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September 28, 2012 Volume 36, Issue 39

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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.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2012

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2011	January 6, 2012
2	January 3, 2012	January 13, 2012
3	January 9, 2012	January 20, 2012
4	January 17, 2012	January 27, 2012
5	January 23, 2012	February 3, 2012
6	January 30, 2012	February 10, 2012
7	February 6, 2012	February 17, 2012
8	February 14, 2012	February 24, 2012
9	February 21, 2012	March 2, 2012
10	February 27, 2012	March 9, 2012
11	March 5, 2012	March 16, 2012
12	March 12, 2012	March 23, 2012
13	March 19, 2012	March 30, 2012
14	March 26, 2012	April 6, 2012
15	April 2, 2012	April 13, 2012
16	April 9, 2012	April 20, 2012
17	April 16, 2012	April 27, 2012
18	April 23, 2012	May 4, 2012
19	April 30, 2012	May 11, 2012

20	May 7, 2012	May 18, 2012
21	May 14, 2012	May 25, 2012
22	May 21, 2012	June 1, 2012
23	May 29, 2012	June 8, 2012
24	June 4, 2012	June 15, 2012
25	June 11, 2012	June 22, 2012
26	June 18, 2012	June 29, 2012
27	June 25, 2012	July 6, 2012
28	July 2, 2012	July 13, 2012
29	July 9, 2012	July 20, 2012
30	July 16, 2012	July 27, 2012
31	July 23, 2012	August 3, 2012
32	July 30, 2012	August 10, 2012
33	August 6, 2012	August 17, 2012
34	August 13, 2012	August 24, 2012
35	August 20, 2012	August 31, 2012
36	August 27, 2012	September 7, 2012
37	September 4, 2012	September 14, 2012
38	September 10, 2012	September 21, 2012
39	September 17, 2012	September 28, 2012
40	September 24, 2012	October 5, 2012
41	October 1, 2012	October 12, 2012
42	October 9, 2012	October 19, 2012
43	October 15, 2012	October 26, 2012
44	October 22, 2012	November 2, 2012
45	October 29, 2012	November 9, 2012
46	November 5, 2012	November 16, 2012
47	November 13, 2012	November 26, 2012
48	November 19, 2012	November 30, 2012
49	November 26, 2012	December 7, 2012
50	December 3, 2012	December 14, 2012
51	December 10, 2012	December 21, 2012
52	December 17, 2012	December 28, 2012

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Day Care
- 2) Code Citation: 89 Ill. Adm. Code 1300
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1300.205	Amendment
1300.310	Amendment
- 4) Statutory Authority: Implementing the State Agency Employees Child Care Services Act (30 ILCS 590/1 et seq.) and authorized by Sections 405-305 and 405-315 of the Civil Administrative Code of Illinois (20 ILCS 405/405-305 and 405-315)
- 5) A Complete Description of the Subjects and Issues Involved: We are updating the authority line to reflect the current Illinois Compiled Statute citation, as well as Section 1300.205. In Section 1300.310, remove the reference to the Illinois Purchasing Act, which was repealed by PA 90-572. Additional changes reflect correction of typographical errors and minor administrative changes.
- 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: 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:

Mary Matheny
Department of Central Management Services

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

720 Stratton Office Building
Springfield, Illinois 62706

Phone: 217/557-5404
Fax: 217/558-2697
mary.matheny@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the most recent regulatory agenda because the rules were not reviewed for accuracy until after the agenda was submitted for publication.

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER XI: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 1300
DAY CARE

SUBPART A: GENERAL

Section	
1300.110	Summary
1300.120	Definitions
1300.130	Application

SUBPART B: DETERMINATION OF NEED

Section	
1300.200	Request for Child Care Services
1300.205	On-Site Child Care Services
1300.210	Determination of Need and Feasibility
1300.220	Recommendation to Director
1300.230	Director's Determination
1300.240	Assistance of the Department

SUBPART C: REQUEST FOR PROPOSAL AND AWARD

Section	
1300.300	Request for Proposal
1300.310	Minimal Requirement for Request for Proposal
1300.320	Evaluation of Proposal
1300.330	Evaluation by Committee
1300.340	Selection by Director

AUTHORITY: Implementing the State Agency Employees Child Care Services Act [30 ILCS 590] and authorized by Sections 405-305 and 405-315 of the Civil Administrative Code of Illinois [20 ILCS 405/405-305 and 405-315].

SOURCE: Emergency Rules adopted at 10 Ill. Reg. 7926, effective May 1, 1986, for a maximum of 150 days; emergency expired September 28, 1986; adopted at 11 Ill. Reg. 8930, effective April 27, 1987; amended at 13 Ill. Reg. 4644, effective March 28, 1989; amended at 16

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 4819, effective March 16, 1992; amended at 36 Ill. Reg. _____, effective _____.

SUBPART B: DETERMINATION OF NEED

Section 1300.205 On-Site Child Care Services

- a) When a State ~~agency~~**Agency** enters into a contract to construct, acquire or lease all or a substantial portion of a building; in which more than 50 State ~~employees~~**Employees** shall be employed, other than a renewal of an existing lease, a determination shall be made in accordance with the criteria set forth in Section 1300.210 as to whether there is a need for on-site child care services for State ~~employees~~**Employees** and whether it is feasible to provide ~~those~~**such** services.
- b) When a State ~~agency~~**Agency**, subject to the provisions of Section ~~405-300~~**67.02** of ~~the~~**The** Civil Administrative Code of Illinois [~~20 ILCS 405/405-300(a)~~**III-Rev. Stat. 1989, ch. 127, par. 63b13.2(a)**], enters into a contract to lease all or a substantial portion of a building; in which 50 or more State ~~employees~~**Employees** shall be employed, the request for determination of need and feasibility for on-site child care services shall be submitted to, and the determination will be made by, the Department.
- c) When a State ~~agency~~**Agency**, with the authority to so contract, enters into a contract to construct, acquire or lease all or a substantial portion of a building; in which more than 50 State ~~employees~~**Employees** shall be employed, other than an existing lease, the determination of need and feasibility for on-site child care services shall be made by ~~the~~**that agency that occupies** ~~State Agency to occupy~~ the substantial portion of the ~~building~~**building** subject to, where applicable, the approval of the Capital Development Board.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

SUBPART C: REQUEST FOR PROPOSAL AND AWARD

Section 1300.310 Minimal Requirement for Request for Proposal

Request for Proposals (RFPs) prepared by State agencies for procuring ~~child care services~~**Child Care Services** must contain the following provisions:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) ~~1)~~RFPs must specify that ~~child care services~~Child Care Services will be procured as professional services in conformance with the Illinois Procurement Code [30 ILCS 500] and its accompanying regulations~~Illinois Purchasing Act (Ill. Rev. Stat. 1985, ch. 127, par. 132.1 et seq.) and the Department's Standard Procurement Rules~~ (44 Ill. Adm. Code 1). Award of the contract shall be ~~made~~made to the proposer whose proposal is evaluated as offering the most suitable program. ~~2)~~In the event that no suitable proposal is received, the ~~requesting agency~~Requesting Agency shall reserve the right to negotiate directly with potential vendors.
- b) The ages of children for which ~~child care services~~Child Care Services are being sought. All RFPs shall specify the services that will be open to all ~~children~~Children of ~~employees~~Employees within the age group for which services are to be provided.
- c) If the number of ~~employees~~Employees seeking to use ~~child care services~~Child Care Services exceeds the number of spaces available, ~~employees~~Employees will be selected to receive the services on the basis of an impartial lottery.
- d) Any vendor providing services shall be required to conform with all applicable provisions of DCFS regulations at 89 Ill. Adm. Code 383 (Licensing Enforcement) and 89 Ill. Adm. Code 405 (Licensing Standards for Day Care Agencies)~~entitled "Child Care Services and Licensing for Child Care Services" (89 Ill. Adm. Code 383 and 405) of DCFS~~. Failure to comply with ~~thesesuch~~thesesuch regulations shall give the State ~~agency~~Agency the option to immediately terminate the contract.
- e) Insurance shall be provided by the ~~vendor~~Vendor in commercially reasonable amounts as recommended by the Department's Division of Risk Management, considering the market availability of insurance and the potential loss exposure of the vendor.
- f) Any vendor must provide information on all employees necessary for the ~~Illinois~~Illinois Department of State Police to perform a background check on the employee.
- g) Vendors will be required to describe the components of their program in their proposals. ~~The~~The description shall include, but not be limited to:

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- 1) Business organization (i.e., corporation, partnership, etc.; names of owners/officers; previous experience of vendor in the field of child care);
- 2) Community background (i.e., how long has vendor been operating any service in the area; area references);
- 3) Administrative structure of vendor;
- 4) Staff, including number of employees available for the project; their experience and education;
- 5) Program plan;
- 6) Fee schedule for services provided.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Appraisal Management Company Registration Act
- 2) Code Citation: 68 Ill. Adm. Code 1452
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1452.10	New Section
1452.20	New Section
1452.30	New Section
1452.40	New Section
1452.50	New Section
1452.60	New Section
1452.70	New Section
1452.80	New Section
1452.90	New Section
1452.100	New Section
1452.110	New Section
1452.120	New Section
1452.130	New Section
1452.140	New Section
1452.150	New Section
1452.160	New Section
1452.170	New Section
1452.180	New Section
1452.190	New Section
1452.200	New Section
1452.210	New Section
- 4) Statutory Authority: Implementing and authorized by Appraisal Management Company Registration Act [225 ILCS 459]
- 5) A Complete Description of the Subjects and Issues Involved: The Department is promulgating a new Part to implement the provisions of PA 97-602 that created the Appraisal Management Company Registration Act. This new Part will include definitions; processes for application, registration, renewal and reinstatement; bonding and record keeping requirements as well as other business practice standards.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking: None

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- 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 1452.140.
- 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:

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Appraisal Management Companies
- B) Reporting, bookkeeping or other procedures required for compliance: Please review the requirements of this New Part.
- C) Types of professional skills necessary for compliance: Appraisal and business management.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2012

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1452

APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT

Section

1452.10	Definitions
1452.20	Application for Original Registration
1452.30	Registration Title and Display
1452.40	Renewal of a Registration; Reinstatement; Restoration; Expiration Date
1452.50	Address Change
1452.60	Designated Controlling Person
1452.70	Change of Ownership
1452.80	Bonding Requirements
1452.90	Record Retention
1452.100	Payment Policies
1452.110	Prior Written Notice
1452.120	Assignment Guidelines and Policies; Engagement
1452.130	Appraisal Review; Quality Control Review
1452.140	Uniform Standards of Professional Appraisal Practice (USPAP)
1452.150	Reporting Requirements
1452.160	Administrative Warning Letter
1452.170	Cooperation Required with the Division
1452.180	Felony Convictions; Discipline of Other Professional Registration; Notification
1452.190	Unprofessional Conduct
1452.200	Fees
1452.210	Granting Variances

AUTHORITY: Implementing and authorized by the Appraisal Management Company Registration Act [225 ILCS 459].

SOURCE: Adopted at 36 Ill. Reg. ____, effective _____.

Section 1452.10 Definitions

Unless otherwise clarified by this Part, definitions set forth in the Act also apply for the purposes of this Part.

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"Act" means the Appraisal Management Company Registration Act [225 ILCS 459].

"Applicant" means a person applying for registration under the Act and this Part as an appraisal management company. Any applicant or any person who holds himself or herself out as an applicant is considered a registrant for purposes of enforcement, investigation, hearings and the Illinois Administrative Procedure Act [5 ILCS 100].

"Appraisal practice service" means valuation services performed by an individual acting as an appraiser, including, but not limited to, appraisal, appraisal review, or appraisal consulting. [225 ILCS 459/10]

"Client" means the party or parties who engage an appraiser, by employment or contract, in a specific assignment. If an appraisal management company is the party engaging the appraiser, the appraisal management company is considered the client.

"Comparable property" means any property that has physical, functional and locational similarity to the property under appraisal.

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

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

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

"Dodd-Frank Wall Street Reform and Consumer Protection Act" means the federal Act (PL 111-203, HR 4173) signed into law on July 22, 2010.

"EDI" is the acronym for Electronic Data Interchange.

"Factual error" means an omission of a detail or a communication of an erroneous detail that is objective as opposed to subjective in nature.

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"Non-compete clause" or "covenant not to compete" means an agreement between an appraiser and an appraisal management company that the appraiser will not provide appraisal services on behalf of himself or herself or for a competitor appraisal management company for a specified period of time or in a specific geographic location.

"Original registration" means a first-time application to the Division for a registration.

"Portal" means a point of access for data delivery through the internet.

"Prior written notice" means a period of not less than 30 days in which an appraisal management company must notify an appraiser that he or she has been removed from an appraisal management company's list of approved vendors.

"Registrant" means a person who has been issued a registration under the Act and this Part. Anyone who holds himself or herself out as a registrant or who is accused of unregistered practice is considered a registrant for purposes of enforcement, investigation, hearings and the Illinois Administrative Procedure Act.

"Service request" means any appraisal practice service.

"System in place" means a documented procedure that details how a specific task is carried out.

"Turn time" means an established period of time between the appraiser's acceptance of an assignment and the final delivery of a completed assignment to the appraisal management company.

"USPAP" is the acronym for the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board pursuant to Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 USC 3331 et seq.).

"Webform" means a web page that allows a user to enter data that is sent to a server for processing.

Section 1452.20 Application for Original Registration

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- a) An applicant for registration as an appraisal management company shall, in accordance with Sections 35 and 40 of the Act, file an application with the Division, on forms provided by the Division, on which all questions have been answered, together with the following:
- 1) Company name, address, telephone number, e-mail address and other contact information of the principal office in Illinois where services are provided. A post office box by itself is not acceptable;
 - 2) If the company does not maintain a principal office in Illinois, the address, telephone number, e-mail address and other contact information of its out-of-state office that has responsibility for its Illinois operations (a post office box by itself is not acceptable) and the name of the agent for service of process;
 - 3) The type of business organization.
 - A) If a sole proprietorship, the name of the owner;
 - B) If a partnership, a listing of all partners;
 - C) If a corporation based in Illinois, a copy of the Articles of Incorporation, a proof of good standing issued by the Secretary of State or obtained from the Secretary of State's website within the previous 60 days, and a listing of all persons or business entities and his, her or its contact information and Illinois appraisal license number, if applicable, that hold an ownership interest of 10% or more of the company. If using an assumed name (d/b/a), a copy of the assumed name registration issued by the Secretary of State. If the corporation is a foreign corporation, a copy of the Articles of Incorporation and proof of good standing from the state in which the corporation is domiciled;
 - D) If a limited liability company, a copy of the Articles of Organization, proof of good standing issued by the Secretary of State, or obtained from the Secretary of State's website within the previous 60 days, and a listing of the members of the limited liability company and his, her or its contact information and

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Illinois appraisal license number, if applicable, that hold an ownership interest of 10% or more of the company;

- E) If another type of business entity, the same or similar information, as applicable, to that listed in this subsection (a);
 - 4) The name, address, telephone number, e-mail address and other contact information of the designated controlling person and answers to questions concerning his or her history of convictions for criminal offenses, denial or discipline of a professional license, discharge from military or government service, and delinquency on any student loan, state taxes or child support payments;
 - 5) A signed irrevocable uniform consent to service of process form provided by the Division;
 - 6) A listing of any other states where the company is registered, along with the registration number. A registrant shall have no obligation to update this list after issuance of its registration;
 - 7) The certifications required under Section 40 of the Act;
 - 8) The bond required under Section 50 of the Act and this Part; and
 - 9) The required fee specified in Section 1452.200.
- b) The application shall be signed and dated by the designated controlling person.

Section 1452.30 Registration Title and Display

- a) Registrants shall affix their Illinois appraisal management registration number and title within the body of every transmitted appraisal service request to an Illinois appraiser.
- b) The registration title is "Illinois AMC Registration No. _____".
- c) A registrant is not prohibited from requiring the appraiser to disclose the information required in subsection (a) in the body of the appraisal report.

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Section 1452.40 Renewal of a Registration; Reinstatement; Restoration; Expiration Date

- a) All registrations shall expire on December 31 of even-numbered years beginning in the year 2014. A registrant may renew its registration during the month preceding the expiration date by submitting to the Division a renewal application provided by the Division on which all questions have been answered and by paying the required renewal fee to the Department.
- b) A registrant who fails to renew its registration by the expiration date may renew the registration for a period of 5 years following the expiration date by submitting to the Division an application for reinstatement on forms provided by the Division. All questions must be answered and the required reinstatement fees paid to the Department.
- c) A registrant whose registration has been expired for more than 5 years may apply for restoration of the registration by submitting an application for restoration provided by the Division, paying the required restoration fees, and, if applicable, submitting proof that he or she has maintained a registration in good standing in one or more states other than Illinois for the preceding 5 years.
- d) For the purposes of determining if a registration has expired under this Section, the Division shall consider the registration expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the registration shall be considered expired if the renewal application is received by the Division in a date later than the expiration date.

Section 1452.50 Address Change

All registrants shall notify the Division in writing of a change of mailing address, e-mail address and/or website address or addresses within 15 calendar days after the change.

Section 1452.60 Designated Controlling Person

- a) All registrants shall notify the Division in writing of a change of the designated controlling person within 30 calendar days after the change. A registrant shall report this change to the Division by submitting a new designated controlling person application on a form provided by the Division on which all questions have been answered, in which the designated controlling person accepts

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responsibility for maintaining the registrant's compliance with the Act and this Part, and that is signed by the new designated controlling person.

- b) No person may be the designated controlling person for more than one appraisal management company.
- c) Upon written request by a representative of an appraisal management company, within 10 calendar days after the loss of a designated controlling person of an appraisal management company because of the incapacitation, death or termination of employment of that individual, the Division shall issue a Temporary Certificate of Authority allowing the continuing operation of the appraisal management company. No Temporary Certificate of Authority shall be valid for more than 90 calendar days. An extension of an additional 90 calendar days may be granted upon written request by the representative of the appraisal management company. Not more than 2 extensions may be granted to any appraisal management company. No Temporary Certificate of Authority shall be issued for a loss of the designated controlling person because of disciplinary action by the Division related to his or her conduct on behalf of the appraisal management company.
- d) A designated controlling person shall report to the Division within 30 calendar days after any change related to his or her criminal history, professional licensure, military or government employment status, or delinquency regarding student loans, state taxes or child support payments as reported in the registrant's original application, subsequent renewal applications, or a new designated controlling person application.

Section 1452.70 Change of Ownership

- a) No later than 30 calendar days after the effective date of a change of ownership of an appraisal management company registered under the Act, a new application shall be filed with the Division in accordance with Section 1452.20.
- b) Change of ownership is defined as, but not limited to:
 - 1) When an unaffiliated person, partnership, corporation, limited liability company or other legal entity comes to obtain 51% ownership or ownership interest of the appraisal management company after initial registration; or

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- 2) Change in the legal form under which the controlling entity is organized.

Section 1452.80 Bonding Requirements

The bond required by Section 50 of the Act shall be for a term concurrent with the term of the registration, commencing with registrations issued by the Division with an expiration date of December 31, 2014 and concurrent with the 2-year term of each renewed registration thereafter. This provision does not prohibit the registrant from maintaining a continuing bond during any registration term.

Section 1452.90 Record Retention

- a) Registrants shall maintain a detailed record of each service request that it receives for an appraisal practice service to be performed within Illinois. Detailed records include, but are not limited to, a copy of:
 - 1) The assignment order or service request identifying the end-user client.
 - 2) Each assignment result, including revised reports, addenda, certifications and any webform communications.
 - 3) Any and all correspondence between the appraisers, the registrant and any other entity or party related to the assignment.
 - 4) Any copy of any quality control review related to the assignment.
 - 5) Any review not consistent with a quality control review.
 - 6) All fee schedules maintained and used by the registrant for the purpose of compliance with the provisions of the Truth in Lending Act (15 USC 1601) relating to customary and reasonable fees. The fee schedules shall be definitive in nature.
 - 7) Any roster of Illinois active and approved fee panel appraiser vendors, including the name of the appraiser, each appraiser's Illinois credential number, the date the appraiser was placed on the panel, and the date and reason an appraiser was removed from the panel.

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- b) Registrants shall maintain the records set forth in subsection (a) for a period of 5 years. This 5 year period shall commence on the date of final action for each individual transaction or, if the registrant is notified that the transaction is involved in litigation or is the subject of administrative action by the Division, on the date of final disposition of that action.
- c) On receipt of notice, registrants shall produce for the Division any record required to be maintained by this Section within 15 calendar days after its request. Any information submitted by the registrant to the Division under this Section shall not be disclosed pursuant to a public request and shall be deemed confidential.

Section 1452.100 Payment Policies

- a) The registrant shall provide a written, comprehensive payment policy to each approved appraiser vendor. The payment policy may be part of a vendor agreement, assignment order or service request, and shall include, but is not limited to, the following:
 - 1) The agreed date or period by which the appraiser should expect to receive compensation at the conclusion of an assignment;
 - 2) Total completed assignment compensation;
 - 3) Any conditions that delay or void payment;
 - 4) By what method compensation will be received by the appraiser;
 - 5) Registrant's required turn time;
 - 6) Partial compensation, if any, for the following:
 - A) Completed assignment;
 - B) Registrant's or end-user client delays, holds and/or cancellations;
or
 - C) Property owner or agent access delays and/or cancellations, including when an individual responsible for providing access to a property fails to appear at the scheduled time;

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- 7) Any and all fees and charges charged to an Illinois appraiser, including but not limited to fees and charges for:
 - A) Portal and/or EDI access or maintenance;
 - B) Systems access;
 - C) Technology applications and proprietary software usage;
 - D) Background and/or credit checks;
 - E) Review of assignments or samples; and
 - F) Application for panel approval.
- b) The registrant shall maintain records of all changes to written payment policies.

Section 1452.110 Prior Written Notice

- a) The registrant shall notify the appraiser, in writing, within 30 calendar days, prior to removing the appraiser from the list of approved appraisers. The notice shall include any and all causes leading to the removal.
- b) The registrant shall notify the Division within 30 days after appraiser removals based upon a reasonable belief that the appraiser prepared an appraisal report in violation of Illinois law, administrative rules and/or USPAP.

Section 1452.120 Assignment Guidelines and Policies; Engagement

- a) The registrant shall provide written assignment guidelines and conditions for each assignment. Those guidelines and conditions shall not deviate from USPAP and cannot be considered a jurisdictional exception without citation of the specific law or regulation.
- b) The registrant shall provide the appraiser with an engagement document that contains, but is not limited to, the following:
 - 1) The registrant's Illinois registration number and expiration date;

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- 2) The location of the property or properties that are the subject of the assignment;
- 3) Property type (e.g., single-family residence, industrial condominium, etc.);
- 4) The total completed assignment compensation;
- 5) The registrant's turn time requirements;
- 6) The name and contact information for the registrant's representative;
- 7) The name and contact information for any person whose assistance is required to gain access to the subject property (if applicable);
- 8) A legible copy of a fully executed and complete sales contract, along with all pertinent addenda (if the transaction involves a sale);
- 9) Registrant and/or end-user client guidelines or changes in guidelines;
- 10) Information as to whether the owner of the property under appraisal has been advised that interior images may be required under the assignment criteria;
- 11) Identification of the end-user client in any assignment or service request.

Section 1452.130 Appraisal Review; Quality Control Review

Appraisal reviewers must hold an appropriate Illinois appraisal license in order to develop and communicate any review that is not limited to a quality control review.

Section 1452.140 Uniform Standards of Professional Appraisal Practice (USPAP)

- a) Pursuant to Section 160 of the Act, the 2012 USPAP, published by the Appraisal Standards Board of The Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington DC 20005 (effective January 1, 2012), are hereby incorporated by reference with no later amendments or editions.

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- b) All investigators, coordinators, auditors and examiners employed or retained by the Division are exempt from the requirements of USPAP Standard 3 while performing an investigation, audit or examination.

Section 1452.150 Reporting Requirements

The Division may require a registrant, pursuant to a compliance agreement or order, to provide any reports, records or other documents pertaining to appraisal management activity that the Division may deem necessary to maintain standards of professional conduct, the competency of a registrant, and the protection of the public.

Section 1452.160 Administrative Warning Letter

The Division may issue an administrative warning letter, as a form of non-disciplinary action authorized by Section 65 of the Act, with or without a compliance agreement that may include a fee allowed by Section 1452.200(e)(8). A compliance agreement may include conditions designed to maintain the standards of professional conduct, competency of a registrant and protection of the public. Administrative warning letters, with or without a compliance agreement, are not discipline and are not subject to the Freedom of Information Act [5 ILCS 140].

Section 1452.170 Cooperation Required with the Division

Pursuant to Section 65 of the Act, all registrants are required to fully cooperate with any audit, investigation, interrogatory, examination or request for information regarding any aspect of the registrant's appraisal management practice or application for registration. Full cooperation includes, but is not necessarily limited to, providing to the Division, within 30 days after its request, a complete answer to any written interrogatory or request for clarification submitted to a registrant or employee of the registrant.

Section 1452.180 Felony Convictions; Discipline of Other Professional Registration; Notification

- a) A registrant shall notify the Division in writing of any violation of Section 65(a)(3) of the Act relating to the registrant or the registrant's designated controlling person. This written notice shall be submitted within 30 days after the violation. In addition to the notice, the registrant shall provide to the Division all court records (including, but not limited to, indictments, information, plea agreements, pre-trial sentencing motions, investigations, judgment and sentencing

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NOTICE OF PROPOSED RULES

orders and other orders) and other information required by the Division to determine fitness for registration.

- b) A registrant that has a registration issued by another state or jurisdiction disciplined or the registrant's designated controlling person has a professional license disciplined as defined in Section 65(a)(10) of the Act shall notify the Division in writing within 30 days after any adverse temporary or final order. In addition to the notice, the registrant shall provide to the Division all adverse orders, whether by consent or otherwise, plea agreements, motions or pleadings in which a registrant has made a written statement or admission of culpability in the violation of a professional regulation or standard, or other information required by the Division to determine fitness for registration.

Section 1452.190 Unprofessional Conduct

"Dishonorable, unethical or unprofessional conduct" as used in Section 65(a)(9) of the Act includes but is not limited to:

- a) Failing to satisfy a material term of a consent to administrative supervision order or consent order;
- b) Altering, modifying or otherwise changing a completed appraisal report submitted by an independent appraiser;
- c) Failure to retain records described in Section 1452.90;
- d) Operating without an approved designated controlling person;
- e) Operating without an approved Temporary Certificate of Authority, when required;
- f) Knowingly engaging appraisal practice services from any licensed or certified Illinois appraiser who is not in good standing with the Division;
- g) Failing to provide a written, definitive payment policy as outlined in Section 1452.100;
- h) Requesting or requiring an appraiser to transmit an unsigned assignment result;

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NOTICE OF PROPOSED RULES

- i) Knowingly interfering with a licensed Illinois appraiser's ability to comply with USPAP;
- j) Failing to deliver all information that supports a change in property value to a licensed Illinois appraiser without good cause;
- k) Failing to register within 180 calendar days after adoption of this Part and/or continuing to act as an appraisal management company while not lawfully registered;
- l) Misrepresenting client guidelines or assignment criteria as a requirement of federal or state statute without proper citation to the statute or regulation.
- m) Restricting the engagement of an Illinois licensed appraiser for an appraisal assignment solely on the licensee's level of licensure except as required or prohibited by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

Section 1452.200 Fees

- a) The application fee for an initial registration as an appraisal management company shall be \$2,500.
- b) Renewal Application Fee for Appraiser Registration
 - 1) The application fee to renew a registration as an appraisal management company shall be \$2,000 per year.
 - 2) The fee to reinstate a registration that has expired shall be \$500 plus the sum of all lapsed renewal fees.
 - 3) The fee to restore a registration that has been expired for more than 5 years shall be \$2,000 plus the sum of all lapsed renewal fees.
- c) The fee for issuance of a Temporary Certificate of Authority due to the loss of the designated controlling person shall be \$100. The fee for a subsequent 90 day extension of the Temporary Certificate shall be \$50.
- d) General

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 1) All fees paid pursuant to the Act and this Part are non-refundable.
- 2) The fee for the issuance of a duplicate registration certificate, for the issuance of a replacement registration certificate that has been lost or destroyed, or for the issuance of a registration certificate with a name or address change, other than during the renewal period, shall be \$25.
- 3) The fee for a certification of a registrant's record for any purpose shall be \$25.
- 4) The fee for a decorative wall certificate of registration shall be the cost of producing the certificate.
- 5) The fee for a roster of persons registered under the Act shall be the cost of producing the roster.
- 6) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.
- 7) The fee for certifying any record (e.g., a copy of a disciplinary order or application) shall be \$1 per page.
- 8) The Division may charge an administrative fee not to exceed \$5,000, as part of a compliance agreement issued with an administrative warning letter under Section 1452.160.

Section 1452.210 Granting Variances

The Director may grant variances from this Part in individual cases when he or she finds that:

- a) The provision from which the variance is granted is not statutorily mandated;
- b) No party will be injured by granting the variance; and
- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Summary Document and Disclaimer
- 2) Code Citation: 50 Ill. Adm. Code 3401
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3401.30	Amendment
3401.ILLUSTRATION A	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 531.19 of the Illinois Insurance Code [215 ILCS 5/531.19]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 96-1450, effective August 20, 2010, amended Section 531 of the Illinois Insurance Code [215 ILCS 5/531] to increase limits for Life/Accident and Health Guaranty Fund products. Due to these changes, the Summary Document and Disclaimer notice required under 50 Ill. Adm. Code 3401.40 to be delivered with a policy or contract needs to be revised.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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:

Eve Blackwell-Lewis
Staff Attorney
Department of Insurance

or Susan Anders
Rules Coordinator
Department of Insurance

DEPARTMENT OF INSURANCE

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320 West Washington , 4th Floor
Springfield, Illinois 62767-0001
217/782-2867
217/524-9033 (fax)

320 West Washington, 4th Floor
Springfield, Illinois 62767-0001
217/785-8220

- 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: None

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER II: LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION

PART 3401

SUMMARY DOCUMENT AND DISCLAIMER

Section

3401.10 Applicability

3401.20 Purpose

3401.30 Definitions

3401.40 Delivery of Documents Required

3401.ILLUSTRATION A ~~Disclaimer and~~ Summary Document and Disclaimer

AUTHORITY: Implementing and authorized by Section 531.19 of the Illinois Insurance Code [215 ILCS 5/531.19].

SOURCE: Adopted at 19 Ill. Reg. 9134, effective July 1, 1995; expedited correction at 19 Ill. Reg. 13090, effective July 1, 1995; amended at 24 Ill. Reg. 16344, effective October 23, 2000; amended at 36 Ill. Reg. _____, effective _____.

Section 3401.30 Definitions

Disclaimer means the language required by Section 531.19(c) of the Illinois Insurance Code [215 ILCS 5/531.19(c)], which shall appear conspicuously on the face of the Summary Document. The ~~Disclaimer and~~ Summary Document and Disclaimer are established by Illustration A ~~of this Part~~.

Insurer, for purposes of this Part, means a "Member insurer" as defined in Section 531.05 of the Illinois Insurance Code [215 ILCS 5/531.05].

Summary Document means a document required by Section 531.19(b) of the Illinois Insurance Code [215 ILCS 5/531.19(b)] ~~that, which~~ describes the general purposes and current limitations of the Illinois Life and Health Insurance Guaranty Association Law. The Summary Document shall be prepared and revised, as necessary, by the Illinois Life and Health Insurance Guaranty Association. Subsequent revisions will require approval by the Director of Insurance. The Summary Document shall contain, on its face, the Disclaimer. The Summary Document and Disclaimer are established in Illustration A ~~of this~~

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

| **Part.**

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 3401.ILLUSTRATION A ~~Disclaimer and Summary Document~~ and Disclaimer

NOTICE OF
PROTECTION PROVIDED BY
ILLINOIS LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION

This notice provides a **brief summary** description of the Illinois Life and Health Insurance Guaranty Association (the Association) and the protection it provides for policyholders. This safety net was created under Illinois law that determines who and what is covered and the amounts of coverage.

The Association was established to provide protection in the unlikely event that your member life, annuity or health insurance company becomes financially unable to meet its obligations and is placed into Receivership by the Insurance Department of the State in which the company is domiciled. If this should happen, the Association will typically arrange to continue coverage and pay claims, in accordance with Illinois law, with funding from assessments paid by other insurance companies.

The basic protections provided by the Association per insolvency are:

- Life Insurance
 - \$300,000 in death benefits
 - \$100,000 in cash surrender or withdrawal values
- Health Insurance
 - \$500,000 in hospital, medical and surgical insurance benefits*
 - \$300,000 in disability insurance benefits
 - \$300,000 in long-term care insurance benefits
 - \$100,000 in other types of health insurance benefits
- Annuities
 - \$250,000 in withdrawal and cash values

* The maximum amount of protection for each individual, regardless of the number of policies or contracts, is \$300,000, except special rules apply to hospital, medical and surgical insurance benefits for which the maximum amount of protection is \$500,000.

Note: Certain policies and contracts may not be covered or fully covered. For example, coverage does not extend to any portion of a policy or contract that the insurer does not guarantee, such as certain investment additions to the account value of a variable life insurance policy or a variable annuity contract. There are also residency requirements

DEPARTMENT OF INSURANCE

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and other limitations under Illinois law.

To learn more about these protections, as well as protections relating to group contracts or retirement plans, please visit the Association's website at www.ilhiga.org or contact:

Illinois Life and Health Insurance Guaranty Association
8420 West Bryn Mawr Avenue, Suite 550
Chicago, Illinois 60631-3404
(773) 714-8050

Illinois Department of Insurance
4th Floor
320 West Washington Street
Springfield, Illinois 62767
(217) 782-4515

Insurance companies and agents are not allowed by Illinois law to use the existence of the Association or its coverage to encourage you to purchase any form of insurance. When selecting an insurance company, you should not rely on Association coverage. If there is any inconsistency between this notice and Illinois law, then Illinois law will control.

ILLINOIS
LIFE AND HEALTH INSURANCE
GUARANTY ASSOCIATION LAW

~~Residents of Illinois who purchase health insurance, life insurance, and annuities should know that the insurance companies licensed in Illinois to write these types of insurance are members of the Illinois Life and Health Insurance Guaranty Association. The purpose of this Guaranty Association is to assure that policyholders will be protected, within limits, in the unlikely event that a member insurer becomes financially unable to meet its policy obligations. If this should happen, the Guaranty Association will assess its other member insurance companies for the money to pay the covered claims of policyholders that live in Illinois (and their payees, beneficiaries, and assignees) and, in some cases, to keep coverage in force. The valuable extra protection provided by these insurers through the Guaranty Association is not unlimited, however, as noted below.~~

ILLINOIS LIFE AND HEALTH INSURANCE
GUARANTY ASSOCIATION

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~~DISCLAIMER~~

~~The Illinois Life and Health Insurance Guaranty Association provides coverage of claims under some types of policies if the insurer becomes impaired or insolvent. COVERAGE MAY NOT BE AVAILABLE FOR YOUR POLICY. Even if coverage is provided, there are substantial limitations and exclusions. Coverage is generally conditioned on continued residence in Illinois. Other conditions may also preclude coverage.~~

~~You should not rely on availability of coverage under the Life and Health Insurance Guaranty Association Law when selecting an insurer. Your insurer and agent are prohibited by law from using the existence of the Association or its coverage to sell you an insurance policy.~~

~~The Illinois Life and Health Insurance Guaranty Association or the Illinois Department of Insurance will respond to any questions you may have which are not answered by this document. Policyholders with additional questions may contact:~~

~~Illinois Life and Health Insurance Guaranty Association
8420 West Bryn Mawr Avenue
Chicago, Illinois 60631
(773) 714-8050~~

~~Illinois Department of Insurance
320 West Washington Street
4th Floor
Springfield, Illinois 62767
(217) 782-4515~~

~~Summary of General Purposes And
Current Limitations of Coverage~~

~~The Illinois law that provides for this safety-net coverage is called the Illinois Life and Health Insurance Guaranty Association Law ("Law") [215 ILCS 5/531.01, et seq.]. The following contains a brief summary of the Law's coverages, exclusions, and limits. This summary does not cover all provisions, nor does it in any way change anyone's rights or obligations under the Law or the rights or obligations of the Guaranty Association. If you have obtained this document from an agent in connection with the purchase of a policy, you should be aware that its delivery to you does not guarantee that your policy is covered by the Guaranty~~

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~~Association.~~

- a) ~~Coverage:~~
~~The Illinois Life and Health Insurance Guaranty Association provides coverage to policyholders that reside in Illinois for insurance issued by members of the Guaranty Association, including:~~
- ~~1) life insurance, health insurance, and annuity contracts;~~
 - ~~2) life, health or annuity certificates under direct group policies or contracts;~~
 - ~~3) unallocated annuity contracts; and~~
 - ~~4) contracts to furnish health care services and subscription certificates for medical or health care services issued by certain licensed entities. The beneficiaries, payees, or assignees of such persons are also protected, even if they live in another state.~~
- b) ~~Exclusions from Coverage:~~
- ~~1) The Guaranty Association does not provide coverage for:~~
 - ~~A) any policy or portion of a policy for which the individual has assumed the risk;~~
 - ~~B) any policy of reinsurance (unless an assumption certificate was issued);~~
 - ~~C) interest rate guarantees which exceed certain statutory limitations;~~
 - ~~D) certain unallocated annuity contracts issued to an employee benefit plan protected under the Pension Benefit Guaranty Corporation and any portion of a contract which is not issued to or in connection with a specific employee, union or association of natural persons benefit plan or a government lottery;~~
 - ~~E) any portion of a variable life insurance or variable annuity contract not guaranteed by an insurer; or~~

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- ~~F) any stop loss insurance.~~
- 2) ~~In addition, persons are not protected by the Guaranty Association if:~~
 - ~~A) the Illinois Director of Insurance determines that, in the case of an insurer which is not domiciled in Illinois, the insurer's home state provides substantially similar protection to Illinois residents which will be provided in a timely manner; or~~
 - ~~B) their policy was issued by an organization which is not a member insurer of the Association.~~
- e) ~~Limits on Amount of Coverage:~~
 - 1) ~~The Law also limits the amount the Illinois Life and Health Insurance Guaranty Association is obligated to pay. The Guaranty Association's liability is limited to the lesser of either:~~
 - ~~A) the contractual obligations for which the insurer is liable or for which the insurer would have been liable if it were not an impaired or insolvent insurer; or~~
 - ~~B) with respect to any one life, regardless of the number of policies, contracts, or certificates:~~
 - ~~i) in the case of life insurance, \$300,000 in death benefits but not more than \$100,000 in net cash surrender or withdrawal values;~~
 - ~~ii) in the case of health insurance, \$300,000 in health insurance benefits, including net cash surrender or withdrawal values; and~~
 - ~~iii) with respect to annuities, \$100,000 in the present value of annuity benefits, including net cash surrender or withdrawal values, and \$100,000 in the present value of annuity benefits for individuals participating in certain government retirement plans covered by an unallocated annuity contract. The limit for coverage of unallocated~~

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

~~annuity contracts other than those issued to certain governmental retirement plans is \$5,000,000 in benefits per contract holder, regardless of the number of contracts.~~

- 2) ~~However, in no event is the Guaranty Association liable for more than \$300,000 with respect to any one individual.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Notice of Potential Eligibility
- 2) Code Citation: 50 Ill. Adm. Code 5301
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
5301.10	Amendment
5301.20	Amendment
5301.30	Amendment
5301.EXHIBIT A	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 3(g) and 11 of the Comprehensive Health Insurance Plan (CHIP) Act [215 ILCS 105/3(g) and 11] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) A Complete Description of the Subjects and Issues Involved: 215 ILCS 105/11 requires insurers licensed in Illinois to notify health insurance applicants rejected for health reasons of the existence of the CHIP plan. This Section 11 authorizes the Director to prescribe the form and content of this notification. 215 ILCS 105/3(g) additionally authorizes the Director of the Department of Insurance to adopt rules that are "necessary and proper to implement" the CHIP Act.

Many rejected health insurance applicants with pre-existing conditions may be eligible for the Illinois Pre-Existing Condition Insurance Plan (IPXP) as well as, or instead of, the CHIP Plan. These rejected applicants may find that IPXP premium levels are more affordable than CHIP premiums. Further, when rejected applicants enroll in the federally-funded IPXP rather than CHIP, the pressure on CHIP finances is reduced.

By notifying potentially-eligible rejected insurance applicants of the existence of the federally-funded IPXP program, CHIP assessments and appropriations may be preserved for those potential CHIP enrollees who are ineligible for the IPXP. The proposed amendments add a requirement that insurers provide this notification.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing 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

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- 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:
- | | | |
|---|----|--|
| Ted Whalen, Staff Attorney
Department of Insurance
100 W. Randolph St., Ste. 9-301
Chicago, IL 60601

312/814-5425
312/814-5416 | or | Susan Anders, Rules Coordinator
Department of Insurance
320 West Washington, 4 th Floor
Springfield, Illinois 62767-0001

217/785-8220 |
|---|----|--|
- 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 2011

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

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER jjj: COMPREHENSIVE HEALTH INSURANCE PLAN
OR ILLINOIS PRE-EXISTING CONDITION INSURANCE PLAN

PART 5301
NOTICE OF POTENTIAL ELIGIBILITY

Section

5301.10	Purpose and Scope
5301.20	Definitions
5301.30	Notice of Requirements
5301.EXHIBIT A	Notice of <u>Potential</u> Eligibility

AUTHORITY: Implementing and authorized by Section 11 of the Comprehensive Health Insurance Plan Act [215 ILCS 105/11] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Old Part 5301 recodified to 50 Ill. Adm. Code 5501 at 20 Ill. Reg. 6347, effective April 19, 1996; old Part 6701 adopted at 13 Ill. Reg. 5951, effective April 18, 1989 and recodified to Part 5301 at 20 Ill. Reg. 6595, effective April 30, 1996; amended at 36 Ill. Reg. _____, effective _____.

Section 5301.10 Purpose and Scope

The purpose of this Part is to prescribe the form and content of the Notice of Potential Eligibility insurers are required to give rejected applicants for health insurance pursuant to Section 11 of the Comprehensive Health Insurance Plan Act [215 ILCS 105/11]. The requirements of this Part shall apply to *every insurer licensed to issue, and which issues for delivery, policies of health insurance in this State* [215 ILCS 105/11].

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 5301.20 Definitions

"CHIP" means the Illinois Comprehensive Health Insurance Plan.

"Health insurance" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

services paid for as medical care) under any hospital and medical expense-incurred policy, certificate, or contract provided by an insurer, non-profit health care service plan contract, health maintenance organization or other subscriber contract, or any other health care plan or arrangement that pays for or furnishes medical or health care services whether by insurance or otherwise. Health insurance coverage shall not include short term, accident only, disability income, hospital confinement or fixed indemnity, dental only, vision only, limited benefit, or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance. [215 ILCS 105/2]-any hospital, surgical or medical coverage provided under an expense-incurred policy, non-profit health care service plan contract or health maintenance organization or subscriber contract, including any amounts paid to a provider of services whether by insurance or otherwise. Health insurance shall not include accident only, disability income, hospital confinement indemnity, dental or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

"Insurer" means any insurance company authorized to transact health insurance business in this State and any corporation ~~that which~~ provides medical services and is organized under ~~the~~ "The Medical Service Plan Act", approved July 25, 1945, as amended (Ill. Rev. Stat. 1987, ch. 32, par. 563, et seq.), "The Voluntary Health Services Plans Act [215 ILCS 165]", approved June 27, 1951, as amended (Ill. Rev. Stat. 1987, ch. 33, par. 595, et seq.), or the "Health Maintenance Organization Act" [215 ILCS 125], approved August 27, 1974, as amended (Ill. Rev. Stat. 1987, ch. 111½, par. 1401, et seq.). [215 ILCS 105/2]

IPXP means the Illinois Pre-Existing Condition Insurance Plan.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

Section 5301.30 Notice of Requirements

Whenever any application for health insurance is rejected for ~~reasons~~reason(s) of the health of

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

the applicant or any other person proposed for ~~that~~ insurance, the insurer shall notify the applicant or named insured in ~~the~~ declination of his/her potential eligibility for coverage under CHIP ~~or IPXP~~. ~~The~~ notice shall accompany or be included in the notice of declination and shall include, at a minimum, the language ~~as~~ set forth in Exhibit A ~~of this Part~~.

(Source: Amended at 36 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 5301.EXHIBIT A Notice of Potential Eligibility

NOTICE OF POTENTIAL ELIGIBILITY FOR THE ILLINOIS
COMPREHENSIVE HEALTH INSURANCE PLAN OR
THE ILLINOIS PRE-EXISTING CONDITION INSURANCE PLAN

You and/or your dependents may be eligible for health insurance coverage under the Illinois Comprehensive Health Insurance Plan (CHIP), which has been established by the State of Illinois to provide such coverage for Illinois residents, or for coverage under the federally-funded Illinois Pre-Existing Condition Insurance Plan (IPXP). CHIP and IPXP are for people who need and can afford health insurance, but who cannot obtain it because of a medical or physical condition. If you are interested in obtaining more information about CHIP or IPXP, please contact:

The Illinois Comprehensive Health Insurance Plan
Office of the Board of Directors
320 West Washington St., Suite 700
~~400 West Monroe Street, Suite 202~~
Springfield, Illinois 62701-1150~~62704-1823~~
1-800-962-8384
www.chip.state.il.us

or

The Illinois Pre-Existing Condition Insurance Plan
Plan Administrator: Health Alliance Medical Plans
301 South Vine Street
Urbana, Illinois 61801
1-877-210-9167
www.insurance.illinois.gov/ipxp

(Source: Amended at 36 Ill. Reg. _____, effective _____)

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: State Universities Civil Service System
- 2) Code Citation: 80 Ill. Adm. Code 250
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
250.50	Amend
- 4) Statutory Authority: 110 ILCS 70
- 5) A Complete Description of the Subjects and Issues Involved: Sections 250.50(b) through (g) are being amended for minor, technical changes. Section 250.50(h) is amended to bring the retention timeframe of the examination materials in compliance with the local employers' and the State Universities Civil Service System approved Records Retention Policies that were created pursuant to the State Records Act.
- 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 amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
250.30	Amend	March 9, 2012; 36 Ill. Reg. 3840
- 11) Statement of Statewide Policy Objectives: This proposed amendment will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed amendment within 45 days after the date of publication to:

Abby K. Daniels
Legal Counsel Manager

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana, IL 61802

Phone: 217/278-3150, ext. 226
Email: abbyd@sucss.illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The agency did not anticipate this rulemaking when the recent regulatory agenda was published.

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

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEMPART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section

250.5	Definitions
250.10	Purpose, Adoption, and Amendment of Rules
250.20	The State Universities Civil Service System and its Divisions
250.30	The Classification Plan
250.40	Military Service Preference, Veterans Preference
250.50	Examinations
250.60	Eligible Registers
250.70	Nonstatus Appointments
250.80	Status Appointments
250.90	Probationary Period
250.100	Reassignments and Transfers
250.110	Separations and Demotions
250.120	Seniority
250.130	Review Procedures
250.140	Delegation of Authority and Responsibilities
250.150	Training
250.160	Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg.

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1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996; amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 36 Ill. Reg. _____, effective _____

Section 250.50 Examinations

- a) Kinds of Examinations. Examinations shall be of two kinds: original entry and promotional. Both kinds shall be open and continuous competitive examinations.
- b) Eligibility to Compete in Examinations.
 - 1) Any citizen or resident of the State of Illinois, who applies for examination in a specific class at a constituent place of employment served by the University System, who is not rejected or disqualified under subsection (c), and who meets the minimum qualifications as prescribed in the class specification, shall be admitted to ~~thesueh~~ examination. For classes requiring valid licenses or certificates, an applicant must show possession of ~~thesueh~~ license or certificate at, or prior to, time of taking the examination.
 - 2) A promotional examination shall be open to a status employee in a place of employment, who is not rejected or disqualified under subsection (c), who meets the minimum qualifications specified in the class specification for a higher class in the appropriate promotional line and who, in addition, is working by virtue of a status appointment, in a position of a lower class in the same promotional line, is on leave of absence from such a position, or is on layoff from such a position.
 - 3) An applicant who fails to meet the minimum qualifications established for the class, but who can offer qualifications ~~that~~which in the opinion of the Executive Director are considered to be compensatory, shall be admitted to the examination for the class. The names of all ~~such~~ applicants who pass the examination shall be placed on the appropriate register in order of score.
 - 4) In the absence of a name of a candidate on any existing register for a class,

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an applicant who does not possess the minimum qualifications for the class and cannot present compensatory qualifications may be admitted with prior approval of the Executive Director to the examination for the class for the purpose of attempting to fill a specific vacancy. The name of an applicant so admitted, and who passes the examination, shall remain on the register only until the specific vacant position has been filled.

- 5) An applicant with a physical handicap who fails a section or sections of an original entry examination because of circumstances directly related to the handicap, who is subsequently employed in the absence of a register, may, after six months of satisfactory service, upon recommendation of an employer and written approval of the Executive Director, be declared exempt from qualifying on ~~the such~~ failed section or sections of the examination, in which case he/she shall become a status employee in the position in which he/she has been employed or in another position in the same class.
 - 6) For classes requiring technical qualifications for which there is an inadequate supply of qualified applicants who are citizens of, or residents in, the State of Illinois, out-of-state residents may be admitted to the examination. When the citizenship or residency requirement is waived, in-state candidates shall be listed on the register ahead of out-of-state candidates.
 - 7) Any applicant may rewrite an examination for a class three times within any twelve month period, with at least one month time lapse between every rewrite. The candidate's place on the register for the class shall be determined by the highest score achieved on any examination for the class.
 - A) For the purpose of this Section, an original entry and a promotional examination shall be considered to be one and the same examination.
 - B) The limitations of this Section do not apply to an applicant who fails the typewriting and transcribing ~~or stenographic~~ sections of an examination.
- c) Rejection or Disqualification of Applicants. The employer may reject any

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applicant, or, after examination, the Executive Director may refuse to certify any candidate who, in addition to requirements specified in Section 36f of AN ACT to create the State Universities Civil Service System ~~[110 ILCS 70/36f](Ill. Rev. Stat. 1987, ch. 24 1/2, par. 38b5)~~ and subsection (b), fails to pass a physical examination given to determine his/her physical qualifications for employment, uses intoxicating beverages to excess, uses narcotics, has been dismissed from either private or public service for a cause detrimental to his/her employment by an employer under the ~~University~~State Universities Civil Service System (~~System~~), has maintained an unsatisfactory employment record, has practiced deception or fraud in his/her application, examination, or material pertaining to these, or has committed an offense which in the judgment of the Executive Director disqualifies him/her for employment.

d) Character of Examinations.

- 1) Examinations shall consist of one or more of the following: written test; performance test; oral test; physical test; aptitude test; practical test; other appropriate tests; a rating of experience and training.
- 2) All examination content shall be provided by the staff of the University System.
- 3) All examination supplies and materials and all examinations are the property of the University System.
- 4) An original entry or promotional examination may be revised, with the approval of the Executive Director, without affecting existing original entry or promotional registers for the class, providing ~~thesueh~~ revision does not change the character or weighting of sections of the examination.
- 5) The character or weighting of sections of an original entry or promotional examination may be changed, with the approval of the Executive Director, providing that there is sufficient evidence that the current examination for the class is not a satisfactory examining instrument; and providing, further, that ~~thesueh~~ character or weighting of the examination has been in use for a period of at least one year; and providing, further, that 45 days advance notice of ~~thesueh~~ change shall be given to all appropriate employers who shall then communicate ~~thesueh~~ notice in writing to each candidate then

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on an original entry or promotional register by score and shall further communicate ~~thesueh~~ notice in writing to any applicant who applies for an original entry or promotional examination during ~~thesueh~~ 45-day period. During the 45-day period, qualified applicants (including candidates whose names are already on the register by score), at their request, will be scheduled for the examination. At the end of the 45-day period the original entry or promotional registers of candidates by score will be voided, and new original entry or promotional registers by score shall be established on the basis of the new examination.

- e) Administration of Examinations. As approved by the Executive Director, examinations shall be scheduled and administered by the employer. ~~TheSueh~~ examinations shall be conducted on an open and continuous basis, except for examinations to original entry registers at each place of employment, as requested by the employer and approved by the Executive Director, that have a sufficient number of candidates on the register ~~thatwhich~~ preclude further recruitment and testing. In making a determination to reopen (or close) an examination, the Executive Director will consider requests by the employer or other individuals based on the number of positions in the class, projected new positions, and annual turnover rate. Also, for examinations that have been closed for six months or more, the Executive Director will review the need for continuing the approval of a closed examination. The employer shall be responsible for the security of all examination materials supplied to the employer by the University System so long as they are in the employer's custody.
- f) Rating of Examinations.
- 1) The Executive Director and ~~thehis~~ staff of the University System shall use appropriate scientific techniques and procedures in rating tests and in determining resulting rank to the end that all competitors receive uniform and fair treatment.
 - 2) Failure in any portion of a total examination, the passing of which is deemed necessary to qualify for eligibility in the class for which the applicant is being examined, shall eliminate the applicant from passage of the complete examination, regardless of his/her score in other portions of the examinationthereof. For each eliminating test and the final average in an examination, the Executive Director shall announce the minimum

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acceptable rating.

- 3) The passing score for eligibility for certification shall be determined by the Executive Director. This score shall be the same for all examinations given for a class, but it may be changed if in the judgment of the Executive Director the change is for the best interest of the University System; and the change shall be applicable uniformly to all examinations for the class. The passing score shall be made known to all those taking the examination.
 - 4) An applicant who fails to gain eligibility for employment in a higher class may, at the discretion of the Executive Director, elect to accept eligibility for a lower appropriate class, if his/her scores on all appropriate parts of the examination are sufficient to qualify him/her for the lower class.
 - 5) All examination scores shall be on a scale of 1 to 100, with decimal points in examination scores being rounded off to the nearest whole number, i.e., with below .5 having the decimal points dropped and with .5 or above being rounded to the next whole number.
- g) Notification and Review of Scores.
- 1) An applicant shall be sent a written notice of the date and results of his/her examination. The notice must indicate whether the score achieved is passing or failing and if it includes credit for Veterans Preference.
 - 2) All requests of applicants for review of scores shall be made to the Executive Director.
- h) Filing of Examination Records. All ~~administered~~ examinations, and all examination components, administered given by the employer shall be retained by the employer, in accordance with the employer's record retention policy, or in accordance with the University System's record retention policy ~~for at least a period of two months after date of scoring the examination.~~

(Source: Amended at 36 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Public Information, Rulemaking, and Organization
- 2) Code Citation: 2 Ill. Adm. Code 1700
- 3) Section Number: 1700.20 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05], and 2-107 of the Public Utilities Act [220 ILCS 5/2-107], and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]
- 5) Effective Date of Amendment: October 1, 2012
- 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 Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: This amendment is adopted pursuant to Section 5-15 of the Illinois Administrative Procedure Act and was not published as a proposed amendment in the *Illinois Register*.
- 10) Has JCAR issued a Statement of Objection to this amendment? This amendment is adopted pursuant to Section 5-15 of the Illinois Administrative Procedure Act and was not submitted to JCAR for prior review.
- 11) Differences between proposal and final version: There are no differences because, under Section 5-15 of the Illinois Administrative Procedure Act, there is no proposed version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? This amendment results from informal communications between the staffs of JCAR and of the Illinois Commerce Commission, following the Commission's adoption of other amendments to 2 Ill. Adm. Code 1700.20, effective August 15, 2012. JCAR has not issued a formal agreement letter.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of amendment: Section 1700.20 was originally adopted to implement a 2007 amendment to Section 2-107 of the Public Utilities Act [220 ILCS 5/2-107]. The statute, as amended by PA 95-0127, required the Commission to accept comments from Illinois residents regarding any matter under the auspices of the Commission or before the Commission. The rules were amended, effective August 15, 2012, to provide that comments will be reviewed to ensure that their content does not contain links to other website addresses. The amendments following this Notice result from informal communications between the staffs of JCAR and the Commission. They ensure that the Section uniformly uses the word "website," and add language in 2 Ill. Adm. Code 1700.20 (b) and (c) confirming the current practice of permitting a person whose comment is rejected because it contains links to recast the comment so that it can be posted.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Patrick A. Foster
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

217/785-8439

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER IX: ILLINOIS COMMERCE COMMISSION

PART 1700
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC ACCESS

Section

- 1700.10 Accessibility of Commission Meetings
- | 1700.20 Public Comment through the Commission's Website~~Web Site~~ and by Telephone

SUBPART D: NOTICE OF INQUIRY PROCEDURES

Section

- 1700.310 Initiation of Notice of Inquiry
- 1700.320 Notice
- 1700.330 Content of Notice
- 1700.340 Comments and Replies
- 1700.350 Form of Comments and Replies; Number of Copies
- 1700.360 NOI Proceedings

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], Section 2.05 of the Open Meetings Act [5 ILCS 120/2.05], and Section 2-107 of the Public Utilities Act [220 ILCS 5/2-107] and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

SOURCE: Adopted at 8 Ill. Reg. 6664, effective May 1, 1984; amended at 31 Ill. Reg. 16734, effective December 10, 2007; amended at 32 Ill. Reg. 2581, effective February 1, 2008; amended at 34 Ill. Reg. 16359, effective October 15, 2010; amended at 36 Ill. Reg. 13123, effective August 15, 2012; amended at 36 Ill. Reg. 14508, effective October 1, 2012.

SUBPART A: PUBLIC ACCESS

| **Section 1700.20 Public Comment through the Commission's Website~~Web Site~~ and by Telephone**

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- a) Any Illinois resident may comment regarding any matter under the auspices of the Commission or before the Commission through the Commission's ~~website~~web site (www.icc.illinois.gov) or through a toll-free telephone number. All persons making comments must provide their name and the city, village, or other locality in Illinois in which they reside. In addition, persons commenting through the Commission's ~~website~~web site must provide their e-mail address for verification purposes, although the e-mail address will not be posted publicly. Comments made on the Commission's ~~website~~web site, or transcribed comments made by phone, may not be longer than 5,000 characters.
- b) Comments received through the Commission ~~website~~web site will be reviewed to ensure that their content does not contain links to website addresses and is not obscene, profane, defamatory, or otherwise inappropriate for public posting. A person whose comment is rejected because it contains links to other website addresses shall be given the opportunity to recast the comment so that it can be posted. All comments regarding formal proceedings before the Commission will be publicly posted in the section of e-Docket designed to display public comments, along with the name and locality of residence of the person making the comment.
- c) Comments received through the Commission's toll-free telephone number will be transcribed, and will not be publicly posted if their content contains links to website addresses or is obscene, profane, defamatory, or otherwise inappropriate for public posting. A person whose comment is rejected because it contains links to other website addresses shall be given the opportunity to recast the comment so that it can be posted. Comments regarding formal proceedings before the Commission will be publicly posted in the section of e-Docket designed to display public comments, along with the name and locality of residence of the person making the comment.
- d) In formal proceedings before the Commission in which public comments have been posted on e-Docket, the Administrative Law Judge in the case or another Commission employee designated by the Executive Director will report the comments that have been posted to the full Commission, before the Commission votes on the matter. Parties to a formal proceeding before the Commission may respond to public comments by filing their own comments in the same section of e-Docket.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- e) Public comments received through the Commission's ~~website~~ [web site](#) or toll-free number that pertain to a matter that is before the Commission other than as a formal docketed proceeding will be forwarded to the Commission Staff member or members responsible for presenting the matter to the Commission, who will report the comments to the full Commission before the Commission votes on the matter.

(Source: Amended at 36 Ill. Reg. 14508, effective October 1, 2012)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Number: 50.230 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]
- 5) Effective date of Amendment: September 12, 2012
- 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, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in the *Illinois Register*: March 30, 2012; 36 Ill. Reg. 4648
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
50.710	New Section	35 Ill. Reg. 17560; November 4, 2011
50.720	New Section	35 Ill. Reg. 17560; November 4, 2011
50.730	New Section	35 Ill. Reg. 17560; November 4, 2011
50.740	New Section	35 Ill. Reg. 17560; November 4, 2011

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

50.750	New Section	35 Ill. Reg. 17560; November 4, 2011
50.760	New Section	35 Ill. Reg. 17560; November 4, 2011

- 15) Summary and purpose of Rulemaking: This rulemaking changes one of the eligibility guidelines for the Non-TANF Education and Training Program. Currently, participants are required to maintain a cumulative Grade Point Average (GPA) of 2.0. Clients whose grades have improved are being penalized based on the amount of their former GPA. This rulemaking will allow students whose current GPA is 2.0 to participate in the Non-TANF Education and Training Program. As a result, clients will be eligible to participate in the Non-TANF Education and Training Program based on their current GPA. This change will make the eligibility determination easier for both clients and casework staff.
- 16) Information and questions regarding this adopted amendment shall be directed to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
- 217/785-9772
- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.105	Definitions
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider (Repealed)
50.250	Additional Service to Secure or Maintain Child Care
50.260	Job Search (Repealed)

SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Monthly Income and Parent Fee by Family Size and Income Level

SUBPART D: PROVIDER REQUIREMENTS

Section	
50.400	Purpose
50.410	Qualified Provider

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 50.420 Provider Registration and Certification Requirements
- 50.430 Provider Background Checks
- 50.440 Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

- Section
- 50.510 Great START Program
- 50.520 Method of Providing the Wage Supplement
- 50.530 Eligibility
- 50.540 Employer Responsibility
- 50.550 Notification of Eligibility
- 50.560 Phase-in of Wage Supplement Scale
- 50.570 Wage Supplement Scale
- 50.580 Evaluation

SUBPART F: CHILD CARE COLLABORATION PROGRAM

- Section
- 50.610 Child Care Collaboration Program
- 50.620 Approvable Models of Collaboration
- 50.630 Requirements for Approval in the Child Care Collaboration Program
- 50.640 Notification of Eligibility
- 50.650 Rules and Reporting for the Child Care Collaboration Program

AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150

DEPARTMENT OF HUMAN SERVICES

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days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008; amended at 33 Ill. Reg. 8195, effective June 8, 2009; emergency amendment at 33 Ill. Reg. 15889, effective November 1, 2009, for a maximum of 150 days; emergency amendment at 33 Ill. Reg. 16517, effective November 1, 2009, for a maximum of 150 days; emergency expired March 30, 2010; amended at 34 Ill. Reg. 5275, effective March 29, 2010; emergency amendment at 34 Ill. Reg. 8619, effective June 16, 2010, for a maximum of 150 days; emergency expired on November 12, 2010; amended at 34 Ill. Reg. 10512, effective July 8, 2010; amended at 34 Ill. Reg. 19539, effective December 6, 2010; amendment at 35 Ill. Reg. 1397, effective January 6, 2011; amended at 35 Ill. Reg. 3993, effective February 25, 2011; emergency amendment at 35 Ill. Reg. 6583, effective April 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 8878, effective May 25, 2011; amended at 36 Ill. Reg. 1564, effective January 17, 2012; amended at 36 Ill. Reg. 12104, effective July 10, 2012; amended at 36 Ill. Reg. 14513, effective September 12, 2012.

SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility

- a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.
- b) Parents and other relatives eligible to receive child care services include:
 - 1) Recipients of Temporary Assistance for Needy Families (TANF) under

DEPARTMENT OF HUMAN SERVICES

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Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the monthly income ceilings in subsection (b)(2) of this Section.

- 2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose monthly incomes do not exceed the following amounts by family size:

Family Size	Gross Monthly Income
2	\$2,268
3	\$2,857
4	\$3,446
5	\$4,035
6	\$4,624
7	\$5,213
8	\$5,802
9	\$6,391
10	\$6,980

The above income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current federal poverty level for each family size.

- 3) Families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of the first Associate's Degree and/or the first Bachelor's Degree) whose monthly income does not exceed the monthly income ceilings in subsection (b)(2) of this Section. Child care services approved under this Part must be reasonably related to the education or training activity, including class hours and research, study, laboratory, library and transportation time, and unpaid educationally required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income, when added to the income

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

of the other person, does not exceed the monthly income ceiling in subsection (b)(2) of this Section for that family size. All education programs under this Part must be administered by an educational institution accredited under requirements of State law, including, but not limited to, the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 [225 ILCS 410], the Real Estate Act of 2000 [225 ILCS 454], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State University Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690], or the Department of Financial and Professional Regulation.

A) Below Post-Secondary Education Eligibility and Participation Requirements

This category of education includes literacy and other adult basic education, English as a Second Language, and GED preparation programs. There is no work requirement for the first 24 non-consecutive months the client participates. From the 25th month on, the client must work at least 20 hours per week. Child care provided to a teen parent to obtain a high school diploma or its equivalent does not count against this 24-month limit. Individuals enrolled in below post-secondary education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

B) Vocational Education Eligibility and Participation Requirements

This category of education prepares the individual for a specific job, and includes all programs that prepare the client for a specific

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

type of work. The program may be offered by a public community college, public or private university, or private business/technical school. The program usually results in the receipt of a Certificate of Achievement or Completion and/or prepares the client for a specific job or to obtain a license required by some occupations. There is no work requirement for the first 24 non-consecutive months the client participates. From the 25th month on, the client must work at least 20 hours per week. Individuals enrolled in vocational education must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term. The determination of satisfactory progress must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

C) Post-Secondary Education

- i) This category of education includes all undergraduate college level courses that result in an Associate's or Bachelor's Degree. Families eligible to receive child care services while they attend an education or training program under this Section must:
 - be enrolled in a program accredited under requirements of State law as stated in subsection (b)(3) of this Section.
 - not already have an Associate's or Bachelor's Degree, if requesting child care to earn an Associate's Degree. Child care will not be approved for attainment of a second Associate's Degree.
 - not already have a Bachelor's Degree, if requesting child care to earn a Bachelor's Degree. Child care

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NOTICE OF ADOPTED AMENDMENT

will not be approved for attainment of a second Bachelor's Degree.

- not be in an advanced degree program (beyond a Bachelor's Degree). Child care will not be approved for education beyond the attainment of a Bachelor's Degree.
- ii) There is no work requirement for the first 48 non-consecutive months the client participates. From the 49th month on, the client must work at least 20 hours per week. Clients who do not work and who need child care to attend college must maintain a ~~eumulative~~ 2.5 grade point average (on a 4.0 scale) if this measurement is used by the institution to determine satisfactory progress. Clients who work 20 hours or more per week in paid employment while they attend college must maintain a ~~eumulative~~ 2.0 GPA (on a 4.0 scale). In the absence of a GPA, satisfactory progress will be determined by the written policy of the institution. The determination of satisfactory progress, including test/retest results or GPA, must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months. If the client's ~~eumulative~~ GPA falls below 2.5 or 2.0 for those students who work or at any time the client does not maintain satisfactory progress, the client may continue to go to school for another semester. If the ~~eumulative~~ GPA is below 2.5 or 2.0 two semesters in a row, the client will be ineligible for child care until his or her GPA is at or above 2.5 or 2.0.
- D) For child care services received under education/training, a parent enrolled in web-based courses or correspondence learning from an accredited university or college is only eligible for child care assistance if both of the following are met:
- i) The class is offered only at a regularly scheduled time (i.e., 11:00 a.m. every Monday and Wednesday) or the parent

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

must leave the home to have access to a computer. Web-based classes that the parent may take at any time do not fit this criteria.

- ii) The child or children for whom care is requested must be under the age of six, except during the summer or school breaks. Care shall not be authorized during the hours the child is in school or is home schooled, or if the child is in a two-parent family when the other parent is available to care for the child.
- E) Study Time
Child care services may be granted for up to one hour of study time per week for each hour of course credit. When possible, study periods should be arranged around regularly scheduled classes in order to provide a consistent and uninterrupted routine for children in care. Study time shall not be granted to add additional days of care.
- 4) Relatives (other than parents) who receive child-only TANF or General Assistance (GA) benefits as Representative Payee for children in need of care while they work outside the home.
- c) All families must be residents of Illinois.
- d) Payment for child care services to eligible parents may begin:
- 1) if care was provided at the time and all eligibility factors are met, on either:
 - A) the date of the parent's signature; or
 - B) one week (seven calendar days) prior to the stamped date of receipt by the Department or its agents, whichever is later; or
 - 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.

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- e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended at 36 Ill. Reg. 14513, effective September 12, 2012)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Referral for VR Services
- 2) Code Citation: 89 Ill. Adm. Code 552
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
552.10	New Section
552.20	New Section
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3]
- 5) Effective Date of Rule: September 23, 2012
- 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 rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of proposal published in the *Illinois Register*: 36 Ill. Reg. 5074; April 6, 2012
- 10) Has JCAR issued a Statement of Objection to this rulemaking? Yes
- 11) Differences between Proposal and Final Version: In the main source note, "Old Part repealed at 17 Ill. Reg. 20413, effective November 15, 1993; was added before new Part adopted". In Section 552.20, in the last sentence "from referral" was deleted.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No
- 15) Summary and purpose of rulemaking: The Rehabilitation Services Administration (RSA), a federal program under the Department of Education, recommended the Division of Rehabilitation Services (DRS) develop a rule and policy for timely processing of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

referrals. The rulemaking indicates a referral must be recorded on the date it is received. In addition, this rulemaking states an interview must be completed and the customer placed in application status no later than 30 days from the date of referral.

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

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762

217/785-9772

- 17) Does this rulemaking require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 552
REFERRAL FOR VR SERVICES

Section

552.10 General Applicability

552.20 Referral

AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Old Part repealed at 17 Ill. Reg. 20413, effective November 15, 1993; new Part adopted at 36 Ill. Reg. 14524, effective September 23, 2012.

Section 552.10 General Applicability

Rules contained within this Part are applicable to all Department of Human Services-Division of Rehabilitation Services (DHS-DRS) Vocational Rehabilitation (VR) customers.

Section 552.20 Referral

A referral for VR services must be officially recorded on the date it is received. An initial interview must be completed and the customer placed into application status no later than 30 days from the date of the referral. In the event an individual does not respond to reasonable attempts by DHS-DRS staff to complete the application process, the case will be closed.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF MODIFICATION TO MEET THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES' OBJECTION AND SUSPENSION

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.491 Proposed Action:
Modification
- 4) Date Originally Published in the Illinois Register: July 20, 2012; 36 Ill. Reg. 11329
- 5) JCAR Statement of Objection Published in the Illinois Register: August 31, 2012; 36 Ill. Reg. 13738
- 6) Summary of Action Taken by the Agency: At its meeting on August 14, 2012, the Joint Committee on Administrative Rules voted to object to and suspend Section 140.491 of the Department of Healthcare and Family Services' emergency rule titled Medical Payment (89 Ill. Adm. Code 140; 36 Ill. Reg. 11329) because removal of the exemption from prior approval for transportation of patients from one hospital to another to obtain services not available at the discharging hospital was not required under the SMART Act (PA 97-689) and was contrary to public policy because of SMART Act's extraordinary rulemaking authority.

The Department has engaged in months long, time intensive negotiations with stakeholders on this rule and has consumed hours and hours of time in doing so. On August 13, 2012, the night before the August JCAR hearing, the Department continued its negotiations and engaged in an hours long meeting with stakeholders and believed it came to an agreement regarding modifications to the rule. Subsequent to and on the same eve of this meeting, the Department proposed these modifications to JCAR. Although the removal of the exemption from prior approval for hospital-to-hospital transfers was included in the original emergency rule to comply with the SMART Act provision requiring all discharging facilities to certify to the need for ambulance services, the Department continues to engage in discussions with stakeholders in order to come to a resolution on this issue, address JCAR's Objection and Suspension, and implement its statutory directive under SMART.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF MODIFICATION TO MEET THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES' OBJECTION AND SUSPENSION

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
148.70(g)	Undetermined
- 4) Date Originally Published in the Illinois Register: July 13, 2012; 36 Ill. Reg. 10326
- 5) JCAR Statement of Objection Published in the Illinois Register: August 31, 2012; 36 Ill. Reg. 13737
- 6) Summary of Action Taken by the Agency: At its meeting on August 14, 2012, the Joint Committee on Administrative Rules (JCAR) voted to object to and suspend Section 148.70(g) of the Department of Healthcare and Family Services' (Department) SMART emergency rule titled Hospital Services (89 Ill. Adm. Code 148; 36 Ill. Reg. 10326) because it deemed that the Department's denial of payment for entire hospital admissions when a Medicare-defined hospital acquired condition occurs is contrary to federal regulations and not required by the SMART Act (97-689).

The SMART Act specifically authorizes the Department to deny payment for entire hospital admissions [305 ILCS 5/5-5f(h)] and is in line with federal regulations. Notwithstanding, the Department has engaged and continues to engage in discussions with stakeholders in order to come to a resolution on this issue, address JCAR's Objection, and implement its statutory directive under SMART.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF SUSPENSION OF EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Number: 140.442(e)(4)

Date Originally Published in Illinois Register: 7/20/12
36 Ill. Reg. 11329

Date Suspension Published in Illinois Register: 8/31/12
36 Ill. Reg. 13736

Date Suspension Became Effective: 8/15/12

Date Suspension Withdrawn: 9/11/12

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 5-125 of the Illinois Administrative Procedure Act and 1 Ill. Adm. Code 230.600(c)(6), the Joint Committee, at its meeting on 9/11/12, has withdrawn the Suspension of Section 140.442(e)(4) of the Department of Healthcare and Family Services' emergency rule titled Medical Payment (89 Ill. Adm. Code 140; 36 Ill. Reg. 11329). The Committee originally issued this Suspension at its 8/14/12 meeting.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF SUSPENSION OF EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Hospital Services

Code Citation: 89 Ill. Adm. Code 148

Section Number: 148.140(b)(1)(F)

Date Originally Published in Illinois Register: 7/13/12
36 Ill. Reg. 10326

Date Suspension Published in Illinois Register: 8/31/12
36 Ill. Reg. 13739

Date Suspension Became Effective: 8/15/12

Date Suspension Withdrawn: 9/11/12

The Joint Committee on Administrative Rules hereby Certifies that, pursuant to Section 5-125 of the Illinois Administrative Procedure Act and 1 Ill. Adm. Code 230.600(c)(6), the Joint Committee, at its meeting on 9/11/12, has withdrawn the Suspension of Section 148.140(b)(1)(F) of the Department of Healthcare and Family Services' emergency rule titled Hospital Services (89 Ill. Adm. Code 148; 36 Ill. Reg. 10326). The Committee originally issued this Suspension at its 8/14/12 meeting.

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 September 11, 2012 through September 17, 2012 and have been scheduled for review by the Committee at its October 16, 2012 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>
10/25/12	<u>Department of Financial and Professional Regulation</u> , Clinical Psychologist Licensing Act (68 Ill. Adm. Code 1400)	4/27/12 36 Ill. Reg. 6148	10/16/12
10/25/12	<u>Illinois Gaming Board</u> , Video Gaming (General) (11 Ill. Adm. Code 1800)	7/13/12 36 Ill. Reg. 9863	10/16/12
10/25/12	<u>Illinois Gaming Board</u> , Video Gaming (General) (11 Ill. Adm. Code 1800)	7/20/12 36 Ill. Reg. 10578	10/16/12
10/25/12	<u>Department of Public Health</u> , Perinatal HIV Prevention Code (77 Ill. Adm. Code 699)	2/10/12 36 Ill. Reg. 2060	10/16/12
10/31/12	<u>Illinois Racing Board</u> , Entries, Subscriptions, and Declarations (11 Ill. Adm. Code 1413)	7/27/12 36 Ill. Reg. 11969	10/16/12
10/31/12	<u>Illinois Racing Board</u> , Entries and Declarations (11 Ill. Adm. Code 1312)	7/27/12 36 Ill. Reg. 11965	10/16/12

CHIEF PROCUREMENT OFFICER FOR CAPITAL DEVELOPMENT BOARD

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the Illinois Register.
2. Name of Contributor: B & B Electric, Inc.
3. Date of Violation: June 30, 2010.
4. Description of Violation: B & B Electric, Inc., made a contribution of \$500.00 to Brady for Senate, Inc., a campaign committee established to support the election of Bill Brady to public office. At the time of the contribution, Bill Brady was a declared candidate for the office of governor, and B & B Electric, Inc. had in place an active bid with the Capital Development Board, the total value of which was in excess of \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violate the campaign contribution prohibition are voidable at the discretion of the chief procurement officer. The Chief Procurement Officer for the Capital Development Board has notified B & B Electric, Inc. of the apparent violation, reviewed responsive material provided by B & B Electric, Inc., and has considered the value, status, and necessity of the contracts. In addition, the Officer has taken into consideration the recognition by Mr. Todd M. Brinkman of the violation and his understanding of the necessity to avoid such situations in the future. The CPO finds that voiding affected contracts, bids or proposals would not be in the best interest of the State.

As required by Section 50-37(e) of the Procurement Code, Brady for Senate, Inc., is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning proposed changes in methods and standards for establishing medical assistance payment rates for hospital services in the Illinois Register: 5 ILCS 100/5-70(c)
2. Summary of information: The Illinois Department of Healthcare and Family Services (HFS), at the request of the Illinois Department of Human Services (DHS), propose changes to the methods and standards by which certain services are reimbursed under the Illinois Medicaid program. These changes are being made in order to assure that reimbursement for services rendered by the class of providers are consistent with the State=s fiscal year 2013 budget while maintaining access to necessary medical services. Unless otherwise noted, these changes become effective on October 1, 2012.

Home and community-based services. HFS proposes to modify the Community Integrated Living Arrangements (CILA) funding model used to calculate rates for people served in CILAs who receive 24 Hour Shift Staff Supports and live in CILA sites with a capacity of four or fewer. The proposed changes will **NOT** affect calculated rates for people served in Non-Model CILA, Intermittent CILA, Family Intermittent CILA, and/or Host Family CILA, and/or people served in CILA sites with 24 Hour Shift Staff Supports with site capacity of five or greater.

The proposed changes include:

- Modify formulas to fund a minimum of one direct care staff person (DSP) to be on duty for all residential hours for one, two, three and four bed CILAs. It is estimated that this change will result in an increase of annualized state expenditures of \$0.24 million.
- Increase the minimum DSP coverage by two hours per day, Monday through Friday. The increase will add funding for one hour each to "Prime" and "Non-Prime" DSP staff time for a total of five Prime and six Non-Prime DSP staff time, Monday through Friday. It is estimated that this change will result in an increase of annualized state expenditures of \$2.80 million.
- Update the Housing Allowance for individuals being served in CILA sites with capacity of four or fewer and who are funded with 24 Hour shift staff supports through the 60D CILA Individual Rate Determination Model Methodology, by adopting the U.S Department of Housing and Urban Development's (HUD) final FY2012 Fair Market Rent (FMR) values for existing housing as published in the Federal Register on October 1, 2011. This change will apply to individuals

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

served in one and two bed CILA sites who are funded with 24 Hour shift staff supports. HFS also proposes updating the housing values used to calculate the Housing Allowance for individuals who are funded with 24 Hour shift staff supports in CILA sites with a capacity of one to four by utilizing the HUD FY 2012 Final Fair Market Rents for Existing Housing as published in the Federal Register on October 1, 2011. It is estimated that this change will result in an increase of annualized state expenditures of \$0.75 million.

- Adjust the funding formulas for Vehicle Purchases and Vehicle Operation for one, two and three bed CILA sites by eliminating the minimum four capacity allocation. It is estimated that this change will result in an increase of annualized state expenditures of \$0.02 million.
- Implement a funding formula change to calculate "Base Nursing", "RN Monitoring of Medication Administration" and licensed practical nurse (LPN) and registered nurse (RN) services provided through "Nursing Treatments". An adjustment factor will be incorporated into the nursing reimbursement of "Base Nursing", "RN Monitoring of Medication Administration" and "Nursing Treatments" for people with Physical Status Review (PSR) scores between one and six as determined by the Health Risk Screening Tool. It is estimated that this change will result in an increase of annualized state expenditures of \$0.49 million.

It is estimated that all the changes will result in an increase of annualized state expenditures of \$4.30 million.

3. Name and address of person to contact concerning this information:

Any interested party may submit comments, data, views, or arguments concerning these proposed changes in reimbursement methods and standards. All comments must be in writing and should be addressed to:

Bureau of Program and Reimbursement Analysis
Division of Medical Programs
Healthcare and Family Services
201 South Grand Avenue East
Springfield, Illinois 62763-0001
E-mail address: bpra@illinois.gov

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PUBLIC INFORMATION

Interested persons may review these proposed changes on the Internet at <http://www.hfs@illinois.gov/publicnotice>. Local access to the Internet is available through any local public library. In addition, this material may be viewed at the DHS local offices (except in Cook County). In Cook County, the changes may be reviewed at the Office of the Director, Illinois Department of Healthcare and Family Services, 401 South Clinton Street, Chicago, Illinois. The changes may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements found at 42 *CFR* 447.205.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 36, Issue 39 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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