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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

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
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
39	September 15, 2008	September 26, 2008
40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
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

Editor's Note: The second filing period for submitting Regulatory Agendas will start October 14, 2008 with the last day to file being January 2, 2009.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 302
- 3) Section Number: 302.220 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415]
- 5) A Complete Description of the Subjects and Issues Involved: The change to this Section permits State employees to take a leave of absence for up to 5 years to join the military and be reinstated to a same or similar position. The current rule only permits them to be gone for 4 years. In addition, consistent with the federal Uniformed Services Employment and Reemployment Rights Act, the time period for an employee rehabilitating from an injury incurred in the line of service to apply for reinstatement is extended from one year to 2 years.
- 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: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois 62706

217/785-1793

Or

Margaret L. van Dijk
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/782-5778

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: it was not timely anticipated.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment and begins on page 19935 in this issue of the *Illinois Register*:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code 303
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
303.90	Amendment
303.112	Amendment
303.115	Amendment
303.125	Amendment
303.130	Amendment
303.131	New Section
303.250	Amendment
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking includes changes to the rules regarding the allowable time increments for employees using personal, sick and vacation time. The rule regarding the sick leave bank has been changed to clarify the definitions of catastrophic illness and immediate family member and to limit the number of days an employee may use from 25 days "per calendar year" to 25 days per "12 month period". In addition, the number of paid days veterans may take off to visit a veterans' hospital or clinic has been increased from 2 days to 4 days consistent with a previous change to the Personnel Code. Also, there are several proposed changes to the maternity/paternity policy such as equalizing the number of days off given to mothers and fathers, removing the requirement that a male be married to the mother of the child in order to be given paid time off to bond with his child, and removing the requirement that proof of prenatal care, rather than just confirmation of pregnancy, be provided in order to be eligible for maternity/paternity leave. Lastly, a separate Section has been created for granting leave in the event of a stillborn child.
- 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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:
- Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706
- 217/785-1793
- Or
- Margaret L. van Dijk
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706
- 217/782-5778
- 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: The rulemaking was not included on either of the 2 most recent agendas because it was not timely anticipated.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment and begins on page 19944 in this issue of the *Illinois Register*:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Permit Fees For Installing or Extending Water Main
- 2) Code Citation: 35 Ill. Adm. Code 690
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
690.102	Amended
690.103	Amended
690.201	Amended
690.203	Amended
690.301	Amended
- 4) Statutory Authority: Implementing and authorized by Sections 16.1 of the Illinois Environmental Protection Act [415 ILCS 5/16.1]
- 5) A Complete Description of the Subjects and Issues Involved: In June 2003, the governor signed into law PA 93-32, which established a new fee structure for installing and extending water mains. The amendments in this Part will formally incorporate the new fee and update the language in the Part since there has been no amendment to Part 690 since January 18, 1990. The collection of fees in the amendment reflect the increase and mandate by the new law for construction permits, emergency construction permits, or as-built plans to install or extend water mains.
- 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 proposed amendment contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This Part establishes the procedures for the collection of fees for construction permits, emergency construction permits, or as-built plans to install or extend water mains.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Illinois Environmental Protection Agency will accept written public

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

comments on this proposal for a minimum of 45 days after the date of publication in the *Illinois Register*. Comments should reference Permit Fees for Installing or Extending Water Mains and be addressed to:

Stefanie N. Diers
Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19726
Springfield, Illinois 62794-9276

217/782-5544

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking is expected to impact small businesses, small municipalities and not for profit corporations to the extent that these entities design, operate or maintain a public water supply, or engage in the permitting process. The Agency anticipates the proposed amendments will generally benefit these entities by clarifying the requirements for facility operations and permits.
- 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 2008

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 690

PERMIT FEES FOR INSTALLING OR EXTENDING WATER MAIN

SUBPART A: GENERAL

Section	Purpose
690.101	Purpose
690.102	Applicability
690.103	Definitions
690.104	Relation to Other Fee Systems
690.105	Severability

SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF FEES

Section	Purpose
690.201	Amount of the Fee
690.202	Permit Application Modifications
690.203	Manner of Payment
690.204	Prohibition Against Refund
690.205	Audit and Access to Records

SUBPART C: PROCEDURES FOR PROCESSING PERMIT
APPLICATIONS FOR WHICH FEES APPLY

Section	Purpose
690.301	Permit Applications Containing the Entire Fee
690.302	Permit Applications Not Containing the Entire Fee

AUTHORITY: Implementing and authorized by Section 16.1 of the Environmental Protection Act [415 ILCS 5/16.1, as added by P.A. 93-32, effective July 1, 2003].

SOURCE: Adopted at 14 Ill. Reg. 2070, effective January 18, 1990; amended at 33 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 690.102 Applicability

- a) Except as provided otherwise in subsection (b), this Part applies to each applicant:
- 1) For a construction permit under Title IV of the Act, or 35 Ill. Adm. Code: Subtitle F, to install or extend water main;
 - 2) Who submits as-built plans under Title IV of the Act, or 35 Ill. Adm. Code: Subtitle F, to install or extend water main; or
 - 3) For an emergency construction permit under Title IV of the Act, or 35 Ill. Adm. Code: Subtitle F, to install or extend water main.
- b) No fee shall be due under this Section from: ~~This part does not apply to~~
- 1) ~~The installation or extension of water main that is not more than 200 feet in length.~~ Any department ~~Any Department~~, agency or unit of ~~State~~ state government for installing or extending a water main;
 - 23) ~~Any~~ Any unit of local government with which the Agency has entered into a written delegation agreement under Section 4 of the Act which allows such unit to issue construction permits under Title IV ~~Title IV~~ of the Act, or regulations adopted under Title IV ~~thereunder~~, for installing or extending a water main; or
 - 34) ~~Any~~ Any unit of local government for installing or extending a water main where both ~~all~~ of the following conditions are met:
 - A) ~~The~~ The cost of the installation or extension is paid wholly from monies of the unit of local government or school district, ~~State~~ state grants or loans, federal grants or loans, or any combination thereof; and
 - B) ~~The~~ The unit of local government or school district is not given monies, reimbursed or paid, either in whole or in part, by another person (except for ~~State~~ state grants or loans or federal grants or loans), for the installation or extension. ~~(Section 16.1(f) of the Act); and~~

ENVIRONMENTAL PROTECTION AGENCY

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- ⊖) ~~The applicant certifies in the construction permit application that subsections (b)(3)(A) and (b)(3)(B) have been met.~~

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 690.103 Definitions

- a) Unless specified otherwise, all terms shall have the meaning set forth in the Act.
- b) For purposes of this Part, the following definitions apply:

"Act" means the Environmental Protection Act [\[415 ILCS 5\]](#)~~(Ill. Rev. Stat. 1987, ch. 111½, pars. 1001 et seq.)~~.

"Agency" means the Illinois Environmental Protection Agency.

"Applicant" means a person who applies for a construction permit or emergency construction permit to install or extend water main, or who submits as-built plans to install or extend water main, pursuant to Title IV of the Act or 35 Ill. Adm. Code: Subtitle F.

"Fee" means the fee prescribed by Section 16.1 of the Act.

"Water Main" means any pipe that is to be used for the purpose of distributing potable water which serves or is accessible to more than one property, dwelling, or rental unit, and that is exterior to buildings. (Section 16.1(h) of the Act)

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF FEES

Section 690.201 Amount of the Fee

- a) Each applicant subject to this Part pursuant to Section 690.102 shall pay a fee along with the permit application or as-built plan.
- b) *The amount of the fee is as follows:*

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 1) ~~\$240120~~ if the construction permit application or as-built plan is to install or extend water main that is more than 200 feet, but not more than 1000 feet in length;
- 2) ~~\$720360~~ if the construction permit application or as-built plan is to install or extend water main that is more than 1000 feet but not more than 5000 feet in length;
- 3) ~~\$1200600~~ if the construction permit application or as-built plan is to install or extend water main that is more than 5000 feet in length.
(Section 16.1(d) of the Act)

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 690.203 Manner of Payment

- a) Except as provided otherwise in subsection (b), payment of the fee must be by check or money order payable to "Treasurer, State of Illinois" and shall be submitted along with the permit application or as-built plans to:

Illinois Environmental Protection Agency
Division of Public Water Supplies
~~2200 Churchill Road~~
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

- b) *Each applicant for an emergency construction permit under Title IV of the Act, or regulations adopted thereunder, to install or extend a water main shall submit the appropriate fee due under Section 690.201 to the Agency within 10 calendar days from the date of issuance of the emergency construction permit.* (Section 16.1(c) of the Act)
- c) Payment shall not include any fees due to the Agency for any purpose other than the fee due under Section 690.201.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART C: PROCEDURES FOR PROCESSING PERMIT APPLICATIONS

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Section 690.301 Permit Applications Containing the Entire Fee

- a) Applications received by the Agency will be logged in and assigned a receipt date and number if the following conditions are met:
- 1) The application is complete in accordance with Title IV of the Act and regulations adopted thereunder; and
 - 2) The entire fee due under Section 690.201 is included with the application.
- b) ~~The~~ *The Agency shall, not later than 45 days following the receipt of both an application for a ~~water main extension~~ construction permit and the fee required by this Part, either approve that application and issue a permit or tender to the applicant a written statement setting forth with specificity the reasons for the disapproval of the application and denial of a permit in accordance with Section 39(a) of the Act. If there is no final action by the Agency within 45 days after the filing of the application for a permit, the applicant may deem the permit issued. (Section 16.1(i) of the Act)*
- c) If modifications to the permit application are received by the Agency from the applicant within 90 days of the date of permit denial in accordance with subsection (b), and if such modifications would allow approval of the application, a permit will be issued without additional fees becoming due under this Part, unless the modifications cause the length of water main to increase beyond the length specified in the permit application before the modifications. If the modifications cause such an increase and the increase results in additional fees being due under Section 690.201, the applicant shall submit the additional fee to the Agency with the modifications.
- d) Except in those cases where permit denial has been appealed to the Illinois Pollution Control Board in accordance with Section 40 of the Act, modifications received by the Agency more than 90 days after the date of permit denial in accordance with subsection (b) shall be considered new applications subject to the fees specified in Section 690.201.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Workers' Compensation Pools
- 2) Code Citation: 50 Ill. Adm. Code 575
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
575.100	New Section
575.105	New Section
575.110	New Section
575.115	New Section
575.125	New Section
575.400	New Section
575.EXHIBIT A	New Section
575.EXHIBIT B	New Section
- 4) Statutory Authority: Implementing Article V^{3/4} [215 ILCS 5/Art. V^{3/4}] and authorized by Section 107a.09 and 401 of the Illinois Insurance Code [215 ILCS 5/107a.09 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this new Part will be to improve the Director's surveillance of qualified group workers' compensation by establishing standards to ensure that members of a group workers' compensation pool have homogeneous risk characteristics.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising 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? Yes. Please see Section 575.110 of this Part.
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

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

Joseph T. Clennon, Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

or

Craig Cellini, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
3rd Floor
Springfield, Illinois 62767-0001

217/557-1396

217/785-0813

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This new Part concerns the operations of the pools and companies providing services to the pools. The impact on a pool or service company will be minimal because the additional costs, if any, will be passed on and spread over a number of pools or pool members.
- B) Reporting, bookkeeping or other procedures required for compliance: Please see the proposed requirements of this new Part.
- C) Types of professional skills necessary for compliance: Insurance/Administrative

- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER f: INSURANCE EXCHANGE/GROUP WORKERS'
COMPENSATION POOLS; POOLING AND INSOLVENCY FUND

PART 575

WORKERS' COMPENSATION POOLS

Section

575.100	Applicability
575.105	Purpose and Scope
575.110	Definitions
575.115	Noncompliance
575.125	Non-homogeneous Pools and Members
575.400	Pool Membership and Homogeneity
575.EXHIBIT A	Requirements for Certification of Homogeneity and Certification Format
575.EXHIBIT B	Requirements for New Member Certification of Homogeneity and Certification Format

AUTHORITY: Implementing Article V³/₄ [215 ILCS 5/Art. V³/₄] and authorized by Section 107a.09 and 401 of the Illinois Insurance Code [215 ILCS 5/107a.09 and 401].

SOURCE: Adopted at 33 Ill. Reg. _____, effective _____.

Section 575.100 Applicability

Every qualified group workers' compensation pool, as defined in Section 107a.05 of the Illinois Insurance Code, must have homogeneous risk characteristics as provided in Section 107a.08 of the Illinois Insurance Code and shall be subject to the requirements of this Part.

Section 575.105 Purpose and Scope

The purpose of this Part is to establish standards to ensure that members of a group workers' compensation pool possess homogeneous risk characteristics.

Section 575.110 Definitions

Administrator shall mean the Service Company that has been issued a license under Section 107a.09 of the Code and has contracted with a group workers'

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

compensation pool to manage the activities of the pool, or, if the pool is self-administered, administrator shall mean the pool officers or employees designated by the pool to provide this service.

Basic Manual means the Basic Manual for Workers Compensation and Employers Liability Insurance (street address, city, state, zip, effective or published (date, as supplemented through date), no later editions or amendments) of the National Council on Compensation Insurance, Incorporated (NCCI) that is used to classify employers by assigning their payroll to one or more NCCI codes.

Code means the Illinois Insurance Code [215 ILCS 5].

Department means the Department of Financial and Professional Regulation.

Director means the Director of the Division of Insurance of the Illinois Department of Financial and Professional Regulation.

Division means the Illinois Department of Financial and Professional Regulation-Division of Insurance.

Homogeneous Risk Characteristics means qualities or dispositions that impact the likelihood of incurring a financial loss from workers' compensation and employers' liability exposures and those qualities or dispositions are like in nature and uniform in composition throughout. The following are characteristics identifying some, but not all, elements of homogeneity.

Inherent means existing in the risk as a natural and inseparable quality or characteristic.

Loss means the amount that any person providing workers' compensation coverage has a legal obligation to pay.

Loss Frequency means the ratio of the total number of claims divided by the number of units of exposure, such as the number of claims divided by the number of employees exposed to injury, or the number of claims divided by the employees' total payroll.

Loss Severity, which is also known as the average loss amount, means the ratio of the total costs for all claims divided by the total number of claims.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

Occupational Framework means factors describing a member's business operations, including but not limited to industries, locations, production and services processes, materials handled, machinery and equipment used, tasks performed by employees, and exposure of employees to injury or disease.

Membership Scope means the type of businesses or employers eligible to join a pool.

Member means an employer who pools the workers' compensation and employer's liability exposures imposed on the employer pursuant to the Workers' Compensation Act, or the Workers' Occupational Diseases Act [820 ILCS 305 and 820 ILCS 310] with other employers that either exhibit homogeneous risk characteristics or are members of a bona fide professional, commercial, industrial or trade association that exhibits homogeneous risk characteristics.

NCCI means the National Council on Compensation Insurance, Incorporated.

NCCI Class Code means one of the four digit numbers assigned according to the Basic Manual.

Person means any individual, entity, corporation, partnership, association, group workers' compensation pool or limited liability company.

Pool has the same meaning as qualified group workers' compensation pool defined in Section 107a.05 of the Code.

Trustee means, for purposes of this Part, any member of the pool's Board of Trustees, if the pool is a trust, or any member of the pool's Board of Directors, if the pool is any other type of entity.

Section 575.115 Noncompliance

Failure of a pool to meet the requirements of this Part shall subject the pool to penalty provisions of Section 403A of the Code.

Section 575.125 Non-homogeneous Pools and Members

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- a) Pursuant to Section 107a.15 of the Code, if the Director determines that a pool does not exhibit homogeneous risk characteristics, the Director shall require the pool to eliminate the condition within 60 days after certified notice has been given to the pool.
- b) Pursuant to Section 107a.15 of the Code, if the Director determines that a new member does not exhibit homogeneous risk characteristics relative to the membership scope of the pool, the Director shall require the pool to eliminate the member within 60 days after certified notice has been given to the pool.

Section 575.400 Pool Membership and Homogeneity

Ninety days after the effective date of this Part, and annually each March 1 thereafter, every pool authorized by the Division that is issuing new or renewal pooling agreements shall file with the Director certifications signed by each trustee of the pool that certifies the pool is in compliance with the homogeneity guidelines identified in Section 575.110 of this Part.

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Section 575.EXHIBIT A Requirements for Certification of Homogeneity and Certification Format

Certification by the Trustees

- a) Each pool must certify its compliance with Section 107a.08(a) and (b) of the Illinois Insurance Code [215 ILCS 5/107a.08(a) and (b)] to the Director by having each pool trustee file the prescribed certification form below by March 1 of each year to indicate that the pool members possess homogeneous risk characteristics. The Director may require certifications more frequently than on an annual basis if deemed necessary.
- b) The Trustees shall each certify that:
 - 1) The trustee has requested the administrator to provide all relevant information regarding the homogeneous risk characteristics of the members.
 - 2) The trustee has reviewed all relevant information regarding the homogeneous risk characteristics of the members as well as the guidelines relating to homogeneity in Section 107a.08 of the Code, in addition to those defined in Section 575.110 of this Part.
 - 3) Based on the trustee's knowledge and review, the trustee shall verify that the certification is true, complete and not misleading.
 - 4) Based on the trustee's knowledge, the certification presents in all material respects that the members exhibit homogeneous risk characteristics under the membership scope adopted by the pool.
 - 5) The trustee understands his or her legal responsibility to assure under Article V^{3/4} of the Code that the members exhibit homogeneous risk characteristics.
- c) The certification must be accompanied by a list of members as of the end of the previous year that includes for each member a description of business activities, list of NCCI class codes used to classify the member's payroll, gross annual payroll by class code, number of employees, and identification of new members added during the previous year.

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- d) For the initial certification filed 90 days after the effective date of this Part, an affidavit describing the membership scope of the pool must accompany the certification. Supporting documentation must be submitted that demonstrates that the membership scope possesses homogeneous risk characteristics.

STATE OF ILLINOIS**CERTIFICATION OF HOMOGENEITY**

I, (Name of Trustee) , a Trustee or Director of (Name of Workers' Compensation Pool) present this Certification to the Director of Insurance of the State of Illinois for the period of January 1 through December 31, . I certify that:

- (1) I have requested the administrator provide all relevant information regarding the homogeneous risk characteristics of the members.
- (2) I have reviewed all relevant information regarding the homogeneous risk characteristics of the members, as well as the guidelines relating to homogeneity in Section 107a.08 of the Illinois Insurance Code [215 ILCS 5/107a.08] and 50 Ill. Adm. Code 575.
- (3) Based on my knowledge and review of (2) above, I verify that the certification is true, complete and not misleading.
- (4) I understand the legal responsibility I have in respect to ensuring that the members exhibit homogeneous risk characteristics.
- (5) I certify that the members do exhibit or do not exhibit (*Please check one*) homogeneous risk characteristics relative to the membership scope adopted by the pool.

Signature

Title

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Printed Name

Date

Street Address

City

State

ZIP Code

Notary Public

(Seal)

Date

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Section 575.EXHIBIT B Requirements for New Member Certification of Homogeneity and Certification Format

Approval of New Members of a Group Workers' Compensation Pool

- 1) For each new member, the trustees must certify that the new member exhibits homogeneous risk characteristics relative to the membership scope adopted by the pool. To fulfill this responsibility, each trustee shall submit the certification prescribed below to the Director within 30 days after the new member's acceptance by the pool. The administrator of the pool may provide a temporary certification using the format prescribed below on behalf of the trustees, if authorized to do so by the trustees. A temporary certification shall be labeled as such and will only be valid until the following March 1.
- 2) If a trustee is an employee, officer, director or owner of an applicant for new membership in the pool, the trustee shall not be allowed to certify that the new member exhibits homogeneous risk characteristics.

STATE OF ILLINOIS**NEW MEMBER CERTIFICATION OF HOMOGENEITY**

I, (Name of Trustee) , a Trustee or Director of (Name of Workers' Compensation Pool) or I, (Officer of Administrator) , an officer of the Administrator who has the authority to make this certification to the Director of the Division of Insurance in the State of Illinois, certifies that:

- (1) I have reviewed all relevant information regarding the homogeneous risk characteristics of (participant's name) as well as the guidelines relating to homogeneity in Section 107a.08 of the Illinois Insurance Code [215 ILCS 5/107a.08] and 50 Ill. Adm. Code 575.
- (2) Based on my knowledge and review of (1) above, I verify that the certification is true, complete and not misleading.

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(3) I understand the legal responsibility I have in respect to ensuring that new members exhibit homogeneous risk characteristics relative to the membership scope adopted by the pool.

(4) I certify that the new member does exhibit, or does not exhibit (*Please check one*) the homogeneous risk characteristics relative to the membership scope adopted by the pool that is necessary to become a member of _____
(Name of Worker's Compensation Pool) _____.

Signature

Title

Printed Name

Date

Street Address

City

State

ZIP Code

Notary Public

(Seal)

Date

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- 1) Heading of the Part: Workers' Compensation Self Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2901
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
2901.10	Repeal
2901.20	Repeal
2901.30	Repeal
2901.40	Repeal
2901.50	Repeal
- 4) Statutory Authority: Implementing Section 4a of the Workers' Compensation Act [820 ILCS 305/4a] and Section 187 of the Illinois Insurance Code [215 ILCS 5/187] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) A Complete Description of the Subjects and Issues Involved: The Division is repealing Part 2901 in conjunction with the promulgation of new Part 575. This new regulation will address regulatory standards that were not included in the rewrite of Article V³/₄ in 2001 and now require further delineation.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising 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 will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

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Joseph T. Clennon, Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

or

Craig Cellini, Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
3rd Floor
Springfield, Illinois 62767-0001

217/557-1396

217/785-0813

- 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: July 2007

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

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TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER hh: WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

PART 2901

WORKERS' COMPENSATION SELF INSURANCE [\(REPEALED\)](#)

Section

2901.10	Authority and Purpose
2901.20	Definitions
2901.30	Pool Administration
2901.40	Provisions Applicable to Members of Group Self-Insurance Pools
2901.50	Service Companies

AUTHORITY: Implementing Section 4a of the Workers' Compensation Act (Ill. Rev. Stat. 1991, ch. 48, par. 138.4a) [820 ILCS 305/4a] and Section 187 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 799) [215 ILCS 5/187] and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013) [215 ILCS 5/401].

SOURCE: Adopted at 5 Ill. Reg. 6352, effective May 27, 1981; codified 7 Ill. Reg. 3480; amended at 18 Ill. Reg. 12785, effective August 4, 1994; repealed at 33 Ill. Reg. _____, effective _____.

Section 2901.10 Authority and Purpose

This rule is promulgated by the Director of Insurance pursuant to Section 4a of the Workers' Compensation Act (Ill. Rev. Stat. 1981, ch. 48, par. 138.4a), hereinafter referred to as the Act, which empowers the Director *to make reasonable rules and regulations as may be necessary* for the administration of the Act; and is further authorized by Sections 187 and 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, pars. 799 and 1013). The purpose of this rule is to establish standards for the establishment, operation and administration of administrators and service companies authorized by the Act.

Section 2901.20 Definitions

Unless otherwise indicated, the following definitions shall apply to this Rule:

"Assets" shall mean investments as per Section 2901.30(c)(3), cash and reinsurance recoverable from authorized reinsurers on paid losses and amounts

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due from pool participants not more than 60 days past due.

"Authorized insurer" shall mean an insurer licensed in the State of Illinois to transact Clause (d) of Class 2 of Section 4 of the Illinois Insurance Code (Ill. Rev. Stat. 1981, ch. 73, par. 616).

"Calendar quarter" shall mean the 3-month periods ending March 31, June 30 and September 30.

"Calendar year" shall mean the period from January 1 to December 31.

"Director" shall mean the Director of the Department of Insurance.

"Engaged actively in business" shall mean a bonafide business concern having conducted commerce, trade or industry in the State of Illinois for a specified period of time. Any and all records relating to this requirement shall be open to inspection by the Director or his designee during normal business hours.

"Excess of loss insurance" shall mean insurance purchased from a licensed insurer or reinsurer in which for each claim for each risk, the pool pays the amount of the claim up to a predetermined amount and the insurer or reinsurer pays any amount of the claim in excess of the retained portion. For purpose of this definition, "risk" means the employer members and not the individual employees employed thereby.

"Gross Annual Payroll" shall mean payroll for the preceding calendar year.

"Independent Actuarial Opinion" shall mean an opinion expressed by a member of the American Academy of Actuaries or Casualty Actuarial Society.

"Independent C. P. A." shall mean a Certified Public Accountant or accounting firm registered to practice in Illinois.

"Pool" shall mean the group self-insurers authorized by Section 4a of the Worker's Compensation Act, as amended.

Section 2901.30 Pool Administration

- a) Every application for Certificate of Authority to establish a pool must include the

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following documentation and information regarding its Administrator, Pooling Agreement, Plan of Operation and membership:

- 1) Administrators must disclose:
 - A) Biographicals of the risk manager on forms prescribed by the Director.
 - B) If a corporation, biographicals of all officers and directors.
 - C) Size of staff and other information, such as the kinds of staff positions, location of administrative offices and the nature of any electronic data processing equipment, if any, available for servicing the pool, to demonstrate that the Administrator has the resources to administer the self-insured program disclosed pursuant to subsection (a)(3) below.
 - D) Most recent financial statement of Administrator. If a publicly held company, a copy of the last 10-K filed with the Securities and Exchange Commission.
 - E) Compensation of Administrator.
- 2) Pooling Agreement must contain:
 - A) Services to be provided by Administrator.
 - B) How costs are to be porportioned among members.
 - C) Initial premium deposit.
 - D) Assessment provisions.
 - E) Termination provisions and minimum term of membership. The minimum term of membership shall not be less than one year.
 - F) Duration of liability for additional assessments following termination of membership shall be for a period of not less than three years.

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- G) Deductibles, if any, to be retained by individual members.
 - H) Limitations, if any, on risks insured (e.g., employees located outside state).
 - I) Prerequisites for membership.
- 3) Plans of Operation must disclose:
- A) Listing of initial members.
 - B) Initial annual rate(s) to be charged members and an explanation of how rate(s) developed.
 - C) Anticipated first year premium.
 - D) Anticipated first year losses.
 - E) Aggregate loss history of initial members for each of the last three years.
 - F) The aggregate premium that would have been received at the proposed rate for each of the last three years assuming the losses of subsection (a)(3)(E) above.
 - G) Net retention of pool and list of initial insurers.
 - H) Names of all entities which will provide services for the pool and copies of proposed contracts in connection therewith.
 - I) Safety and loss control programs to be provided or required.
 - J) Plans for expansion of pool and anticipated future membership.
- 4) Written evidence from a surety company authorized to transact business in this State that the Administrator has or can secure the fidelity bond required by this Rule.

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- 5) Information about initial members on forms prescribed and completed by each individual member.
- b) Standards for Issuing Certificates of Authority to Pools. Upon receipt of a complete application the Department of Insurance shall consider the following in evaluating the financial strength of the Pool:
- 1) Number of employees covered by the Pool.
 - 2) Particular industry(ies) participants are engaged in.
 - 3) Combined net worth of Pool participants.
 - 4) Any excess insurance purchased from authorized insurers.
 - 5) All excess insurance policies shall have a term of not less than one year. No cancellation, termination or alteration of coverage whether by or at the request of the insured or by the underwriter, shall take effect prior to the expiration of 90 days after written notice of such cancellation, termination, or alteration has been filed with the Director unless an earlier date of such cancellation, termination, or alteration is approved by the Director as unnecessary for the protection of the pool or its members.
 - 6) Combined workers' compensation experience for group for last three years and any other financial data requested by the Director.
 - 7) The gross annual payroll members must be at least \$10 million gross annual payroll.
 - 8) The Pool Administrator must have either contracted with licensed service companies or have sufficient resources, such as those set forth in subsection (a)(1)(C) of this Section, to administer the proposed pool.
- c) General Rules:
- 1) Every group self-insurer shall, at all times, maintain reserves which are sufficient to provide for the payment of all losses and claims incurred discounted in an amount not to exceed 5% per annum whether reported or unreported, which are unpaid and for which such group self-insurer may

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be liable, and to provide for the expense of adjustment or settlement of such losses and claims.

2) Administrator's Bond

- A) All Administrators shall procure and maintain in force surety bonds on employees, officers or positions in an amount not less than the amount set forth in the column "Minimum Amount of Bond," based on the amount of assets held by the Administrator (as determined from year to year hereafter) stated in the annual statement of such Administrators as filed with the Department. All such bonds shall be written with at least a one year discovery period and if written with less than a three year discovery period shall contain a provision that no cancellation or termination of the bond, whether by or at the request of the insured or by the underwriter, shall take effect prior to the expiration of 90 days after written notice of such cancellation or termination has been filed with the Department unless an earlier date of such cancellation or termination is approved by the Department.
- B) Such bonds shall include all employees, officers or positions for the following perils which may be covered under separate policies:
- i) Dishonesty of employees and officers;
 - ii) Robbery, burglary, larceny, theft, false pretense, hold-up, misplacement, mysterious disappearance, and damage or destruction while property is in any bank or any recognized place of safe deposit, or in transit;
 - iii) Forgery or alteration.
- C) The bond shall be written by an insurer licensed to transact business in the State of Illinois.
- D) Schedule of Assets in relationship to Amount of Bond

TOTAL ASSETS
Under \$500,000

MINIMUM AMOUNT OF BOND
\$20,000 plus 6% of total assets

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MORE THAN	BUT NOT MORE THAN		
\$ 500,000	\$ 1,000,000	\$ 50,000 plus 4% of assets over	\$ 500,000
1,000,000	3,000,000	70,000 plus 3% of assets over	1,000,000
3,000,000	5,000,000	130,000 plus 2% of assets over	3,000,000
5,000,000	10,000,000	170,000 plus 1½ of assets over	5,000,000
10,000,000	—	245,000 plus ¾ of assets over	10,000,000

- 3) For the purpose of determining compliance with subsection (c)(1) above and Section 4a(2) of the Workers' Compensation Act (Ill. Rev. Stat. 1991, ch. 48, par. 138.4a(2)) [820 ILCS 305/4a(2)], only assets invested in the following manner will be recognized.
- A) Direct obligations of the United States of America for the payment of money, or obligations for the payment of money which are guaranteed as to the payment of principal and interest by the United States of America.
 - B) Direct obligations for the payment of money issued by an agency or instrumentality of the United States of America, or obligations for the payment of money which are guaranteed as to payment and principal and interest by an agency or instrumentality of the United States of America.
 - C) Any bonds or securities which are issued by any state of the United States and which are secured by the full faith and credit of that state.
 - D) Certificates of deposit, time deposits, or demand deposits in a bank in the State of Illinois which has deposits insured by the Federal Deposit Insurance Corporation.
 - E) Saving certificates issued by any savings and loan association in the State of Illinois which has deposits insured by the Federal Savings and Loan Insurance Corporation.
 - F) Direct, unconditional obligations of a solvent business corporation for the payment of money on the following conditions:

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- i) The corporation shall be incorporated under the laws of the United States of America or any state of the United States of America;
 - ii) The corporation shall have a tangible net worth of not less than \$500,000 and the obligations must be awarded a "1" or "2" rating by the Securities Valuation Office of the National Association of Insurance Commissioners;
 - iii) The corporation may not be affiliated with any member of the Pool;
 - iv) No such obligation of the corporation has been in default as to principal or interest during the five years preceding the date of investment, but the corporation need not have had obligations outstanding during that period and need not have been in existence for that period, and obligations acquired under this Section may be newly issued;
 - v) A Pool shall not invest more than 33 $\frac{1}{3}$ % of its assets under this Section; and
 - vi) A Pool shall not invest under this Section more than 5% of its assets in the obligations of any one such corporation.
- G) Obligations of any political subdivision of any state of the United States of America for the payment of money, on the following conditions:
- i) The obligations are payable from ad valorem taxes;
 - ii) Such political subdivision is not in default in the payment of principal or interest on any of its direct, general obligations;
 - iii) No investment shall be made under this Section in obligations which are secured only by special assessments for local improvements;

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- iv) A Pool shall not invest under this Section more than 4% of its assets in direct, general obligations issued by any one such political subdivision; and
 - v) The Pool shall not invest more than 50% of its assets under this Section.
- H) Mutual Funds
- i) Government money market mutual funds that meet the conditions of paragraphs (c)(2), (c)(3) and (c)(4) of 17 C.F.R. 270.2a-7, revised as of April 1, 1992, that have been rated in one of the two highest rating categories by an independent rating agency recognized by the National Association of Insurance Commissioners and that invests in obligations issued, guaranteed or insured by the United States or Canada or any agency or instrumentality of the United States or Canada.
 - ii) Fixed income bond mutual funds that meet the conditions of paragraphs (c)(2), (c)(3) and (c)(4) of 17 C.F.R. 270.2a-7 revised as of April 1, 1992, and that have been rated in one of the two highest rating categories by an independent rating agency recognized by the National Association of Insurance Commissioners. A pool shall not invest in fixed income bond mutual funds more than the greater of \$100,000 or 10% of its total assets in any one fund.
- 4) Amounts recoverable from authorized reinsurers on unpaid losses may be deducted from the reserves required by subsection (b)(1) of this Section and Section 4 of the Workers' Compensation Act (Ill. Rev. Stat. 1991, ch. 48, par. 138.4) [820 ILCS 305/4].
 - 5) All securities eligible for registration shall be registered in the name of the Pool and all securities shall be maintained in a State or National Bank having trust powers and located within this State.
 - 6) Each Pool shall, by April 1 of each year, file with the Director a financial statement on a form to be prescribed by him setting forth the Pool's assets,

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liabilities and surplus funds for preceding calendar year. Furthermore, the Director may require quarterly supplementary summary statements to be filed not less than 60 days following the end of each calendar quarter.

- 7) Each Pool shall, on or before June 1 of each year,
 - A) file with the Director an audited financial statement reporting the financial condition of the Pool as of the end of the most recent calendar year and changes in the surplus funds for the year then ending.
 - B) The annual audited financial report shall include the following:
 - i) Report of an independent certified public accountant.
 - ii) Balance sheet reporting assets as defined by this Part, liabilities and surplus funds.
 - iii) Statement of gain or loss from operations.
 - iv) Statement of changes in financial position.
 - v) Statement of changes in surplus funds.
 - vi) Notes to financial statements.
- 8) The Director may require a Pool to file an independent actuarial opinion as to the sufficiency of the loss and loss adjustment expense reserves established pursuant to this Part.
- 9) The Pool shall purchase excess of loss insurance of an amount not greater than 20% of the projected annual premiums to be received from members at the then current rate. The maximum required limit of excess of loss insurance shall be determined by the Director. In making this determination, the Director shall consider all aspects of the Pool and its insureds including, but not limited to, concentration of insured employees, Pool retention, Pool size, and surplus funds. Additionally, the Pool may purchase annual aggregate excess insurance providing coverage of not less than 90% excess of not more than 110% of the projected annual premiums

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to be received by the Pool at the then current rate with a minimum limit of \$2 million excess of the Pool's retention. In considering the adequacy of the annual aggregate excess insurance cover, the Director shall consider all aspects of the Pool and its insureds including, but not limited to, concentration of insured employees, Pool retention, Pool size, and surplus funds.

- 10) Pool Administrators and books and records relating to the operations of the Pool shall be located within the State of Illinois and shall be available for inspection by the Director or his designee during normal business hours.

d) Assessment Provisions

- 1) Whenever the Director determines by means of audit, annual certified financial statement, actuarial opinion, or otherwise, that the assets possessed by a Pool are less than the reserves required by this Part together with any other unpaid liabilities, he shall then order the Pool Administrator to assess the individual Pool participants in an amount not less than necessary to correct the deficiency. This subsection is not intended to restrict or preclude the Administrator from time to time levying assessments or increasing premium deposits in accordance with the pooling agreement.
- 2) In the event of the inability of individual Pool participants, by reason of insolvency or otherwise, to pay assessments required by subsection(d)(1) above, the Director shall levy upon and collect from all group self-insurers an assessment to assure prompt payment of such unpaid compensation and medical services.
- 3) Liability for assessments will be joint and several.

e) Dissolution

Liquidation, conservation and dissolution of self-insurance Pools will be conducted pursuant to Article XIII of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 799 et seq.) [215 ILCS 5/Art. XIII].

Section 2901.40 Provisions Applicable to Members of Group Self-Insurance Pools

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- a) All members of a self-insurance Pool must have similar risk characteristics.
- b) In determining whether members exhibit similar risk characteristics, the Director shall consider any or all of the following factors:
 - 1) Loss frequency inherent in the occupational framework of group members.
 - 2) Loss severity inherent in the occupational framework of group members.
 - 3) Occupational disease potential inherent in the occupational framework of group members.
 - 4) Occupational tasks of member employees.
 - 5) Any other relevant fact the group members present to the Director that has reference to the classification of similar risks.
- c) Within five days after an employer becomes a member of an existing pool, the pool administrator shall notify the Director and provide the following information:
 - 1) Name.
 - 2) Address.
 - 3) Number of employees.
 - 4) Gross annual payroll.
 - 5) Nature of employers business.
- d) Eligibility as a pool participant shall be based upon having a minimum of:
 - 1) 20 employees and \$250,000 gross annual payroll; or
 - 2) Ten employees and \$125,000 gross annual payroll for participants who have engaged actively in business for a minimum period of three years in Illinois; or

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- 3) Five employees and \$62,500 gross annual payroll for participants who have engaged actively in business for a minimum period of five years in Illinois.
- e) Exceptions to the minimum eligibility requirements of Section 2901.40(d) of this rule may be allowed by any pool whenever the following conditions are met:
- 1) The participant has been actively engaged in business for a minimum period of five consecutive years in Illinois; and
 - 2) The participant agrees to make all its financial records available to the Director of Insurance for reasonable inspection during the period of his membership; and
 - 3) The Pool Administrator certifies to the Director that he examined the financial records of the pool participant prior to the participant's admission to the pool and found the participant to be solvent and financially stable.

Section 2901.50 Service Companies

- a) Any person or entity desiring to be licensed as a service company shall apply to the Director on forms available from the Director. The license shall designate areas of administrative services which the service company shall be authorized to perform. Any license granted shall be effective for two years unless revoked or suspended by order of the Director on the grounds that the licensee does not have the organization, or financial integrity necessary to supply the service for which the license was issued.
- b) In support of the application, a service company shall submit:
 - 1) Summary information concerning its organization and staff.
 - 2) Detailed resumes of all employees, or employees of any subcontractor, with administrative or professional capacity. Such resumes shall indicate the areas of administration in which each employee shall work and the qualifications and experience of the employee relating to that area.
 - 3) A description of the administrative services intended to be provided.

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- 4) The identity of the owners of the service company, including but not limited to, all members of a partnership and all officers of a corporation.
- c) If the service company intends to provide claims adjusting, the service company shall have supervisory personnel who possess at least three years' experience adjusting workers' compensation claims in Illinois.
- d) The service company shall have within the State of Illinois an employee who is able to act as a resident agent, authorized to act in all matters concerning the service company.
- e) Any records of a service company relating to any of the services offered or provided to any self-insurer shall be open to inspection by the Director or designee during normal business hours.
- f) Whenever the Director finds that a licensed service company has committed:
 - A) Improper claims handling techniques;
 - B) Violation of any of the foregoing rules or insurance laws of this State;
 - C) Violation of any provision of the Workers' Compensation Act;
 - D) An unfair or deceptive act or practice as defined in Section 154.6 of the Illinois Insurance Code.
- 2) He shall issue an Order of revocation or suspension to the service company in question effective 30 days from the date of service. If the service company requests a hearing the Order shall be stayed pending a resolution of the matter by hearing conducted pursuant to Administrative Hearing Procedures (50 Ill. Adm. Code 2402) and Sections 402 and 403 of the Illinois Insurance Code.
- g) Each service company shall report to the Director the termination of any service contract entered into with a self-insurer within ten (10) days of such termination.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Number: 250.1220 Proposed Action:
Amendment
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) A Complete Description of the Subjects and Issues Involved: Part 250 regulates hospitals, including patient care, staffing, nursing, the physical plant, and the staffing of operating rooms. Public Act 94-915, enacted in 2006, amended the Hospital Licensing Act to mandate that a licensed registered nurse function as a circulating nurse during all invasive or operative procedures conducted in hospitals.

Section 250.1220 (Surgical Staff) is being amended to implement the statutory language of the Act, including a statutory definition of "circulating nurse".

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 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 proposed amendment does not create a State mandate.

DEPARTMENT OF PUBLIC HEALTH

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- 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 this issue of the *Illinois Register* to:

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

217/782-2043
e-mail: dph.rules@Illinois.gov

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

- 250.110 Application for and Issuance of Permit to Establish a Hospital
- 250.120 Application for and Issuance of a License to Operate a Hospital
- 250.130 Administration by the Department
- 250.140 Hearings
- 250.150 Definitions
- 250.160 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section

- 250.210 The Governing Board
- 250.220 Accounting
- 250.230 Planning
- 250.240 Admission and Discharge
- 250.250 Visiting Rules
- 250.260 Patients' Rights
- 250.265 Language Assistance Services
- 250.270 Manuals of Procedure
- 250.280 Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section

- 250.310 Organization
- 250.315 House Staff Members
- 250.320 Admission and Supervision of Patients
- 250.330 Orders for Medications and Treatments
- 250.340 Availability for Emergencies

DEPARTMENT OF PUBLIC HEALTH

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SUBPART D: PERSONNEL SERVICE

Section	
250.410	Organization
250.420	Personnel Records
250.430	Duty Assignments
250.435	Health Care Worker Background Check
250.440	Education Programs
250.450	Personnel Health Requirements
250.460	Benefits

SUBPART E: LABORATORY

Section	
250.510	Laboratory Services
250.520	Blood and Blood Components
250.525	Designated Blood Donor Program
250.530	Proficiency Survey Program (Repealed)
250.540	Laboratory Personnel (Repealed)
250.550	Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section	
250.610	General Diagnostic Procedures and Treatments
250.620	Radioactive Isotopes
250.630	General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section	
250.710	Classification of Emergency Services
250.720	General Requirements
250.725	Notification of Emergency Personnel
250.730	Community or Areawide Planning
250.740	Disaster and Mass Casualty Program
250.750	Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

DEPARTMENT OF PUBLIC HEALTH

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Section

250.810	Applicability of Other Parts of These Requirements
250.820	General
250.830	Classifications of Restorative and Rehabilitation Services
250.840	General Requirements for all Classifications
250.850	Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860	Medical Direction
250.870	Nursing Care
250.880	Additional Allied Health Services
250.890	Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section

250.910	Nursing Services
250.920	Organizational Plan
250.930	Role in hospital planning
250.940	Job descriptions
250.950	Nursing committees
250.960	Specialized nursing services
250.970	Nursing Care Plans
250.980	Nursing Records and Reports
250.990	Unusual Incidents
250.1000	Meetings
250.1010	Education Programs
250.1020	Licensure
250.1030	Policies and Procedures
250.1035	Domestic Violence Standards
250.1040	Patient Care Units
250.1050	Equipment for Bedside Care
250.1060	Drug Services on Patient Unit
250.1070	Care of Patients
250.1075	Use of Restraints
250.1080	Admission Procedures Affecting Care
250.1090	Sterilization and Processing of Supplies
250.1100	Infection Control
250.1110	Mandatory Overtime Prohibition
250.1120	Staffing Levels

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SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section	
250.1210	Surgery
250.1220	Surgery Staff
250.1230	Policies & Procedures
250.1240	Surgical Privileges
250.1250	Surgical Emergency Care
250.1260	Operating Room Register and Records
250.1270	Surgical Patients
250.1280	Equipment
250.1290	Safety
250.1300	Operating Room
250.1305	Visitors in Operating Room
250.1310	Cleaning of Operating Room
250.1320	Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section	
250.1410	Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section	
250.1510	Medical Records
250.1520	Reports

SUBPART M: FOOD SERVICE

Section	
250.1610	Dietary Department Administration
250.1620	Facilities
250.1630	Menus and Nutritional Adequacy
250.1640	Diet Orders
250.1650	Frequency of Meals
250.1660	Therapeutic (Modified) Diets
250.1670	Food Preparation and Service

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250.1680 Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section

250.1710 Housekeeping
250.1720 Garbage, Refuse and Solid Waste Handling and Disposal
250.1730 Insect and Rodent Control
250.1740 Laundry Service
250.1750 Soiled Linen
250.1760 Clean Linen

SUBPART O: MATERNITY AND NEONATAL SERVICE

Section

250.1810 Applicability of other Parts of these regulations
250.1820 Maternity and Neonatal Service (Perinatal Service)
250.1830 General Requirements for All Maternity Departments
250.1840 Discharge of Newborn Infants from Hospital
250.1850 Rooming-In Care of Mother and Infant
250.1860 Special Programs
250.1870 Single Room Maternity Care

SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE,
EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION,
PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

Section

250.1910 Maintenance
250.1920 Emergency electric service
250.1930 Water Supply
250.1940 Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950 Grounds and Buildings Shall be Maintained
250.1960 Sewage, Garbage, Solid Waste Handling and Disposal
250.1970 Plumbing
250.1980 Fire and Safety

SUBPART Q: CHRONIC DISEASE HOSPITALS

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Section

- 250.2010 Definition
- 250.2020 Requirements

SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

Section

- 250.2110 Service Requirements
- 250.2120 Personnel Required
- 250.2130 Facilities for Services
- 250.2140 Pharmacy and Therapeutics Committee

SUBPART S: PSYCHIATRIC SERVICES

Section

- 250.2210 Applicability of other Parts of these Regulations
- 250.2220 Establishment of a Psychiatric Service
- 250.2230 The Medical Staff
- 250.2240 Nursing Service
- 250.2250 Allied Health Personnel
- 250.2260 Staff and Personnel Development and Training
- 250.2270 Admission, Transfer and Discharge Procedures
- 250.2280 Care of Patients
- 250.2290 Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
- 250.2300 Diagnostic, Treatment and Physical Facilities and Services

SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

Section

- 250.2410 Applicability of these Standards
- 250.2420 Submission of Plans for New Construction, Alterations or Additions to Existing Facility
- 250.2430 Preparation of Drawings and Specifications – Submission Requirements
- 250.2440 General Hospital Standards
- 250.2442 Fees
- 250.2443 Advisory Committee
- 250.2450 Details
- 250.2460 Finishes

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250.2470	Structural
250.2480	Mechanical
250.2490	Plumbing and Other Piping Systems
250.2500	Electrical Requirements

SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

Section	
250.2610	Applicability of these Standards
250.2620	Codes and Standards
250.2630	Existing General Hospital Standards
250.2640	Details
250.2650	Finishes
250.2660	Mechanical
250.2670	Plumbing and Other Piping Systems
250.2680	Electrical Requirements

SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

Section	
250.2710	Special Care and/or Special Service Units
250.2720	Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section	
250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff
250.2860	Medical Records
250.2870	Referral
250.2880	Client Legal and Human Rights

250.APPENDIX A	Codes and Standards (Repealed)
250.EXHIBIT A	Codes (Repealed)
250.EXHIBIT B	Standards (Repealed)
250.EXHIBIT C	Addresses of Sources (Repealed)

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250.ILLUSTRATION A	Seismic Zone Map
250.TABLE A	Measurements Essential for Level I, II, III Hospitals
250.TABLE B	Sound Transmission Limitations in General Hospitals
250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932,

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effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section 250.1220 Surgery Staff

- a) A current roster of physicians, dentists, and podiatrists shall be maintained in the surgical suite and be available to the surgical nursing and medical staff.
- b) The supervisory nurse of direct patient care shall be a registered professional nurse, knowledgeable in invasive and diagnostic as well as operating room procedures.
- c) *A registered nurse, qualified by training and experience in operating room nursing, shall be present in the operating room and function as the circulating nurse during all invasive or operative procedures. As used in this subsection, "circulating nurse" means a registered nurse who is responsible for coordinating all nursing care, patient safety needs, and the needs of the surgical team in the operating room during an invasive or operative procedure. (Section 10.7(2.5) of the Act)*

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.3374 Proposed Action:
New Section
- 4) Statutory Authority: 35 ILCS 5/304(a)(3)(C-5)(iv) and 5/1401
- 5) A Complete Description of the Subjects and Issues Involved: The rulemaking provides guidance on the sourcing of gross receipts from the provision of electrical utility services for purposes of apportionment of business income under IITA Section 304(a)(3)(C-5)(iv), as adopted and amended in Public Acts 95-233 and 95-707.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>IL Register Citation:</u>
100.3371	New Section	32 Ill. Reg. 16037; October 3, 2008
100.2310	Amendment	32 Ill. Reg. 16309; October 10, 2008
100.5070	Amendment	32 Ill. Reg. 16682; October 17, 2008
100.5080	Amendment	32 Ill. Reg. 16682; October 17, 2008
100.2430	Amendment	32 Ill. Reg. 16951; October 24, 2008
100.5100	Amendment	32 Ill. Reg. 17105; October 31, 2008
100.5140	Amendment	32 Ill. Reg. 17105; October 31, 2008
100.5160	Amendment	32 Ill. Reg. 17105; October 31, 2008
100.5180	New Section	32 Ill. Reg. 17105; October 31, 2008
100.7035	New Section	32 Ill. Reg. 17105; October 31, 2008
100.7120	Amendment	32 Ill. Reg. 17394; November 7, 2008

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- 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 rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton
Deputy General Counsel – Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/524-3951
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: The rulemaking provides guidance on the sourcing of gross receipts from the provision of electrical utility services for purposes of apportionment of business income under IITA Section 304(a)(3)(C-5)(iv), as adopted and amended in Public Acts 95-233 and 95-707.
 - 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 2008

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101 Replacement Tax Investment Credit (IITA 201(e))
100.2110 Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA 201(f))
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130 Investment Credit; High Impact Business (IITA 201(h))
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150 Training Expense Credit (IITA 201(j))
100.2160 Research and Development Credit (IITA 201(k))
100.2163 Environmental Remediation Credit (IITA 201(l))
100.2165 Education Expense Credit (IITA 201(m))
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180 Credit for Residential Real Property Taxes (IITA 208)
100.2185 Film Production Services Credit (IITA 213)
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))
100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

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Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or

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After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

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SUBPART I: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME

Section

100.3000	Terms Used in Article 3 (IITA Section 301)
100.3010	Business and Nonbusiness Income (IITA Section 301)
100.3015	Business Income Election (IITA Section 1501)
100.3020	Resident (IITA Section 301)

SUBPART J: COMPENSATION

Section

100.3100	Compensation (IITA Section 302)
100.3110	State (IITA Section 302)
100.3120	Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3200	Taxability in Other State (IITA Section 303)
100.3210	Commercial Domicile (IITA Section 303)
100.3220	Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3310	Business Income of Persons Other Than Residents (IITA Section 304) – In General
100.3320	Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
100.3330	Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
100.3340	Business Income of Persons Other Than Residents (IITA Section 304)
100.3350	Property Factor (IITA Section 304)
100.3360	Payroll Factor (IITA Section 304)
100.3370	Sales Factor (IITA Section 304)

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100.3374	Sales Factor for the Sale, Transmission and Delivery of Electricity (IITA Section 304(c)(3)(C)(iv))
100.3380	Special Rules (IITA Section 304)
100.3390	Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
100.3400	Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
100.3420	Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
100.3500	Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section	
100.4500	Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section	
100.5000	Time for Filing Returns: Individuals (IITA Section 505)
100.5010	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040	Innocent Spouses
100.5050	Frivolous Returns
100.5060	Reportable Transactions
100.5070	List of Investors in Potentially Abusive Tax Shelters
100.5080	Registration of Tax Shelters (IITA Section 1405.5)

SUBPART O: COMPOSITE RETURNS

Section	
100.5100	Composite Returns: Eligibility
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income
100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest

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Section

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100.9800	Letter Ruling Procedures

SUBPART DD: MISCELLANEOUS

Section	
100.9900	Tax Shelter Voluntary Compliance Program

100.APPENDIX A	Business Income Of Persons Other Than Residents
100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12

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Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29

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Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section 100.3374 Sales Factor for the Sale, Transmission and Delivery of Electricity (IITA Section 304(c)(3)(C)(iv))

- a) *For taxable years ending on or after December 31, 2008, sales of services are in this State if the services are received in this State. The Department shall adopt rules prescribing where specific types of service are received, including, but not limited to, broadcast, cable, advertising, publishing, and utility service. (IITA Section 304(a)(3)(C-5)(iv))*
- b) Definitions. For purposes of this Section, the following terms have the following meanings:
- 1) "Ancillary electricity transactions and services" means transactions and services that are associated with or incidental to the generation, sale, transmission and delivery of electricity, including, but not limited to, any associated or incidental charges included in the "purchase price" of electricity under Section 2-3(d) of the Electricity Excise Tax Law [35 ILCS 640/2-3] and the transactions and services listed in Section 2-3(d) of the Electricity Excise Tax Law as exempt from that tax.
 - 2) "Brokerage services" means services performed in arranging the purchase or sale of electricity or transportation or distribution services by a person other than the person selling the electricity or transportation or distribution services.

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- 3) "Capacity" means the load for which a generating unit, generating station, or other electrical apparatus is rated either by the user or by the manufacturer.
- 4) "Customer's billing address" means the address to which the customer has directed the taxpayer to mail or send the customer's billing invoice.
- 5) "Customer's office" means the location from which the customer's employee transacted the purchase of electricity or electricity financial transactions and services.
- 6) "Distribution" means the delivery of electricity over lines that operate at a voltage level typically equal to or greater than 110 volts and less than 69,000 volts to the ultimate electricity consumer.
- 7) "Electricity broker" means a person who facilitates or otherwise arranges for the purchase or sale of electricity or ancillary services to retail customers, but who generally does not sell electricity.
- 8) "Electricity consumer" means a retail purchaser of electricity who uses or consumes the electricity purchased and does not resell the electricity purchased.
- 9) "Generation" means the act or process of transforming other forms of energy into electric energy.
- 10) "Generator" means an entity whose primary business is the generation of electric energy.
- 11) "Gross receipts" are net of any credit, rebate or similar relief given to a customer under Public Act 95-0481 or any similar legislation. "Gross receipts" do not include receipts from a sale at cost of electricity procured:
 - A) through the reverse auction process, procurement plans consistent with the requirements of the Illinois Power Agency Act or subsequent procurement plans established by the Illinois Power Agency or any successor, or through any similar power procurement program in any other state, and sold to a retail electricity consumer; or

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- B) through the Illinois Power Agency procurement process or through any similar power procurement program in any other state and required to be sold back to an independent system operator as part of a process of supplying electricity to retail customers.
- 12) "Illinois Power Agency" means the agency established and defined pursuant to the provisions of Section 1-15 of the Illinois Power Agency Act [20 ILCS 3855/1-15].
- 13) "Independent system operator" means an organization that operates a control center to provide independent, open and fair access to a region's electricity transmission system; to establish a nondiscriminatory governance structure; to facilitate market based wholesale electric rates; and to ensure efficient management and reliable operation of the bulk power system.
- 14) "Independent system operator load" means the amount of electricity flowing through the independent system operator or, more technically, megawatts of load for firm energy delivered to load located electrically within the independent system operator. The definition of an independent system operator load may vary by independent system operator.
- 15) "Location in this State" means having a dwelling, premises or other physical location or place of business in the State of Illinois, e.g., owning or leasing real or tangible property in Illinois or having one or more employees located in Illinois.
- 16) "Power marketer" means a person that generally becomes the owner of electricity for the purpose of selling the electricity at wholesale, but does not own a generation, transmission or distribution facility.
- 17) "Retail sale of electricity" means a transaction involving the sale of electricity to the electricity consumer of the electricity at issue and not a sale for resale.
- 18) "Reverse auction process" means a process approved by the Illinois Commerce Commission by which electric public utilities procure electricity for their customers under a reverse-auction competitive bidding

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process managed by an independent third party pursuant to Illinois Commerce Commission Order Number 05-0159, dated January 24, 2006, or any order amending or succeeding that order.

- 19) "Transmission" means the delivery of electricity over lines that operate at a voltage level typically equal to or greater than 69,000 volts from generating facilities across interconnected high voltage lines to where it enters a distribution system.
- 20) "Wholesale sale of electricity" means all electricity sales other than retail sales of electricity.
- 21) "Ultimate delivery point" means the metered or unmetered point on a retail electricity consumer's premises where an electric connection to serve such premises allows the consumer to receive electricity for consumption purposes.

c) Sales Factor Sourcing Rules – In calculating the sales factor:

- 1) Sourcing of Retail Sales of Electricity. Gross receipts from a retail sale of electricity are in this State if the electricity is delivered to the electricity consumer's ultimate delivery point located in this State.
- 2) Sourcing of Wholesale Sales of Electricity:
- A) Gross receipts from the wholesale sale of electricity, other than a sale through an independent system operator involving a customer that is not identified at the time of the transaction, are in this State if the customer's office from which the transaction was entered into is in Illinois. If the customer's office cannot be determined from the books and records of the taxpayer, the sale is in this State if the customer's billing address for the sale is in this State.
- B) Gross receipts from the wholesale sale of electricity through an independent system operator involving an unidentified customer at the time of the transaction requires that the gross receipts from such sales be sourced to Illinois based on the ratio of independent system operator load attributable to Illinois, as determined and defined by the independent system operator, to the independent

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system operator load attributable to all states within that particular independent system operator's service area, as determined and defined by the independent system operator. If data to compute this ratio are not readily available from the independent system operator, this ratio may be computed using data from Form 714 Annual Electric Balancing Authority Area and Planning Area Reports filed with the Federal Energy Regulatory Commission by balancing authorities with the independent system operator. If data to compute this ratio are not readily available from the independent system operator nor from Form 714, then this ratio may be computed using data from regulatory reports or publicly-available information acceptable to the Department. Electricity sales passing through an independent system operator in which the customer is identifiable at the time of the sale are sourced to the customer as indicated in subsection (c)(2)(A).

C) Gross receipts from a wholesale sale of electricity sold through the Illinois Reverse Auction Process, procurement plans consistent with the requirements of the Illinois Power Agency Act or subsequent procurement plans established by the Illinois Power Agency or its successor, if any, are in this State. Sales described in this subsection (c)(2)(C) and sales through any similar power procurement program in any other state between members of a unitary business group shall not be eliminated in determining the sales factor of the group.

3) Gross receipts from electricity transmission services are in this State if the electricity is delivered to a customer at a point within this State. If the gross receipts are from electricity transmitted to points in more than one state, those receipts are sourced in proportion to the ratio of the wire miles of the seller's transmission lines in Illinois divided by the wire mileage of the seller's transmission lines located in each state in which the electricity is delivered, as of the end of the tax year.

4) Gross receipts from the distribution of electricity are in this State if the electricity is delivered to the consumer's ultimate delivery point located in this State.

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- 5) Gross receipts from the contracting of electricity capacity are in this State to the extent that the capacity resource or generation facility to which the contract relates is located in this State.
- 6) Gross receipts from ancillary electricity transactions and services are in this State to the extent that the gross receipts from the related electricity services are in this State.
- 7) Credits, rebates and similar relief to retail customers in Illinois excluded from "gross receipts" under subsection (b)(11) shall reduce the Illinois numerator of the sales factor.
- 8) Gross receipts from brokerage services are in this State if, as a result of the sale, electricity is delivered to the electricity consumer's ultimate delivery point located in this State.
- 9) Any gross receipts that would be sourced under this Section to another state in which the taxpayer is not taxable shall be excluded from the numerator and denominator of the Illinois sales factor. See Section 100.3200 for guidance in determining when a taxpayer is taxable in another state.

(Source: Added at 33 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
240.1970	New
240.2020	Amendment
240.2023	New
240.2030	Amendment
240.2040	Amendment
240.2050	Amendment
- 4) Statutory Authority: Implementing Public Act 95-713, effective July 1, 2008, and authorized by 20 ILCS 105/4.01(11) and 4.02
- 5) Effective Date of Amendments: December 12, 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: 32 Ill. Reg. 10667; July 18, 2008
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In subsection (b) of Section 240.1970, added an application deadline so that interested in-home service provider agencies submit applications at least 120 days prior to the end of each State fiscal year.

In subsections (c)(3)(A)(i) and (c)(3)(B)(i) of Section 240.1970, revised the eligibility requirement regarding specification of the total number of employees and the total number of direct service workers by eliminating the clause "and thereafter continue to be regularly scheduled to work at least an average of 20 hours per week for the remainder of the year".

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In subsection (e)(1) of Section 240.1970, revised the language to reflect that the Department may adjustment payments as necessary to properly account for services provided to clients under the Community Care Program when an agency first becomes eligible for the enhanced rate for health insurance costs.

In subsection (e)(2) of Section 240.1970, renumbered the existing text as subsection (e)(4), and added a provision to the effect that an in-home service provider agency that makes a switch between a Type 1 and a Type 2 plan is not entitled to any retroactive payments for a period of time preceding the date on which benefits are actually available under the new plan.

In subsection (e)(3) of Section 240.1970, moved and renumbered the proposed subsection (e)(3) text to a new subsection (e)(5), and added at (e)(3) a provision to the effect that no in-home service provider agency is entitled to a duplicate payment for the same period of time or for the same units of in-home service accepted as billed per contract.

In subsection (f) of Section 240.1970, revised the provision with respect to the notification responsibilities of in-home service provider agencies by clarifying that there is no on-going monitoring as to direct service worker participation in a health insurance plan other than at the time of initial application and the annual financial report.

In subsection (g)(1) of Section 240.1970, added a cross-reference to subsection (c) in order to better explain the eligibility information that is required for the annual insurance review.

All other changes made to this rulemaking were nonsubstantive technical, grammatical, and editorial changes at the recommendation of the Joint Committee on Administrative Rules and the Administrative Code Division.

- 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. The companion emergency rulemaking expired on November 27, 2008.
- 14) Are there any amendments pending on this Part? Yes

Section Numbers:
240.210

Adopted Action:
Amend

Illinois Register Citation:
32 Ill. Reg. 7445; May 16, 2008

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240.728	Amend	32 Ill. Reg. 7445; May 16, 2008
240.729	Repeal	32 Ill. Reg. 7445; May 16, 2008
240.730	Amend	32 Ill. Reg. 7445; May 16, 2008
240.1505	New	32 Ill. Reg. 7445; May 16, 2008
240.1510	Amend	32 Ill. Reg. 7445; May 16, 2008
240.1520	Amend	32 Ill. Reg. 7445; May 16, 2008
240.1525	New	32 Ill. Reg. 7445; May 16, 2008
240.1530	Amend	32 Ill. Reg. 7445; May 16, 2008
240.1535	Amend	32 Ill. Reg. 7445; May 16, 2008
240.1550	Amend	32 Ill. Reg. 7445; May 16, 2008
240.1555	Amend	32 Ill. Reg. 7445; May 16, 2008
240.1560	Amend	32 Ill. Reg. 7445; May 16, 2008
240.1600	Amend	32 Ill. Reg. 7445; May 16, 2008
240.1605	Amend	32 Ill. Reg. 7445; May 16, 2008
240.1615	New	32 Ill. Reg. 7445; May 16, 2008
240.1620	Repeal	32 Ill. Reg. 7445; May 16, 2008
240.1625	Repeal	32 Ill. Reg. 7445; May 16, 2008
240.1630	Repeal	32 Ill. Reg. 7445; May 16, 2008
240.1635	Repeal	32 Ill. Reg. 7445; May 16, 2008
240.1640	Repeal	32 Ill. Reg. 7445; May 16, 2008
240.1645	Amend	32 Ill. Reg. 7445; May 16, 2008

- 15) Summary and Purpose of Amendments: These amendments are necessary to create the administrative structure for implementation of new rates for homecare aide services under the Community Care Program as authorized by Public Act 95-713.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Karen Alice Kloppe
Deputy General Counsel
Illinois Department on Aging
421 E. Capitol Avenue, #100
Springfield, Illinois 62701-1789

217/785-3346

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

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

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240.100	Community Care Program
240.110	Department Prerogative
240.120	Services Provided
240.130	Maintenance of Effort
240.140	Program Limitations
240.150	Completed Applications Prior to August 1, 1982 (Repealed)
240.160	Definitions

SUBPART B: SERVICE DEFINITIONS

Section	
240.210	Homemaker Service
240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
240.260	Case Management Service
240.270	Alternative Provider
240.280	Individual Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

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240.300	Applicant/Client Rights and Responsibilities
240.310	Right to Apply
240.320	Nondiscrimination
240.330	Freedom of Choice
240.340	Confidentiality/Safeguarding of Case Information
240.350	Applicant/Client/Authorized Representative Cooperation
240.360	Reporting Changes

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240.370 Voluntary Repayment

SUBPART D: APPEALS

Section

240.400 Appeals and Fair Hearings
240.405 Representation
240.410 When the Appeal May Be Filed
240.415 What May Be Appealed
240.420 Group Appeals
240.425 Informal Review
240.430 Informal Review Findings
240.435 Withdrawing an Appeal
240.436 Cancelling an Appeal
240.440 Examining Department Records
240.445 Hearing Officer
240.450 The Hearing
240.451 Conduct of Hearing
240.455 Continuance of the Hearing
240.460 Postponement
240.465 Dismissal Due to Non-Appearance
240.470 Rescheduling the Appeal Hearing
240.475 Recommendations of Hearing Officer
240.480 The Appeal Decision
240.485 Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

Section

240.510 Application for Community Care Program
240.520 Who May Make Application
240.530 Date of Application
240.540 Statement to be Included on Application

SUBPART F: ELIGIBILITY

Section

240.600 Eligibility Requirements
240.610 Establishing Eligibility

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240.620	Home Visit
240.630	Determination of Eligibility
240.640	Eligibility Decision
240.650	Continuous Eligibility
240.655	Frequency of Redeterminations
240.660	Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section	
240.710	Age
240.715	Determination of Need
240.720	Clients Prior to Effective Date of This Section (Repealed)
240.725	Clients After Effective Date of This Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Homemaker Service
240.729	Maximum Payment Levels for Adult Day Care Service
240.730	Plan of Care
240.735	Supplemental Information
240.740	Assessment of Need
240.750	Citizenship
240.755	Residence
240.760	Furnishing of Social Security Number

SUBPART H: FINANCIAL REQUIREMENTS

Section	
240.800	Financial Factors
240.810	Assets
240.815	Exempt Assets
240.820	Asset Transfers
240.825	Income
240.830	Unearned Income Exemptions
240.835	Earned Income
240.840	Potential Retirement, Disability and Other Benefits
240.845	Family
240.850	Monthly Average Income
240.855	Applicant/Client Expense for Care

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Section

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240.1910	Establishment of Fixed Unit Rates
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240.1930	Fixed Unit Rate of Reimbursement for Homemaker Service
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240.2020	Financial Reporting of In-homeHomemaker Service
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240.2030	Unallowable Costs for In-homeHomemaker Service
240.2040	Minimum Direct Service Worker Costs for In-homeHomemaker Service
240.2050	Cost Categories for In-homeHomemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a

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maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 16281, effective September 29, 2006; amended at 30 Ill. Reg. 17756, effective October 26, 2006; amended at 32 Ill. Reg. 7588, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10940, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17929, effective November 10, 2008; amended at 32 Ill. Reg. 19912, effective December 12, 2008.

SUBPART S: PROVIDER RATES

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Section 240.1970 Enhanced Rate for Health Insurance Costs

Effective July 1, 2008, Public Act 95-713 authorizes funding for the Department to pay an enhanced rate under the CCP to those in-home service provider agencies that offer health insurance coverage as a benefit to their direct service worker employees.

a) Definitions

For purposes of this Section:

"Direct service worker" means an employee who provides homecare aide services for an in-home service provider agency under the CCP.

"Health insurance" means a Type 1 plan or a Type 2 plan.

1) Type 1 Plan

A Type 1 plan must comply with, be comparable to, or exceed required mandated benefits, coverages, and co-payment levels for individual and group insurance policies and individual and group contracts for health maintenance organizations under the Illinois Insurance Code [215 ILCS 5], the Health Maintenance Organization Act [215 ILCS 125], and associated regulations.

2) Type 2 Plan

A Type 2 plan is employer-paid health insurance as part of collective bargaining with unionized direct service workers through a Taft-Hartley Multi-employer Health and Welfare Plan that defines the eligibility requirements and coverage under section 302(c)(5) of the Labor Management Relations Act of 1947 (29 USC 141).

b) Initial Application

An interested in-home service provider agency must submit an initial application at least 120 days prior to the end of each State fiscal year. Applications will be accepted by the Department at its main office located at 421 East Capitol Avenue, #100, Springfield, Illinois 62701-1789.

c) Eligibility

Eligibility requirements include:

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- 1) Verification of a current contract as an in-home service provider agency with the Department under the Community Care Program.
- 2) A copy of a health insurance plan or a certificate of insurance, and the effective date of that document, to establish that:
 - A) the in-home service provider agency provides health insurance at its own expense to its direct service workers, which may include coverage for those employees' dependents; or
 - B) the in-home service provider agency will provide for health insurance as part of collective bargaining with unionized direct service workers, which may include coverage for those employees' dependents through a Taft-Hartley Multi-employer Health and Welfare Plan.
- 3) Specification of the total number of employees and the total number of direct service workers, together with a certification from a responsible party for the in-home service provider agency to the effect that:
 - A) under a Type 1 health insurance plan:
 - i) health insurance coverage is offered to all direct service workers who have worked at least an average of 20 hours per week for three consecutive months under the CCP; and
 - ii) at least one quarter of the total number of direct service workers accept the offer of health insurance.
 - B) under a Type 2 health insurance plan:
 - i) health insurance coverage is offered to all of the direct service workers subject to the collective bargaining agreement who have worked at least an average of 20 hours per week for three consecutive months under the CCP; and
 - ii) at least one quarter of the total number of direct service workers, or any higher percentage required under federal law, accept the offer of health insurance.

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- 4) Submission of any other relevant information requested by the Department for administrative or audit purposes.
- d) Impact on Financial Reporting
- 1) An in-home service provider agency shall not report the enhanced rate for health insurance costs paid by the Department under Public Act 95-713 as part of its revenue for purposes of the required financial reporting under Subpart T.
 - 2) An in-home service provider agency shall not report health insurance for direct service workers as an incurred cost for purposes of the required financial reporting under Subpart T, except for an amount in excess of the enhanced rate paid by the Department during a reporting period.
- e) Payment
- 1) If an in-home service provider agency is determined eligible for this enhanced rate, the Department will thereafter calculate the appropriate payment based on the number of units of in-home service accepted as billed per contract once the provider agency submits its VRFP under the CCP (see Section 240.1520) for reimbursement under Public Act 95-713. Payments may be adjusted by the Department to properly account for services provided to clients on or after July 1, 2008 during State fiscal year 2009, or as is necessary in the future. Payment is subject to the availability of appropriations during the State fiscal year.
 - 2) An in-home service provider agency that makes a switch between a Type 1 and a Type 2 plan is not entitled to any retroactive payments for a period of time preceding the date on which benefits are actually available under the new plan.
 - 3) No in-home service provider agency is entitled to a duplicate payment for the same period of time or for the same units of in-home service accepted as billed per contract.
 - 4) By accepting any payment under the CCP, an in-home service provider agency agrees to repay the State of Illinois if:

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- A) the total revenue from the enhanced rate for health insurance costs exceeds the actual, documented expenses for its health insurance costs for the reporting period; or
 - B) an error in eligibility of an in-home service provider agency or the amount of revenue from the enhanced rate for health insurance or the amount of the health insurance costs is subsequently determined by an in-home service provider agency or the Department.
- 5) In the case of a financial or operational hardship, the Department may deduct an overpayment from future VRFPs submitted by the in-home service provider agency instead of collecting a lump-sum amount.
- f) Notification
It is the responsibility of an in-home service provider agency to notify the Department within 7 days after any change in its eligibility status, including, but not limited to, cancellation or termination of the health insurance plan or purchase of a new plan. An in-home service provider agency is only required to monitor participation by direct service workers in order to submit the initial application, the annual insurance review, and required financial reporting.
- g) Annual Insurance Review
- 1) Once an in-home service provider agency is determined eligible by the Department and is paid an enhanced rate for health insurance costs, the provider agency must thereafter substantiate its continued eligibility under subsection (c) by submitting appropriate supporting documentation at the same time as its annual financial report under Subpart T.
 - 2) As part of the annual insurance review, an independent certified public accounting firm for the in-home service provider agency must verify the actual, documented expense for health insurance for the period listed as part of the required financial reporting under Subpart T.
 - 3) The Department reserves the right to require an in-home service provider agency to engage an independent certified public accounting firm to verify the information and data submitted by the provider agency if the

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Department is in possession of evidence to suggest the information and data submitted is inaccurate, incomplete or fraudulent. This audit will be performed at the in-home service provider agency's expense.

- 4) The Department shall notify an in-home service provider agency in the event of a determination during the annual insurance review that:
 - A) the in-home service provider agency is no longer eligible for continued payment of the enhanced rate for health insurance costs;
 - B) the total revenue from the enhanced rate for health insurance costs exceeds the actual, documented expenses for health insurance costs for the reporting period;
 - C) there was an error in eligibility of an in-home service provider agency for the prior reporting period;
 - D) there was an error in the amount of revenue from the enhanced rate for health insurance costs; or
 - E) there was an error in the amount of the health insurance costs.
- 5) An in-home service provider agency may appeal from an adverse eligibility decision regarding continued payment of the enhanced rate for health insurance costs or a repayment decision in accordance with Section 240.1661. The Department will continue to pay the enhanced rate for health insurance costs until the appeal is resolved.
- 6) Supporting documentation may be subject to release under the Freedom of Information Act unless an applicable exemption for confidentiality, privacy, or other proprietary business purpose is marked on the face of any submission.

(Source: Added at 32 Ill. Reg. 19912, effective December 12, 2008)

SUBPART T: FINANCIAL REPORTING

Section 240.2020 Financial Reporting of In-home~~Homemaker~~ Service

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- a) Provider agencies will be required to submit a cost report [as described in this Section](#), the Direct Service Worker Cost Certification, ~~as specified below~~. The report must be based upon actual, documented expenditures.
- 1) The report must be submitted annually, within 6 months of the end of the reporting period, and may be prepared as a part of the provider's annual audit.
 - 2) The report may be on either a calendar year basis or the provider's fiscal year (once a provider has elected to base the reports on a calendar or fiscal year, this election can be changed only upon written approval of the Department).
- b) The cost report must demonstrate that the provider has expended a minimum of 77% of the total revenues due from the Department, to include the client incurred expense, for ~~direct service~~[Direct Service](#) worker costs as enumerated in Section 240.2050. [For purposes of this report, the phrase "total revenues due from the Department" does not include any amount received as an enhanced rate for health insurance costs by a qualifying in-home service provider under Public Act 95-713 on or after July 1, 2008.](#)
- c) The cost report shall identify the provider's expenditures for ~~direct service~~[Direct Service](#) worker costs of ~~program support~~[Program Support](#) costs, and ~~administrative~~[Administrative](#) costs as enumerated in Section 240.2050.
- d) The accuracy of the report must be attested to by an authorized representative of the provider.
- e) The Department reserves the right to require the provider to engage an independent certified public accounting firm to verify the information and data submitted by the provider if the Department is in possession of evidence to suggest the information and data submitted is inaccurate, incomplete or fraudulent. This audit will be performed at the provider's expense.

(Source: Amended at 32 Ill. Reg. 19912, effective December 12, 2008)

[Section 240.2023 Financial Reporting of Rate-Based Wage Increases for Direct Service Workers](#)

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- a) In-home service provider agencies will be required to submit a cost report to the Department to document compliance with any rate increase authorized for the purpose of increasing wages paid by a provider agency to direct service workers who provide homecare aide services under the Community Care Program.
- b) The cost report must be submitted within 60 calendar days after issuance of written notification of such a rate increase by the Department.
- c) The accuracy of the cost report must be attested to by an authorized representative of the in-home service provider agency.
- d) The Department reserves the right to require the in-home service provider agency to engage an independent certified public accounting firm to verify the information and data submitted by the provider if the Department is in possession of evidence to suggest the information and data submitted is inaccurate, incomplete or fraudulent. This audit will be performed at the provider agency's expense.
- e) The Department may take appropriate contract enforcement action in the following instances:
 - 1) an in-home service provider agency did not submit a cost report;
 - 2) a cost report is inaccurate, incomplete, or fraudulent; or
 - 3) an in-home service provider agency did not increase the wages paid to its direct service workers in the amount required by a rate increase under the Community Care Program.
- f) Possible contract enforcement action includes, but is not limited to, imposition of a corrective action plan, closure of intake on contracts, suspension or debarment from doing business with the Department, and termination of contracts.
- g) An in-home service provider agency may appeal contract enforcement action in accordance with Section 240.1661.

(Source: Added at 32 Ill. Reg. 19912, effective December 12, 2008)

Section 240.2030 Unallowable Costs for In-homeHomemaker Service

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Certain costs shall not be considered by the Department in establishing a fixed rate of reimbursement for ~~in-home~~[homemaker](#) service:

- a) expenses resulting from transactions with related parties/parent organizations ~~that~~[which](#) are greater than the going market cost of the transactions to the provider;
- b) non-straightline depreciation;
- c) bad debts;
- d) special benefits to owners, including owner and key-man life insurance;
- e) compensation to non-working owners and officers;
- f) discounts, rebates, allowances, and charity grants offered by the agency;
- g) entertainment expenses;
- h) fund-raising;
- i) legal fees for litigation with governmental agencies;
- j) awards, grants and gifts to individuals;
- k) fines and penalties;
- l) contingency funds; ~~and~~
- m) losses on other grants and contracts; ~~and~~
- n) [health coverage costs incurred for direct service workers by any qualifying provider for which an enhanced rate is paid for such purpose by the Department during a reporting period under Public Act 95-713 on or after July 1, 2008.](#)

(Source: Amended at 32 Ill. Reg. 19912, effective December 12, 2008)

Section 240.2040 Minimum Direct Service Worker Costs for ~~In-home~~[Homemaker](#) Service

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- a) Providers are required to expend a minimum of 77% of the total revenues due from the Department (~~see Section 240.2020(b)~~); to include the client incurred expense for ~~direct service worker costs~~~~Direct Service Worker Costs~~, as enumerated in Section 240.2050, during a reporting year.
- 1) This percentage is to be adhered to on a statewide basis.
 - 2) The remaining 23% of the total revenues may be spent by the provider agencies at their discretion on ~~administrative~~~~Administrative~~ or ~~program support~~~~Program Support~~ costs, also delineated in Section 240.2050.
- b) Failure of the provider to meet the requirements in subsection (a) may result in the following:
- 1) The provider will be required to submit and observe a Department-approved corrective action plan ~~that~~~~which~~ shall include provider payments to current direct service workers in an amount ~~that~~~~which~~ will, in total, bring the provider into compliance with the requirements of subsection (a).
 - 2) Failure by the provider to submit and/or observe a corrective action plan may result in the following Department sanctions:
 - A) closure of intake (all or some contracts) for a period of time provided by written notice to the provider; or
 - B) termination (all or some contracts).

(Source: Amended at 32 Ill. Reg. 19912, effective December 12, 2008)

Section 240.2050 Cost Categories for ~~In-home~~~~Homemaker~~ Service

Providers of ~~in-home~~~~homemaker~~ service for which a fixed rate is established will provide for cost reporting based on the following categories:

- a) Direct ~~service worker~~~~Service Worker~~ costs (costs paid to or on behalf of direct service workers), which may include:

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- 1) wages, time paid on behalf of the worker (i.e., vacation, sick leave, holiday and personal leave);
 - 2) health coverage [for any provider that does not qualify for an enhanced rate under Public Act 95-713 on or after July 1, 2008, or the amount of cost incurred in excess of the enhanced rate paid to the provider during a reporting period;](#) life insurance; and disability insurance;
 - 3) retirement coverage;
 - 4) FICA;
 - 5) uniforms;
 - 6) [workers'](#)~~workers~~ compensation;
 - 7) FUTA;
 - 8) travel time and travel reimbursement;
 - 9) unemployment insurance; and
 - 10) other costs approved, in advance, as direct service costs by the Department.
- b) Administrative Costs:
- 1) personnel:
 - A) administrator;
 - B) assistant administrator;
 - C) accountant/bookkeeper;
 - D) clerical;
 - E) other office staff;

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- F) other personnel expenses;
- 2) consultant:
- A) auditors;
 - B) management consultants;
 - C) management fees from the parent organization;
 - D) other related consultant costs;
 - E) other consultant expenses;
- 3) non-personnel:
- A) office supplies;
 - B) office equipment (expense or depreciation based upon company policy);
 - C) telephone/telegraph;
 - D) conferences, conventions, meeting expenses;
 - E) subscriptions and reference materials;
 - F) postage and shipping;
 - G) advertising;
 - H) outside printing and art work;
 - I) membership dues;
 - J) moving and recruiting;
 - K) other general operating expenses;

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- L) profit;
- 4) occupancy:
 - A) depreciation;
 - B) amortization of leasehold improvements;
 - C) rent;
 - D) property taxes;
 - E) interest;
 - F) other related occupancy costs.
- c) Program ~~support costs that~~Support Costs which include all allowable costs not specifically made a part of direct service costs or administrative costs. These may include:
 - 1) training expenses;
 - 2) malpractice insurance;
 - 3) direct service worker supervisor costs.

(Source: Amended at 32 Ill. Reg. 19912, effective December 12, 2008)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 302
- 3) Section Number: 302.220 Emergency Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415]
- 5) Effective Date of Amendment: December 9, 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 rulemaking has no earlier effective date specified.
- 7) Date Filed with the Index Department: December 9, 2008
- 8) A copy of the emergency rulemaking, 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: To make the CMS Personnel Rules consistent with the federal Uniformed Services Employment and Reemployment Act [38 USC 4312] and to extend to State employees who are subject to the Personnel Code [20 ILCS 415] the merit and fitness provisions effectuated by the AFSCME bargaining unit contract, which was signed October 23, 2008.
- 10) A Complete Description of the Subjects and Issues Involved: The change to this Section permits State employees to take a leave of absence for up to 5 years to join the military and be reinstated to a same or similar position. The current rule only permits them to be gone for 4 years. In addition, consistent with the federal Uniformed Services Employment and Reemployment Rights Act, the time period for an employee rehabilitating from an injury incurred in the line of service to apply for reinstatement is extended from one year to 2 years.
- 11) Are there any proposed rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate for units of local government.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

Margaret L. van Dijk
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/782-5778

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENT

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 302
MERIT AND FITNESS

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302.20	Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations
302.30	Veterans Preference
302.40	Announcement of Examination
302.52	Notice to Eligibles
302.55	Grading Examinations
302.60	Retaking or Regrading Examinations
302.70	Application and Eligibility

SUBPART B: APPOINTMENT AND SELECTION

Section	
302.80	Eligible Lists
302.90	Appointments
302.91	Alternative Employment
302.100	Geographic Preference
302.105	Pre-Employment Screening
302.110	Appointment From Eligible List
302.120	Responsibilities of Eligibles
302.130	Removal of Names From Eligible Lists
302.140	Replacement of Names on Eligible List
302.150	Appointment and Status
302.160	Extension of Jurisdiction B

SUBPART C: TRAINEES

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 302.170 Programs
- 302.175 Appointments
- 302.180 Limitations on Trainee Appointments

SUBPART D: CONTINUOUS SERVICE

- Section
- 302.190 Definitions
- 302.200 Interruptions in Continuous Service
- 302.210 Deductions From Continuous Service
- 302.215 Leave of Absence for Educational Purposes
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- [EMERGENCY](#)
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AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722,

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effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg. 8145, effective June 7, 1995; amended at 20 Ill. Reg. 3507, effective February 13, 1996; amended at 21 Ill. Reg. 15462, effective November 24, 1997; amended at 22 Ill. Reg. 14735, effective August 3, 1998; amended at 26 Ill. Reg. 15285, effective October 15, 2002; amended at 29 Ill. Reg. 11800, effective July 14, 2005; emergency amendment at 30 Ill. Reg. 12366, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18270, effective November 13, 2006; amended at 31 Ill. Reg. 15069, effective October 26, 2007; emergency amendment at 32 Ill. Reg. 19935, effective December 9, 2008, for a maximum of 150 days.

SUBPART D: CONTINUOUS SERVICE

Section 302.220 Veterans Continuous Service**EMERGENCY**

- a) Leaves of absence shall be granted to all employees, except temporary or emergency employees, who leave their positions and enter military service for 54 years or less (exclusive of any additional service imposed pursuant to law). An employee shall be restored to the same or a similar position on making an application to his/her employing agency within 90 days after separation from active duty or from hospitalization or convalescence continuing after discharge for not more than two years~~one year~~. The employee must provide evidence of satisfactory completion of training and military service when making application and be qualified to perform the duties of the position.
- b) Subject to the provisions of Section 302.110, a veteran who returns to State service after having been granted a leave of absence from provisional status shall be permitted and required to pass the same or similar examination for his/her position within 90 days.
- c) Trainees who have not previously done so and whose training was interrupted by military leave, shall be required to qualify in an examination in the trainee class before being granted allocation or non-competitive promotion to a higher class.

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(Source: Amended by emergency rulemaking at 32 Ill. Reg. 19935, effective December 9, 2008, for a maximum of 150 days)

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- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code 303
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
303.90	Amendment
303.112	Amendment
303.115	Amendment
303.125	Amendment
303.130	Amendment
303.131	New Section
303.250	Amendment
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327]
- 5) Effective Date of Amendments: December 9, 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 rulemaking has no earlier effective date specified.
- 7) Date Filed with the Index Department: December 9, 2008
- 8) A copy of the emergency rulemaking, 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: To make the CMS Personnel Rules consistent with PA 95-72 and to extend to State employees who are subject to the Personnel Code [20 ILCS 415] the conditions of employment provisions effectuated by the AFSCME bargaining unit contract, which was signed on October 23, 2008.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking includes changes to the rules regarding the allowable time increments for employees using personal, sick and vacation time. The provision regarding the sick leave bank has been changed to clarify the definitions of catastrophic illness and immediate family member and to limit the number of days an employee may use from 25 days "per calendar year" to 25 days per "12 month period". In addition, the number of paid days veterans may take off to visit a veterans' hospital or clinic has been increased from 2 days to 4 days

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consistent with a previous change to the Personnel Code. Also, there are several proposed changes to the maternity/paternity policy such as equalizing the number of days off given to mothers and fathers, removing the requirement that a male be married to the mother of the child in order to be given paid time off to bond with his child, and removing the requirement that proof of prenatal care, rather than just confirmation of pregnancy, be provided in order to be eligible for maternity/paternity leave. Lastly, a separate Section has been created for granting leave in the event of a stillborn child.

- 11) Are there any proposed rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate for units of local government.
- 13) Information and questions regarding this rulemaking shall be directed to:

Margaret L. van Dijk
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield, Illinois 62706

217/782-5778

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

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

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PART 303

CONDITIONS OF EMPLOYMENT

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Section

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303.20	Procedure
303.30	Grievance Committee
303.45	Representation

SUBPART B: LEAVE OF ABSENCE

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303.100	Accumulation of Sick Leave
303.102	Payment in Lieu of Sick Leave
303.105	Reinstatement of Sick Leave
303.110	Advancement of Sick Leave
303.112	Sick Leave Bank
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303.115	Veterans Hospital Leave
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303.125	Leave for Personal Business
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303.130	Maternity/Paternity and Adoption Leave
	EMERGENCY
303.131	Leave in the Event of a Stillborn Child
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303.135	On-The-Job-Injury – Industrial Disease
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303.148	Family Responsibility Leave
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303.150	Employee Rights After Leave
303.153	Failure to Return
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303.260	Prorated Vacation for Part-Time Employees
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303.340	Attendance Records
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303.355	Review of Attendance Records

SUBPART D: UNDATED OR INCOMPLETE FORMS

Section	
303.360	Undated Forms
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SUBPART E: EMPLOYEE SEPARATIONS

Section	
303.380	Reason for Separation
303.385	Repayment of Benefit Time

SUBPART F: TUITION REIMBURSEMENT

Section	
303.390	Tuition Reimbursement

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327].

SOURCE: Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15454, effective November 24, 1997; amended at 23 Ill. Reg. 13815, effective November 4, 1999; emergency amendment at 24 Ill. Reg. 16694, effective October 27, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 4847, effective March 19, 2001; emergency amendment at 25 Ill. Reg. 12429, effective September 14, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1138, effective January 18, 2002; amended at 27 Ill. Reg. 9008, effective May 23, 2003; emergency amendment at 28 Ill. Reg. 9677, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; emergency amendment at 28 Ill. Reg. 13795, effective October 1, 2004, for a maximum of 150 days; emergency expired February 27, 2005; amended at 28 Ill. Reg. 16308, effective December 3, 2004; amended at 30 Ill. Reg. 329, effective December

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30, 2005; amended at 30 Ill. Reg. 13857, effective August 2, 2006; emergency amendment at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days.

SUBPART B: LEAVE OF ABSENCE

Section 303.90 Sick Leave**EMERGENCY**

All employees, excepting those in emergency, intermittent, per diem or temporary status, unless such status is the result of accepting a non-permanent working assignment in another class, shall accumulate sick leave at the rate of one day for each month's service. Sick leave may be used for illness, disability or injury of the employee, appointments with doctor, dentist or other professional medical practitioner and also may be used in the event of serious illness, disability, injury or death of a member of the employee's immediate family. The operating agency or the Department may require evidence to substantiate that such leave days were used for the purpose herein set forth for periods of absence of ten consecutive workdays, or less. For periods of absence of more than ten consecutive workdays the employee shall provide verification for such absence in accordance with the provisions of Section 303.145. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded one (1) additional personal day on January 1 of the next calendar year. Beginning with July 1, 1997, a part-time employee who works at least half time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such additional personal day shall be used in accordance with Section 303.125.

Sick time may be taken in increments of not less than one-quarter hour after a minimum use of one-half hour any time after it is earned.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days)

Section 303.112 Sick Leave Bank**EMERGENCY**

- a) This Section contains rules governing the operation of plans allowing participating employees in each Agency to bank portions of their accrued sick leave in a sick leave bank to be used by participating employees in the same agency who have exhausted their accrued vacation time, personal days, sick leave

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or compensatory time. These rules provide a framework within which each Agency may administer a sick leave bank. Individual Agency procedures should be consistent with the framework set forth in these rules unless alternative procedures have been agreed upon pursuant to collective bargaining negotiations.

b) Definitions

- 1) *"Agency" means any branch, department, board, committee or commission of State government, but does not include units of local government, school districts or boards of election commissioners [5 ILCS 400/5.10].*
- 2) *"Sick leave bank" means a depository into which participating employees may donate accrued sick leave time for allocation to other participating employees [5 ILCS 400/5.15].*
- 3) *"Participating employee" means a permanent full- or part-time employee who has been employed by a State agency for a period of 6 months or more who voluntarily enrolls in the sick leave bank by depositing at least one full day of accrued sick leave in that bank [5 ILCS 400/5.20]. An employee who wishes to enroll must have a minimum of 5 days of accrued sick time on the books.*
- 4) *"Catastrophic illness or injury" means temporary disability or incapacity resulting from a life threatening illness or injury or illness or injury of other catastrophic proportion as determined by the Director. Factors considered by the Director shall include the length of time the employee must be absent from work due to illness or injury. [Catastrophic illness or injury may be due to, but not limited to, cancer, heart disease, stroke or another serious illness or injury resulting in an employee missing more than 25 work days.](#)*
- 5) *"Personal catastrophic illness or injury" means a catastrophic illness or injury to the employee or, if agreed upon by the Agency Head and the Director, members of the employee's immediate family. Factors to be considered in determining if an employee's immediate family members are covered include the nature and duration of the catastrophic illness or injury and whether such individuals are covered pursuant to collective bargaining negotiations. [Immediate family shall mean spouse, child,](#)*

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parent or any person living in the employee's household for whom the employee has custodial responsibility or where the person is financially and emotionally dependent on the employee and where the presence of the employee is needed.

- c) Participation in the sick leave bank is voluntary on the part of any employee. Employees wishing to participate must be permanent full-time or part-time employees with a minimum of 6 months of service.
- d) *A participating employee may deposit into the sick leave bank as much accrued sick leave as desired provided that the participating employee shall retain in his or her own account at least 5 sick days [5 ILCS 400/10(b)].*
- e) Employees may voluntarily enroll at any time. Employees ~~shall who enroll within 30 calendar days after the establishment of a sick leave bank by an Agency must wait 30 calendar days before utilizing the sick leave bank. Employees who enroll more than 30 days after the establishment of a sick leave bank by an Agency must~~ wait 60 calendar days after enrollment before utilizing the sick leave bank.
- f) An employee may use up to 25 work days from the sick leave bank per 12-month periodcalendar year except that participating employees shall not use sick leave accumulated in the sick leave bank until all of their accrued vacation, personal days, sick leave and compensatory time have been used. The Director may approve limits of other than 25 work days per 12-month periodyear. Factors considered in determining if an alternate limit should be approved include:
 - 1) the personnel jurisdiction governing the Agency and employees in question;
 - 2) whether limits have been established through collective bargaining negotiations;
 - 3) the desire for uniformity among Agency plans;
 - 4) operational needs of the Agency.
- g) Any sick leave in the sick leave bank used by a participating employee shall be only for the personal catastrophic illness or injury of the employee and may not be transferred, returned or used for any other purpose.

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- h) Each State agency shall develop procedures, consistent with this Section, for establishing a single sick leave bank for all agency employees.
- i) Injuries and illnesses that are compensable under the Workers' Compensation Act [820 ILCS 305] or Workers' Occupational Disease Act [820 ILCS 310] shall not be eligible for sick leave bank use.
- j) *Participating employees who transfer from one agency to another may transfer their participation in the sick leave bank [5 ILCS 400/10(f)].*
- k) An employee shall not be eligible to withdraw the sick leave time he or she has contributed to the bank.
- l) Decisions affecting a participating employee's use of the sick leave bank may be submitted by the employee to a review committee. Unless otherwise approved by the Department, the committee shall consist of one Agency representative and two Department representatives. In determining if alternative committee membership should be approved, the Department shall consider the jurisdiction governing the Agency or employees in question. Decisions of review committees shall be final and binding.
- m) *Any abuse of the use of the sick leave bank shall be investigated by the agency and the Department and upon a finding of wrongdoing on the part of a participating employee, that employee shall repay all sick leave days drawn from the sick leave bank and shall be subject to other disciplinary action [5 ILCS 400/10(h)].*

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days)

Section 303.115 Veterans Hospital Leave**EMERGENCY**

An employee who is also a veteran shall be permitted ~~42~~ days with pay per year to visit a veterans hospital or clinic for examination of a military service-connected disability. The ~~42~~ days shall not be charged against any sick leave currently available to the employee [20 ILCS 415/8b.20](Ill. Rev. Stat., ch. 127, par. 63b108b.20).

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(Source: Amended by emergency rulemaking at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days)

Section 303.125 Leave for Personal Business**EMERGENCY**

- a) All employees, excepting those in emergency, per diem or temporary status shall be permitted 3 personal days off each calendar year with pay. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded 1 additional personal day on January 1 of the next calendar year. Beginning with July 1, 1997, a part-time employee who works at least half-time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such personal days may be used for such occurrences as observance of religious holidays, Christmas shopping, absence due to severe weather conditions, or for other similar personal reasons, but shall not be used to extend a holiday or annual leave except as permitted in advance by the operating agency through prior written approval. Employees entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of $\frac{1}{2}$ day for each 2 months service for the calendar year in which hired. Such personal leave may not be used in increments of less than ~~one-half hour~~ 2 hours at a time. Except for those emergency situations which preclude the making of prior arrangements, such days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer. Supervisors may, however, grant employee requests to use personal leave in increments of ~~one-quarter~~ $\frac{1}{2}$ hour, after a minimum use of ~~one-half~~ 1 hour.
- b) Personal leave shall not accumulate from calendar year to calendar year; nor shall any employee be entitled to payment for unused personal leave upon separation from the service except as provided in Section 8c(2) of the Personnel Code. The accrued leave amount paid under this Section of the Personnel Code shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days)

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Section 303.130 Maternity/Paternity and Adoption Leave**EMERGENCY**

- a) All employees who provide proof of their pregnancy or that of their female partner within 30 days of the expected due date ~~All female employees who show proof that they have received prenatal care in the first 20 weeks~~ will be eligible for 4 weeks (20 work days) of paid maternity/paternity leave. ~~Such proof shall be provided to the employer no later than the 24th week of pregnancy.~~ All male employees who show proof that their spouses have received prenatal care in the first 20 weeks, with notification to the employer within 24 weeks, will be eligible for 3 weeks (15 work days) of paid paternity leave. The State shall require proof of the birth ~~and marriage for a non-covered spouse~~. Maternity and/or paternity leave shall be limited to 1 leave per family for each pregnancy resulting in birth or multiple births. In addition, non-married male employees may be required to provide proof of paternity such as a birth certificate or other appropriate documentation confirming paternity.
- b) All employees are eligible for 43 weeks (2015 work days) of paid leave with a new adoption, with the leave to commence when physical custody of the child or children has been granted to the employeemember, provided that the employee can show that the formal adoption process is underway. The agency personnel office must be notified and the employee must submit proof that the adoption has been initiated. Adoption leave shall be limited to 1 leave per adoptionfamily per year.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days)

Section 303.131 Leave in the Event of a Stillborn Child**EMERGENCY**

All employees who have provided proof of their pregnancy or that of their female partner within 30 days of the expected due date will be eligible for 4 weeks (20 work days) of paid leave in the event of a full-term stillborn child. The State shall require proof of a stillbirth, such as a fetal death certificate or certificate of stillbirth. This leave shall be limited to 1 leave per family for each stillbirth. In addition, non-married male employees may be required to provide proof of paternity.

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(Source: Added by emergency rulemaking at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days)

Section 303.250 Vacation Eligibility**EMERGENCY**

- a) Employees, except emergency ~~and~~, temporary ~~and those paid pursuant to 80 Ill. Adm. Code 310.230~~, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the purpose of accepting a temporary working assignment in another class.
- b) Eligible employee shall earn vacation time in accordance with the following schedule:
 - 1) From the date of hire until the completion of 5 years of continuous service: 10 workdays per year of employment.
 - 2) From the completion of 5 years of continuous service until the completion of 9 years of continuous service: 15 workdays per year of employment.
 - 3) From the completion of 9 years of continuous service until the completion of 14 years of continuous service: 17 workdays per year of employment.
 - 4) From the completion of 14 years of continuous service until the completion of 19 years of continuous service: 20 workdays per year of employment.
 - 5) From the completion of 19 years of continuous service until the completion of 25 years of continuous service: 22 workdays per year of employment.
 - 6) From the completion of 25 years of continuous service: 25 workdays per year of employment.
- c) Vacation time may be taken in increments of not less than one-~~quarter~~half hour after a minimum use of one-half hour any time after it is earned. Vacation time shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned.

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NOTICE OF EMERGENCY AMENDMENTS

- d) Vacation time shall be earned in workdays and computed in hours. After an employee's earned vacation time has been so computed, if there remains a fractional balance of $\frac{1}{2}$ hour or less, the employee shall be deemed to have earned vacation time of $\frac{1}{2}$ hour in lieu of the fractional balance; if there remains a fractional balance of more than $\frac{1}{2}$ hour, the employee shall be deemed to have earned a full hour of vacation time in lieu of a fractional balance.

- e) Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service which qualified for earning of vacation benefits is continuous with present service. This subsection (e) applies to vacation time earned on or after October 1, 1972.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JANUARY 2009 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Affordable Housing Program, 47 Ill. Adm. Code 360
- 1) Rulemaking:
- A) Description: Amend various sections to conform with updated guidelines.
- B) Statutory Authority: Section 4 and 7(e) of the Illinois Affordable Housing Act 310 ILCS 65/4 and Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January, 2009
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Colleen E. Saccotelli
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611
- 312/836-5214
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Single Family Mortgage Purchase Program, 47 Ill. Adm. Code 220
- 1) Rulemaking:
- A) Description: Repeal the rule.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

JANUARY 2009 REGULATORY AGENDA

- B) Statutory Authority: Mortgage Subsidy Bond Tax Act of 1980 (26 U.S.C. 103A) and authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January, 2009
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Colleen E. Saccotelli
Illinois Housing Development Authority
401 N. Michigan Ave., Ste. 700
Chicago, IL 60611

312/836-5214
- G) Related rulemakings and other pertinent information: None

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 December 9, 2008 through December 15, 2008 and have been scheduled for review by the Committee at its January 13, 2009 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>
1/22/09	<u>Department on Aging</u> , Community Care Program (89 Ill. Adm. Code 240)	5/16/08 32 Ill. Reg. 7445	1/13/09
1/23/09	<u>Department of Agriculture</u> , Grain Code (8 Ill. Adm. Code 281)	8/22/08 32 Ill. Reg. 13624	1/13/09
1/24/09	<u>Department of Revenue</u> , Retailers' Occupation Tax (86 Ill. Adm. Code 130)	10/3/08 32 Ill. Reg. 16057	1/13/09
1/24/09	<u>Department of Human Rights</u> , Joint Rules of the Department of Human Rights and the Human Rights Commission: Handicap Discrimination in Employment (56 Ill. Adm. Code 2500)	10/17/08 32 Ill. Reg. 16674	1/13/09
1/24/09	<u>Human Rights Commission</u> , Joint Rules of the Department of Human Rights and the Human Rights Commission: Handicap Discrimination in Employment (56 Ill. Adm. Code 5200)	10/17/08 32 Ill. Reg. 16672	1/13/09
1/25/09	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	10/24/08 32 Ill. Reg. 16951	1/13/09

DEPARTMENT OF HUMAN SERVICES

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
OBJECTION TO AND SUSPENSION OF PORTIONS OF PEREMPTORY RULE

Heading of the Part: Food Stamps

Code Citation: 89 Ill. Adm. Code 121

Section Numbers: 121.94(c)
121.96(d)(2)
121.150(b)

Date Peremptory Rule Published in the Illinois Register: 10/17/08 32 Ill. Reg. 16905

Agency Response to Specific Joint Committee Objection to and Suspension of Portions of Peremptory Rule:

At its meeting on November 19, 2008, the Joint Committee on Administrative Rules objected to and suspended portions of the Department of Human Services' peremptory rule titled Food Stamps (89 Ill. Adm. Code 121; 32 Ill. Reg. 16905). JCAR objected to the Department of Human Services using peremptory rulemaking to adopt amendments to 89 Ill. Adm. Code 121.94(c), 121.96(d)(2) and 121.150(b) because the peremptory rulemaking became effective on 10/1/08 and included federal provisions effective 6/18/08. This violates the Illinois Administrative Procedure Act (IAPA) Section 5-50 requirement that adoption of federal changes by peremptory rule occur within 30 days after the federal action. Because inclusion of the above-cited subsections in this peremptory rulemaking violates the IAPA, JCAR found that it presented a threat to the public interest and suspended the peremptory amendments to 89 Ill. Adm. Code 121.94(c), 121.96(d)(2) and 121.150(b).

The Department of Human Services has reviewed the suspension and objection from the Joint Committee on Administrative Rules regarding the above-referenced peremptory rulemaking and accepts the objection and the suspension. The Department will repeal subsections 121.94(c), 121.96(d)(2) and 121.150(b) of the peremptory rulemaking. The Department agrees to make every attempt to adhere to such requirements in future peremptory rulemaking.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period July 1, 2008 through September 30, 2008.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; 28 Ill. Reg. 12943, September 17, 2004; 29 Ill. Reg. 1449, January 21, 2005; 29 Ill. Reg. 7239, May 20, 2005; 29 Ill. Reg. 12672, August 12, 2005; 29 Ill. Reg. 18963, November 18, 2005; 30 Ill. Reg. 5458, March 17, 2006, 30 Ill. Reg. 9195, May 12, 2006 and 30 Ill. Reg. 14377, September 1, 2006; 31 Ill. Reg. 4941, March 23, 2007; 31 Ill. Reg. 7477, May 25, 2007; 31 Ill. Reg. 13233, September 14, 2007; 31 Ill. Reg. 15875, November 26, 2007; 32 Ill. Reg. 4271, March 21, 2008; 32 Ill. Reg. 8454, June 6, 2008 and 32 Ill. Reg. 13595, August 15, 2008.

Water quality criteria for General Use and Lake Michigan Basin Waters are listed below.

General Use human health criteria are derived for protection of primary contact waters, criteria derived for waters not supportive of primary contact recreation are specified, where applicable. Lake Michigan Basin criteria apply within waters of the Lake Michigan Basin as designated in 35 Ill. Adm. Code 303.443. General Use and Lake Michigan Basin waters used as Public and Food Processing Water Supplies are subject to more stringent human health criteria as specified in their respective derivation procedures. Newly derived criteria or criteria used in NPDES permitting this quarter are highlighted in bold print.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

General Use Criteria

Chemical: Acenaphthene	CAS #83-32-9
Acute criterion: 120 ug/l	Chronic criterion: 62 ug/l
Date criteria derived: November 14, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Acenaphthylene	CAS # 208-96-8
Acute criterion: 190 ug/L	Chronic criterion: 15 ug/L
Date criteria derived: March 1, 1998	
Applicable waterbodies: Not used during this period.	
Chemical: Acetochlor	CAS #34256-82-1
Acute criterion: 150 ug/l	Chronic criterion: 12 ug/l
Date criteria derived: September 26, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Acetone	CAS #67-64-1
Acute criterion: 1,500 mg/l	Chronic criterion: 120 mg/l
Date criteria derived: May 25, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acetonitrile	CAS #75-05-8
Acute criterion: 380 mg/l	Chronic criterion: 30 mg/l
Human health criterion (HTC): non-primary contact, 20 mg/L	
Date criteria derived: December 7, 1993; revised January 23, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Acrolein	CAS #107-02-8
Acute criterion: 2.7 µg/l	Chronic criterion: 0.22 µg/l
Date criteria calculated: February 1999; reviewed January 2008	
Applicable waterbodies: Not used during this period.	
Chemical: Acrylonitrile	CAS #107-13-4
Acute criterion: 910 ug/l	Chronic criterion: 73 ug/l
Human health criterion (HNC): 0.21 ug/l	
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Anthracene	CAS #120-12-7
Acute criterion: 0.66 ug/L	Chronic Criterion: 0.53 ug/L

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

<p>Human health criterion (HTC): 35 mg/l Date criteria derived: August 18, 1993, revised May 30, 2007 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Antimony CAS #7440-36-0 Acute criterion: 1,200 ug/L Chronic Criterion: 320 ug/L Human health criterion (HTC): 12,000 ug/l Non-primary contact: 1,200 ug/l Public and food processing water supply: 6 ug/l Date criteria derived: September 29, 2008 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Atrazine CAS #1912-24-9 Acute criterion: 82 ug/l Chronic criterion: 9.0 ug/L Date criteria derived: May 2, 2005 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(a)anthracene CAS #56-55-3 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(a)pyrene CAS #50-32-8 Human health criterion (HNC): 0.016 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(b)fluoranthene CAS # 205-99-2 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(k)fluoranthene CAS #207-08-9 Human health criterion (HNC): 1.6 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Carbon tetrachloride CAS #56-23-5 Acute criterion: 3,500 ug/l Chronic criterion: 280 ug/l Human health criterion (HNC): 1.4 ug/l Date criteria derived: June 18, 1993 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Chlorobenzene CAS #108-90-7</p>

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 990 ug/l	Chronic criterion: 79 ug/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloroethane	CAS #75-00-3
Acute criterion: 13 mg/l	Chronic criterion: 1 mg/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloromethane	CAS #74-87-3
Acute criterion: 16 mg/l	Chronic criterion: 1.3 mg/l
Date criteria derived: December 11, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Chloroform	CAS #67-66-3
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l	
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Chrysene	CAS #218-01-9
Human health criterion (HNC): 16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Dibenz(a,h)anthracene	CAS #53-70-3
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived : February, 1999, reviewed June 2007	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichlorobenzene	CAS #95-50-1
Acute criterion: 210 ug/l	Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichlorobenzene	CAS #541-73-1
Acute criterion: 500 ug/l	Chronic criterion: 200 ug/l
Date criteria derived: July 31, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethane	CAS #75-34-3
Acute criterion: 20 mg/l	Chronic criterion: 2 mg/l
Date criteria derived: July 31, 1991	
Applicable waterbodies: Not used during this period.	

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 1,2-dichloroethane	CAS #107-06-2
Acute criterion: 25 mg/l	Chronic criterion: 4.5 mg/l
Human health criterion (HNC): 23 ug/l	
Date criteria derived: March 19, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethylene	CAS #75-35-4
Acute criterion: 3,000 ug/l	Chronic criterion: 240 ug/l
Human health criterion (HNC): 0.95 ug/l	
Date criteria derived: March 20, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dichlorophenol	CAS #120-83-2
Acute criterion: 630 ug/l	Chronic criterion: 83 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloropropane	CAS #78-87-5
Acute criterion: 4,800 ug/l	Chronic criterion: 380 ug/l
Date criteria derived: December 7, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichloropropylene	CAS #542-75-6
Acute criterion: 99 ug/l	Chronic criterion: 7.9 ug/l
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dimethyl phenol	CAS #105-67-9
Acute criterion: 740 ug/l	Chronic criterion: 220 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol	CAS #534-52-1
Acute criterion: 29 ug/l	Chronic criterion: 2.3 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dinitrophenol	CAS #51-28-5
Acute criterion: 85 ug/l	Chronic criterion: 4.1 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 2,6-dinitrotoluene	CAS #606-20-2
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: February 14, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Diquat	CAS #85-00-7
Acute criterion: 990 ug/l	Chronic criterion: 80 ug/l
Date criteria derived: January 30, 1996 Applicable waterbodies: Not used during this period.	
Chemical: Ethyl mercaptan (ethanethiol)	CAS #75-08-1
Acute criterion: 17 ug/l	Chronic criterion: 2 ug/l
Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	
Chemical: Fluoranthene	CAS #206-44-0
Acute criterion: 4.3 ug/L	Chronic Criterion: 1.8 ug/L
Human health criterion (HTC): 120 ug/l Date criteria derived: August 10, 1993; revised June 6, 2007 (Acute/Chronic) Applicable waterbodies: Not used during this period.	
Chemical: Fluorene	CAS #86-73-7
Acute criterion: 59 ug/L	Chronic Criterion: 16 ug/L
Date criteria derived: June 6, 2007 Applicable waterbodies: Not used during this period.	
Chemical: Formaldehyde	CAS #50-00-0
Acute criterion: 4.9 mg/l	Chronic criterion: 0.39 mg/l
Date criteria derived: January 19, 1993 Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobenzene	CAS #118-74-1
Human health criterion (HNC): 0.00025 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobutadiene	CAS #87-68-3
Acute criterion: 35 ug/l	Chronic criterion: 2.8 ug/l
Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Hexachloroethane	CAS #67-72-1
Acute criterion: 380 ug/l	Chronic criterion: 31 ug/l
Human health criterion (HNC): 2.9 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: n-Hexane Acute criterion: 250 ug/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	CAS #110-54-3 Chronic criterion: 20 ug/l
Chemical: Indeno(1,2,3-cd)pyrene Human health criterion (HNC): 0.16 ug/l Date criteria calculated: February, 1992, reviewed June 2007 Applicable waterbodies: Not used during this period.	CAS #193-39-5
Chemical: Isobutyl alcohol = 2-methyl-1-propanol Acute criterion: 430 mg/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	CAS #78-83-1 Chronic criterion: 35 mg/l
Chemical: Methylene chloride Acute criterion: 17 mg/l Human health criterion (HNC): 340 ug/l Date criteria derived: January 21, 1992 Applicable waterbodies: Not used during this period.	CAS #75-09-2 Chronic criterion: 1.4 mg/l
Chemical: Methyleneethylketone Acute criterion: 320 mg/l Date criteria derived: July 1, 1992 Applicable waterbodies: Not used during this period.	CAS #78-93-3 Chronic criterion: 26 mg/l
Chemical: 4-methyl-2-pentanone Acute criterion: 46 mg/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #108-10-1 Chronic criterion: 1.4 mg/l
Chemical: 2-methyl phenol Acute criterion: 4.7 mg/l Date criteria derived: November 8, 1993 Applicable waterbodies: Not used during this period.	CAS #95-48-7 Chronic criterion: 0.37 mg/l
Chemical: 4-methyl phenol Acute criterion: 670 ug/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #106-44-5 Chronic criterion: 120 ug/l
Chemical: Methyl tert-butyl ether (MTBE) Acute criterion: 67 mg/l Date criteria derived: September 18, 1997	CAS #134-04-4 Chronic criterion: 5.4 mg/l

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.	
Chemical: Metolachlor	CAS #51218-45-2
Acute criterion: 380 ug/l	Chronic criterion: 30.4 ug/l
Date criteria derived: February 25, 1992; revised October 1, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Naphthalene	CAS #91-20-3
Acute criterion: 510 ug/l	Chronic criterion: 68 ug/l
Date criteria derived: November 7, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 4-nitroaniline	CAS #100-01-6
Acute criterion: 1.5 mg/l	Chronic criterion: 0.12 mg/l
Date criteria derived: May 5, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Nitrobenzene	CAS #98-95-3
Acute criterion: 15 mg/l	Chronic criterion: 8.0 mg/l
Human health criterion (HTC): 0.52 mg/l	
Date criteria derived: February 14, 1992; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Pentachlorophenol	
Acute criterion: 20 ug/l	Chronic criterion: 13 ug/l
Date criteria derived: national criterion at pH of 7.8, September 1986	
Applicable waterbodies: Not used during this period.	
Chemical: Phenanthrene	CAS #85-01-8
Acute criterion: 46 ug/l	Chronic criterion: 3.7 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Propylene	CAS #115-07-1
Acute criterion: 4.0 mg/l	Chronic criterion 0.40 mg/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Pyrene	CAS #120-00-0
Human health criterion (HTC): 3.5 mg/l	
Date criteria derived: December 22, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Tetrachloroethylene	CAS #127-18-4
Acute criterion: 1,200 ug/l	Chronic criterion: 150 ug/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: March 23, 1992	
Applicable waterbodies: Segment P-09 of Rock River.	
Chemical: Tetrahydrofuran	CAS #109-99-9
Acute criterion: 220 mg/l	Chronic criterion: 17 mg/l
Date criteria derived: March 16, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2,4-trichlorobenzene	CAS #120-82-1
Acute criterion: 370 ug/l	Chronic criterion: 72 ug/l
Date criteria derived: December 14, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Thallium	CAS #7440-28-0
Human health criterion (HTC): 4.1 ug/l	
Date criteria derived: October 22, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1,1-trichloroethane	CAS #71-55-6
Acute criterion: 4,900 ug/l	Chronic criterion: 390 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1,2-trichloroethane	CAS #79-00-5
Acute criterion: 19 mg/l	Chronic criterion: 4.4 mg/l
Human health criterion (HNC): 12 ug/l	
Date criteria derived: December 13, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Trichloroethylene	CAS #79-01-6
Acute criterion: 12,000 ug/l	Chronic criterion: 940 ug/l
Human health criterion (HNC): 25 ug/l	
Date criteria derived: October 23, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Vinyl chloride	CAS #75-01-4
Acute criterion: 40 mg/l	Chronic criterion: 4 mg/l
Human health criterion (HNC): non-primary contact, 164 ug/l	
Date criteria derived: October 23, 1992; revised January 23, 2007	
Applicable waterbodies: Not used during this period.	

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Lake Michigan Basin Criteria

<p>Chemical: Antimony CAS #7440-36-0</p> <p><u>Aquatic Life Criteria:</u> Acute criterion: 470 ug/l Chronic criterion: 120 ug/l</p> <p>Date criteria derived: September 29, 2008</p> <p>Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Bis(2-ethylhexyl)phthalate CAS #117-81-7</p> <p><u>Aquatic Life Criteria:</u> Acute criterion: 76 ug/l Chronic criterion: 17 ug/l</p> <p><u>Human Health Non-threshold Criteria:</u> Public and food processing water supply: 2.8 ug/l Non-drinking water: 3.2 ug/l</p> <p>Date criteria derived: June 20, 2006</p> <p>Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Methylene Chloride CAS #75-09-2</p> <p><u>Aquatic Life Criteria:</u> Acute criterion: 10,803 ug/l Chronic criterion: 1,200 ug/l</p> <p><u>Human Health Non-threshold Criteria:</u> Public and food processing water supply: 47 ug/l Non-drinking water: 2,600 ug/l</p> <p>Date criteria derived: June 20, 2006</p> <p>Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Vinyl Chloride CAS #75-01-4</p> <p><u>Aquatic Life Criteria:</u> Acute criterion: 8,380 ug/l Chronic criterion: 931 ug/l</p> <p><u>Human Health Non-threshold Criteria:</u> Public and food processing water supply: 0.25 ug/l Non-drinking water: 14.4 ug/l</p> <p>Date criteria derived: June 20, 2006</p> <p>Applicable waterbodies: Not used during this period.</p>

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Brian Koch

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217-558-2012

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 32, Issue 52 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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