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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 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
26	June 17, 2013	June 28, 2013
27	June 24, 2013	July 5, 2013
28	July 1, 2013	July 12, 2013
29	July 8, 2013	July 19, 2013
30	July 15, 2013	July 26, 2013
31	July 22, 2013	August 2, 2013
32	July 29, 2013	August 9, 2013
33	August 5, 2013	August 16, 2013
34	August 12, 2013	August 23, 2013
35	August 19, 2013	August 30, 2013
36	August 26, 2013	September 6, 2013
37	September 3, 2013	September 13, 2013
38	September 9, 2013	September 20, 2013
39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Licensing of Radioactive Material
- 2) Code Citation: 32 Ill. Adm. Code 330
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
330.220	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10 of the Radiation Protection Act of 1990 [420 ILCS 40/10]
- 5) A Complete Description of the Subjects and Issues Involved: The Agency is proposing this amendment to Section 330.220(b)(4)(A) to clarify the intent of general license registration requirements such that any gauging or controlling device that contains 37 MBq (1 mCi) or greater of radioactive materials other than strontium-90, radium-226 or polonium-210 will be required to be registered with the Agency. This proposed amendment will ensure compatibility with the U.S. Nuclear Regulatory Commission's 10 CFR 31.5 regulations currently in place for use of radioactive materials.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill Adm. Code 100.355: No
- 7) Will this rulemaking replace any emergency amendment currently in effect? No
- 8) Does this amendment 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>
330.40	Amendment	37 Ill. Reg. 2533; March 1, 2013
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

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- 12) Time, Place and Manner in which interested persons may comment on this proposed Rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Agency will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Traci Burton
Paralegal Assistant
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, Illinois 62704

217/785-9860 (voice)
217/782-6133 (TDD)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not for profit corporations affected: This does not affect any of the listed entities.
 - 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: January 2013

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY

CHAPTER II: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER b: RADIATION PROTECTION

PART 330

LICENSING OF RADIOACTIVE MATERIAL

SUBPART A: GENERAL PROVISIONS

Section	
330.10	Purpose and Scope
330.15	Incorporations by Reference
330.20	Definitions
330.30	License Exemption – Source Material
330.40	License Exemption – Radioactive Materials Other Than Source Material

SUBPART B: TYPES OF LICENSES

Section	
330.200	Types of Licenses
330.210	General Licenses – Source Material
330.220	General Licenses – Radioactive Material Other Than Source Material

SUBPART C: SPECIFIC AND GENERAL LICENSES

Section	
330.240	Filing Applications for Specific Licenses
330.250	General Requirements for the Issuance of Specific Licenses
330.260	Special Requirements for Issuance of Certain Specific Licenses for Radioactive Materials
330.270	Special Requirements for Specific Licenses of Broad Scope
330.280	Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material
330.290	Requirements for Emergency Plans
330.300	Issuance of Specific Licenses
330.310	Terms and Conditions of Specific and General Licenses
330.320	Renewal Requirements for Specific Licenses
330.325	Termination Requirements for Specific Licenses and Locations of Use

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330.330	Renewal of Licenses (Repealed)
330.340	Amendment of Licenses at Request of Licensee
330.350	Agency Action on Application to Renew or Amend
330.360	Persons Possessing a License for Source, Byproduct, or Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass on Effective Date of This Part (Repealed)
330.370	Persons Possessing Accelerator-Produced or Naturally-Occurring Radioactive Material on Effective Date of This Part (Repealed)
330.400	Transfer of Material
330.500	Modification and Revocation of Licenses
330.900	Reciprocal Recognition of Licenses
330.950	Nationally Tracked Sources

SUBPART D: TRANSPORTATION

Section

330.1000	Transportation of Radioactive Materials (Repealed)
330.APPENDIX A	Exempt Concentrations
330.APPENDIX B	Exempt Quantities
330.APPENDIX C	Quantities of Radioactive Materials Requiring Consideration of the Need for an Emergency Plan for Responding to a Release
330.TABLE A	Group I (Repealed)
330.TABLE B	Group II (Repealed)
330.TABLE C	Group III (Repealed)
330.TABLE D	Group IV (Repealed)
330.TABLE E	Group V (Repealed)
330.TABLE F	Group VI (Repealed)
330.APPENDIX D	Limits for Broad Licenses (Section 330.270)
330.APPENDIX E	List of Specialty Board Certifications Recognized by the Agency Until October 24, 2007 (Repealed)
330.APPENDIX F	Nationally Tracked Source Thresholds
330.APPENDIX G	Financial Surety Arrangements (Section 330.250(c)(1)(D)) (Repealed)
330.APPENDIX H	Wording of Financial Surety Arrangements (Section 330.250(c)(1)(E)) (Repealed)

AUTHORITY: Implementing and authorized by the Radiation Protection Act of 1990 [420 ILCS 40].

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SOURCE: Filed April 20, 1974, by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; amended at 5 Ill. Reg. 9586, effective September 10, 1981; codified at 7 Ill. Reg. 17492; recodified at 10 Ill. Reg. 11268; amended at 10 Ill. Reg. 17315, effective September 25, 1986; amended at 15 Ill. Reg. 10632, effective July 15, 1991; amended at 18 Ill. Reg. 5553, effective March 29, 1994; emergency amendment at 22 Ill. Reg. 6242, effective March 18, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14459, effective July 27, 1998; amended at 24 Ill. Reg. 8042, effective June 1, 2000; amended at 27 Ill. Reg. 5426, effective March 17, 2003; recodified from the Department of Nuclear Safety to the Illinois Emergency Management Agency at 27 Ill. Reg. 13641; amended at 30 Ill. Reg. 8928, effective April 28, 2006; amended at 32 Ill. Reg. 6462, effective April 7, 2008; amended at 32 Ill. Reg. 9199, effective June 13, 2008; amended at 33 Ill. Reg. 4918, effective March 23, 2009; amended at 35 Ill. Reg. 2931, effective February 7, 2011; amended at 35 Ill. Reg. 3969, effective February 28, 2011; emergency amendment at 35 Ill. Reg. 5654, effective March 21, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 9009, effective June 2, 2011; amended at 37 Ill. Reg. _____, effective _____.

SUBPART B: TYPES OF LICENSES

Section 330.220 General Licenses – Radioactive Material Other Than Source Material

a) Certain Devices and Equipment

- 1) A general license is hereby issued to transfer, receive, acquire, possess and use radioactive material incorporated in the following devices or equipment that has been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to 10 CFR 31.3. This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341 and 400 and Sections 330.40(a)(2), 330.310, 330.400 and 330.500 of this Part.

AGENCY NOTE: Attention is directed particularly to the provisions of 32 Ill. Adm. Code 340 that relate to the labeling of containers.

- 2) Static Elimination Device. Devices designed for use as static eliminators that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 18.5 MBq (500 microCi) of polonium-210 per device.

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- b) Certain Measuring, Gauging or Controlling Devices and Certain Devices for Producing Light or an Ionized Atmosphere
- 1) A general license is hereby issued to commercial and industrial firms and to research, educational and medical institutions, individuals in the conduct of their business and State or local government agencies to receive, acquire, possess, use or transfer, in accordance with the provisions of subsections (b)(2) through (9), radioactive material, excluding special nuclear material, contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.
 - 2) The general license provided by subsection (b)(1) applies only to radioactive material contained in devices that have been manufactured or initially transferred and labeled in accordance with the specifications contained in a specific license issued by the Agency pursuant to Section 330.280(d) or in accordance with the specifications contained in an equivalent specific license issued by the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State that authorizes distribution of devices to persons generally licensed by the U.S. Nuclear Regulatory Commission, an Agreement State or a former Licensing State. The devices shall have been received from a specific licensee described in this subsection (b)(2) or through a transfer made under subsection (b)(3)(L).

AGENCY NOTE: Regulations under the Federal Food, Drug and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling that is found in 21 CFR 179.21.
 - 3) Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (b)(1) of this Section:
 - A) Shall assure that all labels affixed to the device at the time of receipt, and bearing a statement that removal of the label is prohibited, are maintained on the device and shall comply with all instructions and precautions provided by such labels;

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- B) Shall assure that the device is tested for leakage of, or contamination by, radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than 6-month intervals or at such other intervals as are specified on the device labels; however:
- i) A device containing only krypton need not be tested for leakage of, or contamination by, radioactive material; and
 - ii) A device containing only tritium or not more than 3.7 MBq (100 microCi) of other beta and/or gamma emitting material or 370 kBq (10 microCi) of alpha emitting material or a device held in storage in the original shipping container prior to initial installation need not be tested for any purpose;
- C) Shall assure that testing (including testing required by subsection (b)(3)(B)), installation, servicing and removal from installation involving the radioactive material, its shielding or containment is performed:
- i) In accordance with the instructions provided by the labels; or
 - ii) By a person holding an applicable specific license from the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State to perform such activities;
- D) Shall maintain records showing compliance with the requirements of subsections (b)(3)(B), (C) and (H) and (b)(6)(B). The records shall show the results of tests. The records shall also show the dates of performance of, and the names of persons performing, physical inventories, testing, installation, servicing and removal from installation of radioactive material or its shielding or containment. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license provided by subsection (b)(1) shall retain these records as follows:

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- i) A record of a test of an on-off mechanism and indicator or a test for leakage or contamination performed in accordance with subsection (b)(3)(B) shall be retained for 5 years after the next required test is performed or until the device is transferred or disposed of; and
- ii) A record of testing, installation, servicing or removal from installation performed in accordance with subsection (b)(3)(C) shall be retained for 5 years from the date of the recorded event or until the device is transferred or disposed of; and
- iii) A record of transfer or disposal of a device in accordance with subsection (b)(3)(H) shall be retained for 5 years from the date of the recorded event; and

AGENCY NOTE: Note that this record must be retained after transfer of the device.

- iv) A record of a quarterly physical inventory performed in accordance with subsection (b)(6)(B) shall be retained for 5 years after the next required test is performed or until the device is transferred or disposed of;
- E) Shall immediately suspend operation of the device if there is a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 Bq (5 nanoCi) or more removable radioactive material. The device shall not be operated until it has been repaired by the manufacturer or other person holding an applicable specific license from the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State to repair such devices. The device and any radioactive material from the device shall be disposed of only by transfer to a person authorized by an applicable specific license to receive the radioactive material in the device or as otherwise approved by the Agency. A report containing a brief description of the event and the remedial action taken shall be furnished to the

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Agency within 30 days. As applicable, the following shall also be furnished to the Agency:

- i) A report within 5 days (as required by 32 Ill. Adm. Code 340.1260) if detection of 185 Bq (5 nanoCi) or more removable radioactive material indicates that a sealed source is leaking or contaminated; and
 - ii) A plan within 30 days for ensuring that the person's premises and environs are acceptable for unrestricted use if 185 Bq (5 nanoCi) or more removable radioactive material is detected on the device or failure of or damage to a source is likely to result in contamination of the premises or the environs;
- F) Shall not abandon the device containing radioactive material;
- G) Shall not export the device containing radioactive material except in accordance with 10 CFR 110, published at 73 Fed. Reg. 78615, December 23, 2008, exclusive of subsequent amendments or editions;
- H) Shall transfer or dispose of the device containing radioactive material only:
- i) By export as provided by subsection (b)(3)(G);
 - ii) By transfer to another general licensee as provided by subsection (b)(3)(L);
 - iii) By transfer to a person authorized to receive the device by a specific license issued by the Agency pursuant to Section 330.280(d) or an equivalent specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State;
 - iv) By transfer to a person authorized to perform waste collection by a specific license issued by the Agency, the

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U.S. Nuclear Regulatory Commission or an Agreement State; or

- v) As approved under subsection (b)(3)(K);
 - I) Shall furnish a written report to the Agency within 30 days after transferring, disposing of or redesignating the device containing radioactive material. The notification shall include:
 - i) The identification of the device by manufacturer's (or initial transferor's) name, model and serial number;
 - ii) The name, address and license number of the transferee (license number not applicable if exported);
 - iii) A receipt from the transferee showing the serial number of the device and the date that it was received (not applicable if exported or redesignated);
- AGENCY NOTE: Subsection (b)(3)(O) of this Section provides information about redesignation of administrative control over a device.
- J) Shall maintain a record of the transfer or disposal of the device as required by subsection (b)(3)(D)(iii);
 - K) Shall obtain written approval from the Agency before transferring the device to a transferee not identified in subsections (b)(3)(H)(i) through (iv);
 - L) Shall transfer the device to another general licensee only if:
 - i) The device remains in use at a particular location. In such case the transferor shall give the transferee a copy of subsection (b), a copy of 32 Ill. Adm. Code 310.40, 310.80, 330.310, 330.500, 340.1210, 340.1220, 340.1260 and any safety documents identified in the device labels; or

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- ii) The device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use;
- M) Shall furnish a report to the Agency within 30 days after transferring a device containing radioactive material as provided by subsection (b)(3)(L)(i). The notification shall include:
- i) The identification of the device by manufacturer's (or initial transferor's) name, model and serial number;
 - ii) The transferee's name and mailing address;
 - iii) The address of the transferee's location of use or storage of the device; and
 - iv) The name, title and phone number of the responsible individual identified by the transferee in accordance with subsection (b)(3)(N) to have knowledge of, and authority to take actions to ensure compliance with, the appropriate regulations and requirements;
- N) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;
- O) May redesignate a device to be possessed and used under its own specific license without prior approval if the person:
- i) Verifies that the specific license authorizes possession and use of the device or applies for and obtains an amendment to the license authorizing the possession and use;
 - ii) Removes, alters, covers or clearly and unambiguously augments the existing label required by subsection

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- (b)(3)(A) so that the device is labeled in compliance with 32 Ill. Adm. Code 340.910; however, the manufacturer, model number and serial number shall be retained;
- iii) Obtains the manufacturer's or initial transferor's information concerning maintenance that would be applicable under the specific license (such as leak testing procedures); and
 - iv) Reports the new designation as required by subsection (b)(3)(I).
- 4) Any person who receives, acquires, possesses or uses a device identified in subsection (b)(4)(A) shall register with the Agency in accordance with subsection (b)(4)(B):
- A) A person shall register with the Agency if the person receives, acquires, possesses or uses any of the following devices pursuant to the general license described in subsection (b)(1):
 - i) Devices (i.e., an~~An~~ electron capture detector, gauge~~, or~~ x-ray fluorescence analyzer, or other measuring, gauging or controlling device) containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material~~, based on the activity indicated on the label, other than strontium-90, radium-226 or polonium-210; or~~
 - ii) A device containing a sealed source equal to or greater than 3.7 MBq (100 μ Ci) of strontium-90 or radium-226; ~~or~~
 - iii) A static control or measuring device containing a sealed source equal to or greater than 37 MBq (1 mCi) of radioactive material other than polonium-210 or radium-226;
 - B) A person shall register with the Agency no later than 30 days after receiving a device identified in subsection (b)(4)(A). Registration information shall be in a format prescribed by the Agency and furnished in accordance with subsection (b)(4)(C);

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- C) When registering with the Agency, a person shall furnish the following and any other information requested by the Agency to track the location and use of a device:
- i) The name and mailing address of the person;
 - ii) The name, title and phone number of the responsible individual designated by the person in accordance with subsection (b)(3)(N) as having knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements;
 - iii) Information about each device meeting the criteria of subsection (b)(4)(A). This information shall include the manufacturer (or initial transferor), model, serial number, radionuclide and activity as indicated on the labels, the location of the device within the radiation installation, and the calendar quarter and year the person received the device;
 - iv) The addresses of the locations of use or storage of the devices reported under subsection (b)(4)(C)(iii);

AGENCY NOTE: For portable devices, these are the addresses of the primary places of storage.
 - v) Certification by the responsible individual that the information about devices was verified through a physical inventory and examination of label information; and
 - vi) Certification by the responsible individual that the general licensee is aware of the requirements of the general license;

AGENCY NOTE: Fee requirements for general licenses are in 32 Ill. Adm. Code 331. Reporting requirements are in Section 330.310(b), and bankruptcy notification requirements are in Section 330.310(j).

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- D) Any person who is required by subsection (b)(4) to register with the Agency shall report a change in mailing address or address of location of use or storage. This report shall be furnished to the Agency within 30 days after the change.

AGENCY NOTE: For portable devices, this is the address of the primary place of storage.

- 5) A person from out of state who is generally licensed by the U.S. Nuclear Regulatory Commission or an Agreement State with respect to a device identified in subsection (b)(4)(A) is exempt from the registration requirement in subsection (b)(4) if the device is used in areas subject to Agency jurisdiction for a period less than 180 days in any calendar year.
- 6) Any person who receives, acquires, possesses or uses radioactive material in a device under the general license described in subsection (b)(1) shall limit storage of a device that is not in use to a maximum of 2 years.
- A) If a device with a shutter is not being used, the shutter shall be locked in the closed position. Testing for proper operation of the on-off mechanism and indicator is not required during the storage period. However, the on-off mechanism and indicator shall be checked before the device is returned to service if the device has not been tested within the required test interval. Tests for leakage of, or contamination by, radioactive material shall be conducted during the storage interval as required by subsection (b)(3)(B).
- B) A device kept in standby for future use is exempt from the 2-year storage limit if the person performs a quarterly physical inventory of the device while it is in standby. The requirements and exemption of subsection (b)(6)(A) shall apply.

AGENCY NOTE: Record keeping requirements are contained in subsection (b)(3)(D).

- 7) Failure of any person to comply with the requirements of this subsection (b) may cause the Agency to impose civil penalties in accordance with 420 ILCS 40/36 and 32 Ill. Adm. Code 200.

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- 8) The general license described in subsection (b)(1) does not authorize the manufacture of devices containing radioactive material.
 - 9) The general license described in subsection (b)(1) is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 326, 331, 340.1210, 340.1220, 340.1260, and 341 and Sections 330.310 and 330.500 of this Part. Any person who receives, acquires, possesses, uses or transfers radioactive material in a device pursuant to the general license described in subsection (b)(1) of this Section is exempt from the requirements of 32 Ill. Adm. Code 400 and 340 except for the Sections of 32 Ill. Adm. Code 340 specifically identified in subsections (b)(3)(E) and (b)(9) of this Section.
- c) Luminous Safety Devices for Aircraft
- 1) A general license is hereby issued to receive, acquire, possess and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:
 - A) Each device contains not more than 370 GBq (10 Ci) of tritium or 11.1 GBq (300 mCi) of promethium-147; and
 - B) Each device has been manufactured, assembled or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the Department or an Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in 10 CFR 32.53, published at 43 FR 6923, February 17, 1978, exclusive of subsequent amendments or editions.
 - 2) Persons who receive, acquire, possess or use luminous safety devices pursuant to the general license in subsection (c)(1) of this Section are exempt from the requirements of 32 Ill. Adm. Code 340 and 400, except that they shall comply with the provisions of 32 Ill. Adm. Code 340.1210 and 340.1220.
 - 3) This general license does not authorize the manufacture, assembly or

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repair of luminous safety devices containing tritium or promethium-147.

- 4) This general license does not authorize the receipt, acquisition, possession or use of promethium-147 contained in instrument dials.
 - 5) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90 and 341 and Sections 330.310, 330.400 and 330.500 of this Part.
- d) **Ownership of Radioactive Material.** A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this Part, this general license does not authorize the manufacture, production, transfer, receipt, possession or use of radioactive material.
- e) **Calibration and Reference Sources**
- 1) A general license is hereby issued to those persons listed below to receive, acquire, possess, use and transfer, in accordance with the provisions of subsections (e)(4) and (5), americium-241 in the form of calibration or reference sources:
 - A) Any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material; and
 - B) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission that authorizes the licensee to receive, possess, use and transfer special nuclear material.
 - 2) A general license is hereby issued to receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) to any person who holds a specific license issued by the Agency that authorizes the licensee to receive, possess, use and transfer radioactive material.
 - 3) A general license is hereby issued to receive, possess, use and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of subsections (e)(4) and (5) to any person who holds a specific license issued by the Agency that authorizes the licensee to

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receive, possess, use and transfer radioactive material.

- 4) The general licenses in subsections (e)(1) through (3) apply only to calibration or reference sources that have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.57, published at 73 Fed. Reg. 42674, July 23, 2008, exclusive of subsequent amendments or additions, or 70.39, published at 43 Fed. Reg. 6925, February 17, 1978, exclusive of subsequent amendments or additions, or that have been manufactured in accordance with the specifications contained in a specific license issued by the Agency, an Agreement State or a former Licensing State pursuant to licensing requirements equivalent to those contained in 10 CFR 32.57, published at 73 Fed. Reg. 42674, July 23, 2008, exclusive of subsequent amendments or additions, or 70.39, published at 43 Fed. Reg. 6925, February 17, 1978, exclusive of subsequent amendments or editions.
- 5) The general licenses provided in subsections (e)(1) through (3) are subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90, 340, 341 and 400 and Sections 330.310, 330.400 and 330.500 of this Part. In addition, persons who receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:
 - A) Shall not possess at any one time, at any one location of storage or use, more than 185 kBq (5 μ Ci) of americium-241, 185 kBq (5 μ Ci) of plutonium or 185 kBq (5 μ Ci) of radium-226 in such sources;
 - B) Shall not receive, possess, use or transfer such source unless the source or the storage container bears a label that includes the following statement or a statement that contains the information called for in this statement:

The receipt, possession, use and transfer of this source, Model ____, Serial No. _____, are subject to a general license and the regulations of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory

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authority. Do not remove this label.

CAUTION – RADIOACTIVE MATERIAL – THIS SOURCE CONTAINS (AMERICIUM-241) (PLUTONIUM) (RADIUM-226). DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

Name of Manufacturer or Importer

AGENCY NOTE: Showing only the name of the appropriate material.

- C) Shall not transfer, abandon or dispose of the source except by transfer to a person authorized by a license from the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State to receive the source;
 - D) Shall store the source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium or radium-226 that might otherwise escape during storage; and
 - E) Shall not use the source for any purpose other than the calibration of radiation detectors or the standardization of other sources.
- 6) These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium or radium-226.
- f) General License for Use of Radioactive Material for Certain In Vitro Clinical or Laboratory Testing

AGENCY NOTE: The New Drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.

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- 1) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of subsections (f)(2) through (6), the following radioactive materials in prepackaged units for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals:
 - A) Carbon-14, in units not exceeding 370 kBq (10 μ Ci) each.
 - B) Cobalt-57, in units not exceeding 370 kBq (10 μ Ci) each.
 - C) Hydrogen-3 (tritium), in units not exceeding 1.85 MBq (50 μ Ci) each.
 - D) Iodine-125, in units not exceeding 370 kBq (10 μ Ci) each.
 - E) Mock iodine-125 reference or calibration sources, in units not exceeding 1.85 kBq (50 nCi) of iodine-129 and 185 Bq (5 nCi) of americium-241 each.
 - F) Iodine-131, in units not exceeding 370 kBq (10 μ Ci) each.
 - G) Iron-59, in units not exceeding 740 kBq (20 μ Ci) each.
 - H) Selenium-75, in units not exceeding 370 kBq (10 μ Ci) each.
- 2) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by subsection (f)(1) until he or she has filed the Agency form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License", with the Agency and received from the Agency a validated copy of the form with certification number assigned. No person shall transfer a validated copy of the form to another person without prior written consent of the Agency. The following information shall be furnished to the Agency on the form entitled "Certificate – In Vitro Testing with Radioactive Material Under General License":

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- A) Name and address of the physician, veterinarian, clinical laboratory or hospital;
 - B) The location of use; and
 - C) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in subsection (f)(1) and that the tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.
- 3) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by subsection (f)(1) shall comply with the following:
- A) The general licensee shall not possess at any one time, pursuant to the general license in subsection (f)(1), at any one location of storage, or use a total amount of iodine-125, iodine-131, selenium-75, iron-59 and/or cobalt-57 in excess of 7.4 MBq (200 μ Ci).
 - B) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.
 - C) The general licensee shall use the radioactive material only for the uses authorized by subsection (f)(1).
 - D) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Agency, the U.S. Nuclear Regulatory Commission or an Agreement State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.
 - E) The general licensee shall dispose of the mock iodine-125 reference or calibration sources described in subsection (f)(1)(E) as required by 32 Ill. Adm. Code 340.1010(a).

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4) The general licensee shall not receive, acquire, possess or use radioactive material pursuant to subsection (f)(1):

A) Except as prepackaged units that are labeled in accordance with the provisions of an applicable specific license issued pursuant to Section 330.280(g) or in accordance with the provisions of a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State that authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57 or mock iodine-125 to persons generally licensed under this subsection (f) or its equivalent; and

B) Unless one of the following statements, as appropriate, or a statement that contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure that accompanies the package:

This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the U.S. Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

Name of Manufacturer or Importer

5) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of subsection (f)(1)

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shall report in writing to the Agency, any changes in the information furnished by the licensee in the "Certificate – In Vitro Testing with Radioactive Material Under General License", Agency Form KLM.006. The report shall be furnished within 30 days after the effective date of the change.

- 6) This general license is subject to the provisions of 32 Ill. Adm. Code 310 and 331.
- g) Ice Detection Devices
 - 1) A general license is hereby issued to receive, acquire, possess, use and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 1.85 MBq (50 μ Ci) of strontium-90 and each device has been manufactured or initially transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission or each device has been manufactured or initially transferred in accordance with the specifications contained in a specific license issued by the Agency or an Agreement State to the manufacturer of the device pursuant to licensing requirements equivalent to those in 10 CFR 32.61.
 - 2) Persons who receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in subsection (g)(1):
 - A) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage or contamination and repaired by a person holding a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State to manufacture or service those devices; or shall dispose of the device pursuant to the provisions of 32 Ill. Adm. Code 340.1010(a);
 - B) Shall assure that all labels affixed to the device at the time of receipt, and that bear a statement that prohibits removal of the labels, are maintained on the device; and
 - C) Are exempt from the requirements of 32 Ill. Adm. Code 340 and

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400 except that such persons shall comply with the provisions of 32 Ill. Adm. Code 340.1010(a), 340.1210, 340.1220 and 340.1260.

- 3) This general license does not authorize the manufacture, assembly, disassembly or repair of strontium-90 in ice detection devices.
 - 4) This general license is subject to the provisions of 32 Ill. Adm. Code 310.40 through 310.90 and 341 and Sections 330.310, 330.400 and 330.500 of this Part.
- h) Certain Items and Self-Luminous Products Containing Radium-226
- 1) A general license is hereby issued to any person to acquire, receive, possess, use or transfer, in accordance with the provisions of this subsection (h), radium-226 contained in the following products manufactured prior to November 30, 2007:
 - A) Antiquities originally intended for use by the general public. For the purposes of this subsection (h)(1)(A), antiquities means products originally intended for use by the general public and distributed in the late 19th and early 20th centuries, such as radium emanator jars, revigators, radium water jars, radon generators, refrigerator cards, radium bath salts and healing pads;
 - B) Intact timepieces containing greater than 37 kBq (1 μ Ci), nonintact timepieces and timepiece hands and dials no longer installed in timepieces;
 - C) Luminous items installed in air, marine or land vehicles;
 - D) All other luminous products, provided that no more than 100 items are used or stored at the same location at any one time; and
 - E) Small radium sources containing no more than 37 kBq (1 μ Ci) of radium-226. For the purposes of this subsection (h)(1)(E), "small radium sources" means discrete survey instrument check sources, sources contained in radiation measuring instruments, sources such as cloud chambers and spinthariscopes used in educational

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demonstrations, electron tubes, lightning rods, ionization sources, static eliminators or sources otherwise designated by the Agency.

- 2) Any person who acquires, receives, possesses, uses or transfers radioactive material under the general license in subsection (h)(1) is exempt from the provisions of 32 Ill. Adm. Code 340 and 400 to the extent that the receipt, possession, use or transfer of radioactive material is within the terms of the general license. This exemption does not apply to any person specifically licensed under this Part.
- 3) Any person who acquires, receives, possesses, uses or transfers radioactive material in accordance with the general license in subsection (h)(1):
 - A) Shall notify the Agency within 30 days if there is any indication of possible damage to a product that could result in loss of radioactive material. The report shall provide a brief description of the event and the remedial action taken;
 - B) Shall not abandon a product containing radium-226. The product and any radioactive material from the product shall only be disposed of in accordance with subsection (h)(3)(D);
 - C) Shall not export a product containing radium-226, except in accordance with 10 CFR 110, published at 73 Fed. Reg. 78615, December 23, 2008, exclusive of subsequent amendments or editions; and
 - D) Shall dispose of a product containing radium-226 only in accordance with 32 Ill. Adm. Code 340.1010(a), or by transfer to a person specifically licensed under this Part to receive the radium-226 in the product, or as otherwise approved by the Agency in writing.
- 4) The general license in subsection (h)(1) does not authorize the manufacture, assembly, disassembly, repair or import of a product containing radium-226, except that timepieces may be disassembled and repaired.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Hospital Financial Assistance under the Fair Patient Billing Act
- 2) Code Citation: 77 Ill. Adm. Code 4500
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
4500.10	New
4500.20	New
4500.30	New
4500.40	New
4500.50	New
4500.60	New
4500.APPENDIX A	New
- 4) Statutory Authority: Implementing and authorized by Section 27 of the Fair Patient Billing Act [210 ILCS 88/27, as amended by PA 97-690, effective June 14, 2012]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules will identify informational items that must be included in the application for financial assistance provided by Illinois hospitals to patients and will identify items that may not be included in the application. The proposed rules will also establish appropriate methodologies for the determination of "presumptive eligibility" for financial assistance from hospitals where a patient has not submitted documentation for financial assistance or where the documentation is lacking. In such instances, the proposed rules will identify other criteria that a hospital may use as an alternative means for finding a patient to be eligible for financial assistance.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No studies or reports were used to compose this rulemaking. However, data was received from: Illinois Hospital Association "Recommendations to Illinois Attorney General on Financial Assistance Process under Public Act 97-690"; and Fair Care Coalition "Fair Care for All" proposed protocol for implementation of Public Act 97-690.
- 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

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11) Statement of Statewide Policy Objective: This rulemaking does not affect or create or expand a State mandate under the State Mandates Act.

12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Lynn Patton
Rules Coordinator
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

David F. Buysse
Deputy Chief, Public Interest Division
Office of the Attorney General
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601

217/524-1504

312/814-7236

All written comments filed within 45 days after the date of publication of this Notice will be considered.

13) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rulemaking will impact small municipalities and not for profit corporations that operate hospitals.

B) Reporting, bookkeeping or other procedures required for compliance: None beyond those already required by hospitals.

C) Types of professional skills necessary for compliance: None beyond those already required for personnel engaged in hospital billing operations.

14) Regulatory Agenda on which this rulemaking was summarized: January 2013

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

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TITLE 77: PUBLIC HEALTH
CHAPTER XVIII: OFFICE OF THE ATTORNEY GENERALPART 4500
HOSPITAL FINANCIAL ASSISTANCE
UNDER THE FAIR PATIENT BILLING ACT

Section

4500.10	Definitions
4500.20	Referenced Materials
4500.30	Hospital Financial Assistance Application Requirements
4500.40	Presumptive Eligibility Criteria
4500.50	Hospital Financial Assistance Electronic and Information Technology
4500.60	Hospital Financial Assistance Reporting Requirements
4500.APPENDIX A	2012 Poverty Income Guidelines

AUTHORITY: Implementing and authorized by Section 27 of the Fair Patient Billing Act [210 ILCS 88/27].

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

Section 4500.10 Definitions

As used in this Part, the term:

"Act" means the Fair Patient Billing Act [210 ILCS 88].

"Critical Access Hospital" means a hospital that is designated as a critical access hospital under the federal Medicare Rural Hospital Flexibility Program (42 USC 1395i-4).

"Electronic and Information Technology" or "EIT" means electronic information, software, systems and equipment used in the creation, manipulation, storage, display or transmission of data, including Internet and intranet systems, software applications, operating systems, video and multimedia, telecommunications products, kiosks, information transaction machines, copiers, printers and desktop and portable computers.

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"Family Income" means the sum of a family's annual earnings and cash benefits from all sources before taxes, less payments made for child support.

"Federal Poverty Income Guidelines" means the federal poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under authority of 42 USC 9902(2). (See Appendix A.)

"Health Care Services" means any medically necessary inpatient or outpatient hospital service, including pharmaceuticals or supplies provided by a hospital to a patient.

"Hospital" means any facility or institution required to be licensed pursuant to the Hospital Licensing Act [210 ILCS 85] or operated under the University of Illinois Hospital Act [110 ILCS 330].

"Hospital Financial Assistance" means free or discounted health care services provided to patients who meet a hospital's criteria for financial assistance and are unable to pay for all or a portion of the health services. Hospital financial assistance does not include bad debt or uncollectible charges that the hospital recorded as revenue but wrote off due to a patient's failure to pay, or the cost of providing that care to patients; the difference between the cost of care provided under Medicaid or other means-tested government programs or under Medicare and the revenue derived from those programs; or contractual adjustments with any third party payors.

"Hospital Financial Assistance Application" means the form provided by a hospital and used by patients to apply for hospital financial assistance.

"Illinois Resident" means a person who lives in Illinois and who intends to remain living in Illinois indefinitely. Relocation to Illinois for the sole purpose of receiving health care benefits does not satisfy the residency requirement under this Part.

"Partner" means a person who has established a civil union pursuant to the Illinois Religious Freedom Protection and Civil Union Act [750 ILCS 75] or similar law.

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"Patient" means the individual receiving services from the hospital or any individual who is the guarantor of the payment for services received from a hospital.

"Presumptive Eligibility" means eligibility for hospital financial assistance determined by reference to criteria demonstrating financial need on the part of a patient.

"Presumptive Eligibility Criteria" means the categories identified as demonstrating financial need on the part of a patient used by the hospital in the implementation of presumptive eligibility.

"Presumptive Eligibility Policy" means a written document that sets forth the presumptive eligibility criteria by which a patient's financial need is determined and used by the hospital to deem a patient eligible for hospital financial assistance without further scrutiny by the hospital.

"Rural Hospital" means a hospital that is located outside a metropolitan statistical area as defined by the United States Office of Management and Budget.

"Women, Infants and Children Nutrition Program" and "WIC" mean the federal Special Supplemental Nutrition Program for Women, Infants and Children authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 USC 1786).

Section 4500.20 Referenced Materials

- a) The following State statutes are referenced in this Part:
 - 1) Fair Patient Billing Act [210 ILCS 88];
 - 2) Community Benefits Act [210 ILCS 76];
 - 3) Hospital Uninsured Patient Discount Act [210 ILCS 89].
- b) The following Illinois administrative rules are referenced in this Part:
 - 1) Supplemental Nutrition Assistance Program (SNAP) (89 Ill. Adm. Code 121);

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- 2) Illinois Free Lunch and Breakfast Programs (23 Ill. Adm. Code 305.10);
- 3) Low Income Home Energy Assistance Program (47 Ill. Adm. Code 100);
- 4) Illinois Housing Development Authority's Rental Housing Support Program (47 Ill. Adm. Code 380);
- 5) Temporary Assistance for Needy Families (TANF) (89 Ill. Adm. Code 112).

Section 4500.30 Hospital Financial Assistance Application Requirements

Hospital financial assistance applications shall be provided to patients on forms that are submitted annually, in conjunction with a hospital's filing of its Community Benefits Report as required by the Community Benefits Act or filing of Worksheet C as required by the Hospital Uninsured Patient Discount Act, to the Office of the Attorney General for review of compliance with this Part. Hospital Financial Assistance Applications for each hospital shall be in English and in any other language that is the primary language of at least 5% of the patients served by the hospital annually as identified for purposes of Section 15(c) of the Act. Information requested on the application shall include:

- a) Opening Statement, which shall contain the following paragraphs:

Important: YOU MAY BE ABLE TO RECEIVE FREE OR DISCOUNTED CARE: Completing this application will help _____ Hospital determine if you can receive free or discounted services or other public programs that can help pay for your healthcare. Please submit this application to the hospital.

IF YOU ARE UNINSURED, A SOCIAL SECURITY NUMBER IS NOT REQUIRED TO QUALIFY FOR FREE OR DISCOUNTED CARE.

However, a Social Security Number is required for some public programs, including Medicaid. Providing a Social Security Number is not required but will help the hospital determine whether you qualify for any public programs.

Please complete this form and submit it to the hospital in person, by mail, by electronic mail, or by fax to apply for free or discounted care within 60 days after receipt of the form.

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- b) Patient information, which shall be limited to the following:
- 1) Patient name;
 - 2) Patient date of birth;
 - 3) Patient address;
 - 4) Whether patient was an Illinois resident when care was rendered by the hospital;
 - 5) Whether patient was involved in an alleged accident;
 - 6) Whether patient was a victim of an alleged crime;
 - 7) Patient Social Security Number (not required if you are uninsured);
 - 8) Patient telephone number or cell phone number;
 - 9) Patient e-mail address.
- c) Family/household information, which shall be limited to the following:
- 1) Number of persons in the patient's family/household;
 - 2) Number of persons who are dependents of the patient;
 - 3) Ages of patient's dependents.
- d) Patient's family income and employment information, which shall be limited to the following:
- 1) Whether patient or patient's spouse or partner is currently employed;
 - 2) If patient is a minor, whether patient's parents or guardians are currently employed;
 - 3) If patient or patient's spouse or partner is employed, name, address and telephone number of all employers;

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- 4) If a minor patient's parents or guardians are employed, name, address and telephone number of all employers;
- 5) If patient is divorced or separated or was a party to a dissolution proceeding, whether the former spouse or partner is financially responsible for patient's medical care per the dissolution or separation agreement;
- 6) Gross monthly family income from sources such as:
 - A) Wages;
 - B) Self-employment;
 - C) Unemployment compensation;
 - D) Social Security;
 - E) Social Security Disability;
 - F) Veterans' pension;
 - G) Veterans' disability;
 - H) Private disability;
 - I) Workers' compensation;
 - J) Temporary Assistance for Needy Families;
 - K) Retirement income;
 - L) Child support, alimony or other spousal support;
 - M) Other income;
- 7) Documentation of family income from paycheck stubs, benefit statements, award letters, court orders, federal tax returns, or other documentation provided by the patient.

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- e) Insurance/benefit information, including but not limited to:
 - 1) Health insurance;
 - 2) Medicare;
 - 3) Medicare Part D;
 - 4) Medicare Supplement;
 - 5) Medicaid;
 - 6) Veterans' benefits.

- f) Asset and estimated asset value information, which shall be limited to the following:
 - 1) Checking;
 - 2) Savings;
 - 3) Stocks;
 - 4) Certificates of deposit;
 - 5) Mutual funds;
 - 6) Automobiles or other vehicles;
 - 7) Real property;
 - 8) Health savings/Flexible Spending Account.

- g) Monthly expense information and estimated expense figures, which shall be limited to the following:
 - 1) Housing;

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- 2) Utilities;
 - 3) Food;
 - 4) Transportation;
 - 5) Child care;
 - 6) Loans;
 - 7) Medical expenses;
 - 8) Other expenses.
- h) Certification, which shall contain only the following paragraph:

I certify that the information in this application is true and correct to the best of my knowledge. I will apply for any state, federal or local assistance for which I may be eligible to help pay for this hospital bill. I understand that the information provided may be verified by the hospital, and I authorize the hospital to contact third parties to verify the accuracy of the information provided in this application. I understand that if I knowingly provide untrue information in this application, I will be ineligible for financial assistance, any financial assistance granted to me may be reversed, and I will be responsible for the payment of the hospital bill.

Patient or Applicant Signature and Date.

Section 4500.40 Presumptive Eligibility Criteria

- a) Each hospital shall develop a Presumptive Eligibility Policy setting forth the presumptive eligibility criteria by which a patient's financial need is determined and used by the hospital to deem a patient eligible for hospital financial assistance without further scrutiny by the hospital.
- b) Patients in hospitals that are not Critical Access Hospitals or rural hospitals shall be deemed presumptively eligible for hospital financial assistance if the patient

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demonstrates one or more of the following, which shall be included in the presumptive eligibility criteria for those hospitals:

- 1) Homelessness;
 - 2) Deceased with no estate;
 - 3) Mental incapacitation with no one to act on patient's behalf;
 - 4) Medicaid eligibility, but not on date of service or for non-covered service;
 - 5) Enrollment in the following assistance programs for low-income individuals having eligibility criteria at or below 200% of the federal poverty income guidelines:
 - A) Women, Infants and Children Nutrition Program (WIC);
 - B) Supplemental Nutrition Assistance Program (SNAP);
 - C) Illinois Free Lunch and Breakfast Program;
 - D) Low Income Home Energy Assistance Program (LIHEAP);
 - E) Enrollment in an organized community-based program providing access to medical care that assesses and documents limited low-income financial status as a criterion for membership;
 - F) Receipt of grant assistance for medical services.
- c) Hospitals that are not Critical Access Hospitals or rural hospitals may include additional presumptive eligibility criteria, provided that the additional criteria are used for or have the effect of expanding a patient's presumptive eligibility for hospital financial assistance, which shall be included in the presumptive eligibility criteria for the particular hospital. These additional criteria may include, but are not limited to:
- 1) Recent personal bankruptcy;
 - 2) Incarceration in a penal institution;

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- 3) Affiliation with a religious order and vow of poverty;
- 4) Enrollment in the following assistance programs for low-income individuals:
 - A) Temporary Assistance for Needy Families (TANF);
 - B) IHDA's Rental Housing Support Program.
- d) Patients in hospitals that are Critical Access Hospitals or rural hospitals shall be deemed presumptively eligible for hospital financial assistance if the patient demonstrates one or more of the following, which shall be included in the presumptive eligibility criteria for those hospitals:
 - 1) Homelessness;
 - 2) Deceased with no estate;
 - 3) Mental incapacitation with no one to act on patient's behalf;
 - 4) Medicaid eligibility, but not on date of service or for non-covered service;
 - 5) Enrollment in an organized community-based program providing access to medical care that assesses and documents limited low-income financial status as a criterion for membership.
- e) Hospitals that are Critical Access Hospitals or rural hospitals may include additional presumptive eligibility criteria, provided that the additional criteria are used for or have the effect of expanding a patient's presumptive eligibility for hospital financial assistance, which shall be included in the presumptive eligibility criteria for those hospitals, such as:
 - 1) Recent personal bankruptcy;
 - 2) Incarceration in a penal institution;
 - 3) Affiliation with a religious order and vow of poverty;

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- 4) Patients who receive grant assistance for medical services;
- 5) Women, Infants and Children Nutrition Program (WIC);
- 6) Supplemental Nutrition Assistance Program (SNAP);
- 7) Illinois Free Lunch and Breakfast Programs;
- 8) IHDA's Rental Housing Support Program;
- 9) Low Income Home Energy Assistance Program (LIHEAP);
- 10) Temporary Assistance for Needy Families (TANF).

Section 4500.50 Hospital Financial Assistance Electronic and Information Technology

- a) Hospitals may utilize EIT in the implementation of Hospital Financial Assistance Application requirements set forth in this Part.
- b) Hospitals may utilize EIT in the implementation of presumptive eligibility criteria requirements set forth in this Part.

Section 4500.60 Hospital Financial Assistance Reporting Requirements

- a) Each hospital shall annually provide, in conjunction with the filing of its Community Benefits Report required by the Community Benefits Act or its Worksheet C Part I required by the Hospital Uninsured Patient Discount Act, a Hospital Financial Assistance Report to the Office of the Attorney General, which shall include the following:
 - 1) A copy of the Hospital Financial Assistance Application;
 - 2) A copy of the hospital's Presumptive Eligibility Policy, which shall identify each of the criteria used by the hospital to determine whether a patient is presumptively eligible for hospital financial assistance;
 - 3) Hospital financial assistance statistics, which shall include:

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- A) The number of Hospital Financial Assistance Applications submitted to the hospital, both complete and incomplete, during the most recent fiscal year;
 - B) The number of Hospital Financial Assistance Applications the hospital approved under its Presumptive Eligibility Policy during the most recent fiscal year;
 - C) The number of Hospital Financial Assistance Applications the hospital approved outside its Presumptive Eligibility Policy during the most recent fiscal year;
 - D) The number of Hospital Financial Assistance Applications denied by the hospital during the most recent fiscal year; and
 - E) The total dollar amount of financial assistance provided by the hospital during the most recent fiscal year, based on actual cost of care.
- b) The Office of the Attorney General shall develop a Hospital Financial Assistance Report form and make it available to hospitals within 60 days after the effective date this Part.
 - c) Each hospital that annually files a Community Benefits Report with the Office of the Attorney General pursuant to the Community Benefits Act shall, at the same time, file its annual Hospital Financial Assistance Report jointly with its Community Benefits Report.
 - d) Each hospital that is not required to annually file a Community Benefits Report with the Office of the Attorney General shall file its annual Hospital Financial Assistance Report jointly with the Worksheet C Part I from its Medicare Cost Report most recently filed pursuant to the Hospital Uninsured Patient Discount Act.
 - e) Each hospital utilizing electronic and information technology in the implementation of the Hospital Financial Assistance Application requirements shall annually describe the EIT used and the source of the EIT to the Office of the Attorney General at the time of filing its Hospital Financial Assistance Report. The hospital shall certify annually that each of the Hospital Financial Assistance

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Application requirements set forth in this Part are included in applications processed by EIT.

- f) Each hospital utilizing EIT in the implementation of the presumptive eligibility criteria shall annually describe the EIT used and the source of the EIT to the Office of the Attorney General at the time of filing its Hospital Financial Assistance Report. The hospital shall certify annually that each of the presumptive eligibility criteria requirements set forth in this Part are included in applications processed by EIT.
- g) All records and certifications required to be filed under this Part in conjunction with the filing of a Community Benefits Report required by the Community Benefits Act shall be submitted to:

Charitable Trusts Bureau
Office of the Illinois Attorney General
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601

- h) All records and certifications required to be filed under this Part in conjunction with the filing of a Worksheet C required by the Hospital Uninsured Patient Discount Act shall be submitted to:

Health Care Bureau
Office of the Illinois Attorney General
100 West Randolph Street, 10th Floor
Chicago, Illinois 60601

OFFICE OF THE ATTORNEY GENERAL

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Section 4500.APPENDIX A 2012 Poverty Income Guidelines

2012 HEALTH AND HUMAN SERVICES POVERTY GUIDELINES

Persons in Family	Poverty Guideline	Maximum Gross Annual Income ADAP 300% Eligibility
1	\$11,170	\$ 33,510
2	\$15,130	\$ 45,390
3	\$19,090	\$ 57,270
4	\$23,050	\$ 69,030
5	\$27,010	\$ 81,030
6	\$30,970	\$ 92,910
7	\$34,930	\$104,790
8	\$38,890	\$116,670
For additional persons, add	\$ 3,960	\$ 11,880

NOTE: See 77 Fed. Reg. 4034 through 4035 (January 26, 2012).

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- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
226.730	Repeal
226.731	Repeal
- 4) Statutory Authority: 105 ILCS 5/Art. 14 and 2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: Both Sections 226.730 and 226.731, which address class size, including a definition of "general education classroom", are being proposed for repeal. These requirements exceed those that are found in the federal Individuals with Disabilities Act (IDEA) and its implementing regulations and have resulted in several unintended consequences. The elimination of state requirements specific to class size will best ensure that each student with disabilities is placed in the least restrictive environment (LRE), as directed by his or her Individualized Education Program (IEP), and has access to the broad array of coursework available to his or her nondisabled peers, particularly in the middle grades and high school. Other concerns specific to the current rules are summarized below.
 - The class size limitations do not consider the intensity or frequency of the services required for particular students since they pertain to all students with IEPs placed in a single classroom (except those who receive speech services outside of the general education classroom and who do not require modifications to the content of the general education curriculum).
 - The class size limitations diminish administrative flexibility at the local level in implementing many education reform efforts, such as personalized learning or co-teaching strategies (i.e., use of both a general education teacher and a special education teacher).
 - School districts have reported an increase in the size of some of their general education classes in order to conform to the requirement that at least 70 percent of the students in these classes be general education students.
 - By focusing on class sizes, the current rules may pressure school districts to meet the class size numbers rather than recognize the individual needs of children.

Staff believe that school districts, through the IEP process, should determine locally the accommodations and modifications necessary to place students with disabilities to ensure LRE. The LRE mandate requires that the general education classroom, with whatever

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modifications and supports are necessary, be the first placement option considered for every student with a disability. It is the responsibility of the IEP team to make a determination of placement that provides the identified academic and other services that are necessary for the student to be successful. Additionally, a student's placement in a self-contained special education classroom should not be restricted based on the child's disability or the percentage of time that the student spends outside of the classroom, as determined by the State. Instead, school districts, rather than the State Board, should determine the personnel needed to effectively respond to the needs expressed in each student's IEP.

Two separate policy issues arise out of this rulemaking. First, the proposed elimination of class size restrictions on self-contained special education classrooms marks the first time since the enactment of IDEA's predecessor law, *Education for All Handicapped Children's Act of 1975*, that the State Board of Education has not established maximum class sizes based upon a child's disability or his or her service level. Authorizing school districts to determine class sizes locally provides them with the freedom, but also the responsibility, to ensure that the academic environment and services provided are appropriate, align with the student's IEP and will enable him or her to meet the goals established for his or her learning.

Second, the agency promulgated the 70/30 ratio in response to the 1999 consent decree issued in the *Corey H.* matter and the court-appointed monitor's implementation plan developed in response to that decree. The *Corey H.* litigation has prevented the State Board from deviating from the current definition while the State Board remained subject to the court's consent decree. The court dismissed the agency from the lawsuit in October 2012. As such, agency staff believe that restrictions on placement decisions set forth in rule can now be eliminated, and school districts, through the IEP process, should determine locally the accommodations and modifications necessary to place students with disabilities in the least restrictive environment. (*NOTE: The proposed repeal of Section 226.730, if promulgated, will not affect City of Chicago School District 299, which has not yet been released from the Corey H. matter.*)

The agency's reexamination of class size rules also has been prompted by the difficulty school districts have reported complying with the standard, as the state's – and by extension, many school districts' – fiscal condition has worsened in the last several years. It is important to note, however, that the proposed rule change, if promulgated, will not affect a school district's responsibility to continue to comply with federal requirements regarding local maintenance of effort for special education.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this Notice to:

Shelley Helton
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-493
Springfield, Illinois 62777-0001

217/782-5270

Comments may also be submitted electronically, addressed to:

rules@isbe.net

- 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

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- 14) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Agendas because the need for the rulemaking did not become apparent until after the agenda was published.

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: GENERAL

Section

226.10	Purpose
226.50	Requirements for a Free Appropriate Public Education (FAPE)
226.60	Charter Schools
226.75	Definitions

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section

226.100	Child Find Responsibility
226.110	Evaluation Procedures
226.120	Reevaluations
226.130	Additional Procedures for Students Suspected of or Having a Specific Learning Disability
226.135	Additional Procedures for Students Suspected of or Having a Cognitive Disability
226.140	Modes of Communication and Cultural Identification
226.150	Evaluation to be Nondiscriminatory
226.160	Determination of Eligibility (Repealed)
226.170	Criteria for Determining the Existence of a Specific Learning Disability (Repealed)
226.180	Independent Educational Evaluation
226.190	Reevaluation (Repealed)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section

226.200	General Requirements
226.210	IEP Team
226.220	Development, Review, and Revision of the IEP

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226.230	Content of the IEP
226.240	Determination of Placement
226.250	Child Aged Three Through Five
226.260	Child Reaching Age Three

SUBPART D: PLACEMENT

Section	
226.300	Continuum of Placement Options
226.310	Related Services
226.320	Service to Students Living in Residential Care Facilities
226.330	Placement by School District in State-Operated or Nonpublic Special Education Facilities
226.340	Nonpublic Placements by Parents Where FAPE is at Issue
226.350	Service to Parentally-Placed Private School Students
226.360	Placement by School Districts in Remote Educational Programs

SUBPART E: DISCIPLINE

Section	
226.400	Disciplinary Actions
226.410	Manifestation Determination Review (Repealed)
226.420	Appeals (Repealed)
226.430	Protection for Children Not Yet Eligible for Special Education (Repealed)
226.440	Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

SUBPART F: PROCEDURAL SAFEGUARDS

Section	
226.500	Language of Notifications
226.510	Notification of Parents' Rights
226.520	Notification of District's Proposal
226.530	Parents' Participation
226.540	Consent
226.550	Surrogate Parents
226.560	Mediation
226.570	State Complaint Procedures

SUBPART G: DUE PROCESS

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Section	
226.600	Calculation of Timelines
226.605	Request for Hearing; Basis (Repealed)
226.610	Information to Parents Concerning Right to Hearing
226.615	Procedure for Request
226.620	Denial of Hearing Request (Repealed)
226.625	Rights of the Parties Related to Hearings
226.630	Qualifications, Training, and Service of Impartial Due Process Hearing Officers
226.635	Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers
226.640	Scheduling the Hearing and Pre-Hearing Conference
226.645	Conducting the Pre-Hearing Conference
226.650	Child's Status During Due Process Hearing (Repealed)
226.655	Expedited Due Process Hearing
226.660	Powers and Duties of Hearing Officer
226.665	Record of Proceedings
226.670	Decision of Hearing Officer; Clarification
226.675	Monitoring and Enforcement of Decisions; Notice of Ineligibility for Funding
226.680	Reporting of Decisions (Repealed)
226.690	Transfer of Parental Rights

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section	
226.700	General
226.710	Policies and Procedures
226.720	Facilities and Classes
226.730	Class Size for 2009-10 and Beyond <u>(Repealed)</u>
226.731	Class Size Provisions for 2007-08 and 2008-09 <u>(Repealed)</u>
226.735	Work Load for Special Educators
226.740	Records; Confidentiality
226.750	Additional Services
226.760	Evaluation of Special Education
226.770	Fiscal Provisions
226.780	Procedures for Withdrawal Hearings before the Regional Board of School Trustees

SUBPART I: PERSONNEL

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Section	
226.800	Personnel Required to be Qualified
226.810	Special Education Teaching Approval
226.820	Authorization for Assignment
226.830	List of Independent Evaluators
226.840	Qualifications of Evaluators
226.850	List of Qualified Workers
226.860	List of Noncertified Employees

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art.14 and 2-3.6].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 27 Ill. Reg. 8126, effective April 28, 2003; amended at 31 Ill. Reg. 9915, effective June 28, 2007; amended at 32 Ill. Reg. 4828, effective March 21, 2008; amended at 34 Ill. Reg. 17433, effective October 28, 2010; amended at 35 Ill. Reg. 8836, effective May 26, 2011; peremptory amendment, pursuant to PA 97-461, at 35 Ill. Reg. 14836, effective August 22, 2011; amended at 36 Ill. Reg. 12648, effective July 18, 2012; amended at 36 Ill. Reg. 12870, effective July 24, 2012; amended at 37 Ill. Reg. _____, effective _____.

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SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section 226.730 Class Size for 2009-10 and Beyond (Repealed)

- a) ~~When a student's IEP calls for services in a general education classroom, the student must be served in a class that is composed of students of whom at least 70 percent are without IEPs, that utilizes the general curriculum, that is taught by an instructor certified for general education, and that is not designated as a general remedial classroom. For purposes of this subsection (a), a student who receives speech services outside of the general education classroom and who does not require modifications to the content of the general education curriculum shall be included in the calculation of the percentage of students without IEPs. (See 105 ILCS 5/14-2.)~~
- b) ~~Class size means the total number of students an educator serves during any special education class. As used in this subsection (b), "class" means any circumstance in which only students with IEPs are served and at least one special education teacher is assigned and provides instruction and/or therapy exclusively to students with IEPs. In the formation of special education classes, consideration shall be given to the age of the students, the nature and severity of their disabilities, the educational needs of the students, and the degree of intervention necessary, subject to the limitations of this subsection (b).~~
- 1) ~~Except as provided in subsection (b)(5) of this Section, classes in which all the students receive special education services for 20 percent of the school day or less shall have at least one qualified teacher for each 15 students in attendance during any given class. However, the district may increase the class size by a maximum of two students when a paraprofessional is provided for the entire class.~~
- 2) ~~Except as provided in subsection (b)(5) of this Section, each class in which any student receives special education services for more than 20 percent of the school day but no more than 60 percent of the school day shall have at least one qualified teacher for each ten students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class.~~

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- 3) ~~Except as provided in subsection (b)(5) of this Section, each class in which any student receives special education services for more than 60 percent of the school day shall have at least one qualified teacher for each eight students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class.~~
- 4) ~~Each class for children ages three through five shall have at least one qualified teacher for each five students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class.~~
- 5) ~~For any school year in which the amount of State reimbursement for teachers identified in Section 14-13.01 of the School Code [105 ILCS 5/14-13.01] exceeds the amount in effect on January 1, 2007 by at least 100 percent and no corresponding reduction has been made in other State sources of support for special education:~~
- A) ~~The maximum class size stated in subsection (b)(1) of this Section shall be 13 rather than 15;~~
- B) ~~The maximum class size stated in subsection (b)(2) of this Section shall be eight rather than 10; and~~
- C) ~~The maximum class size stated in subsection (b)(3) of this Section shall be six rather than eight.~~
- 6) ~~The provisions of subsections (b)(1) through (5) of this Section notwithstanding, class size shall be limited according to the needs of the students for individualized instruction and services.~~
- e) ~~The maximum class sizes set forth in subsection (b) of this Section shall, if necessary, be further restricted at the local level to account for the activities and services in which the affected educators participate in order to provide students with IEPs the free, appropriate public education in the least restrictive environment to which they are entitled.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 226.731 Class Size Provisions for 2007-08 and 2008-09 (Repealed)

- a) ~~When a student's IEP calls for services in a general education classroom, the student must be served in a class that is composed of students of whom at least 70 percent are without IEPs, that utilizes the general curriculum, that is taught by an instructor certified for regular (general) education, and that is not designated as a general remedial classroom.~~
- b) ~~A student shall be considered to require "instructional" classes when he or she receives special education instruction for 50 percent of the school day or more. Classes for such students shall be subject to the limitations of this subsection (b).~~
- 1) ~~Early childhood instructional classes shall have a maximum ratio of one qualified teacher to five students in attendance at any given time; total enrollment shall be limited according to the needs of the students for individualized programming.~~
- 2) ~~Instructional classes for students who have either a severe/profound disability or multiple disabilities shall have a maximum enrollment of five students.~~
- 3) ~~Instructional classes for children whose primary disability is a severe visual, auditory, physical, speech or language impairment, autism, traumatic brain injury, or an emotional disability or behavioral disorder shall have a maximum enrollment of eight students.~~
- 4) ~~Instructional classes for children whose primary disability is a specific learning disability or that serve children who have different disabilities shall have a maximum enrollment of ten students. Instructional programs that group students who have different disabilities shall be formulated only under the following circumstances:~~
- A) ~~The students are grouped in relation to a common educational need; or~~
- B) ~~The program can be completely individualized and the teacher is qualified to plan and provide an appropriate educational program for each student in the group.~~

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- ~~5) Instructional classes designed for children whose primary disability is moderate visual or auditory impairment shall have a maximum enrollment of 12 students.~~
- ~~6) Instructional classes for children whose primary disability is mild/moderate cognitive disability shall have a maximum enrollment of 12 students at the primary level and 15 students at the intermediate, middle, junior high, and secondary levels.~~
- ~~7) A school district may increase the enrollment in an instructional class by a maximum of two students in response to unique circumstances that occur during the school year. Such additions may be made only when the educational needs of all students who would be enrolled in the expanded program can be adequately and appropriately met. Alternatively, the district may increase the enrollment in an instructional class by a maximum of five students when a full time, noncertified assistant is provided.~~
- e) ~~A student shall be considered to require "resource" classes when he or she receives special education instruction for less than 50 percent of the school day. Classes for such students shall be subject to the limitations of this subsection (c).~~
- 1) ~~Enrollment shall be limited to the number of students who can effectively and appropriately receive assistance, up to a maximum of 20 students.~~
- 2) ~~The teacher shall participate in determining the appropriate enrollment.~~
- d) ~~The caseload/class size for any service provider includes each student who receives direct or indirect service, such as consultation services, as delineated in an IEP.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED 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>Adopted 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) Effective Date of Rulemaking: March 4, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, please see Section 1452.140.
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 9) Notice of Proposal Published in the *Illinois Register*: 36 Ill. Reg. 14466; September 28, 2012
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version:
- a) In the main Source Note, changed the Illinois Register volume reference from "36" to "37".
 - b) Section 1452.10, the 1st sentence in the definition of "Client" has been italicized, to denote that this language is a direct statutory quote. A statutory citation was also added.
 - c) Section 1452.20(a)(3)(D), on the 3rd line the comma after "State" was deleted.
 - d) Section 1452.80, the following sentence was added to the end of this Section, "Failure to maintain the bond and to provide the Department with written proof of the bond, upon request, shall result in cancellation of the license without hearing."
 - e) Section 1452.190(f), "Knowingly engaging" was changed to "Engaging". Also, on the 2nd line, after "Division" we added "without without utilizing a process of verifying the status of the appraiser by contacting the Department or utilizing the National Registry of the Appraisal Subcommittee".
 - f) Section 1452.190(i), "Knowingly" was changed to "Deliberately".
- 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 Department is promulgating this new rule to implement the provisions of PA 97-0602 which created the Appraisal Management Company Registration Act. This new regulation includes definitions; processes for

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

application, registration, renewal and reinstatement; bonding and record keeping requirements as well as other business practice standards.

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED 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 37 Ill. Reg. 2649, effective March 4, 2013.

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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NOTICE OF ADOPTED RULES

"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. [225 ILCS 459/10] 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. Failure to maintain the bond and to provide the Department with written proof of the bond, upon request, shall result in cancellation of the license without hearing.

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

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- 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;
- 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.

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- 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;
 - 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,

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Washington DC 20005 (effective January 1, 2012), are hereby incorporated by reference with no later amendments or editions.

- 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

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court records (including, but not limited to, indictments, information, plea agreements, pre-trial sentencing motions, investigations, judgment and sentencing 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) Engaging appraisal practice services from any licensed or certified Illinois appraiser who is not in good standing with the Division without utilizing a process of verifying the status of the ~~appraiser~~ appraiser by contacting the Department or utilizing the National Registry of the Appraisal Subcommittee;

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- 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;
- i) Deliberately 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.

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- 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
 - 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

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- c) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

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- 1) Heading of the Part: Real Estate Appraiser Licensing
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1455.10	Amendment
1455.100	Amendment
1455.110	Amendment
1455.130	Amendment
1455.150	Amendment
1455.160	Amendment
1455.180	Amendment
1455.190	Amendment
1455.195	New Section
1455.200	Amendment
1455.205	New Section
1455.230	Amendment
1455.240	Amendment
1455.250	Amendment
1455.290	Amendment
1455.310	Amendment
1455.315	Repealed
1455.320	Amendment
1455.350	Amendment
1455.360	Amendment
1455.365	New Section
1455.370	Amendment
1455.400	Amendment
1455.410	Amendment
1455.430	Amendment
1455.440	Amendment
1455.445	New Section
1455.APPENDIX A	Repealed
1455.APPENDIX B	Repealed
- 4) Statutory Authority: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]
- 5) Effective Date of Rulemaking: April 1, 2013

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- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes, please see the definition in Section 1455.10 for AQB; and also USPAP. Additional there are USPAP provisions contained in Section 1455.240 as well as.
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 36 Ill. Reg. 15525; November 9, 2012
- 11) Differences between Proposal and Final Version:
 - a) In Section 1455.10, in the definition of "USAP", on the 5th line, a comma was deleted after "Street".
 - b) In Section 1455.100(c)(3), on the 4th line, a semicolon and "Suite 760" was added following "1401 H. Street N.W.".
 - c) In Section 1455.110(d), on the 1st line add "renew pursuant to subsection (b)" following "fails to" and strike "submit a renewal application pursuant to this Section within 2 years after the expiration date". On the last line, add "subsection (f)" following "and", and strike "this Part".
 - d) In Section 1455.130(c), on the 3rd line add "no more than 5" following "mean" and add "appraisals" following "estate" and strike "appraisal". Also on this same line, add "no more than 5" following "and"; add "reports" following "appraisal"; strike "report" and "a" add "an appraisal" in front of "contract" on the 4th line. Also strike "to provide an appraisal" on this line. In the last sentence, add ", as defined in Section 1455.10," following "agreement"
 - e) In Section 1455.130(g), on the 2nd line add ", as defined in Section 1455.10," following "agreement".
 - f) In Section 1455.150(a), following "Residential" strike "No Experience Prior to July 1, 2006 – Application After December 31, 2007". Also in the introductory

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paragraph, strike "who has not gained appraisal experience prior to July 1, 2006 and files an application after December 31, 2007" and change the period at the end to a colon.

- g) In Section 1455.150(d), delete "Non-resident - No Experience Prior to July 1, 2006 – Application After December 31, 2007", and add "General" in lieu thereof. Also in the introductory paragraph, delete "prior to July 1, 2006 and files an application after December 31, 2007".
- h) In Section 1455.150(d)(3), on the 1st line add "(see subsection (i))" following "equivalent"; delete the comma following "college" and on the 2nd line delete "junior college, community college".
- i) In Section 1455.150((g)(1)(B) and also 1455.150(h)(2), delete "(Micro or Macro)".
- j) In Section 1455.150(g)(2), at the end of this subsection, delete "it will be considered as credit for the college course" and add "college course credit will be granted for CLEP exam" in lieu thereof.
- k) In Section 1455.160(a)(3), in the 2nd sentence, remove "in no less than" and add "by the date that is" in lieu thereof.
- l) In Section 1455.190, in the 5th sentence of the introductory paragraph, delete "substantially". In the next sentence change "when" to "in which" following "1, 2, 3, 4, 5 and/or 6".
- m) In Section 1455.240(c), on the 4th line, change "may" to "will" and add "when available" following "Division".
- n) In Section 1455.310(h), on the 2nd line delete "within 6 months after the effective date of USPAP" and add "by July 1, 2012" in lieu thereof.
- o) In Section 1455.350(a)(1), on the 2nd line delete "filing" and on the 3rd line delete "as ineligibility".
- p) In Section 1455.350(d), delete "Records" and add "Business Practices and Recordkeeping" in lieu thereof.

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- q) In Section 1455.350(e)(2), on the last line delete "on a temporary basis" and add "in violation of copyright laws" in lieu thereof.
 - r) In Section 1455.350(f) change the subsection label from "f" to "6" and at the beginning delete "Instructors must not have" add "An education provider shall not contract with an instructor who has" in lieu thereof. Also delete "public" and add "that is in the public record" following "disciplinary action". On the last line add "the course offering" following "prior to" and delete "submission of a course".
 - s) In Section 1455.365(j), on the 2nd line, delete "the current version".
 - t) In Section 1455.365(l), on the 1st line change "should" to "shall" and on the 2nd line add ", in any jurisdiction" following "standing".
 - u) In Section 1455.365(p), add the following as a 2nd sentence "The remaining 50% of the course hours are practicum related experiences.".
 - v) In Section 1455.430(e), on the 4th line, add "Section 15-100(a) of" following "set forth in" and change "1455.455" to "1455.445".
- 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: Various Sections have been amended to address changes as a result of the sunset reauthorization of the Act (PA 96-1000) and passage of the Appraisal Management Company Registration Act (PA 97-602).

Specifically, these proposed amendments added procedures for the reinstatement of licenses; require that persons issued a temporary practice permit include certain identifying information within the body of an appraisal report, on the certification page, and wherever their signature appears and establishes minimum requirements for a master agreement or written engagement for appraisal assignments performed by a holder of a temporary practice permit. Further, these amendments will prohibit distance education as qualifying education for applicants for an Associate Real Estate Trainee Appraiser License; establish standards for applicants who have no appraisal experience prior to July

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1, 2006 who have qualifying education from another jurisdiction, who have graduate degrees in real estate, who do not hold at least an Associate's degree or a Bachelor's degree, or who have a degree issued by a school in a foreign nation. These amendments also require licensees to complete the 7-hour National USPAP Update Course within 6 months after the effective date of revisions to USPAP; establish standards and means of verifying experience credit for licensure; require that licensees maintain certain records relating to an appraisal assignment for at least 5 years after completion or 2 years after final disposition of any related judicial proceeding. We've expanded the list of acts that are defined as unprofessional conduct and have repealed the requirement of a supervising appraiser for Associate Real Estate Trainee Appraisers. We've reduced fees for applications for a temporary practice permit and for licensure as an education provider. And finally, fees related to qualifying education and continuing education were added; standards for practicum courses and for distance education are established and grounds for education provider discipline are included as well.

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

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455

REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section
1455.10 Definitions

SUBPART B: LICENSING REQUIREMENTS

Section
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Trainee Appraiser License; Application by Non-Resident for Licensure by Endorsement

1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; [Reinstatement of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Application for Military Deferral](#); Expiration Date

1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License (Repealed)

1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

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AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 824, effective December 29, 2003; amended at 29 Ill. Reg. 16445, effective October 13, 2005; amended at 31 Ill. Reg. 4741, effective March 9, 2007; amended at 33 Ill. Reg. 7121, effective May 14, 2009; amended at 35 Ill. Reg. 1967, effective January 20, 2011; amended at 35 Ill. Reg. 19505, effective November 17, 2011; amended at 37 Ill. Reg. 2668, effective April 1, 2013.

SUBPART A: DEFINITIONS

Section 1455.10 Definitions

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

"Act" means the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

"Applicant" means a person applying for licensure under this Act as a State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser. Any applicant or any person who holds himself or herself out as an applicant is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act [5 ILCS 100].

"Appraisal management company" means any corporation, limited liability company, partnership, sole proprietorship, subsidiary, unit, or other business entity that directly or indirectly performs the following appraisal management services:

administers networks of independent contractors or employee appraisers to perform real estate appraisal assignments for clients;

receives requests for real estate appraisal services from clients and, for a fee paid by the client, enters into an agreement with one or more independent appraisers to perform the real estate appraisal services contained in the request; or

otherwise serves as a third-party broker of appraisal management services between clients and appraisers. [225 ILCS 459/10]

~~"Appraisal management company" means any corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity that directly or indirectly performs the following appraisal management services:~~

~~administers networks of independent contractors and/or employee appraisers to perform real estate appraisal assignments for clients;~~

~~receives requests for real estate appraisal services from clients and, for a fee paid by the client, enters into an agreement with one or more~~

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~~independent appraisers to perform the real estate appraisal services contained in the request; or~~

~~otherwise serves as a third-party broker of appraisal management services between clients and appraisers. For the purposes of this Part, a corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity owned by one or more Illinois State Certified General Real Estate Appraisers or State Certified Residential Real Estate Appraisers holding more than 50% interest in the corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity is not an appraisal management company.~~

~~"AQB 2008 Criteria" means the Real Property Appraiser Qualification Criteria (effective January 1, 2008, no later amendments or editions), published by the Appraiser Qualifications Board of The Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington DC 20005.~~

~~"Board" or "AQB" means the Appraiser Qualification Board.~~

~~"Classroom hour" or "hour" as it pertains to the education requirements means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance [education learning](#) program approved by the Division.~~

~~"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.~~

~~"Continuing education" means education that is creditable toward the education requirements that must be satisfied to renew licensure or certification, as set forth in [Section 1455.160](#).~~

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

~~"Direct supervision" means that an appraiser is directing and overseeing the production of each appraisal assignment pursuant to [Section 1455.315](#).~~

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

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

"Experience/work log" means the form described in Section 1455.190 that verifies an appraiser's experience and work history.

"Jurisdictional exception" means an assignment condition established by applicable law or regulation, which precludes an appraiser from complying with USPAP.

"License" means a certificate of authority, permit or registration issued by the Division.

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

"Master agreement" means a written service agreement between a traditional client and a real estate appraiser or panel of approved appraisers.

"Non-traditional client" means the Division or an approved practicum course provider.

"Practicum course instructor" means a Certified Residential Appraiser or a Certified General Appraiser in good standing with the Division who is authorized to conduct an approved practicum course.

"Qualifying education" means education that is creditable toward the requirements set forth in Section 1455.150.

"Quantitative experience" means actual time spent on the appraisal process.

"Residential" means composed of 1 to 4 residential units.

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

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~~"Supervising appraiser" means a State Certified General Real Estate Appraiser or a State Certified Residential Real Estate Appraiser in good standing with the Division. A supervising appraiser shall not have been subject to discipline within the last two years. The supervising appraiser shall possess a minimum of 2 years of experience as a practicing certified licensed appraiser. A State Certified General Real Estate Appraiser or a State Certified Residential Real Estate Appraiser may engage in direct supervision of an Associate Real Estate Trainee Appraiser. A State Certified General Real Estate Appraiser may engage in direct supervision of a State Certified Residential Real Estate Appraiser.~~

"Traditional client" means a client who hires an appraiser to complete an assignment by employment or contract for business purposes.

"USPAP" means the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board pursuant Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 USC 3331 et seq.) published by the Appraisal Standards Board of The Appraisal Foundation, 1155 15th Street N.W., Suite 1111, Washington DC 20005 (effective January 1, 2012, no later amendments or editions) and incorporated by reference in Section 1455.240.

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

"Written Engagement" means a defined relationship between a real estate appraiser or appraisers and the client. It states the terms, conditions and scope of the appraisal service request, including but not limited to compensation.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

SUBPART B: LICENSING REQUIREMENTS

Section 1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Trainee Appraiser License; Application by Non-Resident for Licensure by Endorsement

- a) Each applicant for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License shall submit to the

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Division:

- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320;
 - 3) Proof of successful completion of the qualifying education requirements as provided by Section 1455.150 of this Part;
 - 4) A score report/application that provides proof of successful completion of the qualifying education and experience requirements as provided by Subparts C and D; and
 - 5) Proof of successful completion of the examination authorized by the Division and endorsed by the Appraiser Qualification Board (AQB).
- b) Each applicant for an Associate Real Estate Trainee Appraiser License shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320;
 - 3) Proof of successful completion of the qualifying education requirements as provided by Subpart C; and
 - 4) A score report/application that provides proof of successful completion of the examination authorized by the Division.
- c) Each non-resident applicant for a State Certified General Real Estate Appraiser license or a State Certified Residential Real Estate Appraiser license applying by endorsement shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320; and

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- 3) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the Appraisal Subcommittee's (ASC) National Registry history that may be obtained from the ASC at [1401 H Street N.W., Suite 760, Washington DC 20005](http://www.asc.gov) ~~2000 K Street, NW, Suite 310, Washington, DC 20006~~ or at its website at www.asc.gov.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; [Reinstatement of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License](#); [Application for Military Deferral](#); Expiration Date

- a) Each applicant for renewal of a State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License shall submit to the Division:
 - 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320; and
 - 3) Proof of successful completion of the continuing education requirements as provided by Subpart C.
- b) Any person who fails to submit a renewal application and renew his or her license by the expiration date of the license may renew his or her license for a period of 2 years following the expiration date of his or her license by submitting to the Division:
 - 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

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- 2) The fee and late penalty as provided by Section 1455.320; and
 - 3) Proof of successful completion of the continuing education requirements as provided by Subpart C.
- c) For the purposes of this Section, all licenses shall expire on September 30 of odd numbered years.
- d) Any person who fails to ~~renew pursuant to subsection (b) submit a renewal application pursuant to this Section within 2 years after the expiration date~~ shall not be eligible to renew his or her license, and must meet the requirements of a new applicant as required by the Act and ~~subsection (f) this Part~~.
- e) License renewals shall not be processed until proof of successful completion of continuing education is submitted and awarded credit by the Division. Licensees unable to provide satisfactory evidence of completed continuing education for the prescribed renewal cycle shall have their license automatically suspended.
- f) Each applicant for reinstatement of a State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320; and
 - 3) Proof of successful completion of the continuing education requirements as provided by Subpart C.
- g) Licensees with military deferrals, upon returning from active duty, shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) A copy of their DD 214 (Report of Separation);
 - 3) The fee as provided by Section 1455.320; and

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- 4) [Proof of successful completion of the continuing education requirements as provided by Subpart C.](#)

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

- a) Each non-resident applicant for a temporary practice permit issued pursuant to Section 5-50 of the Act shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the ASC National Registry; and
 - 3) The fee as provided by Section 1455.320.
- b) The term for a temporary practice permit shall be 6 months from the date of issuance and may be extended for a period of an additional 6 months by request in writing to the Division.
- c) Any person issued a temporary practice permit shall be limited to a specific appraisal assignment. For the purposes of this Section, the term "assignment" shall mean no more than 5 ~~a~~ real estate appraisals~~appraisal~~ and no more than 5 written appraisal reports~~report~~ that are covered by an appraisal~~a contract to provide an appraisal~~. A copy of the master agreement, as defined in Section 1455.10, must be supplied to the Division in the absence of a specific engagement.
- d) Any person issued a temporary practice permit shall be subject to the provisions of the Act and this Part, and the Division shall take regulatory responsibility for any person violating any provisions of the Act and this Part while the person is practicing in the State of Illinois.
- e) If the Division takes any disciplinary action against an appraiser practicing in the

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State of Illinois under a temporary practice permit, it shall notify the jurisdiction of the appraiser's place of residence.

- f) Persons issued a temporary practice permit shall affix the temporary practice permit number, issuance date, expiration date of the temporary practice permit, and permit title within the body of the report beneath the licensee's signature, on the certification page and wherever the signature appears.
- g) The permit title is "Illinois Temporary Practice Permit". Temporary Practice Permit assignments covered by a master agreement, as defined in Section 1455.10, or a written engagement must include, at a minimum, the date of the master agreement, the intended user, the intended use, the property type and the location of the Illinois property that is the subject of the report.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

SUBPART C: EDUCATION REQUIREMENTS

Section 1455.150 Qualifying Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser; Non-Resident Qualifying Education; In Lieu of Requirements; Foreign Degrees

- a) ~~Residential—No Experience Prior to July 1, 2006—Application After December 31, 2007~~
An applicant for licensure as a State Certified Residential Real Estate Appraiser ~~who has not gained appraisal experience prior to July 1, 2006 and files an application after December 31, 2007~~ shall meet the following criteria:
 - 1) 2500 hours of AQB Appraisal Experience;
 - 2) 200 hours of modular appraisal education as stated in the Guide Notes (GN-1) of the AQB 2008 Criteria;
 - 3) Associates degree or equivalent from an accredited college, junior college, junior college, community college or university as outlined by AQB; and
 - 4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval

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Program of the ~~AQB Appraiser Qualifications Board~~ and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.

- b) Any person who makes application for an Associate Real Estate Trainee Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 75 classroom hours of qualifying education in subjects related to real estate appraisal, as outlined by Subpart H ~~of this Part~~, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All qualifying education requirements shall only be accepted from education providers and courses approved by the Division.
- c) The Division may accept evidence of successful completion of qualifying education credit from another jurisdiction, if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the minimum licensing requirements of the AQB 2008 Criteria and may be in modular format for licensure after January 1, 2008. A real estate appraiser who wishes to obtain credit for qualifying education courses not licensed by the Division shall submit to the Division:
- 1) An application provided by the Division requesting approval for qualifying education credit, signed by the applicant, on which all questions are answered;
 - 2) A certificate of successful completion provided by the education provider, a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested qualifying education credit, or any other evidence to be considered by the Division; and
 - 3) The fee as provided in Section 1455.320.
- d) General
An applicant for licensure as a State Certified General Real Estate Appraiser who has not gained appraisal experience shall meet the following criteria:

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- 1) Three thousand hours of experience obtained during no fewer than 30 months is required, of which, 1,500 hours must be in non-residential appraisal work. While the hours may be cumulative, the required number of months must accrue before an individual can be certified;
 - 2) 300 hours of modular appraisal education as stated in the Guide Notes (GN-1) of the AQB 2008 Criteria;
 - 3) Bachelors degree or higher or equivalent (see subsection (i)), from an accredited college or university; and
 - 4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the AQB and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.
- e) The Division may accept evidence of successful completion of qualifying education credit from another jurisdiction, if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the minimum licensing requirements of the AQB 2008 Criteria and may be in modular format for licensure after January 1, 2008. A real estate appraiser who wishes to obtain credit for qualifying education courses not licensed by the Division shall submit to the Division:
- 1) An application provided by the Division requesting approval for qualifying education credit, signed by the applicant, on which all questions are answered;
 - 2) A certificate of successful completion provided by the education provider, a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested qualifying education credit, or any other evidence to be considered by the Division; and
 - 3) The fee as provided in Section 1455.320.

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- f) Credit toward qualifying education requirements may also be obtained via the completion of a graduate (masters or doctoral) degree in Real Estate from an accredited college or university approved by The Association to Advance Collegiate Schools of Business, or a regional or national accreditation agency recognized by the U.S. Secretary of Education, provided that the college or university has had its curriculum reviewed and approved by the AQB.
- g) Non-degree Course Work Accepted for Licensure – Certified Residential License
- 1) In lieu of the Associate degree, an applicant for the Certified Residential license shall successfully pass all of the following collegiate subject matter courses from an accredited college, junior college community college, or university:
- A) English Composition;
- B) Principles of Economics;
- C) Finance;
- D) Algebra, Geometry or higher mathematics;
- E) Statistics;
- F) Computer Science; and
- G) Business or Real Estate Law.
- 2) Total hours of equivalent college courses in lieu of an Associate degree: 21 semester credit hours or its equivalent for the Certified Residential Appraiser. If an accredited college or university (accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized the U.S. Secretary of Education) accepts the College-Level Examination Program® (CLEP) examinations and issues a transcript for the exam, showing its approval, college course credit will be granted for CLEP exam.
- h) Non-degree Course Work Accepted for Certification – Certified General Credential

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- 1) In lieu of the Bachelors degree, an applicant for the Certified General credential shall successfully pass all of the following collegiate level subject matter courses from an accredited college, junior college, community college or university:
 - A) English Composition;
 - B) Micro Economics;
 - C) Macro Economics;
 - D) Finance;
 - E) Algebra, Geometry or higher mathematics;
 - F) Statistics;
 - G) Computer Science;
 - H) Business or Real Estate Law; and
 - I) Two elective courses in accounting, geography, agricultural economics, business management or real estate.
- 2) Total hours of equivalent college courses in lieu of a Bachelors degree: 30 semester credit hours or its equivalent for the certified general appraiser. If an accredited college or university (accredited by the Commission on Colleges, a regional or national accreditation association, or an accrediting agency that is recognized by the U.S. Secretary of Education) accepts the College-Level Examination Program[®] (CLEP) examinations and issues a transcript for the exam, showing its approval, college course credit will be granted for the CLEP exam.
 - i) Applicants seeking credit for foreign degrees shall have an evaluation of their education credentials to convert the credentials to American equivalent semester credits and courses. Only vendors and organizations recognized by the Illinois State Board of Education will be permitted to conduct the evaluations.

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(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, and Associate Real Estate Trainee Appraiser; Non-Resident Continuing Education Approval

a) CE Credit

- 1) A State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser who makes application to renew his or her real estate appraiser license shall successfully complete the equivalent of 14 hours of approved continuing education per year preceding the renewal, e.g., a total of 28 hours of approved continuing education for a 2 year renewal. ~~Continuing education may be obtained anytime during the pre-renewal period.~~ Continuing education credit will only be accepted from education providers and courses approved by the Division.
- 2) If a real estate appraiser was issued an initial license for less than 185 days prior to the expiration of the license, then no continuing education is required for that renewal. If a real estate appraiser has held a license 185 days or more prior to the expiration, but less than two years, then 14 hours of approved continuing education is required.
- 3) A real estate appraiser must complete the 7-hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB taught by an AQB certified instructor who also hold a current appraiser certification by a state during each pre-renewal period prior to renewing or converting his or her real estate appraiser license, unless the real estate appraiser was issued his or her initial license for a period of less than 185 days prior to the expiration date. A real estate appraiser must complete the 7-hour National USPAP Update Course or its equivalent ~~by the date that is~~ within 6 months after the effective date of USPAP. Those real estate appraisers issued a license more than 6 months after the effective date of USPAP shall complete the 7-hour National USPAP Update Course within 6 months after licensure.

b) CE Credit from Another Jurisdiction

The Division may accept evidence of successful completion of continuing

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education credit from another jurisdiction if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the recommendations of the AQB, and if the credit was earned during the appropriate pre-renewal period. A real estate appraiser who wishes to obtain credit for continuing education courses not licensed by the Division shall submit to the Division:

- 1) An application provided by the Division requesting approval for continuing education credit, signed by the applicant, on which all questions are answered;
- 2) A certificate of successful completion provided by the education provider or a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested continuing education credit; and
- 3) The fee as provided in Section 1455.320.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

SUBPART D: EXPERIENCE REQUIREMENTS

Section 1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License

Any person who makes application for a State Certified Residential Real Estate Appraiser License shall be required, as a pre-requisite to examination, to provide evidence of obtaining 2,500 hours of appraisal experience during no fewer than 24 months and shall submit such evidence to the Division as required by Section 1455.190. [Waiver valuations prepared in accordance with Section 5-5 of the Act shall not be counted toward appraisal experience credit for any credential classification.](#)

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.190 Verification of Experience Credit

All applicants shall verify experience credit on forms provided by the Division. Those forms shall include information on the type of property, ~~e.g., residential or non-residential~~, date of report, address of appraised property, description of work performed and number of work hours. The Division may audit such verification and, if requested, the applicant must provide experience documentation in the form of reports or file memoranda and should support the

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experience claimed. The Division, at its discretion, will determine the validity of all appraisal experience credit in conformity with criteria recommended by the AQB. All experience must be USPAP compliant. An applicant's experience must be in appraisal work conforming to Standards 1, 2, 3, 4, 5 and/or 6 in which the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), and reporting conclusions. The Division, at its discretion, will determine the validity of all appraisal experience credit in conformity with criteria recommended by the AQB.

- a) For applicants intending to upgrade to a State Certified Residential Real Estate Appraiser License:
 - 1) No more than 30% of the residential experience shall be claimed for appraisal review or appraisal consulting assignments.
 - 2) No more than 30% of the residential experience shall be claimed for the appraisal of vacant land.
 - 3) No more than 30% of the total experience shall be non-residential assignments.
 - 4) No less than 50% of the total experience submitted shall contain signed certifications by the applicant.
- b) For applicants intending to upgrade to a State Certified General Real Estate Appraiser License:
 - 1) No more than 30% of the experience shall be claimed for appraisal review or appraisal consulting assignments.
 - 2) No more than 30% of the residential experience shall be claimed for the appraisal of vacant land.
 - 3) No less than 50% of the total experience submitted shall contain signed certifications by the applicant.
- c) Real Estate Mass Appraisal/Ad Valorem Experience
 - 1) Each applicant seeking acceptance of experience as an assessment official, or as deputy or employee of an assessment official, in applying for a State

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Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, or Associate Real Estate Trainee Appraiser License shall submit to the Division:

- A) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - B) A notarized Real Estate Mass Appraisal/Ad Valorem Affidavit;
 - C) The Assessment Experience Certification;
 - D) A completed work log;
 - E) The fee required by Section 1455.320.
- 2) The applicant must demonstrate qualitative experience through no fewer than 5 appraisals for ad valorem tax/assessment purposes utilizing or considering the three approaches to value. If the applicant is intending to upgrade to a State Certified General Real Estate Appraiser License, then 3 of the 5 must be non-residential samples.
- d) Practicum Course as Experience
Practicum courses that are approved by the AQB Course Approval Program or by the Division shall satisfy the non-traditional client experience requirement.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.195 Acceptable Experience Credit and Request for Reconsideration

If experience has been approved or disapproved by the Division, and the applicant disagrees with the number of experience credit hours awarded, the applicant may, within 14 days after the Division's written notice, request in writing that the Division reconsider its determination. The request must indicate the number of hours of experience credit that the applicant believes is appropriate and must explain in detail why the applicant disagrees with the Division's decision. Review of any such request for reconsideration will be performed by one or more members of the Real Estate Appraisal Administration and Disciplinary Board. The Board shall then submit to the Division its recommendation for final action.

(Source: Added at 37 Ill. Reg. 2668, effective April 1, 2013)

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Section 1455.200 Acceptable Appraisal Experience Credit

- a) Acceptable appraisal experience shall include, but is not limited to, fee and staff appraisal, ad valorem tax appraisal, condemnation appraisal, technical review appraisal, appraisal analysis, real estate consulting, highest and best use analysis, and feasibility analysis/study. All appraisal experience shall conform to USPAP and shall meet the requirements of the AQB. All experience credit must have been obtained after January 30, 1989.
- b) Appraisal education may not be substituted for appraisal experience, except for practicum courses approved by the AQB Course Approval Program and/or the Division.
- c) A traditional client is not necessary for an appraisal to qualify for appraisal experience. Experience gained for work without a traditional client cannot exceed 50% of the total experience requirement. An hour of appraisal experience is defined as verifiable time spent in performing tasks in accordance with acceptable appraisal experience as identified by AQB 2008 Criteria~~criteria~~. There is no time limit during which experience must be obtained.
- d) Time spent in travel to and from the subject property and to other data sources shall not count toward appraisal experience.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section 1455.205 Record Keeping Requirements

Licenses must retain any communication, including but not limited to written, oral or web form, of an appraisal, appraisal review or appraisal consulting service that is transmitted to the client upon completion of an assignment for a period of at least five years, or at least two years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires last.

(Source: Added at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.230 Address Change; Street Address

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It is the responsibility of the licensee to notify the Division in writing of a change of address, [e-mail address, or website address or addresses](#) within 15 days after the change. The licensee shall provide a street address of the licensee's residence or business location. The licensee's address [of record](#) shall not be a Post Office Box or a mailbox located within a retail postal business.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

- a) Pursuant to Section 10-10 of the Act, the [2012 2010 Uniform Standards of Professional Appraisal Practice \(USPAP\), effective January 1, 2010, by the Appraisal Standards Board \(ASB\) of the Appraisal Foundation \(The Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005\)](#), are hereby incorporated by reference with no later amendments or editions.
- b) All real estate appraisers licensed under the Act shall practice in accordance with USPAP except where the standards are contrary to Illinois law or public policy (USPAP, Jurisdictional Exception).
- c) All investigators, [board members](#), 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. If the Division files a formal complaint, a USPAP Standard 3 review [willshall](#) be utilized by the Division [when available](#), except the Division may limit the scope of Standard 3 to exclude valuation. [USPAP Standard 3 review shall be provided in cases in which an existing appraisal report is central to the proceeding.](#)

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

SUBPART F: ENFORCEMENT PROVISIONS

Section 1455.250 [Appraiser Responsibilities as Relating to Appraisal Management Companies](#)~~Grounds for Discipline~~

Pursuant to Section 15-10(a) of the Act, failure to comply with any of the following shall be considered a violation and may subject a licensee to discipline as provided for in the Act and this Part:

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- a) An appraiser shall identify an appraisal management company as the client if the appraisal management company is engaging the appraiser. ~~If an appraisal management company is acting as an authorized agent for a financial institution, the appraiser shall identify the financial institution as the additional intended user.~~
- 1) ~~An authorized agent is defined as one approved by the board of directors for the financial institution and who has a specified level of authority relating to the appraisal process.~~
 - 2) ~~An institution's board of directors is responsible for reviewing and adopting policies and procedures that establish and maintain an effective, independent real estate appraisal and evaluation program for all of its lending functions.~~
- b) An appraiser shall not provide appraisal practice service to an appraisal management company unless the appraisal management company is lawfully registered in Illinois pursuant to Section 20 of the Appraisal Management Company Registration Act [225 ILCS 459] and 68 Ill. Adm. Code 1452. ~~If a financial institution is identified as an additional intended user, the appraiser shall ascertain the relationship between the client/authorized agent and the financial institution by doing one of the following:~~
- 1) ~~obtain a copy of the agreement between the client/authorized agent and the financial institution. This agreement shall set out the responsibilities and authority of the authorized agent.~~
 - 2) ~~obtain a letter written by the client/authorized agent in which the agent sets forth its level of responsibility and authority. If the client/authorized agent cannot provide the appraiser with documentation identifying them as a duly authorized agent for the financial institution, a statement must be included in the appraisal indicating that the report may not comply with the Interagency Appraisal and Evaluation Guidelines, adopted October 27, 1994 by the federal Office of the Controller of Currency (OCC), Federal Reserve Board (FRB), Federal Deposit Insurance Corporation (FDIC) and federal Office of Thrift Supervision (OTS).~~
 - 3) ~~directly communicate with the financial institution to determine the scope of the appraisal assignment.~~

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- c) When an appraisal management company engages:
- 1) An independent-~~an~~ appraiser by employment or contract for a specific assignment, the appraiser shall prominently display the appraisal fee received from the appraisal management company in the certification as follows: "The compensation for this appraisal assignment is \$_____."
 - 2) An employee appraiser for a specific assignment, the appraiser shall prominently display the appraisal fee received from the appraisal management company in the certification as follows: "The compensation for this appraisal assignment is \$_____."
 - 3) An employee appraiser who receives a salary and does not receive a fee for the assignment, the employee appraiser shall prominently display the following language: "The appraiser is a salaried employee and received no appraisal fee for the assignment."
 - 4) An appraiser for a specific assignment, the appraiser shall prominently display the appraisal management company's Illinois registration number and expiration date as follows: "The appraisal management company's Illinois registration number is _____ and it expires on (month/day/year)."

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.290 Cooperation Required with the Division

Pursuant to Section 15-10(a)(17) of the Act, all licensees are required to fully cooperate with any audit, investigation, interrogatory, examination or request for information regarding any aspect of the licensee's appraisal practice or application for licensure. Full cooperation includes, but is not necessarily limited to providing to the Division within 30 days after its request:

- a) A complete copy of a signed appraisal, appraisal review or appraisal consulting assignment as it was transmitted to the client, including file memoranda, work files, supporting and/or verification documentation that are required to be maintained by the Act and this Part;
- b) Continuing education certificates or experience/work log that are required to be maintained by the Act or this Part; or

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- c) A complete answer to any written interrogatory or request for clarification submitted to a licensee or applicant.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.310 Unprofessional Conduct

Dishonorable, unethical or unprofessional conduct includes, but is not limited to, the commission of any one of the following:

- a) Aiding or assisting another in the violation of the Act or this Part;
- b) Failing to satisfy a material term of a consent to administrative supervision order or consent order;
- c) Aiding, assisting or facilitating another in using or appropriating credentials or a license for the purpose of preparing an appraisal report; ~~or~~
- d) Delivering an appraisal report in a manner in which the appraiser knows, or should know, a true copy of the report will not be delivered to all intended users; ~~-~~
- e) Providing false information with regard to the completion of continuing education;
- f) Failure of a supervisor to sign the Associate Real Estate Trainee Appraiser's log, without good cause;
- g) Failing to exercise due care to prevent unauthorized use of his or her digital signature;
- h) Failing to complete the 7-hour National USPAP Update Course or its equivalent by July 1, 2012;
- i) Denying an employee or contracted appraiser reasonable access to his or her workfile contents and/or reports without good cause;
- j) Failing to provide a completed report to a client for which the total agreed compensation has been received by the licensee, without good cause; or

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- k) Transmitting an unsigned assignment result to a client or end-user client.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.315 Supervisor and Trainee Requirements (Repealed)

- a) Requirements of a Supervising Appraiser

- 1) A supervising appraiser shall provide to the Division in writing the name and address of each Associate Real Estate Trainee Appraiser within 10 days after engagement, and notify the Division in writing immediately upon termination of the engagement.
- 2) A supervising appraiser shall instruct and directly supervise an Associate Real Estate Trainee Appraiser for any classification of license or certificate in the entire preparation of each appraisal. A supervising appraiser shall provide direct supervision, being personally and physically present, during the first 500 hours of experience for no fewer than 25 assignments. If a State Certified General Real Estate Appraiser is supervising an Associate Real Estate Trainee Appraiser, all appraisals completed during the first 500 hours of experience shall be non-residential appraisals. The supervising appraiser shall approve and sign all final appraisal documents certifying the appraisals are in compliance with USPAP.

- b) Requirements of an Associate Real Estate Trainee Appraiser

- 1) An Associate Real Estate Trainee Appraiser shall provide to the Division in writing the name and address of each supervising appraiser within 10 days after engagement, and notify the Division in writing immediately upon termination of the engagement.
- 2) An Associate Real Estate Trainee Appraiser shall maintain an appraisal log for each supervising appraiser and, at a minimum, include the following in the log for each appraisal:
 - A) Type of property;

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- ~~B) Date of report;~~
- ~~C) Property description;~~
- ~~D) Description of work performed by the trainee and scope of review and supervision by the supervising appraiser;~~
- ~~E) Number of actual work hours by the trainee on the assignment; and~~
- ~~F) The signature and State license number of the supervising appraiser.~~

(Source: Repealed at 37 Ill. Reg. 2668, effective April 1, 2013)

SUBPART G: ADMINISTRATIVE PROVISIONS

Section 1455.320 Fees

- a) Initial application fee for appraiser license:
 - 1) The application fee for an initial license as a State Certified General Real Estate Appraiser and a State Certified Residential Real Estate Appraiser shall be \$315, which shall include the National Registry fee.
 - 2) The application fee for an initial license as an Associate Real Estate Trainee Appraiser shall be \$225.
- b) Renewal application fee for appraiser license:
 - 1) The application fee to renew a license as a State Certified General Real Estate Appraiser or a State Certified Residential Real Estate Appraiser shall be calculated at \$265 per year, which shall include the National Registry fees.
 - 2) The application to renew an Associate Real Estate Trainee Appraiser License shall be calculated at \$150 per year.
 - 3) The application fee to renew a license that has expired, as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or an Associate Real Estate Trainee Appraiser shall be the sum

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of all lapsed renewal fees plus a \$50 late fee.

- c) Application fee for temporary practice permit:
The application fee for a temporary practice permit pursuant to the Act and this Part shall be ~~\$100~~\$150. ~~The~~There shall be no additional fee required for an extension granted pursuant to the Act and this Part for a temporary practice permit shall be \$50.
- d) Initial application fee for a license as an education provider, a qualifying education course, ~~and~~ a continuing education course, and a practicum course:
- 1) The application fee for a license as an education provider shall be ~~\$550~~\$1050, plus course application fees.
 - 2) The application fee for a license for a qualifying education course shall be \$150.
 - 3) The application fee for a license for a continuing education course shall be ~~\$50~~\$100.
 - 4) The application fee for the 15-Hour National USPAP Course or its equivalent shall be \$50.
 - 5) The fee to convert an Illinois licensed qualifying education course, except for the 15-Hour National USPAP Course, to a continuing education course shall be \$25.
 - 6) The application fee for the 7-Hour National USPAP Update Course or its equivalent shall be \$25.
- e) Application fee to renew a license as an education provider, a qualifying education course, and a continuing education course:
- 1) The application fee to renew a license as an education provider shall be ~~calculated at \$500~~\$550 per year.
 - 2) The application fee to renew a license that has expired as an education provider shall be the sum of all lapsed renewal fees plus a \$50 late fee.

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- 3) The application fee to renew a license as a qualifying education course, except for the 15-Hour National USPAP Course, with no material changes, shall be ~~calculated at \$50~~\$100 per year.
 - 4) The application fee to renew a license that has expired as a qualifying education course, with no material changes, shall be the sum of all lapsed renewal fees plus a \$50 late fee.
 - 5) The application fee to renew a license as a continuing education course, except for the 7-Hour National USPAP Update Course, with no material changes, shall be ~~calculated at \$25~~\$75 per year.
 - 6) The application fee to renew a license that has expired as a continuing education course, with no material changes, shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- f) For the purposes of determining if a license has expired under this Section, Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall consider the license expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by the Division on a date later than the expiration date.
- g) General-
- 1) All fees paid pursuant to the Act and this Part are non-refundable.
 - 2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be \$25.
 - 3) The fee for a certification of a licensee's record for any purpose shall be \$25.
 - 4) The fee for a decorative wall license showing registration shall be the cost of producing the license.

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- 5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.
- 6) Applicants for an examination as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Trainee Appraiser shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.
- 7) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.
- 8) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be \$1 per page.
- 9) The Division may charge an administrative fee not to exceed \$2,000, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1455.280 ~~of this Part~~.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section 1455.350 Education Provider Application; Requirements

- a) In accordance with Section 20-5 of the Act, any person or entity seeking approval to provide qualifying education and/or continuing education courses shall submit an application, no later than 45 days in advance of the first course offering date, on forms provided by the Division, along with the appropriate fee required by Section 1455.320. In addition, course applications:
 - 1) May be deferred by the Division for no more than 45 days, pending notification or return to the applicant of an incomplete or cancelled filing, which can be remedied within 14 days after notification. If not remedied within 14 days, the application will be rejected;

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- 2) That are not approved for use by the Division can be resubmitted once all the deficiencies or objections identified by the Division are addressed and an explanation of how the applicant has satisfied each deficiency or objection is provided, along with the filing fee required by Section 1455.320.
- b) If a course has been materially revised during the two-year license period, it must be resubmitted for review and approval along with the appropriate fee required by Section 1455.320. Revised material must be shaded, coded or otherwise designated to enable timely review.
- cb) The program of qualifying education and/or continuing education for a licensed education provider shall:
- 1) Be approved by the provider's governing and/or supervising body;
 - 2) Utilize qualified instructors as follows:
 - A) to instruct such courses as, but not limited to:
 - i)A) qualifying education courses for a State Certified General Real Estate Appraiser (the instructor shall be a State Certified General Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);
 - ii)B) qualifying education courses for a State Certified Residential Real Estate Appraiser or an Associate Real Estate Trainee Appraiser (the instructor shall be a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);
 - iii)C) continuing education courses (the instructor shall~~should~~ have the appropriate education and experience in appraisal or the subject matter being taught); ~~or~~

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~~B)D)~~ all instructors teaching USPAP courses shall be, at a minimum, AQB certified instructors who also hold a current appraiser certification from a state; and

C) all AQB Certified USPAP instructors who will be teaching online National USPAP offerings, whether QE or CE, must hold a current Certified Distance Education Instructor (CDEI) designation from the International Distance Education Certification Center (IDECC);

- 3) Offer courses that are approved and licensed by the Division, and conform to the standards established in this Subpart.

de) Business Practices and Recordkeeping Facilities

- 1) An education provider must provide a facility for the maintenance of all records for a minimum of 5 years.~~An education provider must provide an office for the maintenance of all records, office equipment and office space necessary for customer service.~~
- 2) Course approval by the Division does not apply retroactively.~~The premises, equipment and facilities of the education provider shall comply with applicable community, state or federal fire codes, building codes, and health and safety standards.~~
- 3) The course applicant must have a written attendance policy that requires student attendance to be verified.~~The education provider is subject to inspection prior to approval or at any time thereafter by authorized representatives of the Division. Inspections shall be conducted during regular business hours, with at least 48 hours advance notice.~~
- 4) The course applicant must have established a policy on course scheduling that provides for a maximum of 8 classroom hours of instruction in any given day and for appropriate breaks during each class session.~~No education provider shall maintain an office, or conduct education courses, in a private residence.~~
- 5) An education provider shall only conduct education courses in locations that are conducive to learning.

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ed) Administration

- 1) No licensed education provider shall advertise that it is endorsed, recommended, or accredited by the Division. The education provider may indicate that it is licensed by, and the course of study has been approved and licensed by, the Division. Applicants may not state in any advertising or other materials that a course is being, or has been, submitted to the Division or to the Board for review.
- 2) Each education provider shall provide a prospective student prior to enrollment with information specifying the course of study to be offered, the tuition, the provider's policy regarding refunds, any additional fee for supplies, materials or books, and other matters that are material to the relationship between the provider and the student. Education providers are prohibited from sharing course materials in violation of copyright laws.
- 3) Each education provider shall maintain for each student a record including the course of study undertaken, dates of attendance, and a transcript of courses satisfactorily completed. All records shall be maintained by the education provider for a period of 5 years and shall be made available to the student or to the Division upon request during regular business hours. An education provider may charge a student the cost of reproducing copies of a transcript.
- 4) Each education provider shall upon request by the Division, provide evidence of financial resources available to equip and maintain its program, as documented by, e.g., a current balance sheet or an income statement.
- 5) ~~Any out-of-state education providers shall reimburse the Division for all reasonable expenses incurred by the Division while inspecting their facilities.~~
- 6) Each education provider shall notify the Division, on a form approved by the Division, of all proposed changes in ownership of the education provider at least 30 days prior to the change in ownership. Changes include, but are not limited to, a transfer of ownership, bankruptcy or

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dissolution of the entity.

- 6) An education provider shall not contract with an instructor who has been subject to disciplinary action that is in the public record in any jurisdiction in the three years prior to the course offering.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.360 Qualifying Education Course Requirements of Education Providers

- a) For the purposes of this Section, a course shall be defined as a course of instruction that meets the curriculum requirements of this Subpart for each license category and that is at least 15 hours in length.
- b) Each course shall meet the appropriate course curriculum prescribed in Section 1455.370 of this Subpart.
- c) Each course shall include an examination of a minimum of 25 questions for each 15 hours of instruction, e.g., a 15 hour course would require a 25 question examination, a 30 hour course would require a 50 question examination. The questions shall be either multiple choice or true/false or a combination. Open book examinations shall not be accepted. No student shall be deemed to have successfully completed the course unless he or she has scored a minimum of 70% on the course examination.
- d) The Division shall only grant approval for courses that are a part of an overall qualifying education program for each license category; e.g., an education provider must have a 75 hour qualifying education program approved for an Associate Real Estate Trainee Appraiser, a 200 hour qualifying educationpre-license program approved for a State Certified Residential Real Estate Appraiser, and an education provider must have a 300 hour qualifyingpre-license education program approved for a State Certified General Real Estate Appraiser. The Division will not review or recommend any course to the Board that consists of integrated course content not equaling a full module.
- e) Each education provider who seeks approval of a course shall submit to the Division an application on forms provided by the Division, which shall include, but is not limited to, an outline and course description for each course, materials to be used in instruction, an examination with answer key, and the appropriate fee

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pursuant to Section 1455.320.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.365 Practicum Course Requirements

A practicum course must include the generally applicable methods of appraisal practice for the credential category. Content includes, but is not limited to: requiring the student to produce credible appraisals that utilize an actual subject property; performing market research containing sales analysis; and applying and reporting the applicable appraisal approaches in conformity with USPAP. Assignments must require problem solving skills for a variety of property types for the credential category.

- a) The student/instructor ratio for any practicum course shall be limited at the discretion of the Division.
- b) The client and intended user for all practicum assignments shall be the course provider.
- c) The intended use for all practicum assignments shall be "for experience credit".
- d) There must be an identifiable subject property and the student should personally inspect it.
- e) All data on comparable properties researched, analyzed and used in the assignment must be actual and identifiable market data.
- f) All data on comparable properties utilized should be verified with at least one market participant of the sale/rent (e.g., buyer, seller or broker) and the student must inspect the exterior of each comparable property utilized.
- g) The final assignment must be communicated in compliance with either the Self-Contained or Summary Appraisal Report options of Standard 2 of USPAP.
- h) Restricted Use Reports will not be accepted for practicum experience.
- i) The final reports must be maintained by the student in accordance with the Record Keeping Section of the Ethics Rule of USPAP and with Section 10-20 of the Act.

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- j) The practicum course shall result in an appraisal and appraisal report completed in accordance with USPAP.
- k) Students may obtain experience hours equal to the classroom instruction and to the verifiable time spent on the assignment or assignments.
- l) An instructor conducting a residential experience practicum course shall hold either a Certified Residential or Certified General credential in good standing, in any jurisdiction.
- m) An instructor conducting a general experience practicum course shall hold a Certified General credential in good standing.
- n) Any approved practicum instructor is exempt from obtaining a Temporary Practice permit in conjunction with a practicum assignment.
- o) The instructor shall grade and correct all assignments and should assure USPAP compliance.
- p) The instructor shall meet with the students a minimum of 50% of the course hours during the course. The remaining 50% of the course hours are practicum related experiences.
- q) The course may be audited by the Division.

(Source: Added at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.370 Qualifying Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser

- a) Qualifying education course work to obtain a license as a State Certified General Real Estate Appraiser shall consist of 300 classroom hours of instruction, which may include the 75 hour requirement for an Associate Real Estate Trainee Appraiser License, or the 200 hour requirement for a State Certified Residential Real Estate Appraiser License. The content for qualifying education courses shall not be repetitive and shall represent a progression of instruction in which the appraiser's knowledge is increased. The core curriculum for qualifying education

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~~pre-license instruction~~ courses shall be the core curriculum as approved and as revised by the Appraiser Qualifications Board of The Appraisal Foundation.

- b) Qualifying education course work to obtain a license as a State Certified Residential Real Estate Appraiser shall consist of 200 classroom hours of instruction, which may include the 75 hour requirement for an Associate Real Estate Trainee Appraiser License. The content for qualifying education courses shall not be repetitive and shall represent a progression of instruction in which the appraiser's knowledge is increased. The core curriculum for qualifying education courses shall be the core curriculum as approved and as revised by the Appraiser Qualifications Board of The Appraisal Foundation.
- c) Qualifying education course work to obtain a license as an Associate Real Estate Trainee Appraiser shall consist of 75 classroom hours of instruction and the content of instruction shall include instruction in, but not limited to, the following topics:
- 1) influences on real estate value;
 - 2) legal considerations in appraisal;
 - 3) types of value;
 - 4) economic principles;
 - 5) real estate markets and analysis;
 - 6) valuation process;
 - 7) property description;
 - 8) highest and best use analysis;
 - 9) appraisal statistical concepts;
 - 10) sales comparison approach;
 - 11) site value;

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- 12) cost approach;
- 13) income approach;
- 14) valuation of partial interests;
- 15) appraisal standards and ethics; and
- 16) other topics approved by the Division.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student

- a) Continuing education courses for a State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser shall include the 7 hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB taught by an AQB certified instructor who holds a current appraiser certification by a state during the pre-renewal period prior to renewal or conversion of a license; shall increase his or her skill, knowledge and competency in real estate appraisal; and shall cover other real estate related appraisal topics, such as, but not limited to:
 - 1) Ad valorem taxation;
 - 2) Arbitration;
 - 3) Courses related to practice of real estate appraisal;
 - 4) Development cost estimating;
 - 5) Dispute resolution;
 - 6) Ethics and standards of professional practice;
 - 7) Land use planning, zoning;

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- 8) Management, leasing, timesharing;
 - 9) Property development partial interests;
 - 10) Real estate appraisal;
 - 11) Real estate law, easements, legal interests;
 - 12) Real estate litigation, damages, condemnation;
 - 13) Real estate financing and investment;
 - 14) Real estate appraisal related computer applications; and
 - 15) Real estate securities and syndication.
- b) Up to one-half of an individual's continuing education requirement may also be granted by the Division for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined by the Division to be equivalent to obtaining continuing education. AQB Certified USPAP Instructors, who have taught the 7-hour National USPAP Update Course or its equivalent, as qualifying education or continuing education, within the current renewal cycle, are exempt from taking the 7-hour National USPAP Update Course as a student. ~~AQB Certified USPAP Instructors may be granted a maximum of 7 hours of continuing education per renewal cycle for teaching the 7-hour National USPAP Update Course or its equivalent.~~ A real estate appraiser who wishes to obtain continuing education credit for these activities shall submit to the Division:
- 1) An application to request continuing education credit for participation other than as a student signed by the applicant and on which all questions are answered; and
 - 2) The fee provided by Section 1455.320.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.410 Distance Education

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For qualifying education or continuing education, distance education courses are courses in which instruction does not take place in a traditional face to face classroom situation but rather when instruction takes place through other media. Distance education programs include, but are not limited to, those that are presented through on-line courses, interactive classrooms, video conferencing, audio tape, print media, video tape, compact disks and interactive computer programs. Distance education courses shall be licensed to an approved education provider.

- a) Distance education course must meet the curriculum requirements established by the Act, this Part and AQB criteria. For qualifying education or continuing education, distance education is defined as any educational process based on the geographical separation of instructor and student, e.g., CD-ROM, on-line learning, correspondence courses, video conferencing, etc.
- b) Distance education courses shall be submitted to the Division for review and approval as provided for in Section 1455.350. may be approved and licensed by the Division if:
 - 1) the course is given by a licensed education provider;
 - 2) the education provider is approved and licensed by the Division;
 - 3) the distance education course meets the requirements for qualifying education and continuing education as provided in the Act and this Part and criteria established by the AQB;
 - 4) the education provider provides a means for a student to contact an instructor to answer questions.
- c) Approved education providers offering distance education courses shall submit for approval by the Division the general plans for proctoring exams for distance education courses. Each provider shall be responsible for the security and integrity of course final examinations and the suitability of the sites and proctors utilized by the provider. If the course given is for continuing education credit, the education provider shall be required to submit to the Division, with the course application, an examination of at least 25 questions with answer key, and the student shall be required to score a minimum of 70% on the examination.
- d) If the course is taken for continuing education credit, the education provider shall

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be required to submit to the Division, with the course application, an examination of at least 25 questions with answer key, and the student shall be required to score a minimum of 70% on the examination. The education provider will be required to submit a policy indicating the manner in which distance education course examinations are to be taken. The policy must be approved by the Division.

- e) Approved education providers offering distance education courses shall establish written policies and procedures for grading examinations and lessons, which shall include provisions for instructor comments, suggestions and written correction of errors. There shall also be written procedures for the prompt return of materials. Copies of these policies shall be provided to the Division upon request.
- f) Approved education providers offering distance education courses shall provide for a valid licensed instructor to be available during normal business hours to answer student questions.
- g) Approved education providers offering distance education courses shall establish performance objectives for each course.
- h) Approved education providers offering distance education shall provide appropriate technical support throughout the period the courses are offered.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.430 Continuing Education Reporting

- a) Each licensed education provider, pursuant to Section 20-5(e) of the Act, that is approved to offer approved continuing education courses shall submit to the Division, on or before the 15th of each month, a report or reports of those licensees successfully completing the continuing education courses offered by the provider during the preceding calendar month.
- b) The monthly reports shall include, but are not limited to, the following information for each licensee:
 - 1) the licensee's name, address and license number;
 - 2) the education provider's name and license number;

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- 3) the continuing education course name and license number; and
 - 4) other information as required by the Division.
- c) ~~If an education provider during the preceding calendar month gave no continuing education courses, the provider shall report, on forms provided by the Division, that no courses were given.~~ d) The monthly reports shall be submitted in a computer readable format provided and specified by the Division.
- d) Monthly reports shall be submitted in an electronic or digital format approved by the Division via the internet.
- e) ~~There will be no processing fee for a monthly report submitted in the computer readable format provided and specified by the Division. Each monthly report submitted on paper or in a format other than a computer readable format provided and specified by the Division shall be accompanied by a processing fee of \$.50 per licensee, per course, listed on the report, payable by check to the Division.~~
- f) ~~A monthly report received by the Division with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative late fee of \$200 in addition to the fees set forth in subsection (a)(4).~~
- g) ~~If an education provider fails to file monthly reports or a statement that no courses were offered, or fails to pay the required fees for three consecutive months, the courses offered by that provider/school may be disqualified pursuant to the procedures set forth in Section 15-10(a) of the Act and this Part (Section 1455.445), until all delinquent reports, processing fees, and administrative fees as set forth in this Section have been submitted to and are received by the Division. The Division shall send notice to the school of an informal conference before the Real Estate Appraisal Board and of pending disqualification pursuant to the Act and this Part, by certified or registered mail, return receipt requested, or by other signature restricted delivery service.~~

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.440 Transcript or Certificate of Completion

Within 21 days after completion of the course, each licensed education provider shall provide to each student who successfully completes an approved qualifying education or continuing

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education course a certified transcript or certificate of completion. The education provider must retain the certificates for no less than 5 years. The certified transcript or certificate of completion shall include, but is not limited to, the following information:

- a) the student's name, address and license number (if applicable);
- b) the name, ~~Illinois~~ and license number and license expiration date of the education provider;
- c) the International Distance Education Certification Center, or AQB equivalent, expiration date, if a distance course;
- d) the name, ~~Illinois~~ and license number and expiration date of the course; and
- e) ~~d)~~ the approved hours completed.

(Source: Amended at 37 Ill. Reg. 2668, effective April 1, 2013)

Section 1455.445 Grounds for Education Provider Discipline

Pursuant to Section 15-10(a) of the Act, the following shall be considered a violation and may subject a licensee to discipline:

- a) Dismissal of attendees, without good cause, from any classroom offering that results in approved hours not being met;
- b) Failure to adhere to approved course materials;
- c) Holding a course while the education provider's license is non-renewed, expired, suspended, revoked or surrendered or is in any other inoperative or inactive status;
- d) Plagiarism of course material and/or false advertising;
- e) Temporary loss or termination of the International Distance Education Certification Center approval.
- f) The course applicant provided to the Division false or misleading information in connection with an application for course approval.

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- g) A course is not being conducted in the manner represented to the Division at the time approval was requested, or that a course no longer complies with the criteria for approval.
- h) The education provider does not enforce policies relating to course prerequisites, instructor qualifications, student attendance or course scheduling.
- i) The education provider misrepresents any material fact relating to a course.
- j) The education provider has failed to maintain for a period of at least 5 years accurate records of students' course completion or to fill, within 21 days, requests for course completion letters or certificates from former students who satisfactorily completed a course.

(Source: Added at 37 Ill. Reg. 2668, effective April 1, 2013)

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Section 1455.APPENDIX A Caption for a Case Filed by the Agency (Repealed)

~~STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION-
DIVISION OF PROFESSIONAL REGULATION
REAL ESTATE APPRAISAL ADMINISTRATION~~

~~DIVISION OF PROFESSIONAL REGULATION)
REAL ESTATE APPRAISAL ADMINISTRATION)
of the State of Illinois,)~~

~~Complainant)~~

~~vs)~~

~~(NAME OF RESPONDENT))
(License Number),)~~

~~Respondent.)~~

No.

COMPLAINT

(Source: Repealed at 37 Ill. Reg. 2668, effective April 1, 2013)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Section 1455.APPENDIX B Caption for a Case Filed by the Petitioner (Repealed)

~~STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION
REAL ESTATE APPRAISAL ADMINISTRATION~~

~~In RE the Petition for Restoration of)
) No.
)
(NAME OF PETITIONER))
(License Number),)
)
PETITIONER)~~

~~**PETITION FOR HEARING**~~

(Source: Repealed at 37 Ill. Reg. 2668, effective April 1, 2013)

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rules and Regulations of the Board
- 2) Code Citation: 74 Ill. Adm. Code 800
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
800.310	Amendment
800.320	Amendment
800.330	Amendment
800.340	Amendment
800.410	Amendment
800.420	Amendment
- 4) Statutory Authority: 40 ILCS 5/22A and 30 ILCS 105/6z-75
- 5) Effective Date of Rulemaking: February 25, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: October 26, 2012; 36 Ill. Reg. 15328
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between Proposal and Final Version: There is no difference between proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any proposed rulemakings pending on this Part? No.

ILLINOIS STATE BOARD OF INVESTMENT

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- 15) Summary and Purpose of Rulemaking: These amendments will expand 74 Ill. Adm. Code 800 to allow for management of the Illinois Power Agency Trust Fund's assets in a manner which is consistent with the Illinois State Board of Investment's current management of the individual retirement systems' assets.
- 16) Information and questions regarding this rulemaking shall be directed to:

Linsey Schoemehl
General Counsel/Chief Compliance Officer
Illinois State Board of Investment
180 N. LaSalle Street, Suite 2015
Chicago, IL 60610

312/793.1486
Linsey.schoemehl@illinois.gov

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

ILLINOIS STATE BOARD OF INVESTMENT

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TITLE 74: PUBLIC FINANCE
CHAPTER VII: ILLINOIS STATE BOARD OF INVESTMENT

PART 800
RULES AND REGULATIONS OF THE BOARD

SUBPART A: AUTHORITY

Section
800.5 Authority

SUBPART B: BY-LAWS

Section
800.110 Offices of the Board
800.120 Meetings
800.130 Officers and Their Duties
800.140 Committees

SUBPART C: GENERAL POLICIES

Section
800.210 Functions
800.220 Fiduciary Aspects
800.230 Delegation of Authority
800.240 Budget

SUBPART D: ACCOUNTING

Section
800.310 Investment Account
800.320 ~~Pension~~-Fund Credits
800.330 ~~Pension~~-Fund Charges
800.340 Reserve Balances

SUBPART E: REPORTS

Section
800.410 Fiscal Reporting

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

800.420 Audits

SUBPART F: AMENDMENTS

Section

800.510 Amendments

AUTHORITY: Implementing and authorized by Section 22A-110 of the Illinois Pension Code [40 ILCS 5/22A-111.1 and Art. 24].

SOURCE: Rules and Regulations of the Board, effective March 25, 1971; amended January 8, 1972; amended October 6, 1972; amended February 14, 1975; amended February 9, 1976; amended February 9, 1977; codified at 5 Ill. Reg. 10701; amended at 31 Ill. Reg. 1986, effective January 9, 2007; amended at 32 Ill. Reg. 360, effective December 26, 2007; amended at 35 Ill. Reg. 13915, effective August 1, 2011; amended at 37 Ill. Reg. 2720, effective February 25, 2013.

SUBPART D: ACCOUNTING

Section 800.310 Investment Account

- a) For the purpose of achieving the maximum advantages of investment management, the invested assets for ~~any fund~~~~the several pension funds~~ under the jurisdiction and authority of the Board may be commingled and maintained in one or more investment accounts, to the extent dictated by basic investment considerations, with a distribution made according to types of securities as may be dictated by practical investment procedure. The distribution of assets shall be dictated by the Board in accordance with its asset allocation policy. The commingling of investment assets shall allow:
- 1) Control over the Board's investment policies through increased flexibility in asset allocation; and
 - 2) Simplified accounting and reporting procedures.
- b) Unless the Board directs otherwise, fixed income investments shall be carried at amortized book value according to established accounting practices and actuarial requirements. (Governmental entities, including governmental external pools, shall report investments at fair value on the balance sheet, rather than at amortized book value or cost. Fair value shall be defined as the amount at which an

ILLINOIS STATE BOARD OF INVESTMENT

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investment could be exchanged in a current transaction between willing parties, other than a forced sale or liquidation (Governmental Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk CT 06856-5116, GASB Statement No. 31, "Accounting and Financial Reporting for Certain Investments and for External Investment Pools", June 15, 1997, no subsequent dates or editions.) Equity investments shall be carried at original cost. Investments initially transferred to the Board shall be valued for its books of account on the foregoing basis.

(Source: Amended at 37 Ill. Reg. 2720, effective February 25, 2013)

Section 800.320 ~~Pension~~ Fund Credits

- a) Each ~~pension~~ fund transferring invested assets to the Board shall receive credit in an appropriate reserve account in the amounts established by the Board. The credit shall constitute the initial value of the investment account of the particular ~~pension~~ fund. As new investments are made from additional moneys made available to the Board for that purpose, proper credit in the established reserve account shall be given to each ~~pension~~ fund for the proportionate amount applicable to each ~~pension~~ fund according to the amounts of moneys creditable to each fund. Reserve amounts shall be determined by:
- 1) Allocating expenses and advances on an equitable, proportional basis, taking into account the net asset values of each member retirement system, or any other fund under the jurisdiction and authority of the Board;
 - 2) Allocating the net change in realized and unrealized gains and losses to each member retirement system, or any other fund under the jurisdiction and authority of the Board, on the 15th of each calendar month, based on the final percentage of ownership of each member retirement system, or any other fund under the jurisdiction and authority of the Board, for the prior calendar month; and
 - 3) Allocating the net change in income and expenses for the calendar month to each member retirement system, or any other fund under the jurisdiction and authority of the Board, on the 30th of each calendar month, taking into account any purchases or redemptions in ownership shares from each member retirement system, or any other fund under the jurisdiction and authority of the Board, during that calendar month.

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- b) Periodic interest collections on fixed investments and dividend payments on equities shall be credited to each fund directly on the initial investments transferred to the Board if applicable to those investments, except in the case of commingled investments on which a proportionate amount shall be credited. New investments may be commingled on a proportionate basis beginning July 1, 1970, with income from the investments distributed accordingly.

(Source: Amended at 37 Ill. Reg. 2720, effective February 25, 2013)

Section 800.330 ~~Pension~~-Fund Charges

- a) Each ~~pension~~-fund shall be charged with its share of all expenses of the Board, including the amount repayable to the State of the initial appropriation made to meet organization expenses, at quarter-yearly periods, on a pro-rata basis, according to the value of the investments held for the respective ~~pension~~-fund at the beginning of each quarter-yearly period, or on any other equitable basis as may be determined by the Board.
- b) A statement setting forth the amount of the expense charge made by the Board shall be provided to each pension fund as prescribed by Section 22A-114 of the Pension Code.

(Source: Amended at 37 Ill. Reg. 2720, effective February 25, 2013)

Section 800.340 Reserve Balances

This Subpart is specifically designed to establish and maintain for each ~~pension~~-fund a reserve representing an equitable share of the net assets of the Board to the end that each ~~pension~~-fund shall, at all times, receive full credit for all moneys creditable to that fund in the form of invested assets or free cash balances or any other applicable assets that may exist at any given date.

(Source: Amended at 37 Ill. Reg. 2720, effective February 25, 2013)

SUBPART E: REPORTS

Section 800.410 Fiscal Reporting

An annual report shall be made by the Board following the close of each fiscal year as provided

ILLINOIS STATE BOARD OF INVESTMENT

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by law. The fiscal year shall date from July 1 of one year through June 30 of the year next following. The report shall embody a review of investment operations for the year, including a listing of all invested assets showing their book values and market values, the balances applicable to the several ~~pension~~-funds under the jurisdiction and authority of the Board, comment on the policies and procedures maintained by the Board during the year, and recommendations on any possible future changes in the governing statute or Board policies.

(Source: Amended at 37 Ill. Reg. 2720, effective February 25, 2013)

Section 800.420 Audits

In accordance with established State policy, the books and accounts of the Board shall be audited at least annually by a certified public accountant designated by the Auditor General of the State of Illinois. The scope of the audit may, upon suggestion of the Board, extend beyond the limitations prescribed by the Auditor General. The results of the audit shall be reported in the annual report of the Board. Copies of the audit report shall be made available to the several ~~pension~~-funds under the jurisdiction and authority of~~represented by~~ the Board.

(Source: Amended at 37 Ill. Reg. 2720, effective February 25, 2013)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
MARCH 12, 2013
9:00 A.M.

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Illinois Register* submittal deadlines, the agenda below may be incomplete. Other items not contained in this published agenda may be considered by the Committee at the meeting, and items from the list may be postponed to future meetings.

RULEMAKINGS CURRENTLY BEFORE JCAR

NOTICE: *It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@ilga.gov
Phone: 217/785-2254*

PROPOSED RULEMAKINGSAuditor General

1. Purchases and Contracts (44 Ill. Adm. Code 500)
 - First Notice Published: 36 Ill. Reg. 17694 – 12/21/12
 - Expiration of Second Notice: 3/22/13

Central Management Services

2. Extensions of Jurisdiction (80 Ill. Adm. Code 305)
 - First Notice Published: 36 Ill. Reg. 17636 – 12/21/12

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

-Expiration of Second Notice: 3/30/13

3. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 36 Ill. Reg. 17198 – 12/14/12
 - Expiration of Second Notice: 3/15/13
4. State of Illinois Dependent Care Assistance Plan (80 Ill. Adm. Code 2110)
 - First Notice Published: 36 Ill. Reg. 17640 – 12/21/12
 - Expiration of Second Notice: 3/21/13
5. State of Illinois Medical Care Assistance Plan (80 Ill. Adm. Code 2120)
 - First Notice Published: 36 Ill. Reg. 17646 – 12/21/12
 - Expiration of Second Notice: 3/21/13
6. Commuter Savings Program (80 Ill. Adm. Code 2190)
 - First Notice Published: 36 Ill. Reg. 17658 – 12/21/12
 - Expiration of Second Notice: 3/21/13
7. The Travel Regulation Council (80 Ill. Adm. Code 3000)
 - First Notice Published: 36 Ill. Reg. 17663 – 12/21/12
 - Expiration of Second Notice: 3/23/13

Civil Service Commission

8. Civil Service Commission (80 Ill. Adm. Code 1)
 - First Notice Published: 36 Ill. Reg. 13743 – 9/7/12
 - Expiration of Second Notice: 3/14/13

Environmental Protection Agency

9. Permit Fees for National Pollutant Discharge Elimination System Permits and Domestic Sewage Sludge Generator or Sludge User Permits (35 Ill. Adm. Code 325)
 - First Notice Published: 36 Ill. Reg. 17297 – 12/14/12
 - Expiration of Second Notice: 3/22/13

Financial and Professional Regulation

10. Lending Limits (38 Ill. Adm. Code 330)
 - First Notice Published: 36 Ill. Reg. 17671 – 12/21/12
 - Expiration of Second Notice: 3/30/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

11. Detection of Deception Examiners Act (68 Ill. Adm. Code 1230)
 - First Notice Published: 36 Ill. Reg. 18075 – 12/28/12
 - Expiration of Second Notice: 4/4/13
12. Funeral Directors and Embalmers Licensing Code (68 Ill. Adm. Code 1250)
 - First Notice Published: 36 Ill. Reg. 8557 – 6/15/12
 - Expiration of Second Notice: 3/31/13
13. Illinois Orthotics, Prosthetics and Pedorthics Practice Act (68 Ill. Adm. Code 1325)
 - First Notice Published: 36 Ill. Reg. 6118 – 4/27/12
 - Expiration of Second Notice: 3/14/13

Gaming Board

14. Video Gaming (General) (11 Ill. Adm. Code 1800)
 - First Notice Published: 36 Ill. Reg. 18081 – 12/28/12
 - Expiration of Second Notice: 4/7/13

Health Facilities and Services Review Board

15. Health Facilities Planning Procedural Rules (77 Ill. Adm. Code 1130)
 - First Notice Published: 36 Ill. Reg. 6210 – 4/27/12
 - Expiration of Second Notice: 3/25/13

Housing Development Authority

16. State Housing Appeals Board (47 Ill. Adm. Code 395)
 - First Notice Published: 36 Ill. Reg. 14050 – 9/14/12
 - Expiration of Second Notice: 3/18/13

Human Rights

17. Procedures Applicable to All Agencies (44 Ill. Adm. Code 750)
 - First Notice Published: 36 Ill. Reg. 17686 – 12/21/12
 - Expiration of Second Notice: 3/30/13

Public Health

18. Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

- First Notice Published: 36 Ill. Reg. 17778 – 12/21/12
- Expiration of Second Notice: 4/5/13

Racing Board

19. Medication (11 Ill. Adm. Code 603)
 - First Notice Published: 36 Ill. Reg. 17367 – 12/14/12
 - Expiration of Second Notice: 3/17/13

Secretary of State

20. Illinois State Library Grant Programs (23 Ill. Adm. Code 3035)
 - First Notice Published: 36 Ill. Reg. 16997 – 12/7/12
 - Expiration of Second Notice: 3/17/13
21. Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)
 - First Notice Published: 36 Ill. Reg. 17374 – 12/14/12
 - Expiration of Second Notice: 3/16/13
22. Commercial Driver Training Schools (92 Ill. Adm. Code 1060)
 - First Notice Published: 36 Ill. Reg. 17801 – 12/21/12
 - Expiration of Second Notice: 3/29/13

Student Assistance Commission

23. Administrative Wage Garnishment (23 Ill. Adm. Code 2722)
 - First Notice Published: 36 Ill. Reg. 14978 – 10/12/12
 - Expiration of Second Notice: 3/14/13

Treasurer

24. Uniform Disposition of Unclaimed Property Act (74 Ill. Adm. Code 760)
 - First Notice Published: 36 Ill. Reg. 13578 – 8/31/12
 - Expiration of Second Notice: 4/4/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

EMERGENCY RULEMAKINGSChief Procurement Officer for General Services

25. Chief Procurement Officer for General Services Standard Procurement (44 Ill. Adm. Code 1) (Emergency)
-Notice Published: 37 Ill. Reg. 1319 – 2/1/13

Commerce Commission

26. Utility Service of Military Personnel in Military Service (83 Ill. Adm. Code 281) (Emergency)
-Notice Published: 37 Ill. Reg. 2341 – 2/15/13

Employment Security

27. Payment of Unemployment Contributions, Interest and Penalties (56 Ill. Adm. Code 2765) (Emergency)
-Notice Published: 37 Ill. Reg. 2506 – 2/22/13

Healthcare and Family Services

28. Medical Payment (89 Ill. Adm. Code 140) (Emergency)
-Notice Published: 37 Ill. Reg. 1330 – 2/1/13
29. Medical Payment (89 Ill. Adm. Code 140) (Emergency)
-Notice Published: 37 Ill. Reg. 1774 – 2/8/13
30. Medical Payment (89 Ill. Adm. Code 140) (Emergency)
-Notice Published: 37 Ill. Reg. 2348 – 2/15/13

INTERNAL RULEMAKINGSIllinois Power Agency

31. Public Information, Rulemaking and Organization (2 Ill. Adm. Code 3700)
-Notice Published: 37 Ill. Reg. 1213 – 2/1/13

JOINT COMMITTEE ON ADMINISTRATIVE RULES
MARCH AGENDA

Student Assistance Commission

32. Public Information, Rulemaking and Organization (2 Ill. Adm. Code 5375)
-Notice Published: 37 Ill. Reg. 1768 – 2/8/13

Transportation

33. Request for Public Records (Repealer) (2 Ill. Adm. Code 1226)
-Notice Published: 37 Ill. Reg. 2475 – 2/22/13
34. Access to Records of the Department of Transportation (2 Ill. Adm. Code 1226)
- Notice Published: 37 Ill. Reg. 2477 – 2/22/13

EXEMPT RULEMAKINGS

Pollution Control Board

35. Definitions and General Provisions (35 Ill. Adm. Code 211)
-Notice Published: 37 Ill. Reg. 15575 – 11/9/12
-Adopted Date: 2/15/13
36. Sewer Discharge Criteria (35 Ill. Adm. Code 307)
-Notice Published: 37 Ill. Reg. 16436 – 11/26/12
-Adopted Date: 2/15/13
37. Pretreatment Programs (35 Ill. Adm. Code 310)
-Notice Published: 37 Ill. Reg. 16459 – 11/26/12
-Adopted Date: 2/15/13
38. Primary Drinking Water Standards (35 Ill. Adm. Code 611)
-Notice Published: 37 Ill. Reg. 15599 – 11/9/12
-Adopted Date: 2/15/13

AGENCY RESPONSE

Central Management Services

39. Organ Donor Leave (80 Ill. Adm. Code 332; 36 Ill. Reg. 16800)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 20, 2013 through February 25, 2013 and have been scheduled for review by the Committee at its March 12, 2013 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
4/4/13	Department of Financial and Professional Regulation, Detection of Deception Examiners Act (68 Ill. Adm. Code 1230)	12/28/12 36 Ill. Reg. 18075	3/12/13
4/4/13	Office of the Treasurer, Uniform Disposition of Unclaimed Property Act (74 Ill. Adm. Code 760)	8/31/12 36 Ill. Reg. 13578	3/12/13
4/5/13	Department of Public Health, Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)	12/21/12 36 Ill. Reg. 17778	3/12/13
4/7/13	Illinois Gaming Board, Video Gaming (General) (11 Ill. Adm. Cod 1800)	12/28/13 36 Ill. Reg. 18081	3/12/13
4/10/13	Department of Labor, Carnival and Amusement Ride Safety Act (56 Ill. Adm. Code 6000)	12/28/12 36 Ill. Reg. 18130	3/12/13
4/10/13	Capital Development Board, Selection of Architects/Engineers (A/E) (44 Ill. Adm. Code 1000)	12/14/12 36 Ill. Reg. 17192	3/12/13

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) Heading of the Part: Organ Donor Leave
- 2) Code Citations: 80 Ill. Adm. Code 332
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
332.4	Amendment
- 4) Date Notice of Proposed Rules Published in the Illinois Register: December 7, 2012, 36 Ill. Reg. 16800
- 5) Reason for the withdrawal: At its meeting on February 6, 2013, the Joint Committee on Administrative Rules (JCAR) objected to the above-cited rulemaking because the Department lacks statutory authority to grant leaves for donating red blood cells. Section 20 of the Organ Donor Leave Act [5 ILCS 327] sets policy for donation of blood and platelets, but not a different policy for red blood cell donations.

Based on the results of that meeting, the Department of Central Management Services is withdrawing the proposed rulemaking and intends to develop legislation to address the statutory authority.

ENVIRONMENTAL PROTECTION AGENCY

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LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period October 1, 2012, through December 31, 2012.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; 28 Ill. Reg. 8363, June 11, 2004; 28 Ill. Reg. 12943, September 17, 2004; 29 Ill. Reg. 1449, January 21, 2005; 29 Ill. Reg. 7239, May 20, 2005; 29 Ill. Reg. 12672, August 12, 2005; 29 Ill. Reg. 18963, November 18, 2005; 30 Ill. Reg. 5458, March 17, 2006; 30 Ill. Reg. 9195, May 12, 2006 and 30 Ill. Reg. 14377, September 1, 2006; 31 Ill. Reg. 4941, March 23, 2007; 31 Ill. Reg. 7477, May 25, 2007; 31 Ill. Reg. 13233, September 14, 2007; 31 Ill. Reg. 15875, November 26, 2007; 32 Ill. Reg. 4271, March 21, 2008; 32 Ill. Reg. 8454, June 6, 2008; 32 Ill. Reg. 13595, August 15, 2008; 32 Ill. Reg. 19961, December 19, 2008; 33 Ill. Reg. 3683, February 27, 2009; 33 Ill. Reg. 9191, June 26, 2009; 33 Ill. Reg. 13526, September 25, 2009; 33 Ill. Reg. 17178, December 18, 2009; 34 Ill. Reg. 6546, May 7, 2010; 34 Ill. Reg. 7811, June 4, 2010; 34 Ill. Reg. 13565, September 17, 2010; 34 Ill. Reg. 17490, November 12, 2010; 35 Ill. Reg. 3618, February 25, 2011; 35 Ill. Reg. 8574, June 3, 2011; 35 Ill. Reg. 12835, July 29, 2011; 35 Ill. Reg. 18973, November 14, 2011; 36 Ill. Reg. 3977, March 9, 2012; 36 Ill. Reg. 8521, June 8, 2012; 36 Ill. Reg. 13326, August 17, 2012, and 36 Ill. Reg. 16406, November 16, 2012.

Aquatic life and human health criteria for General Use (35 Ill. Adm. Code 303.201) and Lake Michigan Basin (35 Ill. Adm. Code 303.443) waters are listed below. General Use human health

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criteria are derived for protection of primary contact waters, criteria derived for waters not supportive of primary contact recreation are specified, where applicable. General Use and Lake Michigan Basin waters used as Public and Food Processing Water Supplies (35 Ill. Adm. Code 303.202) are subject to more stringent human health criteria as specified in their respective derivation procedures (35 Ill. Adm. Code 302.648 and 302.657 and 35 Ill. Adm. Code 302.585 and 302.590, respectively). Newly derived criteria or criteria used in NPDES permitting this quarter are highlighted in bold print.

General Use Criteria

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

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<p>Human health criterion (HNC): 0.21 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Aniline CAS #62-53-3 Acute criterion: 120 ug/l Chronic criterion: 15 ug/l Date criteria calculated: July 24, 1998; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Anthracene CAS #120-12-7 Acute criterion: 0.66 ug/L Chronic Criterion: 0.53 ug/L Human health criterion (HTC): 35 mg/l Date criteria derived: August 18, 1993, revised May 30, 2007 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Antimony CAS #7440-36-0 Acute criterion: 1,200 ug/L Chronic Criterion: 320 ug/L Human health criterion (HTC): 12,000 ug/l Non-primary contact: 1,200 ug/l Public and food processing water supply: 6 ug/l Date criteria derived: September 29, 2008 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Atrazine CAS #1912-24-9 Acute criterion: 82 ug/l Chronic criterion: 9.0 ug/L Date criteria derived: May 2, 2005 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(a)anthracene CAS #56-55-3 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(a)pyrene CAS #50-32-8 Human health criterion (HNC): 0.016 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(b)fluoranthene CAS # 205-99-2 Human health criterion (HNC): 0.16 ug/l Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Benzo(k)fluoranthene CAS #207-08-9 Human health criterion (HNC): 1.6 ug/l</p>

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Date criteria derived: August 10, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	
Chemical: Bis(2-ethylhexyl)phthalate	CAS #117-81-7
Human health criterion (HNC): 1.9 ug/l Date criteria derived: February, 1999; reviewed: June 2009 Applicable waterbodies: Not used during this period.	
Chemical: Bromodichloromethane	CAS #75-27-4
Acute criterion: 10 ug/l Chronic criterion: 1 ug/l Human health criterion (HNC): 13 ug/l Date criteria derived: February 1, 1999 Applicable waterbodies: Not used during this period.	
Chemical: Carbon tetrachloride	CAS #56-23-5
Acute criterion: 3,500 ug/l Chronic criterion: 280 ug/l Human health criterion (HNC): 1.4 ug/l Date criteria derived: June 18, 1993 Applicable waterbodies: Not used during this period.	
Chemical: 2-Chloroaniline	CAS #95-51-2
Acute criterion: 75 ug/l Chronic criterion: 6 ug/l Date criteria derived: June 21, 1996; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.	
Chemical: 4-Chloroaniline	CAS #106-47-8
Acute criterion: 2.4 ug/l Date criteria derived: February 26, 1992; reviewed April 15, 2009 Applicable waterbodies: Not used during this period.	
Chemical: Chlorobenzene	CAS #108-90-7
Acute criterion: 990 ug/l Chronic criterion: 79 ug/l Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.	
Chemical: Chloroethane	CAS #75-00-3
Acute criterion: 13 mg/l Chronic criterion: 1 mg/l Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.	
Chemical: Chloromethane	CAS #74-87-3
Acute criterion: 16 mg/l Chronic criterion: 1.3 mg/l Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.	
Chemical: Chloroform	CAS #67-66-3

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Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l	
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Chrysene	CAS #218-01-9
Human health criterion (HNC): 16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-D	CAS #94-75-7
Acute criterion: 100 ug/l	Chronic criterion: 8 ug/l
Date criteria derived: July 1, 1993; reviewed April 15, 2009	
Applicable waterbodies: Not used during this period.	
Chemical: Dibenz(a,h)anthracene	CAS #53-70-3
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived : February, 1999, reviewed June 2007	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichlorobenzene	CAS #95-50-1
Acute criterion: 210 ug/l	Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichlorobenzene	CAS #541-73-1
Acute criterion: 500 ug/l	Chronic criterion: 200 ug/l
Date criteria derived: July 31, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethane	CAS #75-34-3
Acute criterion: 20 mg/l	Chronic criterion: 2 mg/l
Date criteria derived: July 31, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethane	CAS #107-06-2
Acute criterion: 25 mg/l	Chronic criterion: 4.5 mg/l
Human health criterion (HNC): 23 ug/l	
Date criteria derived: March 19, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethylene	CAS #75-35-4
Acute criterion: 3,000 ug/l	Chronic criterion: 240 ug/l
Human health criterion (HTC): 110 ug/l	
Non-primary contact: 120 ug/l	

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<p>Public and food processing water supply: 6.6 ug/l Date criteria derived: March 20, 1992; revised May 04, 2009 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 1,2-dichloroethylene CAS #540-59-0 Acute criterion: 14 mg/l Chronic criterion: 1.1 mg/l Date criteria derived: November 18, 2008 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: trans-1,2-dichloroethylene CAS #156-60-5 Human health criterion (HTC): 34 mg/l Date criteria derived: February 1, 1999; reviewed December 2, 2010 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 2,4-dichlorophenol CAS #120-83-2 Acute criterion: 630 ug/l Chronic criterion: 83 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 1,2-dichloropropane CAS #78-87-5 Acute criterion: 4,800 ug/l Chronic criterion: 380 ug/l Date criteria derived: December 7, 1993 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 1,3-dichloropropylene CAS #542-75-6 Acute criterion: 99 ug/l Chronic criterion: 7.9 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 2,4-dimethyl phenol CAS #105-67-9 Acute criterion: 740 ug/l Chronic criterion: 220 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol CAS #534-52-1 Acute criterion: 29 ug/l Chronic criterion: 2.3 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 2,4-dinitrophenol CAS #51-28-5 Acute criterion: 85 ug/l Chronic criterion: 4.1 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: 2,6-dinitrotoluene CAS #606-20-2 Acute criterion: 1,900 ug/l Chronic criterion: 150 ug/l</p>

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Date criteria derived: February 14, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Diquat	CAS #85-00-7
Acute criterion: 990 ug/l	Chronic criterion: 80 ug/l
Date criteria derived: January 30, 1996 Applicable waterbodies: Not used during this period.	
Chemical: Ethyl mercaptan (ethanethiol)	CAS #75-08-1
Acute criterion: 17 ug/l	Chronic criterion: 2 ug/l
Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	
Chemical: Fluoranthene	CAS #206-44-0
Acute criterion: 4.3 ug/L	Chronic Criterion: 1.8 ug/L
Human health criterion (HTC): 120 ug/l Date criteria derived: August 10, 1993; revised June 6, 2007 (Acute/Chronic) Applicable waterbodies: Not used during this period.	
Chemical: Fluorene	CAS #86-73-7
Acute criterion: 59 ug/L	Chronic Criterion: 16 ug/L
Date criteria derived: June 6, 2007 Applicable waterbodies: Not used during this period.	
Chemical: Formaldehyde	CAS #50-00-0
Acute criterion: 4.9 mg/l	Chronic criterion: 0.39 mg/l
Date criteria derived: January 19, 1993 Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobenzene	CAS #118-74-1
Human health criterion (HNC): 0.00025 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobutadiene	CAS #87-68-3
Acute criterion: 35 ug/l	Chronic criterion: 2.8 ug/l
Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Hexachloroethane	CAS #67-72-1
Acute criterion: 380 ug/l	Chronic criterion: 31 ug/l
Human health criterion (HNC): 2.9 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	
Chemical: n-Hexane	CAS #110-54-3

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Acute criterion: 250 ug/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	Chronic criterion: 20 ug/l
Chemical: Indeno(1,2,3-cd)pyrene Human health criterion (HNC): 0.16 ug/l Date criteria calculated: February, 1992, reviewed June 2007 Applicable waterbodies: Not used during this period.	CAS #193-39-5
Chemical: Isobutyl alcohol = 2-methyl-1-propanol Acute criterion: 430 mg/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	CAS #78-83-1 Chronic criterion: 35 mg/l
Chemical: Methylene chloride Acute criterion: 17 mg/l Human health criterion (HNC): 330 ug/l Non-primary contact: 490 ug/l Public and food processing water supply: 4.6 ug/l Date criteria derived: January 21, 1992; revised November 25, 2008 Applicable waterbodies: Not used during this period.	CAS #75-09-2 Chronic criterion: 1.4 mg/l
Chemical: Methyl ethyl ketone Acute criterion: 320 mg/l Date criteria derived: July 1, 1992 Applicable waterbodies: Not used during this period.	CAS #78-93-3 Chronic criterion: 26 mg/l
Chemical: 4-methyl-2-pentanone Acute criterion: 46 mg/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #108-10-1 Chronic criterion: 1.4 mg/l
Chemical: 2-methyl phenol Acute criterion: 4.7 mg/l Date criteria derived: November 8, 1993 Applicable waterbodies: Not used during this period.	CAS #95-48-7 Chronic criterion: 0.37 mg/l
Chemical: 4-methyl phenol Acute criterion: 670 ug/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #106-44-5 Chronic criterion: 120 ug/l
Chemical: Methyl tert-butyl ether (MTBE) Acute criterion: 67 mg/l Date criteria derived: September 18, 1997	CAS #134-04-4 Chronic criterion: 5.4 mg/l

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Applicable waterbodies: Not used during this period.	
Chemical: Metolachlor	CAS #51218-45-2
Acute criterion: 380 ug/l	Chronic criterion: 30.4 ug/l
Date criteria derived: February 25, 1992; revised October 1, 2007	
Applicable waterbodies: Not used during this period.	
Chemical: Naphthalene	CAS #91-20-3
Acute criterion: 510 ug/l	Chronic criterion: 68 ug/l
Date criteria derived: November 7, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 4-nitroaniline	CAS #100-01-6
Acute criterion: 1.5 mg/l	Chronic criterion: 0.12 mg/l
Date criteria derived: May 5, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Nitrobenzene	CAS #98-95-3
Acute criterion: 15 mg/l	Chronic criterion: 8.0 mg/l
Human health criterion (HTC): 0.52 mg/l	
Date criteria derived: February 14, 1992; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: PCBs	CAS #1336-36-3
Human health criterion (HNC): 0.056 ng/l	
Non-primary contact: 0.056 ng/l	
Public and food processing water supply: 0.056 ng/l	
Date criteria derived: December 6, 2011	
Applicable waterbodies: Not used during this period.	
Chemical: Pentachlorophenol	CAS #87-86-5
Acute criterion: 20 ug/l	Chronic criterion: 13 ug/l
Date criteria derived: national criterion at pH of 7.8, September 1986	
Applicable waterbodies: Not used during this period.	
Chemical: Phenanthrene	CAS #85-01-8
Acute criterion: 46 ug/l	Chronic criterion: 3.7 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Propylene	CAS #115-07-1
Acute criterion: 4.0 mg/l	Chronic criterion 0.40 mg/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Pyrene	CAS #120-00-0

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Human health criterion (HTC): 3.5 mg/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Styrene Acute criterion: 2.5 mg/L Date criteria derived: October 26, 1992; reviewed May 4, 2009 Applicable waterbodies: Not used during this period.	CAS #120-42-5 Chronic criterion: 0.2 mg/L
Chemical: Tetrachloroethylene Acute criterion: 1,200 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #127-18-4 Chronic criterion: 150 ug/l
Chemical: Tetrahydrofuran Acute criterion: 220 mg/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	CAS #109-99-9 Chronic criterion: 17 mg/l
Chemical: Thallium Acute criterion: 86 ug/l Human health criterion (HTC): 3.0 ug/l Non-primary contact: 3.0 ug/l Public and food processing water supply: 1.2 ug/l Date criteria derived: October 22, 2007; revised November 18, 2008 Applicable waterbodies: Not used during this period.	CAS #7440-28-0 Chronic criterion: 11 ug/l
Chemical: 1,2,4-trichlorobenzene Acute criterion: 370 ug/l Date criteria derived: December 14, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #120-82-1 Chronic criterion: 72 ug/l
Chemical: 1,1,1-trichloroethane Acute criterion: 4,900 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #71-55-6 Chronic criterion: 390 ug/l
Chemical: 1,1,2-trichloroethane Acute criterion: 19 mg/l Human health criterion (HNC): 12 ug/l Date criteria derived: December 13, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #79-00-5 Chronic criterion: 4.4 mg/l
Chemical: Trichloroethylene Acute criterion: 12,000 ug/l	CAS #79-01-6 Chronic criterion: 940 ug/l

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<p><u>Aquatic Life Criteria:</u> Acute criterion: 8.8 mg/l Chronic criterion: 0.98 mg/l Date criteria derived: November 18, 2008 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Methylene Chloride CAS #75-09-2 <u>Aquatic Life Criteria:</u> Acute criterion: 10,803 ug/l Chronic criterion: 1,200 ug/l <u>Human Health Non-threshold Criteria:</u> Public and food processing water supply: 47 ug/l Non-drinking water: 2,600 ug/l Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Thallium CAS #7440-28-0 <u>Aquatic Life Criteria:</u> Acute criterion: 54 ug/l Chronic criterion: 15 ug/l <u>Human Health Threshold Criteria:</u> Public and food processing water supply: 1.3 ug/l Non-drinking water: 3.7 ug/l Date criteria derived: June 20, 2006; revised November 18, 2008 Applicable waterbodies: Not used during this period.</p>
<p>Chemical: Vinyl Chloride CAS #75-01-4 <u>Aquatic Life Criteria:</u> Acute criterion: 8,380 ug/l Chronic criterion: 931 ug/l <u>Human Health Non-threshold Criteria:</u> Public and food processing water supply: 0.25 ug/l Non-drinking water: 14.4 ug/l Date criteria derived: June 20, 2006 Applicable waterbodies: Not used during this period.</p>

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

Brian Koch
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Division of Water Pollution Control
1021 North Grand Avenue East
Post Office Box 19276

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LISTING OF DERIVED WATER QUALITY CRITERIA

Springfield, Illinois 62794-9276

217-558-2012

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 37, Issue 10 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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<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$2.00 processing fee for credit card purchases.)
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