ILCS 175/5\]](#)

"Department" means the Illinois Department of Labor.

"Director" means the Director of Labor or a duly authorized representative.

"Hours worked" has the meaning ascribed to that term in 56 Ill. Adm. Code 210.110. [\[820 ILCS 175/30\(a\)\(2\)\]](#)

"Person" means *every natural person, firm, partnership, co-partnership, limited liability company, corporation, association, business trust, or other legal entity, or its legal representatives, agents, or assigns.*

"Professional" means, for purposes of the Day and Temporary Labor Services Act [\[820 ILCS 175\]](#), any person who meets the duties test of a professional under 29 CFR 541.3 as of March 30, 2003 (no later dates or editions). Specifically, this means any employee engaged in work predominantly intellectual and varied in character, rather than routine mental, manual, mechanical or physical work.

"Third Party Client" means *any person that contracts with a day and temporary labor service agency for obtaining day or temporary laborers.* [\[820 ILCS 175/5\]](#)

(Source: Amended at 32 Ill. Reg. 8736, effective May 29, 2008)

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SUBPART C: REGISTRATION PROCESS

Section 260.310 Content of Application to Register

An application to register a day and temporary labor service agency, and an application for registration renewal, shall be made on a form provided by the Department. The application shall contain but is not limited to the following:

- a) The name, address, federal employer identification number, and telephone number of the person, including the trade and/or assumed name by which the person does business;
- b) If the person is a corporation, a copy of its articles of incorporation, a copy of its current bylaws and the names and addresses of its officers and directors and the names and addresses of shareholders owning more than 5% of the corporation's stock shall be provided for the initial registration. Application for registration renewal shall contain any amendments to the articles of incorporation and bylaws, the names and addresses of any new officers and directors, and the names and addresses of any new shareholders owning more than 5% of the corporation's stock;
- c) If the person is a partnership, the names, business or personal addresses, and telephone numbers of all partners. Application for registration renewal shall contain the names, business or personal addresses, and telephone numbers of all new partners;
- d) If the person is a limited liability company, a copy of the articles of organization, the operating agreement, and the names and addresses of all organizers and members owning more than 5% of the membership;
- e) The name, address, federal employer identification number, and telephone number of the registered agent for the place of business, including the position held by that person or entity with the person. Application for registration renewal shall contain the name, address, federal employer identification number, and telephone number of any new registered agent for the place of business, including the position held by that person or entity with the day labor service agency;
- f) The name and locations of premises from which the day and temporary labor service agency will provide services. Application for renewal shall contain any

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new name and locations of premises from which the day and temporary labor service agency will provide services;

- g) The name and address of the person under whose management or supervision the day and temporary labor service agency will be operated. If, during the period when the registration is effective, the person under whose management or supervision the day and temporary labor service agency operates changes, the day and temporary labor service agency will notify the Department within 30 days after the change. Application for registration renewal shall include the name and address of any new person under whose management or supervision the day labor service agency will be operated;
- h) Certification that the applicant, if an individual, is 18 years of age or older;
- i) A bond in due form, to the People of the State of Illinois, for the penal sum of \$5,000 with one or more sureties, to be approved by the Department of Labor and conditioned that the obligor will conform to and not violate any of the duties, terms, conditions, provisions or requirements of the Act or this Part;
- ~~j) A certified statement of financial solvency, including, but not limited to, bank statements and financial ledgers;~~
- ~~jk) A certification that the agency will comply with all applicable State and federal employment laws, including, but not limited to, the Illinois Wage Payment and Collection Act [820 ILCS 115] and state and federal laws relating to employee compensation and overtime compensation (Illinois Minimum Wage Law [820 ILCS 105]), social security taxes, State and federal income taxes, workers' compensation (Workers' Compensation Act [820 ILCS 305]), and unemployment taxes (Unemployment Insurance Act [820 ILCS 405]);~~
- ~~kl) A copy of the form to be used for the employment notice, as required by Section 10 of the Act and Section 260.400 of this Part. The form shall include, but is not limited to, the items listed in Section 260.400;~~
- ~~lm) An oath or affirmation certifying that all information contained within, and attached to, the application is true and complete;~~
- ~~m#) The notarized signature of the individual submitting the application;~~

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- | [ne](#)) Copies of financial responsibility and liability insurance required under the Motor Vehicle Code [625 ILCS 5] for any transportation provided by or referred by the day and temporary labor service agency or a third party client, or a contractor or agent of either, to transport day or temporary laborers to a work site;
- | [op](#)) Proof of an employer account number for payment of unemployment insurance contributions as required by Section 45 of the Act; and
- | [pq](#)) Proof of valid workers' compensation insurance in effect at the time of and for the duration of the registration period covering all of the day and temporary labor service agency's employees, as required by Section 45 of the Act.

(Source: Amended at 32 Ill. Reg. 8736, effective May 29, 2008)

SUBPART D: DUTIES AND RESPONSIBILITIES OF DAY AND
TEMPORARY LABOR SERVICE AGENCIES

Section 260.450 Wage Payment and Notice

- a) At the time of payment of wages, a day and temporary labor service agency shall provide the following information on the day or temporary laborer's paycheck or on a form approved by the Department:
 - 1) *the name, address, and telephone number of each third party client at which the day and temporary laborer worked;*
 - 2) *the number of hours worked by the day or temporary laborer at each third party client each day during the pay period. If the day or temporary laborer is assigned to work at the same work site of the same third party client for multiple days in the same work week, the day and temporary laborer service agency may record a summary of hours worked at that third party client's worksite so long as the first and last day of that work week are identified as well;*
 - 3) *the rate of payment for each hour worked, including any premium rate or bonus;*
 - 4) *the total pay period earnings;*

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- 5) *all deductions made from the day or temporary laborer's compensation made either by the third party client or by the day and temporary labor service agency, and the purpose for which deductions were made, including the day and temporary laborer's food, equipment, withheld income tax, withheld social security payments, and every other deduction [820 ILCS 175/30(a)]; and*
- 6) if using codes on the day or temporary laborer's paycheck stub to identify third party clients, the legend or explanation sheet for the code or codes that correlate to where the day or temporary laborer worked shall be made immediately available to the day or temporary laborer upon request and during normal business hours.
- b) *A day or temporary laborer who is contracted by a day and temporary labor service agency to work at a third party client's work site, but is not utilized by the third party client, shall be paid by the day and temporary labor service agency for a minimum of 4 hours of pay at the agreed upon rate of pay. However, if the day and temporary labor service agency is able to place the day or temporary laborer at another work site during that same shift, the day or temporary laborer shall be paid by the agency a minimum of 2 hours of pay, at the agreed upon rate of pay, in addition to all hours worked by the day or temporary laborer during that shift. [820 ILCS 175/30]*
- c) All wage payments must be in compliance with all laws relating to wages contained in 820 ILCS.

(Source: Amended at 32 Ill. Reg. 8736, effective May 29, 2008)

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Fire Truck Revolving Loan Program
- 2) Code Citation: 41 Ill. Adm. Code 290
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
290.10	Amendment
290.50	Amendment
- 4) Statutory Authority: Authorized by and implementing Section 825-80 of the Illinois Finance Authority Act [20 ILCS 3501/825-80]
- 5) Effective Date of Adopted Amendments: May 29, 2008
- 6) Does the rulemaking include an automatic repealer date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any information incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL. 62703, and is available for public inspection.
- 9) Notices of proposed amendments published in the Illinois Register: February 22, 2008; 32 Ill. Reg. 2722
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final versions: The only changes made were non-substantive.
- 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 these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendments are intended to carry out the requirements of the Illinois Finance Authority and allow for no interest loans to fire departments that wish to purchase emergency firefighting vehicles

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

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

John J. Fennell, Jr.
General Counsel's Office
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

217/785-4144 or 312/814-6322
Facsimile: 217/558-1320

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 290
FIRE TRUCK REVOLVING LOAN PROGRAM

Section	
290.10	Definitions
290.20	Purpose
290.30	Eligible Expenditures
290.40	Loan Application Review Committee
290.50	Application Procedure and Content
290.60	Appeal Process
290.70	Repayment Procedures
290.80	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by Section 825-80 of the Illinois Finance Authority Act [20 ILCS 3501/825-80].

SOURCE: Adopted at 28 Ill. Reg. 4581, effective February 26, 2004; amended at 32 Ill. Reg. 8745, effective May 29, 2008.

Section 290.10 Definitions

The following definitions are used in this Part:

"Authority" means the Illinois Finance Authority created by the Illinois Finance Authority Act [20 ILCS 3501] or its successor agency.

"Committee" means the Loan Application Review Committee established in Section 290.40 of this Part.

"Fire Department" means a unit of local government (as defined in Article VII, Section 1 of the Illinois Constitution of 1970 and in 5 ILCS 70/1.28) in Illinois that provides fire suppression within a geographical area.

OFFICE OF THE STATE FIRE MARSHAL

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"Fire Truck" means an emergency vehicle identified as, but not limited to, a pumper, ladder truck, elevating platform, rescue truck, tanker, brush truck, or squad truck.

"Office" means the Office of the State Fire Marshal.

"Program" means the Illinois Fire Truck Revolving Loan Program.

(Source: Amended at 32 Ill. Reg. 8745, effective May 29, 2008)

Section 290.50 Application Procedure and Content

- a) Subject to the availability of funds, the Office of the State Fire Marshal will annually issue application forms for zero-interest loans under this program to all fire departments. Each application form provided shall identify the information applicants must include in their loan requests and shall require that the loan application be returned to the Office no later than the late date specified in the application form. Applications shall be returned to the Office of the State Fire Marshal, Attention: Fire Truck Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.
- b) Each loan application shall include the following components:
 - 1) A completed application form supplied by the Office and signed by the duly authorized officers of the fire department.
 - 2) A description of the fire department's need for the proposed fire truck in light of the resources available to the fire department.
 - 3) Identification of the personnel to serve as contacts for information.
 - 4) Budget information, including copies of the two most recent audits (and/or income and expense reports) for the unit of local government, as well as information on the source of loan repayment funds. If repayment plans are based on charitable contributions (local fundraisers, for example), the applicant must provide a history of amounts raised in prior years.
 - 5) Certifications and assurances as the Office and/or Authority may require.

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- 6) All other information as requested on the loan application form and in the program guidance section of the application.
- c) Applications received at the Office shall be logged in as received and assigned an Application Number by the Office. ~~Applicants shall be notified by mail that their application has been received.~~
- d) Applications shall be assessed by blind review, meaning the Committee shall not see the name, address or any specific information that identifies the applicant. The Committee shall review and rank the applications based on assessment of need and information provided in the loan application.
- e) After the Committee's review and ranking of applications, loan dollar amounts will be assigned to the loan applications up to the maximum amount of funding available for loans under this program. Approval of an application by the Committee is not, nor should be, construed as any form of commitment or guarantee on the part of the Authority to the applicant unit that the proposed loan will be made.
- f) Those loan applications recommended for approval shall be forwarded to the Authority for review under its guidelines of creditworthiness. The Authority, after completion of its review, will notify the Committee which loan applications it will approve, subject to the end of the appeals process outlined in Section 290.60.

(Source: Amended at 32 Ill. Reg. 8745, effective May 29, 2008)

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- 1) Heading of the Part: Ambulance Revolving Loan Program
- 2) Code Citation: 41 Ill. Adm. Code 292
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
292.10	New
292.20	New
292.30	New
292.40	New
292.50	New
292.60	New
292.70	New
292.80	New
292.90	New
- 4) Statutory Authority: Authorized by and implementing the Illinois Finance Authority Ambulance Revolving Loan Program [20 ILCS 3501/825-85]
- 5) Effective Date of Adopted Rules: May 29, 2008
- 6) Does the rulemaking include an automatic repealer date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL. 62703, and is available for public inspection.
- 9) Notices of Proposed Rules published in the Illinois Register: February 22, 2008; 32 Ill. Reg. 2727
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Differences between proposed and final versions: The only changes made were non-substantive.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will these rules replace any emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: The rules are intended to carry out the requirements of the Illinois Finance Authority and allow for no interest loans to fire departments that wish to purchase emergency medical ambulances
- 16) Information and questions regarding these adopted rules shall be directed to:

John J. Fennell, Jr.
General Counsel's Office
Office of the State Fire Marshal
1035 Stevenson Dr.
Springfield, IL 62703-4259

217/785-4144 or 312/814-6322
Facsimile: 217/558-1320

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

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TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 292
AMBULANCE REVOLVING LOAN PROGRAM

Section	
292.10	Definitions
292.20	Purpose and Qualifications
292.30	Eligible Expenditures
292.40	Loan Application Review Committee
292.50	Application Procedure and Content
292.60	Criteria for Review of Loan Applications
292.70	Appeal Process
292.80	Repayment Procedures
292.90	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by the Illinois Finance Authority Ambulance Revolving Loan Program [20 ILCS 3501/825-85].

SOURCE: Adopted at 32 Ill. Reg. 8750, effective May 29, 2008.

Section 292.10 Definitions

The following definitions are used in this Part:

"Authority" means the Illinois Finance Authority created by the Illinois Finance Authority Act [20 ILCS 3501] or its successor agency.

"Committee" means the Loan Application Review Committee established in Section 292.40 of this Part.

"Applicant" or "Recipient" means a not-for-profit emergency medical service or a unit of local government (township fire department, fire protection district or municipal fire department) that provides emergency medical service within a geographical area.

"Ambulance" means an emergency medical vehicle that complies with USDOT and the Illinois Department of Public Health as a medical transport ambulance.

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"OSFM" means the Office of the State Fire Marshal.

"Program" means the Illinois Ambulance Revolving Loan Program.

Section 292.20 Purpose and Qualifications

- a) The OSFM and the Illinois Finance Authority shall jointly administer a program to provide zero-interest loans for the purchase of an ambulance or ambulances by a not-for-profit emergency medical service or a unit of local government (township fire department, fire protection district or municipal fire department) that provides emergency medical service to a geographic area.
- b) The OSFM shall determine loan awards based on equipment needs, financial need, and how recently the applicant has received a previous loan under this program, supplemented by recommendations from the Authority based on creditworthiness. A loan for the purchase of an ambulance shall not exceed \$100,000 in any single fiscal year to any recipient.
- c) Applicants who are required by the Fire Investigation Act [425 ILCS 25/6] to report fires to the OSFM must have participated in the National Fire Incident Reporting System (NFIRS) for a minimum of two years immediately preceding the date of application for the loan in order to be considered for a loan.
- d) Fire departments or emergency medical service providers that are for-profit entities are not eligible to apply for a loan under this program. Units of local government that do not operate emergency medical service units are similarly not eligible (e.g., a municipality that contracts for emergency medical services from another municipality or fire district).

Section 292.30 Eligible Expenditures

Funding is available under the Illinois Ambulance Revolving Loan Program for zero-interest loans for the purchase of ambulances. (See Section 292.50.)

Section 292.40 Loan Application Review Committee

The State Fire Marshal shall appoint a Loan Application Review Committee to determine, based on equipment needs, financial need, and how recently the applicant has received a previous loan

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under this program, which eligible applications shall be recommended to the Authority to receive a loan under this program for the purchase of an ambulance.

- a) The Committee shall consist of the following nine members, who shall also serve as the Application Review Committee for the Fire Truck Revolving Loan program:
 - 1) The State Fire Marshal, as chair;
 - 2) Three Fire Chiefs (one each from a volunteer department, a combination department and a career/municipal fire department);
 - 3) One representative from the Associated Fire Fighters of Illinois;
 - 4) Two representatives from the Illinois banking community (one from the Community Bankers Association of Illinois and one from the Illinois Bankers Association), one of whom will serve as vice chair of the Committee for a period of one year, after which the vice chair position will rotate to the other banking community representative;
 - 5) One member who is a volunteer firefighter; and
 - 6) One member from the Illinois Association of Fire Protection Districts.
- b) Members shall serve without salary, but may receive reimbursement for reasonable expenses from the OSFM from appropriations for such purposes.
- c) All members shall have one vote, except for the State Fire Marshal, who shall only vote to break a tie.
- d) Members shall serve a term of four years. Members shall be appointed for initial terms as follows: two members shall serve terms of one year; two members shall serve terms of two years; two members shall serve terms of three years; and two members shall serve terms of four years. The allocation of initial terms shall be determined by a random drawing.
- e) At the expiration of their initial terms of office, the members or their successors shall be appointed for terms of four years each. Upon the expiration of a member's term of office, the State Fire Marshal shall reappoint that member, or appoint a

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successor who is a representative of the same interests with which his or her predecessor was identified.

- f) The State Fire Marshal may, at any time, remove any of the respective appointees for inefficiency or neglect of duty in office. In such instances, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. Upon the death or incapacity of a member, the State Fire Marshal shall fill the vacancy for the remainder of the unexpired term by appointing a member who is a representative of the same interests with which his or her predecessor was identified.
- g) Appointments shall be made to geographically represent the State.
- h) As determined by the State Fire Marshal, the Committee shall meet and organize within 10 days after the appointment of its members and, at that meeting, shall elect one Secretary of the Committee to serve a term to be fixed by the committee at that meeting.
- i) Regular meetings of the Committee shall occur once in each quarter, or as often as deemed necessary by the State Fire Marshal, at a date, time and place to be fixed by the Committee (or by the State Fire Marshal, should he or she call for the meeting) and at such additional times as the Committee deems necessary, for the consideration of loan applications, reviews, appeals and the transaction of any other business as properly may come before it.
- j) A quorum shall be a majority of the appointed positions that have been filled by appointment. Unfilled positions shall not be counted.

Section 292.50 Application Procedure and Content

- a) Subject to the availability of funds, the OSFM will post application forms for zero-interest loans under this program on the Fire Marshal's web site. Each application form provided shall identify the information applicants must include in their loan requests and shall require that the loan application be returned to the OSFM no later than the late date specified in the application form. Applications shall be returned to the Office of the State Fire Marshal, Attention: Ambulance Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.

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- b) Each loan application shall include the following components:
- 1) A completed application form supplied by the OSFM and signed by the duly authorized officers of the applicant.
 - 2) A description of the applicant's need for the proposed ambulance, in light of the resources available to the fire department.
 - 3) Name, address, phone, facsimile, and email contact information of the persons authorized to serve as contact for information regarding the application.
 - 4) Budget information, including copies of the two most recent audits (and/or income and expense reports) for the applicant or unit of local government, as well as information on the source of loan repayment funds. If repayment plans are based on charitable contributions (local fundraisers, for example), the applicant must provide a history of amounts raised in prior years.
 - 5) Certifications and assurances as the OSFM and/or Authority may require.
 - 6) All other information as requested on the loan application form and in the program guidance section of the application.
- c) Applications received at the OSFM shall be logged in as received and assigned an Application Identification Number by the OSFM.
- d) Applications shall be assessed by blind review, meaning the Committee shall not see the name, address or any specific information that identifies the applicant. The Committee shall review and rank the applications based on assessment of need and information provided in the loan application.
- e) After the Committee's review and ranking of applications, loan dollar amounts will be assigned to the loan applications up to the maximum amount of funding available for loans under this program. Approval of an application by the Committee shall not be construed as any form of commitment or guarantee on the part of the Authority to the applicant unit that the proposed loan will be made.

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- f) Those loan applications recommended for approval shall be forwarded to the Authority for review under its guidelines of creditworthiness. The Authority, after completion of its review, will notify the Committee as to which loan applications it will approve, subject to the end of the appeals process outlined in Section 292.60.

Section 292.60 Criteria for Review of Loan Applications

- a) The Committee will consider the following criteria and assign point totals when determining loan recipients.
- 1) Priority – 0-5 points
 - A) Loan applications will be given an identification number when the OSFM receives the application.
 - B) If, for some reason, an applicant would withdraw or refuse a loan, priority would pass to the application next submitted.
 - 2) Equipment Need – 0-45 points
 - A) The applicant does not currently own an ambulance.
 - B) The applicant currently owns one or more ambulances.
 - C) The applicant is unable to acquire an ambulance without a grant or cannot borrow one from another department on a consistent or need basis (due to geographical distance, availability, etc.), or the ambulance represents a unique need for the district.
 - 3) Financial Need – 0-50 points
 - A) Will be determined by considering the total budget of the applicant as an available resource.
 - B) The cost of the ambulance is prohibitively expensive given the applicant's total budget.

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- b) Those applicants receiving a loan in previous loan application cycles will not be considered until all applicants who have never received a loan but are requesting a loan have been considered. Previous grant recipients will still be eligible to receive a grant if they have received a previous loan, but the point total for their application will result in a lower priority.

Section 292.70 Appeal Process

- a) Those applicants whose loans were denied by the Committee or the Authority shall be notified by mail.
- b) Notice of denial shall be deemed received the date of mailing. The applicant has 30 calendar days from that date to forward to the Committee a Request for Reconsideration.
- c) The Request for Reconsideration shall be sent to the Office of the State Fire Marshal, Attention: Ambulance Revolving Loan Program, 1035 Stevenson Drive, Springfield, Illinois 62703-4259.
- d) The Request for Reconsideration may be accompanied by supporting documents and information not previously considered by the Committee or Authority. The Committee or, if appropriate, the Authority shall review the Request for Reconsideration. A denial of the Request for Reconsideration shall be final. While a Request for Reconsideration is pending, the application that is the subject of the Request for Reconsideration shall be deemed complete for the purposes of this Part.

Section 292.80 Repayment Procedures

- a) Loans shall be repaid within 10 years.
- b) The rate of interest shall be stipulated on the loan application as 0 percent.
- c) Payments on the loan (principal) shall be made by check on a quarterly basis in 40 equal installments.
 - 1) Loan payments shall be due quarterly on December 30, March 30, June 30 and September 30, with the first payment under each loan due on the second due date following the receipt of the loan.

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- 2) Checks shall be made payable to the "Illinois Finance Authority Ambulance Revolving Loan Fund" and mailed to the Illinois Finance Authority in care of the Office of the State Fire Marshal.
- 3) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent of the payment due; however, the late payment penalty shall be waived when the postmark date on the envelope used to submit the payment is dated five days or more before the end of the 15-day grace period.
- d) A recipient may prepay the balance due on the loan in its entirety on any scheduled payment date, provided that the recipient first contacts the Authority to obtain the total amount of the principal due at that time.

Section 292.90 Terms and Conditions of Loan Agreement

An approved loan application with the OSFM and the Authority is subject to the following terms:

- a) Orders for payment will be submitted by OSFM to the Office of the Comptroller according to the terms of Section 292.80 (Repayment Procedures).
- b) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 292.30 and shall be expended in accordance with the approved application and the applicant's policies and procedures related to such expenditures. In the event that the loan proceeds are not expended in the manner approved, then the recipient, upon written notification from the OSFM, shall be required to submit, by the next payment due date, payment of the outstanding principal of the loan.
- c) Loan proceeds shall be obligated no later than six months following the receipt of the loan.
- d) Use of loan proceeds shall be accounted for in accordance with standard accounting practices. Loan recipients shall submit to the OSFM a report detailing how the loan proceeds were used. This expenditure report, to be submitted on a form supplied by the OSFM, shall be due not later than nine months following receipt of the loan.

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- e) Loan proceeds shall be included in the recipient's budget.
- f) In the event of default that is not cured within 90 calendar days, the OSFM shall notify the Office of the Comptroller to deduct the amount owed from any payments from other State agencies, and the recipient shall be ineligible for additional loans until good standing has been restored. In addition, the OSFM and/or the Authority may avail itself of all remedies, rights and provisions of law applicable in the circumstances, and the failure to exercise or exert any rights or remedies provided by law may not be raised as defense by the recipient in default.

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- 1) Heading of the Part: The "Grow Your Own" Teacher Education Initiative
- 2) Code Citation: 23 Ill. Adm. Code 60
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
60.20	Amendment
60.50	Amendment
60.100	Amendment
- 4) Statutory Authority: 110 ILCS 48/90 and 105 ILCS 5/2-3.6
- 5) Effective Date of Amendments: May 27, 2008
- 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) Notice of Proposal Published in Illinois Register: February 8, 2008; 32 Ill. Reg. 1777
- 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 agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking responds to P.A. 95-476, which changed several existing statutory provisions in response to concerns expressed by institutions of higher education and other participants in the "Grow Your Own" program. The most important one of these that affects the rules is found in Section 25 of the Act, which allows waivers and deferrals of the obligation to repay the loans candidates

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receive. The statute previously called for each such request to come from a program, rather than from the affected individual. However, many of the circumstances that could cause a need for someone's loan payments to be waived or deferred might not occur until years after the individual had left the program. There might no longer be any contact with members of the consortium, and thus there would be no way for representatives of the program to vouch for the person's circumstances. The law has been changed to eliminate this problem, enabling ISBE to change Section 60.100(f)(5) accordingly.

A definition of "eligible school" was added to the statute, to mean one that is hard to staff and also serves a substantial percentage of low-income students. Further, the definition of "hard-to-staff school" was changed. These provisions now match the approach that had already been taken in the rules, permitting the use of cross-references instead of specific language. These changes are not substantive in nature.

Several other straightforward technical wording changes are also being made.

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

Linda Jamali
Certification and Professional Development
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/782-7702

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 60

THE "GROW YOUR OWN" TEACHER EDUCATION INITIATIVE

Section

60.10	Purpose
60.20	Definitions
60.30	Eligible Applicants
60.40	Implementation Grants – Procedure and Content of Proposals
60.50	Implementation Grants – Criteria for the Review of Proposals
60.60	Implementation Grants – Allocation of Funds
60.70	Continuation of Implementation Funding
60.80	Implementation Funding for "Transitional Projects" (Repealed)
60.90	Planning Grants
60.100	Loans; Waiver or Deferral of Repayment

AUTHORITY: Implementing the Grow Your Own Teacher Education Act [110 ILCS 48] and authorized by Section 90 of the Act [110 ILCS 48/90].

SOURCE: Adopted at 30 Ill. Reg. 1850, effective January 24, 2006; amended at 31 Ill. Reg. 3589, effective February 15, 2007; amended at 32 Ill. Reg. 8761, effective May 27, 2008.

Section 60.20 Definitions

"Act" means the Grow Your Own Teacher Education Act [110 ILCS 48].

"Applicant" means a consortium or a potential consortium, as applicable, as described in Section 60.30 of this Part.

"Candidate" means a person working toward a bachelor's degree qualifying that individual for a teaching certificate who is assisted under a grant awarded to a consortium pursuant to this Part.

"Cohort" means a group of ~~candidates~~ students preparing for a teaching certificate who, pursuant to Sections 20 and 25 of the Act, begin receiving assistance under

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this Part together. No member of any cohort may hold a bachelor's degree at the time of entry into the program, provided that this restriction shall not apply to members of cohorts for whose preparation funding was granted during Fiscal Year 2006.

"Consortium" means an entity to which the State Board can issue grants under this Part. A consortium shall be composed of at least one 4-year institution of higher education with an accredited teacher education program, at least one school district or group of schools, and one or more community organizations. The consortium may also include a 2-year institution of higher education and/or a school employee union. Eligible consortia are further defined in Section 20 of the Act. A consortium shall implement a program of forgivable loans to cover any portion of tuition and direct expenses of students preparing for teaching certificates in excess of grants-in-aid and other forgivable loans received.

"Direct expenses" are an individual's tuition for coursework required for completion of the preparation program in which the candidate is or will be enrolled, fees related to participation in the preparation program or required coursework, and expenses for books and other necessary instructional materials.

"Eligible school" is an Illinois public elementary or secondary school that serves a substantial percentage of low-income students and either is hard to staff or has hard-to-staff teaching positions (Section 10 of the Act).

"Hard to staff school" is an Illinois public school serving a substantial percentage of low income students that ranks in the upper third among public schools of its type (e.g., elementary, middle, secondary) in terms of the rate of attrition among teachers.

"Hard to staff teaching position" is any position, in a school serving a substantial percentage of low income students, that is experiencing substantial teacher shortage or critical local need as discussed in Section 10 of the Act.

"Institution" means an institution of higher education.

"Potential consortium" is a group of entities that is eligible to submit a proposal for a planning grant in response to an RFP issued under this Part.

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"Student with a non-traditional background" is either one who begins a baccalaureate program at a point in time other than immediately following graduation from high school or one who began a baccalaureate program after high school, did not complete it, and re-enters a baccalaureate program after some passage of time.

"Year of service" means full-time employment for at least half a school year, or an equivalent amount of part-time employment, in:

a public school that, at the time the individual becomes employed, is either one of the schools targeted by the program completed by the individual with assistance under this Part or another school that is defined as hard to staff pursuant to this Section; or

a teaching position that, at the time the individual becomes employed, is hard to staff as defined in this Section.

(Source: Amended at 32 Ill. Reg. 8761, effective May 27, 2008)

Section 60.50 Implementation Grants – Criteria for the Review of Proposals

Proposals for implementation grants shall be evaluated in accordance with the following criteria:

- a) Feasibility, Impact, and Cost-Effectiveness (40 points)
 - 1) The proposal identifies a need for teachers in hard-to-staff schools and hard-to-fill positions and describes either a cohort that is available to enroll in the identified preparation program or time-specific plans for identifying and attracting the members of such a cohort.
 - 2) The proposal describes strategies that will be used to reach members of underrepresented groups that reflect the diversity of the students enrolled in [the participating targeted](#) schools and outlines plans for serving additional cohorts in future years.
 - 3) The proposal demonstrates that:

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- A) coursework and experiences required for certification will be scheduled and located to be accessible to members of the cohort; and
 - B) supportive services (e.g., child care, counseling, tutoring) that have been identified as necessary will be offered to enable candidates to progress through the program and attain certification.
- 4) The proposal establishes a timetable or performance level for candidates as a condition for their continued receipt of assistance under this program.
 - 5) The evaluation plan is designed to yield information that can be used both in judging the program's qualitative and quantitative impact and in identifying changes or new approaches that will improve the program's outcomes.
 - 6) The proposal describes commitments on the part of all the consortium's members that will enable the consortium to sustain the program over time with a reduction in the need for external resources.
- b) Quality of the Plan (30 points)
- 1) The proposal describes the role of each entity that is a member of the consortium, including the resources each entity will devote to this initiative, the major areas requiring collaboration among the members, and how decisions will be made with input from the members and the participants.
 - 2) The proposal includes plans for assisting candidates in tapping sources of financial aid beyond those made available under this Part and by the members of the consortium.
 - 3) The proposal demonstrates that the institution of higher education has the capacity (i.e., faculty and other resources) to serve the cohort in its approved teacher preparation program. If a two-year institution is involved in the consortium, the proposal delineates how coursework, other requirements, and services will be coordinated between the institutions.

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- 4) The proposal describes the needs of the [participatingtargeted](#) schools and demonstrates that the consortium's plan for certification under the program is relevant to those needs and will have an impact on the availability of qualified staff.
 - 5) The plan of work for the program includes specific strategies for overcoming known barriers faced by the [participatingtargeted](#) schools in retaining qualified teachers as well as barriers faced by the individuals who make up the cohort to be enrolled in the program.
 - 6) The proposal describes the consortium's plans for extending support to candidates for at least two years after they attain certification, including such activities and services as mentoring and group meetings of the cohort.
- c) Experience and Qualifications (20 points)
- 1) The proposal provides evidence that faculty and relevant staff of the institution are knowledgeable regarding the needs of hard-to-staff schools and the specific issues that candidates from non-traditional backgrounds encounter when attempting to complete preparation for teaching careers.
 - 2) The proposal demonstrates that the community organization that is a member of the consortium has conducted projects or initiatives with a specific focus on involving parents and others in school improvement, either in the [participatingtargeted](#) schools or schools with similar characteristics, and has the capacity to recruit candidates for and support them as they progress through the program.
 - 3) The individual who is identified as coordinator for the cohort has experience in education and/or community organizing and in supporting individuals in the collegiate environment and is knowledgeable about group dynamics, support services, and cultural issues relevant to the cohort.
- d) Evaluation Plans (10 points)
- 1) The proposal relates plans for the evaluation of candidates' teaching skills to the relevant portions of the institution's educational unit assessment

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system (see 23 Ill. Adm. Code 25.140) and demonstrates that candidates in the program will be expected to meet the standards applicable to the approved program.

- 2) The proposal includes a plan for the evaluation of the program by or on behalf of the members of the consortium that will provide:
 - A) information on the progress of candidates within the preparation program; and
 - B) when applicable, information on this initiative's outcomes in terms of candidates' placement into hard-to-staff teaching positions or hard-to-staff schools and their retention in those positions.

(Source: Amended at 32 Ill. Reg. 8761, effective May 27, 2008)

Section 60.100 Loans; Waiver or Deferral of Repayment

Any candidate in a program administered under this Part may receive a forgivable loan for direct expenses associated with completion of the teacher preparation program, provided those expenditures are not otherwise paid for through grants-in-aid, other forgivable loans, or other resources of the consortium. Any amount expended for an individual's direct expenses shall be considered a part of that individual's loan, regardless of how the payment is administered and regardless of whether the individual receives any actual payment of funds. The total amount of any candidate's loan shall not exceed \$25,000.

- a) Pursuant to Section 25 of the Act, loan funds provided to candidates as part of *this program shall be fully forgiven if a graduate completes five years of service in hard-to-staff schools or hard-to-staff teaching positions, with partial forgiveness for shorter periods of service.* Forgiveness and repayment of loans shall be determined as provided in this Section.
- b) An individual may accrue the service required for forgiveness of loans under this Part in one or more ~~eligible~~hard-to-staff schools or positions.
- c) If an individual has not assumed employment in ~~an eligible~~hard-to-staff school or position within two years after receiving a teaching certificate, the individual shall be required to begin the repayment of amounts loaned under this Part. No interest shall apply. An individual who drops out of the program shall be required

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to begin repaying the amounts loaned in the month following the month when it becomes evident that he or she will not be completing any of the program's requirements for two consecutive semesters.

- d) If an individual has not completed five years of service within 10 years after receiving a teaching certificate, the individual shall be required to begin the repayment of amounts loaned under this Part. The amount due shall be the total amount borrowed, less a percentage reflecting the relationship that any time taught by the individual in ~~eligible~~hard-to-staff schools or positions bears to the total five-year commitment. Loan amounts shall be reduced in increments of 10 percent for each semester completed.
- e) Repayment of loans shall be made in no more than 60 equal installments. The minimum monthly payment will be determined by dividing the total amount due by 60. An individual may prepay the balance due on the loan in its entirety at any time or make payments in addition to the minimum amount owed each month without penalty.
- f) In addition to the loan forgiveness permitted under Section 25 of the Act, the State Superintendent may defer or waive an individual's obligation to repay an amount due as provided in this subsection (f).
- 1) The State Superintendent shall waive the repayment obligation for an individual who is counseled out of a preparation program or found ineligible to continue, provided that the individual's exit from the program is not due to a violation of law or of applicable institutional policies.
 - 2) The State Superintendent shall waive the repayment obligation for an individual who drops out of a preparation program or demonstrates that he or she is unable to complete a portion of the required teaching service due to:
 - A) the onset or exacerbation of a disability;
 - B) the need to care for an immediate family member during serious illness or disability;
 - C) destruction of the individual's residence; or

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- D) other circumstances that require the individual to assume responsibilities that cannot be avoided without serious financial hardship or other family disruption (e.g., death of a spouse that results in the need to take a second job or assume operation of a business).
- 3) The State Superintendent shall waive the repayment obligation for a candidate who does not complete a preparation program due to the unavailability of a State appropriation for this initiative for at least two consecutive years.
- 4) The State Superintendent shall defer the repayment obligation for a period of time specifically related to the circumstances when an individual:
- A) is unemployed or is working for fewer than 30 hours per week;
- B) is experiencing a financial hardship (e.g., receiving public assistance, earning an amount per month that is no greater than 200 percent of the amount of the loan payment, or experiencing circumstances such as those outlined in subsection (f)(2) of this Section); or
- C) has re-enrolled as a full-time student in an institution of higher education or in a program under this Part.
- 5) Each request for a waiver or deferral of repayment shall be submitted ~~in by a representative of the consortium under whose auspices the individual is or was enrolled in teacher preparation.~~ Using a format specified by the State Superintendent. ~~The, the representative and the~~ affected individual shall describe the specific circumstances that apply. This description shall be accompanied by evidence such as a physician's statement, insurance claim, or other documentation of the relevant facts.
- g) When a teaching certificate is issued to an individual who received assistance under this Part, the certificate shall be accompanied by:
- 1) a statement indicating the total amount of the loan received by the individual and identifying the dates applicable to repayment under this Section; and

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- 2) a claim form that the individual may use to claim forgiveness of the loan amount, which shall require the individual to identify the periods of service completed in ~~eligible~~~~hard-to-staff~~ schools or positions and the school administrators who can verify the individual's service.
- h) Management of Loans
- 1) It shall be the responsibility of each four-year institution of higher education, and of any two-year institution that participates in a consortium, to assist the State Board of Education with the forgivable loan process in the following manner:
 - A) by keeping records of the amounts provided to or on behalf of each individual for direct expenses;
 - B) by keeping up-to-date contact information regarding the address and telephone number of each individual during the individual's preparation at that institution; and
 - C) by notifying the State Superintendent within 30 days after a candidate fails to enroll in coursework as expected or otherwise ceases to participate in the program and informing the State Superintendent of the total amount of the candidate's loan for direct expenses as of that point in time.
 - 2) When a candidate leaves a two-year institution and enters a four-year institution to continue in a program under this Part, the two-year institution shall inform both the State Superintendent and the four-year institution of the total amount of the candidate's loan for direct expenses as of that point in time. Each two-year institution shall ensure that the affected four-year institution continues to receive any information that subsequently affects the amount of a candidate's loan.
 - 3) Each institution shall notify the State Superintendent as to who will be responsible for this information and shall provide contact information for the responsible individual within the institution.
- i) It shall be the responsibility of the State Superintendent to take such actions as

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may be necessary to secure repayment when necessary.

(Source: Amended at 32 Ill. Reg. 8761, effective May 27, 2008)

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- 1) Heading of the Part: School Technology Program
- 2) Code Citation: 23 Ill. Adm. Code 575
- 3) Section Number: 575.600 Adopted Action: Amendment
- 4) Statutory Authority: 105 ILCS 5/2-3.117a
- 5) Effective Date of Amendment: May 27, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 8, 2008; 32 Ill. Reg. 1789
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The purpose of this rulemaking is to provide explicit permission for districts that participate in the School Technology Revolving Loan Program to make partial early repayments of the amounts borrowed. Section 575.600 has already permitted these districts to repay the entire amount owed on any of the scheduled payment dates, but it previously did not address the possibility of partial early payments. We believe districts should be able to reduce their debt as soon and as much as is

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convenient for them, and this new language will provide the basis on which they may do so.

The other revisions included are being made to distinguish functions of the Board from functions of the State Superintendent and staff.

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

Marica Cullen
Division of Curriculum and Instruction
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

217/557-7323

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 6: MISCELLANEOUS

PART 575

SCHOOL TECHNOLOGY PROGRAM

SUBPART A: SCHOOL TECHNOLOGY GRANTS

Section

575.10	Purpose (Repealed)
575.20	Eligible Expenditures (Repealed)
575.30	Application Procedure and Content (Repealed)
575.40	Matching Requirements (Repealed)
575.50	Proposal Review and Approval (Repealed)
575.60	Terms of the Grant (Repealed)

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section

575.100	Purpose
575.200	Use of Funds
575.300	Maximum Amount of Loan
575.400	Application Procedures
575.500	Review of Application and Notification of Loan Award
575.600	Repayment Procedures
575.700	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by Section 2-3.117a of the School Code [105 ILCS 5/2-3.117a].

SOURCE: Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19770, effective November 2, 1998; amended at 23 Ill. Reg. 8370, effective July 12, 1999; amended at 25 Ill. Reg. 8167, effective June 21, 2001; amended at 26 Ill. Reg. 915, effective January 15, 2002; amended at 28 Ill. Reg. 13227, effective September 17, 2004; amended at 29 Ill. Reg. 18474, effective October 31, 2005; amended at 32 Ill. Reg. 8773, effective May 27, 2008.

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SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section 575.600 Repayment Procedures

Loans shall be repaid within three years (see Section 2-3.117a of the School Code).

- a) The rate of interest shall be stipulated on the loan application and *shall not be greater than 50% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York* (Section 2-3.117a(a) of the School Code). Interest shall be computed semi-annually.
- b) Payments on the loan (principal and interest) shall be made by check twice annually in six equal installments.
 - 1) Loan payments shall be due on December 1 and June 1, with the first payment under each loan due on June 1 of the fiscal year in which the loan is made.
 - 2) Checks shall be made payable to the "ISBE-School Technology Revolving Loan Fund" and mailed to the Fiscal and Administrative Services Division, Illinois State Board of Education, 100 North First Street, W-380, Springfield, Illinois 62777-0001.
 - 3) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent of the payment due; however, the late payment penalty shall be waived when either:
 - A) the postmark date on the envelope used to submit the payment is dated five days or more before the end of the 15-day grace period; or
 - B) the payment is not received [at the State Board's office by the State Board of Education](#) within 60 days following the due date, but the participant provides to the State [Superintendent Board](#) of Education no later than 70 days beyond the due date the following:
 - i) a copy of the original check, dated at least five days before

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the end of the 15-day grace period;

- ii) a copy of the stop payment order placed on the original check; and
 - iii) a new check issued in the amount due.
- c) A participant may prepay the balance due on the loan in its entirety on any scheduled payment date or at the midpoint between any two scheduled payment dates, provided that the participant first contacts the State Superintendent's designee~~Board of Education~~ to obtain the total amount of the principal and interest due at that time.
- d) A participant may prepay a portion of the balance due on the loan on any scheduled payment date or at the midpoint between any two scheduled payment dates, provided that the participant first contacts the State Superintendent's designee for instructions. The remaining payments shall be recalculated to account for any early repayment, and the participant shall be notified accordingly.

(Source: Amended at 32 Ill. Reg. 8773, effective May 27, 2008)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Child Health Examination Code
- 2) Code Citation: 77 Ill. Adm. Code 665
- 3) Section Numbers: 665.140 Emergency Action: Amend
- 4) Statutory Authority: Section 27-8.1 of the School Code [105ILCS 5/27-8.1]
- 5) Effective Date of Rulemaking: May 30, 2008
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: May 30, 2008
- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file and available for public inspection at the Illinois Department of Public Health, 525 W. Jefferson Street, Springfield, Illinois 62761-0001.
- 9) Reason for Emergency: PA 95-422 amended the School Code to change the timing of one of the physical examinations required for school entry from 5th grade to 6th grade. The Act became effective on August 24, 2007, at which time the 2007-2008 school year had already begun, and it was too late to notify families that a physical health examination was required for children entering 6th grade. Families had already complied with the requirement for a physical health examination to enter 5th grade, in accordance with the law as it existed before August 24, 2007, and the Department's existing rules. However, the change in the law would require the same children who had received physical examinations as 5th graders to receive physical examinations again as 6th graders for the 2008-2009 school year. Children are required to have a physical examination again at the entry into 9th grade. Under the School Code, the Department is granted the authority to specify the examinations and procedures that constitute a student health examination. To lessen the burdens on families, the Department and the State Board of Education agreed, for the 2008-2009 school year only, that any 5th grade entrance examination conducted from August 2006 through and including September 2007 would meet the requirements for the 6th grade entrance examination. The Department's rules need to be amended to comply with the change in the law and to add the procedures for the 6th grade entrance examinations for the 2008-2009 school year.

DEPARTMENT OF PUBLIC HEALTH

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In spring of each year, schools throughout Illinois must provide notice to families regarding the physical exam and immunization requirements for the following school year. The amended rules need to be in place more quickly than the regular rulemaking process would allow.

The change in the physical examination date creates a potential threat in the public interest and welfare by imposing a burden on families who had already met the previous statutory requirements by having their children prior to entrance to 5th grade. Without this rule change, families that may not be able to afford to do so would be required to have their children examined for the second consecutive year. This burden would be even greater for families that also have children who would need examinations for entry into Kindergarten or for 1st grade and 9th grade, and for families that have more than one child entering 6th grade. Section 27-8.1 of the School Code authorizes local school authorities, after October 15 of each year, to exclude from school children who have not presented proof of physical examination. In addition to the financial burden of compliance with the examinations requirements, families also face the penalty of school exclusion if the requirements of the law are not met. Therefore, the Department is adopting emergency amendments that would deem students entering 6th grade in fall 2008, who met the physical examination requirement for entering 5th grade in fall 2007, in compliance with the school entry requirements for 6th grade. With the adoption of emergency amendments, families will have sufficient time to ensure that children receive physical examinations in accordance with the rules before the start of the 2008-2009 school year.

- 10) A Complete Description of the Subjects and Issues Involved: Existing rules set forth the time table for required physical examinations for school entry. Changes to the rules will align the physical examination requirement with that as established by PA 95-422, which amended the School Code to change the 5th grade examination requirement to 6th grade.
- 11) Are there any proposed rulemakings to this rulemaking pending? No
- 12) Statement of Statewide Policy Objectives: This emergency rulemaking will affect school districts in Illinois.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Susan Meister
Administrative Rules Coordinator

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

Illinois Department of Public Health
535 W. Jefferson St., 5th Floor
Springfield, IL 62761-0001

217/782-2043
DPH.RULES@illinois.gov

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

PART 665
CHILD HEALTH EXAMINATION CODE

SUBPART A: GENERAL PROVISIONS

- Section
- 665.100 Statutory Authority
- 665.105 Definitions
- 665.110 General Considerations (Repealed)
- 665.115 Referenced Materials

SUBPART B: HEALTH EXAMINATION

- Section
- 665.120 Health Examination Requirement
- 665.130 Performance of Health Examination and Verification of Certificate of Child Health Examination
- 665.140 Timetable for Examinations
- [EMERGENCY](#)
- 665.150 Report Forms
- 665.160 Proof of Examination
- 665.210 Proof of Immunizations
- 665.220 Local School Authority (Repealed)
- 665.230 School Entrance
- 665.240 Basic Immunization
- 665.250 Proof of Immunity
- 665.260 Booster Immunizations
- 665.270 Compliance with the School Code
- 665.280 Physician Statement of Immunity
- 665.290 List of Non-immunized Students

SUBPART C: VISION AND HEARING SCREENING

- Section
- 665.310 Vision and Hearing Screening

DEPARTMENT OF PUBLIC HEALTH

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SUBPART D: DENTAL EXAMINATION

- Section
- 665.410 Dental Examination Requirement
- 665.420 Dental Examination Timetable
- 665.430 Dental Examination
- 665.440 Guidelines (Repealed)
- 665.450 Waiver of Dental Examination Requirement

SUBPART E: EXCEPTIONS

- Section
- 665.510 Objection of Parent or Legal Guardian
- 665.520 Medical Objection

SUBPART F: VISION EXAMINATION

- Section
- 665.610 Vision Examination Recommendation
- 665.620 Vision Examination
- 665.630 Vision Examination Report
- 665.640 Indigent Students

SUBPART G: DIABETES SCREENING

- Section
- 665.700 Diabetes Screening Requirement
- 665.710 Diabetes Screening
- 665.720 Testing Recommendations

- 665.APPENDIX A Vision Examination Report
- 665.APPENDIX B Vaccination Schedule for Haemophilus influenzae type b Conjugate Vaccines (Hib)

AUTHORITY: Implementing and authorized by Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and Section 6.2 of the Lead Poisoning Prevention Act [410 ILCS 45/6.2].

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SOURCE: Emergency rule adopted at 4 Ill. Reg. 38, p. 275, effective September 10, 1980, for a maximum of 150 days; emergency rule adopted at 4 Ill. Reg. 41, p. 176, effective October 1, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 1403, effective January 29, 1981; codified at 8 Ill. Reg. 8921; amended at 11 Ill. Reg. 11791, effective June 29, 1987; amended at 13 Ill. Reg. 11565, effective July 1, 1989; amended at 13 Ill. Reg. 17047, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5617, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14543, effective August 27, 1990; amended at 15 Ill. Reg. 7706, effective May 1, 1991; amended at 18 Ill. Reg. 4296, effective March 5, 1994; amended at 20 Ill. Reg. 11950, effective August 15, 1996; emergency amendment at 21 Ill. Reg. 11966, effective August 15, 1997, for a maximum of 150 days; emergency expired on January 1, 1998; amended at 26 Ill. Reg. 5921, effective July 1, 2002; amended at 26 Ill. Reg. 10689, effective July 1, 2002; amended at 29 Ill. Reg. 18127, effective October 24, 2005; emergency rulemaking at 32 Ill. Reg. 8778, effective May 30, 2008, for a maximum of 150 days.

SUBPART B: HEALTH EXAMINATION

Section 665.140 Timetable for Examinations**EMERGENCY**

- a) The examination shall be conducted within one year:
 - 1) Prior to the date of entering school (this includes nursery school, special education, Head Start or other pre-kindergarten programs operated by elementary school systems or secondary level school units or institutions of higher learning; and students transferring into Illinois from outside of the State or outside of the country);
 - 2) Prior to the date of entering kindergarten or first grade;
 - 3) Prior to the date of entering the ~~sixth~~^{fifth} grade. For the 2008-2009 school year only, a health examination conducted from August 2006 through and including September 2007 (for a child who was entering fifth grade for the 2007-2008 school year) shall also meet the requirements of the School Code [105 ILCS 5/27-8.1];
 - 4) Prior to the date of entering the ninth grade.
- b) For students attending school programs where grade levels are not assigned, examinations shall be completed prior to the date of entering and within one year

DEPARTMENT OF PUBLIC HEALTH

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prior to the school year in which the child reaches the ages of 5, ~~11~~¹⁰, and 15.

- c) For students from other countries who attend classes, regardless of the duration of stay, examinations shall be completed within one year prior to the date of entering the school and at other intervals as provided in this Section.
- d) Additional health examinations and further evaluations of students may be required when deemed necessary by local school authorities.
- e) In programs operated by elementary school systems or secondary level school units or institutions of higher learning, health examinations are recommended for children under 5 years of age at intervals of not less than 2 years.
- f) Lead screening is required as follows:
 - 1) Lead screening is a required part of the health examination for children age six years or younger *prior to admission* to kindergarten or first grade. *Each parent or legal guardian shall provide a statement from a physician or health care provider that the child has been risk assessed if the child resides in an area defined as low risk by the Department, or screened for lead poisoning if the child resides in an area defined as high risk.* (Section 7.1 of the Lead Poisoning Prevention Act)
 - 2) *Physicians and other health care providers shall also screen children age six years and older for lead poisoning in conjunction with the school health examination when, in the medical judgment of the physician, advanced practice nurse, or physician assistant, the child is potentially at high risk of lead poisoning.* (Section 6.2 of the Lead Poisoning Prevention Act).

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 8778, effective May 30, 2008, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Retailers' Occupation Tax
 - 2) Code Citation: 86 Ill. Adm. Code 130
 - 3) Section Number: 130.330 Emergency Action:
Amendment
 - 4) Statutory Authority: Public Act 95-707; 35 ILCS 105/3-50
 - 5) Effective Date of Emergency Amendment: May 29, 2008
 - 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
 - 7) Date filed with the Index Department: May 29, 2008
 - 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 9) Reason for Emergency: Public Act 95-707 makes a one-year tax law change effective July 1, 2007 through June 30, 2008. To address the threat to the public interest raised by the lack of rules and procedures in place to implement this retroactive law change, and to provide as much clarity and reliable guidance as possible to businesses affected by this law change, emergency rulemaking is necessary.
 - 10) A Complete Description of the Subjects and Issues Involved: Public Act 95-707 expanded, for a one-year period beginning on July 1, 2007 and ending on June 30, 2008, an existing sales tax exemption for manufacturing and assembling machinery and equipment to include items known as "production related tangible personal property". The aggregate dollar amount of exemptions claimed under this expanded portion of the exemption, however, may not exceed \$10,000,000 for the one-year exemption period.
 - 11) Are there any proposed amendments to this Part pending? Yes
- | | | |
|-------------------------|--------------------------|-------------------------------------|
| <u>Section Number</u> : | <u>Proposed Action</u> : | <u>Illinois Register Citation</u> : |
| 130.120 | Amendment | 32 Ill. Reg. 4155; March 21, 2008 |

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- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 13) Information and questions regarding this Emergency Amendment shall be directed to:

Samuel J. Moore
Associate Counsel
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

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

DEPARTMENT OF REVENUE

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 130
RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
130.101	Character and Rate of Tax
130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles, Aircraft, or Watercraft by Leasing or Rental Business
130.115	Habitual Sales
130.120	Nontaxable Transactions

SUBPART B: SALE AT RETAIL

Section	
130.201	The Test of a Sale at Retail
130.205	Sales for Transfer Incident to Service
130.210	Sales of Tangible Personal Property to Purchasers for Resale
130.215	Further Illustrations of Sales for Use or Consumption Versus Sales for Resale
130.220	Sales to Lessors of Tangible Personal Property
130.225	Drop Shipments

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	
130.305	Farm Machinery and Equipment
130.310	Food, Drugs, Medicines and Medical Appliances
130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.320	Gasohol, Majority Blended Ethanol, Biodiesel Blends, and 100% Biodiesel
130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
EMERGENCY	
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines

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- 130.335 Pollution Control Facilities and Low Sulfur Dioxide Emission Coal-Fueled Devices
- 130.340 Rolling Stock
- 130.341 Commercial Distribution Fee Sales Tax Exemption
- 130.345 Oil Field Exploration, Drilling and Production Equipment
- 130.350 Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
- 130.351 Aggregate Manufacturing

SUBPART D: GROSS RECEIPTS

Section

- 130.401 Meaning of Gross Receipts
- 130.405 How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
- 130.410 Cost of Doing Business Not Deductible
- 130.415 Transportation and Delivery Charges
- 130.420 Finance or Interest Charges – Penalties – Discounts
- 130.425 Traded-In Property
- 130.430 Deposit or Prepayment on Purchase Price
- 130.435 State and Local Taxes Other Than Retailers' Occupation Tax
- 130.440 Penalties
- 130.445 Federal Taxes
- 130.450 Installation, Alteration and Special Service Charges
- 130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section

- 130.501 Monthly Tax Returns – When Due – Contents
- 130.502 Quarterly Tax Returns
- 130.505 Returns and How to Prepare
- 130.510 Annual Tax Returns
- 130.515 First Return
- 130.520 Final Returns When Business is Discontinued
- 130.525 Who May Sign Returns
- 130.530 Returns Covering More Than One Location Under Same Registration – Separate Returns for Separately Registered Locations
- 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
- 130.540 Returns on a Transaction by Transaction Basis

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130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.552	Alcoholic Liquor Reporting
130.555	Vending Machine Information Returns
130.560	Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
130.610	Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710	Procedure When Security Must be Forfeited
130.715	Sub-Certificates of Registration
130.720	Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
130.725	Display
130.730	Replacement of Certificate
130.735	Certificate Not Transferable
130.740	Certificate Required For Mobile Vending Units
130.745	Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section	
130.801	General Requirements
130.805	What Records Constitute Minimum Requirement
130.810	Records Required to Support Deductions
130.815	Preservation and Retention of Records
130.820	Preservation of Books During Pendency of Assessment Proceedings
130.825	Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

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SUBPART I: PENALTIES AND INTEREST

Section	
130.901	Civil Penalties
130.905	Interest
130.910	Criminal Penalties

SUBPART J: BINDING OPINIONS

Section	
130.1001	When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section	
130.1101	Definition of Federal Area
130.1105	When Deliveries on Federal Areas Are Taxable
130.1110	No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section	
130.1201	General Information
130.1205	Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section	
130.1301	When Lessee of Premises Must File Return for Leased Department
130.1305	When Lessor of Premises Should File Return for Business Operated on Leased Premises
130.1310	Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section	
130.1401	Seller's Responsibility to Determine the Character of the Sale at the Time of the

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- 130.1405 Sale
Seller's Responsibility to Obtain Certificates of Resale and Requirements for
Certificates of Resale
- 130.1410 Requirements for Certificates of Resale (Repealed)
- 130.1415 Resale Number – When Required and How Obtained
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SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

- 130.1501 Claims for Credit – Limitations – Procedure
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- 130.1601 When Returns are Required After a Business is Discontinued
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- 130.1801 When Powers of Attorney May be Given
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- 130.1901 Addition Agents to Plating Baths

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- 130.1905 Agricultural Producers
- 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
- 130.1915 Auctioneers and Agents
- 130.1920 Barbers and Beauty Shop Operators
- 130.1925 Blacksmiths
- 130.1930 Chiropodists, Osteopaths and Chiropractors
- 130.1935 Computer Software
- 130.1940 Construction Contractors and Real Estate Developers
- 130.1945 Co-operative Associations
- 130.1950 Dentists
- 130.1951 Enterprise Zones
- 130.1952 Sales of Building Materials to a High Impact Business
- 130.1953 Sales of Building Materials to be Incorporated into a Redevelopment Project Area within an Intermodal Terminal Facility Area
- 130.1955 Farm Chemicals
- 130.1960 Finance Companies and Other Lending Agencies – Installment Contracts – Bad Debts
- 130.1965 Florists and Nurserymen
- 130.1970 Hatcheries
- 130.1971 Sellers of Pets and the Like
- 130.1975 Operators of Games of Chance and Their Suppliers
- 130.1980 Optometrists and Opticians
- 130.1985 Pawnbrokers
- 130.1990 Peddlers, Hawkers and Itinerant Vendors
- 130.1995 Personalizing Tangible Personal Property
- 130.2000 Persons Engaged in the Printing, Graphic Arts or Related Occupations, and Their Suppliers
- 130.2004 Sales to Nonprofit Arts or Cultural Organizations
- 130.2005 Persons Engaged in Nonprofit Service Enterprises and in Similar Enterprises Operated As Businesses, and Suppliers of Such Persons
- 130.2006 Sales by Teacher-Sponsored Student Organizations
- 130.2007 Exemption Identification Numbers
- 130.2008 Sales by Nonprofit Service Enterprises
- 130.2009 Personal Property Purchased Through Certain Fundraising Events for the Benefit of Certain Schools
- 130.2010 Persons Who Rent or Lease the Use of Tangible Personal Property to Others
- 130.2011 Sales to Persons Who Lease Tangible Personal Property to Exempt Hospitals
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- 130.2013 Persons in the Business of Both Renting and Selling Tangible Personal Property – Tax Liabilities, Credit
- 130.2015 Persons Who Repair or Otherwise Service Tangible Personal Property
- 130.2020 Physicians and Surgeons
- 130.2025 Picture-Framers
- 130.2030 Public Amusement Places
- 130.2035 Registered Pharmacists and Druggists
- 130.2040 Retailers of Clothing
- 130.2045 Retailers on Premises of the Illinois State Fair, County Fairs, Art Shows, Flea Markets and the Like
- 130.2050 Sales and Gifts By Employers to Employees
- 130.2055 Sales by Governmental Bodies
- 130.2060 Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products
- 130.2065 Sales of Automobiles for Use In Demonstration (Repealed)
- 130.2070 Sales of Containers, Wrapping and Packing Materials and Related Products
- 130.2075 Sales To Construction Contractors, Real Estate Developers and Speculative Builders
- 130.2076 Sales to Purchasers Performing Contracts with Governmental Bodies
- 130.2080 Sales to Governmental Bodies, Foreign Diplomats and Consular Personnel
- 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit Unions
- 130.2090 Sales to Railroad Companies
- 130.2095 Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles
- 130.2100 Sellers of Feeds and Breeding Livestock
- 130.2101 Sellers of Floor Coverings
- 130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Musical Recordings, and Their Suppliers; Transfer of Data Downloaded Electronically
- 130.2110 Sellers of Seeds and Fertilizer
- 130.2115 Sellers of Machinery, Tools and Special Order Items
- 130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
- 130.2125 Trading Stamps and Discount Coupons
- 130.2130 Undertakers and Funeral Directors
- 130.2135 Vending Machines
- 130.2140 Vendors of Curtains, Slip Covers and Other Similar Items Made to Order
- 130.2145 Vendors of Meals
- 130.2150 Vendors of Memorial Stones and Monuments
- 130.2155 Tax Liability of Sign Vendors
- 130.2156 Vendors of Steam
- 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.

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130.2165 Veterinarians
130.2170 Warehousemen

SUBPART T: DIRECT PAYMENT PROGRAM

Section

130.2500 Direct Payment Program
130.2505 Qualifying Transactions, Non-transferability of Permit
130.2510 Permit Holder's Payment of Tax
130.2515 Application for Permit
130.2520 Qualification Process and Requirements
130.2525 Application Review
130.2530 Recordkeeping Requirements
130.2535 Revocation and Withdrawal

130.ILLUSTRATION A Examples of Tax Exemption Card
130.ILLUSTRATION B Example of Notice of Revocation of Certificate of Registration

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138,

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effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000; amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; expedited correction at 25 Ill. Reg. 15681, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. 958, effective January 15, 2002; amended at 26 Ill. Reg. 1303, effective January 17, 2002; amended at 26 Ill. Reg. 3196, effective February 13, 2002; amended at 26 Ill. Reg. 5369, effective April 1, 2002; amended at 26 Ill. Reg. 5946, effective April 15, 2002; amended at 26 Ill. Reg. 8423, effective May 24, 2002; amended at 26 Ill. Reg. 9885, effective June 24, 2002; amended at 27 Ill. Reg. 795,

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effective January 3, 2003; emergency amendment at 27 Ill. Reg. 11099, effective July 7, 2003, for a maximum of 150 days; emergency expired December 3, 2003; amended at 27 Ill. Reg. 17216, effective November 3, 2003; emergency amendment at 27 Ill. Reg. 18911, effective November 26, 2003, for a maximum of 150 days; emergency expired April 23, 2004; amended at 28 Ill. Reg. 9121, effective June 18, 2004; amended at 28 Ill. Reg. 11268, effective July 21, 2004; emergency amendment at 28 Ill. Reg. 15193, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7004, effective April 26, 2005; amended at 31 Ill. Reg. 3574, effective February 16, 2007; amended at 31 Ill. Reg. 5621, effective March 23, 2007; amended at 31 Ill. Reg. 13004, effective August 21, 2007; amended at 31 Ill. Reg. 14091, effective September 21, 2007; amended at 32 Ill. Reg. 4226, effective March 6, 2008; emergency amendment at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.330 Manufacturing Machinery and Equipment**EMERGENCY**

- a) General. Notwithstanding the fact that the sales may be at retail, the Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. The exemption applies whether the sale or lease is made directly by the manufacturer or some other person. In certain cases purchases of machinery and equipment by a lessor will be exempt even though that lessor does not himself employ the machinery and equipment in an exempt manner.
- b) Manufacturing and Assembling.
 - 1) This exemption exempts from tax only machinery and equipment used in manufacturing or assembling tangible personal property for sale or lease. Thus, the use of machinery and equipment in any industrial, commercial or business activity which may be distinguished from manufacturing or assembling will not be an exempt use and such machinery and equipment will be subject to tax.
 - 2) The manufacturing process is the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of

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tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating or refining which changes some existing material or materials into a material with a different form, use or name. These changes must result from the process in question and be substantial and significant.

- 3) The process or activity must be commonly regarded as manufacturing. To be so regarded, it must be thought of as manufacturing by the general public. Generally, the scale, scope and character of a process or operation will be considered to determine if such process or operation is commonly regarded as manufacturing. Manufacturing includes such activities as processing, fabricating and refining.
- 4) Manufacturing does not include extractive industrial activities. Mining, logging, and drilling for oil, gas, and water neither produce articles of tangible personal property nor effect any significant or substantial change in the form, use or name of the materials or resources upon which they operate. The extractive process of quarrying does not constitute manufacturing. However, the activities subsequent to quarrying such as crushing, washing, sizing and blending will constitute manufacturing, and machinery and equipment used primarily therefor will qualify for the exemption, if the process results in the assembling of an article of tangible personal property with a different form, use or name than the material extracted.
- 5) The printing process is not commonly regarded as manufacturing and court decisions have found that printing is not manufacturing. Therefore, machinery and equipment used in any printing application will not qualify for exemption. This includes graphic arts, newspapers, books, etc. as well as other industrial or commercial applications. (However, see Section 130.325 for the Graphic Arts Machinery and Equipment Exemption.)
- 6) Agricultural, horticultural and related, similar or comparable activities, including commercial fishing, beekeeping, production of seedlings or seed corn, and the development of hybrid seeds, plants, or shoots, are not manufacturing or assembling and, accordingly, machinery and equipment used in such activities is subject to tax. (However, see Section 130.305 for the Farm Machinery and Equipment Exemption.)

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- 7) The preparation of food and beverages by restaurants, food service establishments, and other retailers is not manufacturing.
- 8) Assembling means the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name.
- 9) Effective September 1, 1988 manufacturing includes photoprocessing if the products of photoprocessing are sold. Machinery and equipment which would qualify for exemption includes, but are not limited to, developers, dryers, enlargers, mounting machines, roll film splicers, film developing image makers, disc film opening and spindling devices, film indexers, photographic paper exposure equipment, photographic paper developing machines, densitometers, print inspection devices, photo print/negative cut assembly stations, film sleeve insertion machines, negative image producers, film coating equipment, photo transparency mounters, processor rack sanitizers, photo print embossers, photo print mounting presses, graphic slide generators, chemical mixing equipment and paper exposure positioning and holding devices, etc. Cameras and equipment used to take pictures or expose film are not eligible as the photoprocessing begins after the film is exposed. Retail/net price calculation equipment and chemical reclamation equipment are not considered to be manufacturing machinery and equipment.

c) Machinery and Equipment

- 1) The law exempts only the purchase and use of "machinery" and "equipment" used in manufacturing or assembling. Accordingly, no other type or kind of tangible personal property will qualify for the exemption, even though it may be used primarily in the manufacturing or assembling of tangible personal property for sale or lease. [However, the manufacturing and assembling machinery and equipment exemption includes production related tangible personal property that is purchased on or after July 1, 2007 and on or before June 30, 2008, as provided in 86 Ill. Adm. Code 150.340.](#)

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- 2) Machinery means major mechanical machines or major components of such machines contributing to a manufacturing or assembling process: *including, machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment.*
- 3) *Equipment includes any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembling process: including computers used primarily in operating exempt machinery and equipment in a computer-assisted design, computer-assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct, or attachment, parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds, and any parts which require periodic replacement in the course of normal operation. Beginning August 23, 2001, equipment includes computers used primarily in a manufacturer's computer-assisted design, computer-assisted manufacturing (CAD/CAM) system. For example, beginning August 23, 2001, a computer used by a manufacturer 25% of the time in operating exempt machinery and equipment (computer assisted manufacturing – CAM) and 75% of the time in design (computer assisted design – CAD) will now qualify for the exemption. Prior to August 23, 2001, a computer used in the manner described in the preceding sentence would not have qualified for the exemption because it did not primarily (over 50% of the time) operate exempt machinery and equipment. The exemption does not include hand tools, supplies (such as rags, sweeping or cleaning compounds), coolants, lubricants, adhesives, or solvents, items of personal apparel (such as gloves, shoes, glasses, goggles, coveralls, aprons, masks, mask air filters, belts, harnesses, or holsters), coal, fuel oil, electricity, natural gas, artificial gas, steam, refrigerants or water. (Section 2-45 of the Act)*
- 4) The exemption includes the sale of materials to a purchaser who manufactures such materials into an exempted type of machinery or equipment or tools which such purchaser uses himself in the manufacturing of tangible personal property or leases to a manufacturer of tangible personal property. However, such purchaser must maintain adequate records clearly demonstrating the incorporation of such materials into exempt machinery and equipment.

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- 5) Machinery and equipment does not include foundations for, or special purpose buildings to house or support, machinery and equipment.
 - 6) *The exemption includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a product being manufactured or assembled for sale or lease. The following examples are illustrative:*
 - A) Example 1. A chemical acid is used to etch copper off the surface of a printed circuit board during the manufacturing process. The acid causes a direct and immediate change upon the product. The acid qualifies for the exemption.
 - B) Example 2. An aluminum oxide catalyst is used in a catalytic cracking process to refine heavy gas oil into gasoline. In this process, large molecules of gas oil or feed are broken up into smaller molecules. After the catalyst is injected into the feed and used in the cracking process, it is drawn off and reused in subsequent manufacturing processes. The catalyst qualifies for the exemption.
- d) Primary Use
- 1) The law requires that machinery and equipment be used primarily in manufacturing or assembling. Therefore, machinery which is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the machinery or equipment is used over 50 percent in an exempt manner in order to claim the deduction.
 - 2) The fact that particular machinery or equipment may be considered essential to the conduct of the business of manufacturing or assembling because its use is required by law or practical necessity does not, of itself, mean that machinery or equipment is used primarily in manufacturing or assembling.
 - 3) By way of illustration and not limitation, the following activities will generally be considered to constitute an exempt use:

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- A) The use of machinery or equipment to effect a direct and immediate physical change upon the tangible personal property to be sold;
 - B) The use of machinery or equipment to guide or measure a direct and immediate physical change upon the tangible personal property to be sold, provided such function is an integral and essential part of tuning, verifying, or aligning the component parts of such property;
 - C) The use of machinery or equipment to inspect, test or measure the tangible personal property to be sold where such function is an integral part of the production flow;
 - D) The use of machinery and equipment to convey, handle, or transport the tangible personal property to be sold within production stations on the production line or directly between such production stations or buildings within the same plant;
 - E) The use of machinery or equipment to place the tangible personal property to be sold into the container, package, or wrapping in which such property is normally sold where such machinery or equipment is used as a part of an integrated manufacturing process;
 - F) The production or processing of food, including the use of baking equipment such as ovens to bake bread or other bakery items, whether that baking is performed by a central bakery or a retail grocery store;
 - G) The use of machinery or equipment such as buffers, builders, or vulcanizing equipment to retread tires, whether or not the tire casing is provided by the purchaser.
- 4) By way of illustration and not limitation, the following activities will generally not be considered to be manufacturing:
- A) The use of machinery or equipment in the construction, reconstruction, alteration, remodeling, servicing, repairing, maintenance, or improvement of real estate;

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- B) The use of machinery or equipment in research and development of new products or production techniques, machinery, or equipment;
- C) The use of machinery or equipment to store, convey, handle or transport materials or parts or sub-assemblies prior to their entrance into the production cycle;
- D) The use of machinery or equipment to store, convey, handle or transport finished articles of tangible personal property to be sold or leased after completion of the production cycle;
- E) The use of machinery or equipment to transport work in process, or semifinished goods, between plants;
- F) The use of machinery or equipment in managerial, sales, or other nonproduction, nonoperational activities including disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, sales, marketing, product exhibition and promotion, or personnel recruitment, selection or training;
- G) The use of machinery or equipment to prevent or fight fires or to protect employees, such as protective equipment face masks, helmets, gloves, coveralls, and goggles or for safety, accident protection or first aid even though such machinery or equipment may be required by law;
- H) The use of machinery or equipment for general ventilation, heating, cooling, climate control or general illumination, not required by the manufacturing process;
- I) The use of machinery or equipment in the preparation of food and beverages by a retailer for retail sale, i.e., restaurants, vending machines, food service establishments, etc.
- J) The use of machinery or equipment used in the last step of the

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retail sale. Examples are paint mixing equipment used by a hardware store, embroidery or monogramming machines used by tee-shirt retailers and a sewing machine used to hem garments sold by a clothing store.

- 5) An item of machinery or equipment which initially is used primarily in manufacturing or assembling and having been so used for less than one-half of the useful life is converted to primarily nonexempt uses will become subject to tax at the time of the conversion. Such tax will be collected on such portion of the price of the machinery or equipment as was excluded from tax at the time the sale or purchase was made.
- e) Product Use
- 1) The statute requires that the product produced as a result of the manufacturing or assembling process be tangible personal property for sale or lease. Accordingly, a manufacturer or assembler who uses any significant portion of the output of his machinery or equipment, either for internal consumption or any other nonexempt use, or a lessor who leases otherwise exempt machinery and equipment to such a manufacturer or assembler, will not be eligible to claim the exemption on that machinery and equipment. No apportionment of production capacity between output for sale or lease and output for self-use will be permitted and no partial exemption for any item of machinery and equipment will be allowed.
 - 2) The production of articles of tangible personal property for sale, a portion of which is diverted by the manufacturer thereof to use as sales samples or as the subjects of quality control testing which renders the articles unfit for sale, will nevertheless be deemed to be production for sale, provided such diversion represents only a small portion of the production of the articles of tangible personal property or of the sale of those articles.
 - 3) Machinery and equipment used in the performance of a service, such as dry cleaning, is not used in the production of tangible personal property for sale and is thus taxable. However, a manufacturer or assembler who uses machinery and equipment to produce goods for sale or lease by himself or another, or to perform assembly or fabricating work for a customer who retains the manufacturer or assembler only for his services, will not be liable for tax on the machinery and equipment he uses as long

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as the goods produced either for himself or another are destined for sale or lease, rather than for use and consumption.

- f) Sales to Lessors of Manufacturers
 - 1) For this exemption to apply, the purchaser need not himself employ the exempt machinery or equipment in manufacturing. If the purchaser leases that machinery or equipment to a lessee-manufacturer who uses it in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may exclude such sales from his taxable gross receipts provided the purchaser-lessor provides to him a properly completed exemption certificate and the information contained herein would support an exemption if the sale were made directly to the lessee-manufacturer.
 - 2) Should a purchaser-lessor subsequently lease the machinery or equipment to a lessee who does not use it in a manner that would qualify directly for the exemption, the purchaser-lessor will become liable for the tax from which he was previously exempted.
- g) Exemption Certificates
 - 1) The user of such machinery or equipment and tools shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction and submit the certificate to the retailer. The certificates shall be retained by the retailer and shall be made available to the Department for inspection or audit. The Department shall prescribe the form of the certificate. If the user has an active registration or resale number, that number may be given in lieu of the prescribed certificate.
 - 2) If a manufacturer or lessor purchases at retail from a vendor who is not registered to collect Illinois Use Tax, the purchaser must prepare and retain in his files, the completed exemption certificate. The exemption certificate shall be available to the Department for inspection or audit.
 - 3) A vendor who makes sales of machinery or equipment to a manufacturer or lessor of a manufacturer must collect Use Tax, and will owe Retailers' Occupation Tax, on that sale unless the purchaser certifies the exempt nature of the purchase to the vendor as set out above. The Summary

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Schedule, RR-586, must be submitted in lieu of taxes at the time the taxes are due.

- 4) In the case of a vendor who makes sales of qualifying machinery or equipment to a contractor who will incorporate it into real estate so that he, the contractor, would be the taxable user (see Sections 130.1940 and 130.2075 of this Part), the purchasing contractor should provide the vendor with a certification that the machinery or equipment will be transferred to a manufacturer as manufacturing machinery or equipment in the performance of a construction contract for the manufacturer. The purchasing contractor should include the manufacturer's name and registration number on the certification when claiming the exemption.

- h) **Opinions and Rulings**
Informal ruling and opinion letters issued by the Department regarding the coverage and applicability of this exemption to specific devices will be maintained by the Department in Springfield. They will be available for public inspection and may be copied or reproduced at taxpayer's expense. Trade secrets or other confidential information in such letters will be deleted prior to release to public access files.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 8785, effective May 29, 2008, for a maximum of 150 days)

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- 1) Heading of the Part: Use Tax
 - 2) Code Citation: 86 Ill. Adm. Code 150
 - 3) Section Number: 150.340 Emergency Action: New Section
 - 4) Statutory Authority: Public Act 95-707; 35 ILCS 105/3-50
 - 5) Effective Date of Emergency Amendment: May 29, 2008
 - 6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency rule will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
 - 7) Date filed with the Index Department: May 29, 2008
 - 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
 - 9) Reason for Emergency: Public Act 95-707 makes a one-year tax law change effective July 1, 2007 through June 30, 2008. To address the threat to the public interest raised by the lack of rules and procedures in place to implement this retroactive law change, and to provide as much clarity and reliable guidance as possible to businesses affected by this law change, emergency rulemaking is necessary.
 - 10) A Complete Description of the Subjects and Issues Involved: Public Act 95-707 expanded, for a one-year period beginning on July 1, 2007 and ending on June 30, 2008, an existing sales tax exemption for manufacturing and assembling machinery and equipment to include items known as "production related tangible personal property". The aggregate dollar amount of exemptions claimed under this expanded portion of the exemption, however, may not exceed \$10,000,000 for the one-year exemption period.
 - 11) Are there any proposed amendments to this Part pending? Yes
- | | | |
|------------------------|-------------------------|------------------------------------|
| <u>Section Number:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
| 150.306 | Amendment | 31 Ill. Reg. 7397; May 25, 2007 |

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- 12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 13) Information and questions regarding this Emergency Amendment shall be directed to:

Samuel J. Moore
Associate Counsel
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

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

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 150
USE TAX

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150.101	Description of the Tax
150.105	Rate and Base of Tax
150.110	How To Compute Depreciation
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150.120	Effective Date of New Taxes
150.125	Relation of Use Tax to Retailers' Occupation Tax
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150.135	How to Avoid Paying Tax on Use Tax Collected From the Purchaser

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150.305	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
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150.311	Commercial Distribution Fee Sales Tax Exemption
150.315	Non-resident Exemptions
150.320	Meaning of "Acquired Outside This State"
150.325	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.330	Governmental Bodies as Buyers
150.331	Persons Who Lease Tangible Personal Property to Exempt Hospitals
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150.335	Game or Game Birds Purchased at Game Breeding and Hunting Areas or Exotic

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- Game Hunting Areas
- 150.336 Fuel Brought into Illinois in Locomotives
- 150.337 Food, Drugs, Medicines and Medical Appliances When Purchased for Use by a Person Receiving Medical Assistance under the Illinois Public Aid Code
- [150.340 Manufacturing Machinery and Equipment; Production Related Tangible Personal Property; Department Determination of Amount of Exemption](#)
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SUBPART D: COLLECTION OF THE USE TAX FROM USERS BY RETAILERS

- Section
- 150.401 Collection of the Tax by Retailers From Users
- 150.405 Tax Collection Brackets
- 150.410 Tax Collection Brackets for a 2 $\frac{1}{4}$ % Rate of Tax (Repealed)
- 150.415 Tax Collection Brackets for a 2 $\frac{1}{2}$ % Rate of Tax (Repealed)
- 150.420 Tax Collection Brackets for a 2 $\frac{3}{4}$ % Rate of Tax (Repealed)
- 150.425 Tax Collection Brackets for a 3% Rate of Tax (Repealed)
- 150.430 Tax Collection Brackets for a 3 $\frac{1}{8}$ % Rate of Tax (Repealed)
- 150.435 Tax Collection Brackets for a 3 $\frac{1}{4}$ % Rate of Tax (Repealed)
- 150.440 Tax Collection Brackets for a 3 $\frac{1}{2}$ % Rate of Tax (Repealed)
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- 150.450 Tax Collection Brackets for a 4% Rate of Tax (Repealed)
- 150.455 Tax Collection Brackets for a 4 $\frac{1}{8}$ % Rate of Tax (Repealed)
- 150.460 Tax Collection Brackets for a 4 $\frac{1}{4}$ % Rate of Tax (Repealed)
- 150.465 Tax Collection Brackets for a 4 $\frac{1}{2}$ % Rate of Tax (Repealed)
- 150.470 Tax Collection Brackets for a 4 $\frac{3}{4}$ % Rate of Tax (Repealed)
- 150.475 Tax Collection Brackets for a 5% Rate of Tax (Repealed)
- 150.480 Tax Collection Brackets for a 5 $\frac{1}{8}$ % Rate of Tax (Repealed)
- 150.485 Tax Collection Brackets for a 5 $\frac{1}{4}$ % Rate of Tax (Repealed)
- 150.490 Tax Collection Brackets for a 5 $\frac{1}{2}$ % Rate of Tax (Repealed)
- 150.495 Tax Collection Brackets for a 5 $\frac{3}{4}$ % Rate of Tax (Repealed)
- 150.500 Tax Collection Brackets for a 6% Rate of Tax (Repealed)
- 150.505 Optional 1% Schedule (Repealed)
- 150.510 Exact Collection of Tax Required When Practicable
- 150.515 Prohibition Against Retailer's Representing That He Will Absorb The Tax
- 150.520 Display of Tax Collection Schedule (Repealed)
- 150.525 Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates

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150.805 Voluntary Registration by Certain Out-of-State Retailers
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Section
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150.1001 General Information

SUBPART J: TRADED-IN PROPERTY

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150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX
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Section

150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section

150.1301 Users' Records

150.1305 Retailers' Records

150.1310 Use of Signs to Prove Collection of Tax as a Separate Item

150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax
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150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

150.1401 Claims for Credit – Limitations – Procedure

150.1405 Disposition of Credit Memoranda by Holders Thereof

150.1410 Refunds

150.1415 Interest

| 150.TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act [35 ILCS 105] and authorized by Section 2505-90 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-90].

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980; amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12,

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1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; emergency amendment at 16 Ill. Reg. 14889, effective September 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1947, effective February 2, 1993; amended at 18 Ill. Reg. 1584, effective January 13, 1994; amended at 20 Ill. Reg. 7019, effective May 7, 1996; amended at 20 Ill. Reg. 16224, effective December 16, 1996; amended at 22 Ill. Reg. 21670, effective November 25, 1998; amended at 24 Ill. Reg. 10728, effective July 7, 2000; amended at 25 Ill. Reg. 953, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1821, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 5059, effective March 23, 2001; amended at 25 Ill. Reg. 6540, effective May 3, 2001; amended at 25 Ill. Reg. 10937, effective August 13, 2001; amended at 26 Ill. Reg. 971, effective January 15, 2002; amended at 26 Ill. Reg. 9902, effective June 24, 2002; amended at 27 Ill. Reg. 1607, effective January 15, 2003; emergency amendment at 27 Ill. Reg. 11209, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; emergency amendment at 28 Ill. Reg. 15266, effective November 3, 2004, for a maximum of 150 days; emergency expired April 1, 2005; amended at 29 Ill. Reg. 7079, effective April 26, 2005; emergency amendment at 32 Ill. Reg. 8806, effective May 29, 2008, for a maximum of 150 days.

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section 150.340 Manufacturing Machinery and Equipment; Production Related Tangible Personal Property; Department Determination of Amount of Exemption
EMERGENCY

- a) General. Beginning on July 1, 2007 and ending on June 30, 2008, the manufacturing and assembling machinery and equipment exemption described in 86 Ill. Adm. Code 130.330 includes purchases of production related tangible personal property, subject to the limitations set forth in this Section. For purposes of this Section, terms used, unless defined in this Section, have the meaning ascribed to them in 86 Ill. Adm. Code 130.330.
- b) Limitations. The exemption for production related tangible personal property is subject to the following limitations:
 - 1) The exemption for production related tangible personal property allowed under this Section shall be awarded to the taxpayer in the form of a credit memorandum issued by the Department as provided in subsection (f). Retailers must collect tax on sales and purchasers must pay tax on

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NOTICE OF EMERGENCY AMENDMENT

purchases of production related tangible personal property at the time of the sale.

- 2) Purchases of production related tangible personal property made on or after July 1, 2007 and on or before June 30, 2008 are eligible for a credit memorandum equal to 5% of the purchase price.
 - 3) Manufacturer's Purchase Credit (see 86 Ill. Adm. Code 130.331) may not be earned by the purchase of production related tangible personal property for which a credit memorandum is received under this Section and purchases otherwise eligible for the manufacturing and assembling machinery and equipment exemption are not eligible for a credit memorandum under this Section.
 - 4) The maximum aggregate amount of credit memorandums for production related tangible personal property awarded under this Section to all taxpayers may not exceed \$10,000,000. If the claims for the credit memorandums exceed \$10,000,000, then the Department shall reduce the amount of the credit memorandum to each taxpayer on a pro rata basis.
 - 5) Example. If a taxpayer submits a report that contains purchases of production related tangible personal property totaling \$50,000 for the year, the amount of the credit memorandum, before proration, would be \$2,500 (5% of the purchase price). If all of the reports submitted by taxpayers contain aggregate purchases of production related tangible personal property totaling \$400,000,000 for the year, the aggregate amount of credit memorandums that would be issued, before proration, is \$20,000,000 (5% of \$400,000,000). Because \$20,000,000 is twice the statutory limit of aggregate exemptions allowed, each exemption amount claimed will be reduced by one-half. So, the \$2,500 credit memorandum claimed will be reduced to \$1,250.
- c) Production Related Tangible Personal Property.
- 1) "Production related tangible personal property" means all tangible personal property used or consumed in a production related process by a manufacturer in a manufacturing facility in which a manufacturing process described in Section 3-50 of the Use Tax Act takes place.

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- 2) "Production related tangible personal property" includes, without limitation, tangible personal property that is purchased for incorporation into real estate within a manufacturing facility and tangible personal property that is used or consumed in activities such as research and development, preproduction material handling, receiving, quality control, inventory control, storage, staging, and packaging for shipping and transportation purposes.
- 3) "Production related tangible personal property" does not include:
 - i) tangible personal property that is used, within or without a manufacturing facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping or
 - ii) tangible personal property that is required to be titled or registered with a department, agency, or unit of federal, State, or local government.
- d) By way of illustration and not limitation, the following uses of tangible personal property will be considered production related:
 - 1) Tangible personal property purchased by a manufacturer for incorporation into real estate within a manufacturing facility for use in a production related process.
 - 2) Supplies and consumables used in a manufacturing facility, including fuels, coolants, solvents, oils, lubricants, cleaners and adhesives.
 - 3) Hand tools (not electrically, pneumatically, or otherwise powered), protective apparel, and fire and safety equipment used or consumed in a manufacturing facility.
 - 4) Tangible personal property used or consumed in a manufacturing facility for purposes of pre-production and post-production material handling, receiving, quality control, inventory control, storage, staging and packing for shipping or transportation.

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- 5) Fuel used in a ready-mix cement truck to rotate the mixing drum in order to manufacture concrete or cement. However, only the amount of fuel used to rotate the drum will qualify. The amount of fuel used or consumed in transportation of the truck will not qualify as production related tangible personal property.
- e) By way of illustration and not limitation, the following uses of property will not be considered production related:
 - 1) The use of trucks, trailers, and motor vehicles which are required to be titled or registered pursuant to the Illinois Vehicle Code [625 ILCS 5], and aircraft or watercraft required to be registered with an agency of State or federal government.
 - 2) Office supplies, computers, desks, copiers and equipment which are used for sales, purchasing, accounting, fiscal management, marketing, and personnel recruitment or selection activities, even if such use takes place within a manufacturing facility.
 - 3) Tangible personal property used or consumed for aesthetic or decorative purposes, including landscaping and artwork.
 - 4) Tangible personal property used or consumed outside the manufacturing facility, including tangible personal property listed in subsection (d)(4), with the exception of tangible personal property used or consumed for research and development purposes.
 - 5) Tangible personal property purchased by a construction contractor for incorporation into a manufacturing facility.
 - 6) Tangible personal property transferred to a manufacturer's customer.
 - 7) Tangible personal property used in the process of graphic arts production.
- f) Administration of Exemption Claims. In order to meet the \$10,000,000 exemption cap set forth in subsection (b), which may require that exemptions be pro rated, and in accordance with specific rulemaking authority granted in 35 ILCS 105/3-50(5), the Department shall implement the exemption under this

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Section through Exemption Reports filed by purchasers only. The exemption report procedure shall be as provided in this subsection (f).

- 1) Purchasers must file with the Department an Exemption Report, in the form and manner prescribed by the Department, for tax paid on purchases of production related tangible personal property that is purchased on or after July 1, 2007 and on or before June 30, 2008. The Exemption Report must be filed after the close of the eligibility period on June 30, 2008 but no later than September 1, 2008.
- 2) Subject to audit, purchasers must maintain records, as to each purchase of production related tangible personal property for which the purchaser files an Exemption Report, that:
 - A) Identify the vendor or supplier (including either the vendor's or supplier's Illinois registration number or Federal Employer Identification Number);
 - B) Identify the date of purchase, the purchase price, and description of the production related tangible personal property; and
 - C) Contain a certificate signed by the vendor or supplier (on a form provided by the Department or on the purchaser's own form containing the appropriate information) that:
 - i) acknowledges that the purchaser will file an Exemption Report for the production related tangible personal property and
 - ii) certifies that the vendor or supplier will not file a claim against the taxes paid to the Department on that production related tangible personal property.
- 3) To claim the exemption for purchases of production related tangible personal property, the purchaser must report to the Department his or her purchases of production related tangible personal property made and for which tax was paid during the period beginning on July 1, 2007 and ending on June 30, 2008. The purchaser must make this report by signing and filing a Production Related Tangible Personal Property Exemption

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Report with the Department after the close of the eligibility period on June 30, 2008 but no later than September 1, 2008. Original Exemption Reports filed after September 1, 2008 shall be disallowed. The Production Related Tangible Personal Property Exemption Report must be filed on forms prescribed or approved by the Department and must state:

- A) The total purchase price of all production related tangible personal property purchased from July 1, 2007 through June 30, 2008 (excluding taxes paid);
 - B) The amount of the exemption claimed, which shall be equal to 5% of the amount in subsection (f)(3)(A); and
 - C) Such other information as the Department may reasonably require. (See Section 3-50(5) of the Use Tax Act.)
- 4) In order to efficiently administer this exemption within the statutory limitations, the Department shall proceed as provided in this subsection (f)(4).
- A) As soon as possible after the September 1, 2008 deadline for filing Exemption Reports, but no later than November 1, 2008, the Department shall review each Report timely filed.
 - B) The Department shall first determine all of those Exemption Reports that meet the requirements under this Section for approval in the full amount claimed (before proration) and hold them pending final determination on all Reports filed.
 - C) If an Exemption Report is timely filed that the Department does not approve in the full amount claimed (before pro-ration), the Department shall notify the taxpayer that it has not approved the exemption in the amount claimed and explain the basis for its decision. The taxpayer shall have 30 days after the date of the notice to submit a corrected Exemption Report or provide evidence that the original Exemption Report is correct.
 - D) If, within 30 days after the date of the notice in subsection (f)(4)(C), the taxpayer submits a corrected Exemption Report that

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- meets the requirements under this Section for approval, or if the taxpayer submits evidence that the original Exemption Report is correct and the Department agrees with that evidence, then the exemption amount claimed will be approved and included with the other approved Exemption Reports under this Section.
- E) If, within 30 days after the date of the notice in subsection (f)(4)(C), the taxpayer responds to the notice and the Department changes the amount of the exemption approved as a result but does not approve the full amount claimed in the corrected Exemption Report or based on the evidence provided, the Department shall include this final amount approved with the other approved Exemption Reports under this Section.
- F) If, within 30 days after the date of the notice in subsection (f)(4)(C), the taxpayer responds to the notice, but the taxpayer submits a corrected Exemption Report that does not meet the requirements under this Section for approval or the taxpayer submits evidence that the original Exemption Report is correct and the Department does not agree with that evidence, then the Exemption Report shall be approved only in the amount the Department determined to be eligible based on the original Exemption Report filed, which, in some instances will be a denial of all exemption amounts claimed.
- G) If the taxpayer does not respond to the notice in subsection (f)(4)(C) within 30 days after the date of the notice, then the Exemption Report shall be approved only in the amount the Department determined to be eligible based on the original Exemption Report filed, which, in some instances will be a denial of all exemption amounts claimed.
- 5) After making the final determination as provided in subsection (f)(4) of which Exemption Reports meet the requirements for approval, the Department shall determine the aggregate amount of approved Exemption Reports for purchases of production related tangible property. If the aggregate amount of exemptions approved exceeds \$10,000,000, the Department shall reduce the exemption amount allowed to each claimant on a pro rata basis. After determining the pro rata amount approved for

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENT

each Exemption Report, the Department shall notify each purchaser that the Report is approved and the pro rata amount of the exemption claimed that was allowed. This notification shall be made within 30 days after the Department makes the final determination.

EXAMPLE: Purchaser files an Exemption Report claiming an exemption of \$10,000 which the Department approves. The aggregate of all approved exemption claims equals \$20,000,000. All exemption claimants will be allowed a pro-rated exemption equal to one-half the Department-approved amount claimed. The purchaser who claimed a \$10,000 exemption will be allowed an exemption of \$5,000.

- 6) All exemption reports approved by the Department under this Section shall be awarded by the Department in the form of a credit memorandum. The taxpayer in the example in subsection (f)(5) would be awarded a credit memorandum in the amount of \$5,000 that he or she may use to satisfy State Use Tax and State and local occupation tax liability on future returns filed with the Department. A credit memorandum that is not used to offset the tax liability of the taxpayer may be assigned or transferred in accordance with 86 Ill. Adm. Code 130.1505. No interest shall be paid on exemption claims allowed under this Section.
- 7) A purchaser who is issued a credit memorandum under this Section for tax paid on the purchase of property that is later determined not to qualify as production related tangible personal property may be liable for tax, penalty, and interest on the purchase of that property as of the date the credit memorandum is issued.

(Source: Added by emergency rulemaking at 32 Ill. Reg. 8806, effective May 29, 2008, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2008 REGULATORY AGENDA

a) Part: Pay Plan, 80 Ill. Adm. Code 3101) Rulemaking:A) Description:

Projected amendments to the Department of Central Management Services' Pay Plan include the following revisions to the following sections:

In Section 310.280, designated rate changes in salaries, the addition of new positions and deletion of positions no longer utilized as approved by the Governor.

In Section 310.Appendix A, negotiated rate table changes based on bargaining unit agreements that are signed before December 31, 2008.

In Sections 310.80, change to pay treatment when promoted from Step 8.

In Sections 310.100 and 310.490, changes depending on the policy and pay practice determinations with respect to the Military Family Leave Act.

In Section 310.410, changes to include additional classification assignments to MS-salary ranges.

In various sections, changes to classifications either being established, revised or removed with the approval of the Civil Service Commission.

In various sections, changes to the format of the Pay Plan to reduce duplicate information and provide easier access to information contained within the Pay Plan.

B) Statutory Authority:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2008 REGULATORY AGENDA

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

C) Scheduled meeting/hearing dates:

Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the Pay Plan amendments.

D) Date agency anticipates First Notice:

Amendments to Section 310.280, Designated Rate, will be filed as the Governor approves changes throughout the year.

Peremptory amendments based on new memoranda of understanding or other bargaining unit agreements will be filed as negotiations are completed.

Peremptory amendments based on new, revised or abolished classifications represented by the bargaining units, and proposed amendments based on new, revised, or abolished classifications not represented by the bargaining units, will be filed as the classification actions are approved by the Civil Service Commission.

Amendments to add MS- salary range, the pay treatment for promotion from Step 8 and Military Family Leave information will be filed as the Governor approves changes.

E) Affect on small businesses, small municipalities or not for profit corporations:

These amendments to the Pay Plan pertain only to state employees subject to the Personnel Code under the Governor. They do not set out guidelines that are to be followed by local or other jurisdictional bodies within the State.

F) Agency contact person for information:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2008 REGULATORY AGENDA

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

Telephone: (217) 782-7964
Fax: (217) 524-4570
CMS.PayPlan@Illinois.gov

G) Related rulemakings and other pertinent information:

Other amendments may be necessary based on emergent issues regarding state employee salary rates and policies.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT

FOR PUBLIC WORKS PROJECTS

Pursuant to the findings in Re: **Sunset Cartage**, IDOL File No. **2008-PW-DA08-0118**, the Director of the Department of Labor gives notice that **Sunset Cartage**, its members, officers, managers, agents, and all persons acting in **Sunset Cartage's** interest and/or on **Sunset Cartage's** behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which **Sunset Cartage**, its members, officers, managers, agents, and all other persons acting in **Sunset Cartage's** interest and/or on **Sunset Cartage's** behalf have an interest, pecuniary or otherwise, are prohibited from being awarded any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing upon publication of this notice in the *Illinois Register* and continuing for two (2) years.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JUNE 17, 2008

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Central Management Services

1. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 32 Ill. Reg. 4417 – 4/4/08
 - Expiration of Second Notice: 7/3/08

Court of Claims

2. Court of Claims Regulations (74 Ill. Adm. Code 790)
 - First Notice Published: 32 Ill. Reg. 3130 – 3/7/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

-Expiration of Second Notice: 6/21/08

Education

3. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 31 Ill. Reg. 15027 – 11/9/07
 - Expiration of Second Notice: 7/10/08
4. Driver Education (23 Ill. Adm. Code 252)
 - First Notice Published: 32 Ill. Reg. 3194 – 3/7/08
 - Expiration of Second Notice: 7/10/08

Healthcare and Family Services

5. Medical Assistance Programs (89 Ill. Adm. Code 120)
 - First Notice Published: 32 Ill. Reg. 1530 – 2/8/08
 - Expiration of Second Notice: 6/28/08
6. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 32 Ill. Reg. 2885 – 2/29/08
 - Expiration of Second Notice: 6/28/08
7. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 32 Ill. Reg. 3552 – 3/14/08
 - Expiration of Second Notice: 7/3/08
8. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)
 - First Notice Published: 32 Ill. Reg. 3566 – 3/14/08
 - Expiration of Second Notice: 7/3/08

Human Services

9. Office of Inspector General Adults with Disabilities Abuse Project (59 Ill. Adm. Code 51)
 - First Notice Published: 32 Ill. Reg. 2421 – 2/15/08
 - Expiration of Second Notice: 6/21/08
10. Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities (59 Ill. Adm. Code 117)
 - First Notice Published: 32 Ill. Reg. 2428 – 2/15/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

-Expiration of Second Notice: 6/21/08

11. Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)
 - First Notice Published: 32 Ill. Reg. 3568 – 3/14/08
 - Expiration of Second Notice: 7/3/08
12. Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113)
 - First Notice Published: 32 Ill. Reg. 2642 – 2/2/08
 - Expiration of Second Notice: 7/3/08

Natural Resources

13. Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)
 - First Notice Published: 32 Ill. Reg. 3588 – 3/14/08
 - Expiration of Second Notice: 6/22/08
14. Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)
 - First Notice Published: 32 Ill. Reg. 3599 – 3/14/08
 - Expiration of Second Notice: 6/22/08
15. Youth Hunting Seasons (17 Ill. Adm. Code 685)
 - First Notice Published: 32 Ill. Reg. 4495 – 4/4/08
 - Expiration of Second Notice: 7/5/08
16. Crow, Woodcock, Snipe, Rail and Teal Hunting (17 Ill. Adm. Code 740)
 - First Notice Published: 32 Ill. Reg. 4505 – 4/4/08
 - Expiration of Second Notice: 7/5/08

Racing Board

17. Trifecta (11 Ill. Adm. Code 306)
 - First Notice Published: 32 Ill. Reg. 4307 – 3/28/08
 - Expiration of Second Notice: 6/28/08
18. Pick(n)Pools (11 Ill. Adm. Code 308)
 - First Notice Published: 32 Ill. Reg. 4311 – 3/28/08
 - Expiration of Second Notice: 6/28/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

19. Account Wagering (11 Ill. Adm. Code 321)
 - First Notice Published: 32 Ill. Reg. 4132 – 3/21/08
 - Expiration of Second Notice: 6/21/08
20. Pentafecta (11 Ill. Adm. Code 324)
 - First Notice Published: 32 Ill. Reg. 4315 – 3/28/08
 - Expiration of Second Notice: 6/28/08
21. Claiming Races (11 Ill. Adm. Code 510)
 - First Notice Published: 32 Ill. Reg. 4323 – 3/28/08
 - Expiration of Second Notice: 6/28/08
22. Entries, Subscriptions, and Declarations (11 Ill. Adm. Code 1413)
 - First Notice Published: 31 Ill. Reg. 4327 – 3/28/08
 - Expiration of Second Notice: 6/29/08

Revenue

23. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 32 Ill. Reg. 4574 – 4/4/08
 - Expiration of Second Notice:
24. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 32 Ill. Reg. 5936 – 4/11/08
 - Expiration of Second Notice: 7/11/08
25. Income Tax (86 Ill. Adm. Code 100)
 - First Notice Published: 32 Ill. Reg. 798 – 1/18/08
 - Expiration of Second Notice: 7/12/08
26. Retailers' Occupation Tax (86 Ill. Adm. Code 130)
 - First Notice Published: 32 Ill. Reg. 4155 – 3/21/08
 - Expiration of Second Notice: 7/13/08

Secretary of State

27. Business Corporation Act (14 Ill. Adm. Code 150)
 - First Notice Published: 32 Ill. Reg. 3168 – 3/7/08
 - Expiration of Second Notice: 7/5/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

28. Limited Liability Company Act (14 Ill. Adm. Code 178)
 - First Notice Published: 32 Ill. Reg. 3715 – 3/7/08
 - Expiration of Second Notice: 7/5/08
29. Uniform Commerce Code (14 Ill. Adm. Code 180)
 - First Notice Published: 32 Ill. Reg. 3186 – 3/7/08
 - Expiration of Second Notice: 7/5/08
30. The Illinois Library System Act (23 Ill. Adm. Code 3030)
 - First Notice Published: 32 Ill. Reg. 3610 – 3/14/08
 - Expiration of Second Notice: 6/28/08
31. Illinois State Library Grant Programs (23 Ill. Adm. Code 3035)
 - First Notice Published: 32 Ill. Reg. 3637 – 3/14/08
 - Expiration of Second Notice: 6/28/08
32. Public Library Construction Grants (Repealer) (23 Ill. Adm. Code 3060)
 - First Notice Published: 32 Ill. Reg. 3667 – 3/14/08
 - Expiration of Second Notice: 6/28/08

Student Assistance Commission

33. Illinois Future Teacher Corps (IFTC) Program (23 Ill. Adm. Code 2764)
 - First Notice Published: 32 Ill. Reg. 1858 – 2/8/08
 - Expiration of Second Notice: 7/19/08

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34. Interstate Common Pools (11 Ill. Adm. Code 302)
 - Notice Published: 32 Ill. Reg. 7426 – 5/9/08
35. Pentafecta (11 Ill. Adm. Code 324)
 - Notice Published: 32 Ill. Reg. 7429 – 5/9/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JUNE AGENDA

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Natural Resources

36. Freedom of Information (2 Ill. Adm. Code 826)
-Notice Published: 32 Ill. Reg. 8156 – 5/30/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 27, 2008 through June 2, 2008 and have been scheduled for review by the Committee at its June 17, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
7/10/08	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	11/9/07 31 Ill. Reg. 15027	6/17/08
7/10/08	<u>State Board of Education</u> , Driver Education (23 Ill. Adm. Code 252)	3/7/08 32 Ill. Reg. 3194	6/17/08
7/11/08	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	4/11/08 32 Ill. Reg. 5936	6/17/08
7/12/08	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	1/18/08 32 Ill. Reg. 798	6/17/08
7/13/08	<u>Department of Revenue</u> , Retailers' Occupation Tax (86 Ill. Adm. Code 130)	3/21/08 32 Ill. Reg. 4155	6/17/08

PROCLAMATIONS

2008-224**GUBERNATORIAL PROCLAMATIONS**

Severe storms moved through Illinois beginning March 17, 2008. Extremely heavy rainfall resulted in widespread flooding along numerous rivers, creeks and streams in Southern Illinois counties. Public infrastructure has been damaged and local governments have incurred significant costs for debris removal, emergency protective measures and the repair or replacement of public property.

In the interest of aiding the citizens of Illinois and the impacted local governments responsible for ensuring public health and safety, I hereby proclaim that a disaster exists in the State of Illinois and specifically declare Jasper, Richland and Wayne counties as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery operations. This proclamation will also make possible the request for federal assistance to supplement the State's efforts if it is deemed necessary to protect public health and safety and to assist in recovery.

Date: May 27, 2008

Filed: May 27, 2008

2008-225**Illinois Counseling Association Week**

WHEREAS, professional counselors are the linchpin to helping clients and students with the challenges that they face each and every day; and

WHEREAS, counselors generally do their work without calling attention to themselves or their clients, yet they give freely of their time, energy, and compassion to the children, adolescents, and adults of our state; and

WHEREAS, the Illinois Counseling Association (ICA), a state branch of the American Counseling Association, has about 2,000 members, however, the association represents thousands more dedicated professionals throughout the state who labor as school counselors, mental health counselors, marriage and family counselors, and counselor educators; and

PROCLAMATIONS

WHEREAS, the mission of the Illinois Counseling Association is to enhance the quality of life in society by promoting the development of professional counselors, advancing the counseling profession, and using the profession and practice of counseling to promote respect for human dignity and diversity; and

WHEREAS, the Illinois Counseling Association was founded 60 years ago, and this anniversary milestone will be celebrated during the ICA annual convention, held this year on November 13-15:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 10-15, 2008 as **ILLINOIS COUNSELING ASSOCIATION WEEK** in Illinois, in recognition of the 60th anniversary of the ICA.

Issued by the Governor May 22, 2008

Filed by the Secretary of State June 2, 2008

2008-226**Child Labor Awareness Month**

WHEREAS, as one of our state's most valuable resources, young Illinoisans should have access to job opportunities that are safe and that are in a healthy environment; and

WHEREAS, having a job can be a significant component to a teenager's learning and development, and should certainly help them to build character and responsibility; and

WHEREAS, every year in the United States, too many of these young workers are injured on the job; and

WHEREAS, this year, many Illinois teens that take summer jobs will be unaware of labor laws designed to protect youth in the workplace, and potential on-the-job hazards; and

WHEREAS, during the week of June 2, 2008, as part of the St. Louis, Missouri U.S. Department of Labor District Office's Child Labor initiative, employees of the Wage and Hour Division will participate in "Walk the Beat"; and

WHEREAS, during this week investigators will deliver child labor compliance assistance materials, including fact sheets and a Youth Rules! pamphlet, to retail employers throughout central and southern Illinois and the St. Louis area, as well as answer any questions employers may have:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2008 as **CHILD LABOR AWARENESS MONTH** in Illinois, in support of the U.S. Department of Labor's Child Labor initiative and to encourage all citizens to become cognizant of the rules and regulations regarding youth employment and safety, in order to benefit the many young people looking to better themselves.

Issued by the Governor May 27, 2008

Filed by the Secretary of State June 2, 2008

2008-227**Partnership Walk Day**

WHEREAS, citizens in Illinois and across the country expect certain basic rights, such as quality education, adequate living conditions, and a safe, healthy environment. Many in other parts of the world can only dream of having such rights; and

WHEREAS, the Aga Khan Development Network is a group of private, international, non-denominational agencies dedicated to fostering long-term socio-economic development in impoverished regions of Asia and Africa; and

WHEREAS, Aga Khan Foundation U.S.A. (AKF USA), an agency of the Aga Khan Development Network, sponsors the Partnership Walk in major cities across the U.S. to promote awareness about alleviating global poverty and to raise financial support for development projects that promote self-reliance; and

WHEREAS, on the 27th Anniversary of AKF USA and the 13th Anniversary of Partnership Walk, this year's theme "Planting Our Future – Partnerships in Action" spotlights the extraordinary success, expansion and impact of Aga Khan Foundation's rural support programs:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 24, 2008 as **PARTNERSHIP WALK DAY** in Illinois to recognize the goodwill of the Aga Khan Development Network and to encourage others to join Aga Khan Foundation U.S.A. in their mission of ensuring everyone the same basic rights that the citizens of this state enjoy and expect.

Issued by the Governor May 27, 2008

Filed by the Secretary of State June 2, 2008

2008-228**Constitution Week**

PROCLAMATIONS

WHEREAS, the Second Continental Congress declared independence of the United States from Great Britain in 1776, and asserted their inalienable rights, including life, liberty, and the pursuit of happiness; and

WHEREAS, in 1787, a convention of delegates from 12 of the original 13 states met in Philadelphia and framed the United States Constitution, which was ratified in 1788 and replaced the Articles of Confederation the following year as the supreme law of the land; and

WHEREAS, two years later, 10 amendments, commonly referred to as the Bill of Rights, were adopted to establish and protect certain individual rights, such as freedom of speech and exercise of religion; and

WHEREAS, since that time, more than 10,000 amendments to the Constitution have been proposed, yet only 27 have been adopted, and today, the Constitution is the oldest living government covenant in the world; and

WHEREAS, in accord with Public Law 915, the President of the United States issues a proclamation designating September 17-23 as Constitution Week every year; and

WHEREAS, this year, we celebrate the 221st birthday of the Constitution of the United States, under which Illinois became the 21st state in 1818:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 17-23, 2008 as **CONSTITUTION WEEK** in Illinois in tribute to the enduring greatness of the United States Constitution.

Issued by the Governor May 27, 2008

Filed by the Secretary of State June 2, 2008

2008-229**Temple Lipizzans Day**

WHEREAS, Tempel Farms in northern Lake County, Illinois, is the only place in America where Lipizzan stallions regularly perform the breathtaking leaps and ballet-like precision of classical dressage in the tradition of the famed Spanish Riding School in Vienna, Austria; and

WHEREAS, Tempel Farms is one of only a few places in the world where Lipizzans are bred, trained and perform on the same property; and

PROCLAMATIONS

- WHEREAS, it took a year of sensitive negotiations with the Austrian government before the late Tempel Smith, owner of Chicago's Tempel Steel Company, and his wife, Esther, received clearance to import the first 20 Lipizzans from the breeding farms of the Spanish Riding School in August of 1958; and
- WHEREAS, Lipizzans are officially recognized as a "rare breed," numbering only about 2,000 in the world and the Tempel herd of 80 is the largest privately owned herd anywhere. Over the past 50 years, nearly 900 Lipizzan horses have been born at Tempel Farms; and
- WHEREAS, each summer, visitors from around the world travel to Tempel Farms to enjoy Lipizzan "horse ballets," similar to those that entertained European royalty during the late Renaissance; and
- WHEREAS, the Tempel Lipizzans have been a featured attraction in four presidential inaugurations, the 1976 Bicentennial Celebration in Washington, D.C., The Belmont Stakes, and The Oklahoma Mozart Music Festival. Tempel Lipizzans have pulled the casket of The Unknown Soldier of the Vietnam War at Arlington National Cemetery, been ridden by Ronald Reagan and Morocco's King Hassan II, and called to a command performance for the Carter family on the White House lawn; and
- WHEREAS, in 1997, the President of Austria presented Tempel Smith's daughters with the Officers Cross, Grand Decoration of Honour for Service to the Republic of Austria, in recognition of the Smith family's "careful management of a cultural institution with such close ties to Austria"; and
- WHEREAS, Tempel Farms was recently selected as the site for equestrian events in Chicago's 2016 Olympics bid; and
- WHEREAS, in 2007, the Illinois Department of Tourism named The Tempel Lipizzans one of the state's "Top 25 Summer Fun Ideas"; and
- WHEREAS, this year marks the 50th Anniversary of the first Tempel Lipizzans' arrival in America:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 18, 2008 as **TEMPLE LIPIZZANS DAY** in Illinois.

Issued by the Governor May 27, 2008

PROCLAMATIONS

Filed by the Secretary of State June 2, 2008

2008-230**National Youth Traffic Safety Month**

WHEREAS, the state of Illinois recognizes youth traffic safety as a vital concern for the youth of Illinois; and

WHEREAS, the state of Illinois recognizes our youth are an asset we can not afford to lose to needless crashes; and

WHEREAS, each person, including parents, educators, law enforcement, elected leaders, community leaders, and youth themselves must play a part in protecting our youth and educating them and their families about youth traffic safety; and

WHEREAS, the month of May is an opportune time to increase awareness concerning youth traffic safety as the prom season, graduations, and summer vacation months are times of particular concern; and

WHEREAS, with the resources of National Organizations for Youth Safety, The BACCHUS Network, and the collegiate peer education programs in this state, we can help increase awareness about youth traffic safety in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2008 as National Youth Safety Month in Illinois.

Issued by the Governor May 29, 2008

Filed by the Secretary of State June 2, 2008

2008-231**Sergeant Blake W. Evans**

WHEREAS, on Sunday, May 25, Army Sergeant Blake W. Evans from Rockford died at age 24 of injuries sustained when an improvised explosive device detonated near his vehicle in Al Jazeera Desert, Iraq, where Sgt. Evans was serving in support of Operation Iraqi Freedom; and

WHEREAS, Sgt. Evans, a 2002 graduate of Guilford High School, was very dedicated to the military and excited about his future military career; and

PROCLAMATIONS

WHEREAS, assigned to the 2nd Battalion, 327th Infantry Regiment, 101st Airborne Division, Fort Campbell, Kentucky, Sgt. Evans was on his second tour of duty; and

WHEREAS, a funeral will be held on Wednesday, June 4 for Sgt. Evans, who is survived by his wife, Shannon, two daughters, and his father, as well as his mother Judy Belk and step-father Craig Belk:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on June 2, 2008 until sunset on June 4, 2008 in honor and remembrance of Sgt. Evans, whose selfless service and sacrifice is an inspiration.

Issued by the Governor May 29, 2008

Filed by the Secretary of State June 2, 2008

2008-232**Lymphoma Research Foundation Day and Lymphomathon Day**

WHEREAS, lymphoma is a type of cancer that results when abnormal lymphocyte cells are created. These cells can grow in many parts of the body, including the lymph nodes, bone marrow, or spleen. There are more than 30 subtypes of cancer of the lymphatic system: 5 types of Hodgkin's disease and over 25 types of non-Hodgkin's lymphoma; and

WHEREAS, symptoms of lymphoma come in several forms, but are hard to detect because they vary and may be the same as those of the common cold. A very persistent cold or respiratory infection may be a sign of lymphoma; and

WHEREAS, of the nearly 500,000 Americans that have lymphoma, 332,000 have Non-Hodgkin's lymphoma. Over 74,000 new cases are diagnosed and 20,000 Americans die from the disease each year. Treatment for the disease includes – chemotherapy, radiation therapy, and biologic therapy. These treatments, or combinations of thereof, can put the cancer in remission for years; and

WHEREAS, approximately 143,000 people with lymphoma have Hodgkin's disease. This form of lymphoma has a much higher survival rate – 85 percent over five years. Those treated often receive some form of chemotherapy or radiation therapy or a combination of the two; and

WHEREAS, the Lymphoma Research Foundation (LRF) was created to eradicate Lymphoma and serve those touched by the disease. The Foundation is the nation's largest

PROCLAMATIONS

lymphoma-focused organization dedicated to funding lymphoma research. To date, LRF has funded over \$35 million for cancer research; and

WHEREAS, Chicago formed the first LRF chapter, and hosted the first ever LYMPHOMathon. This year the Chicago LRF chapter will be hosting its 6th Annual Chicago LYMPHOMathon, a 5K walk and run to help raise money for the cause. This event will begin at Montrose Harbor on Lake Michigan:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 24, 2008 as **LYMPHOMA RESEARCH FOUNDATION DAY and LYMPHOMATHON DAY** in Illinois, and encourage all citizens to join in supporting the search for a cure to this life-threatening disease.

Issued by the Governor May 29, 2008
Filed by the Secretary of State June 2, 2008

2008-233**Day of Encouragement**

WHEREAS, we are bombarded with negative images, stories and influences in our day-to-day lives that can lead to a feeling of sadness or hopelessness; and

WHEREAS, this discouragement can affect all aspects of a person's life, from their job or schoolwork, to their personal relationships and decision making; and

WHEREAS, even the smallest gesture, such as a smile or kind word, has the ability to communicate love and compassion that can brighten a person's day; and

WHEREAS, September 11 is a day that will live in the minds of Americans as a dark and evil day because of the horrific terrorist attacks that claimed the lives of 2,974 innocent people in 2001; and

WHEREAS, in the days and months following the 9/11 attacks, the sacrifices made by thousands of Americans to help the victims of the attacks and their families inspired and encouraged the entire nation:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois do hereby proclaim September 12, 2008 as a **DAY OF ENCOURAGEMENT** in Illinois, and urge all citizens to encourage others on this day, whether through an act of service, a thoughtful letter or just an encouraging word, and thereby boost the overall morale of all of Illinois.

PROCLAMATIONS

Issued by the Governor May 29, 2008
Filed by the Secretary of State June 2, 2008

ILLINOIS ADMINISTRATIVE CODE

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