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October 30, 2015 Volume 39, Issue 44

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Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2015 until January 4, 2016.

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 2015

Issue#	Rules Due Date	Date of Issue
1	December 22, 2014	January 2, 2015
2	December 29, 2014	January 9, 2015
3	January 5, 2015	January 16, 2015
4	January 12, 2015	January 23, 2015
5	January 20, 2015	January 30, 2015
6	January 26, 2015	February 6, 2015
7	February 2, 2015	February 13, 2015
8	February 9, 2015	February 20, 2015
9	February 17, 2015	February 27, 2015
10	February 23, 2015	March 6, 2015
11	March 2, 2015	March 13, 2015

12	March 9, 2015	March 20, 2015
13	March 16, 2015	March 27, 2015
14	March 23, 2015	April 3, 2015
15	March 30, 2015	April 10, 2015
16	April 6, 2015	April 17, 2015
17	April 13, 2015	April 24, 2015
18	April 20, 2015	May 1, 2015
19	April 27, 2015	May 8, 2015
20	May 4, 2015	May 15, 2015
21	May 11, 2015	May 22, 2015
22	May 18, 2015	May 29, 2015
23	May 26, 2015	June 5, 2015
24	June 1, 2015	June 12, 2015
25	June 8, 2015	June 19, 2015
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27	June 22, 2015	July 6, 2015
28	June 29, 2015	July 10, 2015
29	July 6, 2015	July 17, 2015
30	July 13, 2015	July 24, 2015
31	July 20, 2015	July 31, 2015
32	July 27, 2015	August 7, 2015
33	August 3, 2015	August 14, 2015
34	August 10, 2015	August 21, 2015
35	August 17, 2015	August 28, 2015
36	August 24, 2015	September 4, 2015
37	August 31, 2015	September 11, 2015
38	September 8, 2015	September 18, 2015
39	September 14, 2015	September 25, 2015
40	September 21, 2015	October 2, 2015
41	September 28, 2015	October 9, 2015
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45	October 26, 2015	November 6, 2015
46	November 2, 2015	November 13, 2015
47	November 9, 2015	November 20, 2015
48	November 16, 2015	November 30, 2015
49	November 23, 2015	December 4, 2015
50	November 30, 2015	December 11, 2015

51	December 7, 2015	December 18, 2015
52	December 14, 2015	December 28, 2015

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
85.135	Amendment
85.140	Amendment
85.145	Amendment
- 4) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]
- 5) A Complete Description of the Subjects and Issues Involved: The Voluntary Johne's Disease Risk Management program was established prior to the availability of the PCR test for disease organism detection. This rulemaking would add the PCR test as an organism detection test. Since federal funding is no longer available for the cost of testing for Johne's disease, this rulemaking will no longer restrict herds when a positive animal is disclosed and the herd is not participating in the risk management program or voluntary Johne's Disease herd program, The restriction will now only apply to a positive animal.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

ILLINOIS DEPARTMENT OF AGRICULTURE

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Susan Baatz
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield, IL 62794-9281

217/524-6905
fax: 217/785-4505

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

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

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 85
DISEASED ANIMALS

Section	
85.5	Definitions
85.7	Incorporation by Reference
85.10	Reportable Diseases
85.12	Contagious or Infectious Diseases
85.15	Truck Cleaning and Disinfection
85.20	Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers
85.25	Sale of Livestock Quarantined Because of Disease
85.30	Identification Ear Tags for Livestock
85.35	Identification Tags Not to be Removed
85.40	Livestock for Immediate Slaughter Not to be Diverted En Route
85.45	Anthrax
85.50	Goats
85.55	Scrapie in Sheep and Goats
85.60	Bluetongue
85.65	Sheep Foot Rot (Repealed)
85.70	Cattle Scabies
85.75	Cattle Scabies – Additional Requirements on Cattle from Certain Designated Areas
85.80	Sheep and Goats
85.85	Diseased Animals
85.90	Copy of Health Certificate Shall be Furnished
85.95	Requests for Permits
85.100	Consignments to Stockyards, Auction Markets or Recognized Slaughtering Centers
85.105	Obligation of Transportation Company and Truck Operators
85.110	Additional Requirements on Cattle From Designated States
85.115	Salmonella enteritidis serotype enteritidis
85.120	Cervidae
85.125	Ratites

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- 85.130 Vesicular Stomatitis
- 85.135 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Certification Program
- 85.140 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Risk Management Program
- 85.145 Johne's Disease Positive Animals
- 85.150 Importation of Animals; Permit Required
- 85.155 Release from Quarantine

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 25, 1996; amended at 21 Ill. Reg. 17049, effective January 1, 1998; amended at 23 Ill. Reg. 411, effective January 1, 1999; amended at 23 Ill. Reg. 7862, effective July 1, 1999; amended at 24 Ill. Reg. 997, effective January 10, 2000; amended at 24 Ill. Reg. 16612, effective November 1, 2000; amended at 26 Ill. Reg. 76, effective January 1, 2002; emergency amendment at 26 Ill. Reg. 6846, effective April 19, 2002, for a maximum of 150 days; emergency expired September 15, 2002; amended at 26 Ill. Reg. 18245, effective December 13, 2002; emergency amendment at 27 Ill. Reg. 9638, effective June 10, 2003, for a maximum of 150 days; emergency expired November 6, 2003; amended at 28 Ill. Reg. 2086, effective February 1, 2004; amended at 28 Ill. Reg. 13405, effective October 1, 2004; amended at 30 Ill. Reg. 16582, effective October 9, 2006; amended at

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31 Ill. Reg. 82, effective January 1, 2007; amended at 34 Ill. Reg. 19399, effective January 1, 2011; amended at 38 Ill. Reg. 20655, effective October 16, 2014; amended at 40 Ill. Reg. _____, effective _____.

Section 85.135 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Certification Program

- a) The following definitions shall be applicable to this Section:
- 1) "Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture, the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis of its using USDA approved methods).
 - 2) "Animal" means cattle, bison, buffalo, goats, llamas, or members of the cervid family.
 - 3) "Cow-side", "pen-side" or "on-site" test means any test approved by the USDA for *M. avium* paratuberculosis that can be performed in the field by an accredited veterinarian. Veterinarians must receive approval from the Department to use this test, and all results must be reported to the Department within 10 days. The test cannot be performed in a herd participating in the Voluntary Johne's Disease Certification Program.
 - 4) "Herd" means all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd owner or manager. Each separate species of animal shall be considered as a separate herd.
 - 5) "Positive animal" means an animal infected with *Mycobacterium avium* paratuberculosis, only if *M. avium* paratuberculosis is demonstrated by an organism detection test on tissues or feces of the animal.
 - 6) "M. avium paratuberculosis-detection test" or "organism detection test" means any test sufficiently sensitive and specific for detection of *M.*

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avium paratuberculosis in fecal samples. Definitions of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (June 1, 2006). Any test approved by the USDA for *M. avium* paratuberculosis organism detection (i.e., fecal culture or PCR (polymerase chain reaction) test for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

- 7) "Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to *M. avium* paratuberculosis in bovine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (June 1, 2006), as recommended and approved by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Any test approved by the USDA for serum antibody detection (i.e., ELISA for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

b) Criteria for herds qualified to enter into the certification program:

- 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
- 2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified herds only.
- 3) A herd assembled with animals originating directly from certified herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired. A negative first-herd test will qualify the newly-assembled herd for the first certification level.
- 4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable types of approved, permanent, unique, legible identification include registration or association numbers accompanied by identification document, breed registry ear tattoos, USDA uniform series ear tag (metal tags), freeze

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branding when the brand is listed on the breed registration certificate and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.

- c) Voluntary Johne's disease herd status for cattle shall be established and maintained in accordance with the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (June 1, 2006) that was approved and adopted by the U.S. Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228), with the exceptions listed in subsection (c)(1).
 - 1) Exceptions
 - A) The organism detection test will be accepted for testing at any level;
 - B) Test eligible animals are all animals 24 months of age and older; and
 - C) The testing strategy using environmental sampling is not allowed. Only animal testing is recognized for herd certification or herd testing for the Risk Management program.
 - 2) Herd owners using either the Fast Track or the Standard Track certification program must sign a herd agreement prior to acceptance into the program.
- d) Criteria for certifying bison, buffalo, goats, llamas or members of the cervid family herds under the Illinois Voluntary Johne's Disease Herd Certification Program.
 - 1) The following certification levels will be awarded compliance with certification requirements:
 - Level 1 – herd tested negative after one sampling.
 - Level 2 – herd tested negative after two samplings.
 - Level 3 – herd tested negative after three samplings.

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Level 4 – herd tested negative after four samplings.

Level 5 – herd tested negative after five samplings.

Level 5 Monitored – herd tested negative after six or more samplings.

- 2) Certification requirements:
- A) For annual certification, all animals 24 months of age and older must be tested.
 - B) Certified herds must be tested every 12 months (+/- 2 months).
 - C) All tests must be performed at an accredited laboratory.
 - D) An organism detection test for *M. avium* paratuberculosis (i.e., fecal culture or PCR) must be conducted.
 - E) Fecal collection must be done either by, or under the direct supervision of, an accredited veterinarian who must verify that the samples were collected from the animals identified on the test documents.
 - F) The owner must certify on an agreement form prescribed by the Department:
 - i) At the initial test date, the herd has been in existence for at least one year or was assembled only from herds enrolled in a *M. avium* paratuberculosis program and are at the same or higher level than the herd. Animals purchased from herds participating in *M. avium* paratuberculosis programs outside of Illinois must have that state's program approved by the Director prior to certification.
 - ii) At each test date, all animals in the herd 24 months of age or older were sampled and included in the herd test. A herd can qualify for certification through a split herd testing program. The producer must test all test-eligible animals at

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least once a year throughout a 12 month period. The anniversary date would be the date that the herd test is completed for the year. The testing schedule for the year must be described in the annual herd agreement.

- iii) At each test date, a list identifying all animals previously tested but no longer in the herd must be provided to the Department.
 - iv) At each test date, all animals added to the herd since the last herd test were natural additions to (born into) the herd, purchased from participating herds, or were tested at the time of arrival on the premises (see subsection (d)(6)).
 - v) At each test date, with a written statement sent to the Department certifying to the best of his/her knowledge no animal that left the herd tested positive for paratuberculosis or was exhibiting clinical signs of Johne's disease.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
- 4) Handling of animals exhibiting clinical signs:
- A) All animals exhibiting clinical signs of *M. avium* paratuberculosis must be tested and isolated from the herd pending the test results. An organism detection test (i.e., fecal culture or PCR) must be used on feces from animals exhibiting clinical signs.
 - B) A negative result on the *M. avium* paratuberculosis detection test will allow the herd to move to the next certification level.
- 5) Suspension or revocation of herd certification:
- A) Identification of positive animals
 - i) Identification
Identification of a positive animal using the organism detection test during the certification herd test will result in

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the loss of certification status. The next negative test will qualify the herd for Level 1 certification.

ii) Confirmation

If a positive animal is detected on any other test for Johne's disease during the current certification period other than by an organism detection test, the herd's certification will be suspended pending a confirmatory organism detection test of that animal.

B) Herds not tested within 14 months after the last sampling will lose their certification status. The next negative herd test will qualify the herd for Level 1 certification.

6) Herd Additions. Animals purchased from another herd participating in a *M. avium* paratuberculosis certification program may enter the herd without further testing, and will be tested along with the herd at the next annual test. Animals originating from herds that are not participating in a *M. avium* paratuberculosis certification program must be isolated from the other members of the herd until a negative organism detection test has been received. Isolation means that the animal can have no opportunity to share feed or water receptacles with other members of the herd, and there can be no chance of fecal contamination from the animal.

7) Protocol. If an animal sold from a certified herd is identified as positive:

A) If an animal sold from a certified negative herd is identified as positive by an organism detection test within 16 months after the date of sale, the selling certified herd may, within 120 days after being notified, be required to conduct a herd retest of all eligible animals. Determination of retesting of the herd will be made by the Director based upon, but not limited to, the level of certification of the herd, the last negative organism detection test of the herd and the status of the other animals in the purchasing herd, if known.

B) The selling certified herd will maintain its present certification status pending the results of the herd test or at the determination of the Director based on epidemiological evidence provided by a state or federal veterinarian.

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- C) If the herd retest is negative, the herd will maintain its "present" certification status. The herd owner/manager shall then have the option of maintaining his/her present test schedule or rescheduling his/her herd test date so that his/her next herd test is not due until 12 months after the retest.
- D) If a positive animal is identified on this retest, the selling herd will lose its certification status. The next negative herd test will qualify the herd for Level 1 certification.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 85.140 Requirements for Establishing and Maintaining a Herd Under the Voluntary Paratuberculosis (Johne's Disease) Risk Management Program

- a) The following definitions shall be applicable to this Section:

"Accredited laboratory" means a laboratory operated by the Illinois Department of Agriculture, the University of Illinois College of Veterinary Medicine, or a laboratory approved by the Director (on the basis that it is using USDA approved methods).

"Certified Johne's Disease Veterinarian" means a veterinarian who has completed a prescribed course and field training for conducting risk assessments and writing herd plans for herds dealing with Johne's disease. Certification will be issued by the State Veterinarian and/or the designated Johne's Disease Coordinator.

"Herd" shall mean all animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, ranch), or all animals on two or more premises geographically separated, but on which animals have been interchanged or where there has been contact between the premises. Contact of animals between separated premises under common management shall be assumed to have occurred unless otherwise established by the herd owner or manager. Each separate species of animal shall be considered as a separate herd.

"M. avium paratuberculosis-detection test" or "organism detection test"

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means any test sufficiently sensitive and specific for detection of *M. avium* paratuberculosis in fecal samples. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (June 1, 2006). Any test approved by the USDA for *M. avium* paratuberculosis organism detection (i.e., fecal culture test or PCR for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

"Serum antibody test" means any test sufficiently sensitive and specific for detection of antibodies to *M. avium* paratuberculosis in bovine serum. Definition of "sufficiently sensitive and specific" will be on the basis of results of performance of a check test and proficiency standards set by the Uniform Program Standards for the Voluntary Bovine Johne's Disease Control Program (June 1, 2006), approved by the U.S. Animal Health Association (P. O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). Any test approved by the USDA for serum antibody detection (i.e., ELISA for *M. avium* paratuberculosis) is acceptable as long as it is performed at an accredited laboratory.

- b) Criteria for herds qualified to enter into the risk management program:
- 1) Participation in this program is voluntary and the producer/owner is responsible for the cost of testing.
 - 2) The herd has been in existence for at least one year or the herd was assembled with animals originating directly from paratuberculosis-certified or risk managed herds only.
 - 3) A herd assembled with animals originating directly from risk managed herds only shall start at the lowest certification level of the herds from which the assembled animals were acquired.
 - 4) All animals must have an approved, permanent, unique, legible identification other than a plastic ear tag or neck chain. Acceptable types of approved, permanent, unique, legible identification include registration or association numbers accompanied by identification document, breed registry ear tattoos, USDA uniform series ear tag (metal tags), freeze

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branding when the brand is listed on the breed registration certificate and electronic identification (microchips) as long as a reader is supplied by the owner or is readily available.

- c) Criteria for enrolling and maintaining cattle, buffalo or bison herds under the Illinois Voluntary Johne's Disease Risk Management Program.
 - 1) The following certification levels will be awarded compliance with certification requirements:
 - A) Level A – 30 head or the whole herd has been tested with no positives disclosed.
 - B) Level B – the whole herd has been tested with less than 5% (0% to 4.99%) of the animals testing positive.
 - C) Level C – the whole herd has been tested with 5% to 14.99% of the animals testing positive.
 - D) Level D – the whole herd has been tested with 15% or greater of the animals testing positive, or 30 head were tested with one or more positive animals disclosed.
 - E) Potential Maximum Risk herds have had no animals tested or do not disclose any test results.
 - F) A level achievement year representing when the herd reached the status level will be added to the status designation (e.g., Level A since 1999).
 - 2) Certification requirements:
 - A) Testing shall be done annually within 10-14 months after the initial status testing anniversary date and a herd shall remain at that level for a year, regardless of the amount of testing completed during that time. A herd can qualify through a split herd testing program. The producer must test all test-eligible animals at least once a year throughout a 12 month period with the exception of any "J" punched animals in the herd. "J" punched animals do not have to

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be tested, but must be accounted for on the annual herd agreement. The anniversary date would be the date that the herd test is completed for the year. The testing schedule for the year must be described in the annual herd agreement.

- B) ~~A~~ Either a fecal culture, PCR or ELISA test may be used for certification.
 - C) Whole herd tests are conducted on all animals two years of age and older.
 - D) Tests on 30 animals must be a random sampling of animals two years of age and older. The same animals should not be tested in consecutive testing years.
 - E) All tests must be performed at an accredited laboratory.
 - F) Fecal and blood collection must be done either by, or under the direct supervision of, an accredited veterinarian, who must verify that the samples were collected from the animals identified on the test documents.
 - G) An ~~annual~~ animal risk assessment and updated herd plan has been completed for the herd by a Certified Johne's Disease Veterinarian or a state or federal veterinarian.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
 - 4) Herds not tested within 14 months after the last sampling will lose their certification status. ~~If the herd had animals testing positive on an organism detection test within the past two years, the herd will be restricted.~~ Herds that stop testing but continue to have an annual risk assessment and herd plan completed by a certified Johne's disease veterinarian and follow the management guidelines prescribed in the herd plan will maintain their certification status ~~not be restricted (see Section 85.145).~~
- d) Criteria for enrolling and maintaining cervid or goat herds under the Illinois

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Voluntary Johne's Disease Risk Management Program.

- 1) The following certification levels will be awarded compliance with certification requirements:
 - A) Level A – 30 head or the whole herd has been tested with no positives disclosed.
 - B) Level B – the whole herd has been tested with less than 5% (0% to 4.99%) of the animals testing positive.
 - C) Level C – the whole herd has been tested with 5% to 14.99% of the animals testing positive.
 - D) Level D – the whole herd has been tested with 15% or greater of the animals testing positive, or 30 head were tested with one or more positive animals disclosed.
 - E) Potential Maximum Risk herds have had no animals tested or do not disclose any test results.
 - F) A level achievement year representing when the herd reached the status level will be added to the status designation (e.g., Level A since 2002).
- 2) Certification requirements:
 - A) Testing shall be done annually within 10-14 months after the initial status testing anniversary date and a herd shall remain at that level for a year, regardless of the amount of testing completed during that time. A herd can qualify through a split herd testing program. The producer must test all test-eligible animals at least once a year throughout a 12 month period with the exception of any "J" punched animals in the herd. "J" punched animals do not have to be tested, but must be accounted for on the annual herd agreement. The anniversary date would be the date that the herd test is completed for the year. The testing schedule for the year must be described in the annual herd agreement.

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- B) The fecal culture must be used for certification.
 - C) Whole herd tests are conducted on all animals two years of age and older.
 - D) Tests on 30 animals must be a random sampling of animals two years of age and older. The same animals should not be tested in consecutive testing years.
 - E) All tests must be performed at an accredited laboratory.
 - F) Fecal collection must be done either by, or under the direct supervision of, an accredited veterinarian, who must verify that the samples were collected from the animals identified on the test documents.
- 3) Upon completion of the required testing and review by the Director, the Department shall issue a certificate verifying the herd's status.
 - 4) Herds not tested within 14 months after the last sampling will lose their certification status.
- e) Additions to the herd. Animals purchased from another herd participating in an *M. avium* paratuberculosis certification program may enter the herd without further testing, and will be tested along with the herd at the next annual test. Animals originating from herds that are participating in Johne's Disease Risk Management Program and are of the same level as the purchasing herd can be added to the herd without further testing and be tested on the next annual test. If the purchased additions originate from herds that are of a lower risk management level or are from a herd that has not been tested, the purchasing herd will assume the level of the purchased additions or will lose its herd status unless the animals have had a negative test within 30 days prior to purchase, or are isolated from the other members of the herd until a negative test has been received. Isolation means that the animal can have no opportunity to share feed or water receptacles with other members of the herd, and there can be no chance of fecal contamination from the animal.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 85.145 Johne's Disease Positive Animals

Any animals found to be positive for Johne's disease on an organism detection (culture) test shall be "J" punched in the left ear within 30 days after diagnosis. The "J" punch shall be no smaller than one inch in height for cattle or bison or one-half inch for cervids or goats. Animals found to be positive on an organism detection test can only be sold for slaughter. ~~The herd will be placed under restriction until the herd has either enrolled in the Voluntary Johne's Disease Herd Program or Johne's Disease Risk Management Program (see Section 85.140(c)(4) for exemptions). Herds restricted due to Johne's disease cannot sell any animals except to slaughter unless the animals have been tested negative for Johne's disease within 30 days prior to sale on a serum antibody test, or within 30 days after receiving negative results on an organism detection test, or the herd is enrolled in the Johne's Disease Risk Management Program.~~

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Dead Animal Disposal Act
- 2) Code Citation: 8 Ill. Adm. Code 90
- 3) Section Number: 90.110 Proposed Action:
Amendment
- 4) Statutory Authority: Illinois Dead Animal Disposal Act [225 ILCS 610]
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Dead Animal Disposal Act regulations provide for the on-farm disposal of livestock and poultry by owners via several methods. One method of disposal is the composting of carcasses. Currently, composting of equine, cervidae, and other unlisted small species of animals is not provided for in the regulations. The proposed changes provide for the composting of these animals.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Rulemakings appears in the Illinois Register. Please mail written comments on the proposed rulemaking to the attention of:

Susan Baatz
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield IL 62794-9281

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

217/524-6905
fax: 217/785-4505

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

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

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 90
ILLINOIS DEAD ANIMAL DISPOSAL ACT

Section

90.5	Definitions
90.10	Plant Facilities
90.20	Plant Premises
90.30	Annual Truck Permits (Repealed)
90.40	Truck Operator's Records (Repealed)
90.50	Odors and Insects Shall Be Controlled
90.60	Salmonella Control For Renderers and Blenders
90.70	Inspection of Premise (Repealed)
90.80	Identification of Receptacles
90.90	Records (Repealed)
90.100	Transportation and Transactions (Repealed)
90.105	Owner Transportation to Landfill
90.110	On-The-Farm Disposal
90.120	Collection Center
90.130	Disposal By Collection Center of Unusable Materials

AUTHORITY: Implementing and authorized by the Illinois Dead Animal Disposal Act [225 ILCS 610].

SOURCE: Regulations Relating to the Disposal of Dead Animals, filed January 17, 1972, effective January 27, 1972; filed December 6, 1972, effective December 16, 1972; codified at 5 Ill. Reg. 10458; amended at 7 Ill. Reg. 852, effective January 10, 1983; amended at 8 Ill. Reg. 5937, effective April 23, 1984; amended at 13 Ill. Reg. 3681, effective March 13, 1989; amended at 16 Ill. Reg. 11773, effective July 8, 1992; amended at 18 Ill. Reg. 14917, effective September 26, 1994; amended at 20 Ill. Reg. 294, effective January 1, 1996; amended at 28 Ill. Reg. 13415, effective October 1, 2004; amended at 40 Ill. Reg. _____, effective _____.

Section 90.110 On-The-Farm Disposal

Persons disposing of animals, poultry, fish, or parts of bodies thereof, other than to a licensed

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renderer, shall comply with the following:

- a) Disposal by Burning
 - 1) No open burning will be permitted.
 - 2) Any disposal by burning must be performed with an incinerator that is in compliance with the Illinois Environmental Protection Act [415 ILCS 5].
- b) Disposal by Burying
 - 1) Burial shall be on the premises owned or operated by the owner of the dead animal.
 - A) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
 - i) Dead animals shall not be buried less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
 - ii) Dead Animals shall not be buried within the applicable 200 or 400 foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
 - B) Dead animals shall not be buried less than 200 feet from any existing residence not owned or occupied by the owner of the animal.
 - C) No more than a ratio of one pound of dead animals per one square foot of surface area shall be buried on an annual basis. No more than 3,000 pounds of dead animals shall be buried in each site location, and the same site shall not be used more frequently than once every ~~two~~ years for burial purposes. There shall be no more than three site locations within a radius of 120 feet.

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- 2) Burial depth shall be sufficient to provide at least a ~~6" six inch~~ compacted soil cover over the uppermost part of the carcass. Precautions shall be taken to minimize soil erosion.
 - 3) The abdominal cavity of large carcasses shall be punctured to allow escape of putrefactive gasses.
 - 4) Lime or other chemical agent shall not be used to prevent decomposition.
 - 5) Precautions shall be taken at the site of burial necessary to prevent any disturbance by animal or mechanical means.
 - 6) Disease and nuisance vectors are to be minimized and controlled.
 - 7) Final cover or settling shall be limited to a 5% or less slope differential from the normal gradient of its general surroundings.
 - 8) Burial site locations shall be available for inspection by Department personnel during normal working hours.
- c) Disposal of poultry by composting. Persons disposing of poultry by means of composting shall comply with the following requirements:
- 1) The composter shall meet the following criteria:
 - A) A roof shall cover the entire composting area.
 - B) An impervious, weight-bearing foundation such as concrete shall be used.
 - C) Rot-resistant building materials such as preservative-treated lumber shall be used.
 - D) The composter shall consist of primary and secondary bins.
 - E) The size of the composter shall be based on the farm's projected mortality rate of poultry, in which one pound of dead poultry per cubic foot of primary compost space per day is provided.

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- 2) Composting shall comply with the following guidelines:
 - A) A mixture of one part dead poultry (by weight), one and one-half part poultry litter, and one-tenth part of straw shall be used. For example: 400 pounds of dead poultry will require 600 pounds of poultry litter and 40 pounds of straw.
 - B) Layering shall be done in the following order, starting from the floor:
 - i) ~~(First Layer: strawlayer) Straw~~, poultry litter, straw, birds, and poultry litter.
 - ii) Second and ~~Subsequent Layers~~~~subsequent layers~~: straw, birds, and poultry litter.
 - C) A ~~36"-inch~~ probe-type thermometer shall be inserted daily into the pile to check the temperature. Within ~~2two~~ to ~~4four~~ days, the temperature should peak between 135° F. and 150° F.
 - D) Once the temperature begins to fall from the peak (normally 7 to 10 days), the material shall be removed to the secondary treatment bin.
 - E) After 7 to 10 days in the secondary bin, the compost may be agronomically distributed over land under cultivation or reused in the composting process. For the purpose of this subsection (c)(2)(E), the agronomic rate is the annual application rate of poultry compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.
- 3) The composted material may be substituted for up to one-half of the poultry litter and one-half of the straw.
- d) Disposal of fish by composting. Persons disposing of fish by means of composting shall comply with the following requirements:

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- 1) The composter shall meet the following criteria:
 - A) A roof shall cover the entire composting area.
 - B) An impervious, weight-bearing foundation such as concrete shall be used.
 - C) Rot-resistant building materials such as preservative-treated lumber shall be used.
- 2) The base layer shall meet the following criteria:
 - A) Use 6 to 12"~~inches~~ thick of a bulking agent.
 - B) Be no more than 6 to 8 feet wide, but as long as necessary to accommodate the day's supply of compost material.
- 3) Composting shall meet the following guidelines:
 - A) Composting layer shall consist of a mixture of one part fish, three parts bulking agent and one part recycled compost (if available) or bulking agent and shall be mixed prior to use in the composting layer. The mixing of the materials for the composting layer shall be done in a manner to prevent leakage (e.g., stock tank, bucket, mixing drum).
 - B) The cover layer shall consist of two parts bulking agent and two parts recycled compost (if available) or two parts bulking agent and should reach a thickness of 6 to 12"~~inches~~.
 - C) Layering shall be done in the following order starting from the concrete: base layer, composting layer (fish, bulking agent and recycled compost), and cover layer. The composting and cover layers are piled on top of the base layer to form a trapezoid no higher than 4 feet.
 - D) Additions to the compost pile are done by adding new material to the end of the pile.

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- E) A probe-type thermometer shall be inserted daily into the pile to check the temperature. The temperature should peak between 140° F. and 165° F. The material can be recycled after it has composted for at least 2 to 3 weeks, and its temperature has dropped to air temperature.
- F) After the temperature has dropped to air temperature (normally 2 to 3 weeks), the composted material may be used in the composting layer, or after one month, the composted material may be agronomically distributed over land under cultivation or reused in the cover layer. For the purpose of this subsection ~~(d)(3)(F)~~, the agronomic rate is the annual application rate of fish compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.
- e) Disposal of swine by composting. Persons disposing of swine by means of composting shall comply with the following requirements:
- 1) The composter shall be located entirely over impervious foundation materials.
 - A) One of two foundations shall be used:
 - i) impervious soil (permeability equal to or less than 1×10^{-7} cm/sec. as defined in Section 651.0703 "Geotechnical considerations in waste facility siting", Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6"-~~inch~~ base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.
 - ii) an impervious, weight-bearing foundation such as concrete or asphalt.
 - 2) Surface water shall be diverted away from the composter.
 - 3) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.

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- A) Composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
 - B) Composter shall not be constructed within the applicable 200 or 400 foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
- 4) The composter shall consist of primary and secondary bins. The size of the composter shall be based on the farm's projected mortality rate of swine during any ~~3~~three-month period. The primary and secondary bins shall each contain a minimum of 10 square feet of composting area for each 1000 pounds of carcass to be composted.
- 5) The composter shall be constructed of permanent rot-resistant wall materials, such as preservative-treated wood, concrete, or precast concrete such as highway lane dividers. Each composter bin shall be three sides of a rectangle or square. One side of the bin shall be left open for loading, unloading and mixing the compost. In emergency situations, hay bales of ~~48 inches~~ or greater in diameter may be used on a temporary basis in the above configuration of side walls.
- 6) Composting shall comply with the following guidelines:
- A) Coarse sawmill sawdust, shredded cornstalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended for the carbon source.
 - B) It is expected that the carbon source will be required in the ratio of approximately one cubic foot of the carbon source per ~~10~~ten pounds of carcass (3.7 cubic yards of the carbon source per 1000 pounds of carcass). A supply of the carbon source shall be stockpiled and maintained on the premises at all times when the composter is in operation.

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- C) Each compost bin shall have a layer of carbon source a minimum of 10" ~~inches~~ deep placed on the floor before the first carcass is placed in the bin. There shall be a minimum of 10" ~~inches~~ of carbon source between the carcass and each of the vertical walls of the bin. The carcass shall be covered with a minimum of 10" ~~inches~~ of carbon source. The carbon source shall be added to the pile as composting begins, daily or as frequently as needed to sustain a 10" ~~inch~~ cover of carbon source over all carcasses in the bin's uppermost layer.
- D) A compost thermometer with a probe at least 36" long shall be obtained and used daily to measure the temperature of the compost in the middle of each bin. The compost temperature should reach 135 to 160° degrees F. (57° to 71° C.) and be recorded daily. Compost temperature indicates microbial activity and stage of composting process. The composting process shall be managed in such a way that the heating and decomposition can proceed to completion. If aerobic composting does not begin with 7 days, i.e., if temperatures do not rise above 135° F., the compost pile shall be turned and moisture content of the carbon source adjusted to allow the process to proceed. Temperature records shall be available for examination until the compost is disposed of as in subsection (e)(6)(G).
- E) The carbon source and carcasses may be placed in the bin until the bin is full.
- F) All compost from the primary bin shall be allowed to undergo a second composting phase as follows:
- i) When the temperature surrounding the last carcass placed in the composter drops below 130° F. (typically up to ~~3~~ three months after the last carcass addition), the compost in that bin shall be transferred to a second bin and allowed to reheat, through a second composting cycle. Moisture shall be added to the compost as needed to promote further composting activity.
 - ii) Compost shall remain in the second bin for the duration of

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the secondary composting cycle (typically ~~3~~ months). Temperature of the compost shall be measured using the compost thermometer to monitor the composting process.

- G) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in the ratio of up to 50% ~~percent~~ finished compost to fresh carbon source. For the purpose of this subsection (e)(6)(G), the agronomic rate is the annual application rate of swine compost, either alone or in combination with other nutrient supplying materials that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.
- f) Disposal of cattle, equine, cervidae, sheep, or goats, or other small animals by composting. Persons disposing of cattle, equine, cervidae, sheep, or goats, or other small animals by means of composting shall comply with the following requirements:
- 1) Carcasses of those animals dying of suspect neurological causes shall not be composted.
 - 2) The composter shall be located entirely over impervious foundation materials. One of two foundations shall be used:
 - A) Impervious soil (permeability equal to less than 1×10^{-7} cm/sec., as defined in Section 651.0703 (Geotechnical considerations in waste facility siting) of the Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6" ~~inch~~ base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.
 - B) An impervious, weight-bearing foundation such as concrete or asphalt.
 - 3) Surface water shall be diverted away from the composter.

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- 4) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
 - A) The composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
 - B) The composter shall not be constructed within the applicable 200- or 400-foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
 - C) A composting site shall be located at least $\frac{1}{4}$ mile from the nearest occupied residence (other than a residence located on the same property as the facility).
- 5) The composter shall consist of at least two bins, allowing operation as primary and secondary composting sequences.
- 6) The composter shall be constructed of permanent rot-resistant materials, such as preservative-treated wood or concrete.
- 7) The size of the composter shall be based on the facility's greatest projected mortality rate of animals during any ~~3~~three-month period of the year.
- 8) The composter bin minimum width dimension shall be large enough to allow placement of the largest carcass with at least one foot of space all around the carcass for carbon source material, or at least one foot greater than the width of the loader bucket used for turning the compost, whichever is larger.
- 9) A composting thermometer with a minimum probe length of 36" shall be kept available at the facility for monitoring progress of the compost process.
- 10) Records of carcass additions, composter operation and land application of finished compost shall be maintained on the premises.

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- 11) Composting shall comply with the following guidelines:
- A) Coarse sawmill sawdust, shredded corn stalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended as the carbon source.
 - B) A supply of carbon source materials shall be stockpiled and maintained on the premises at all times when the composter is in operation.
 - C) Finished compost from the carcass composting process (secondary bins) may be re-used in an amount appropriate to maintaining proper composting operation (up to 50% volume of re-used finished compost suggested).
 - D) Each carcass placed on the floor of a primary bin shall be underlain with at least 12"~~inches~~ of absorbent carbon source material.
 - E) Carcasses weighing more than 300 lb. shall be processed prior to covering with carbon source material. Processing may consist of, but is not limited to:
 - i) opening the abdominal cavity to facilitate contact of carbon source material and reduce distention of carcass with gases; and
 - ii) incising the large limb muscles to facilitate contact of carbon source material and thereby hasten composting.
 - F) Each carcass placed in the primary composter bin shall be immediately covered with a layer of carbon source material to a depth of at least 12" on top and all sides. Carbon source material shall be added to the composter daily or as frequently as needed to sustain a cover of carbon source material over all parts of carcasses in the bin's uppermost layer.
 - G) Carcasses and carbon source material may be added to the primary bin until the bin is full.

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- H) The composting process shall be monitored and managed in such a way that heating and decomposition can proceed to completion (typically ~~3~~three months in the primary bin from the time the last carcass is placed in the bin and another ~~3~~three months in the secondary bin from the time the compost is moved into the secondary bin from the primary bin). Water shall be added as necessary to adjust the moisture content of the compost and promote further composting activity.
- I) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in a ratio of up to 50% finished compost to fresh carbon source material. For the purpose of this subsection (f)(11)(I), the agronomic rate is the annual application rate of the compost, either alone or in combination with other nutrient supplying materials, which is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.
- g) Disposal of cattle, cervidae, sheep and goat offal by composting. Persons disposing of sheep or goat offal by means of composting shall comply with the following requirements:
- 1) Offal of those animals dying of suspect neurological causes shall not be composted.
 - 2) The composter shall be located entirely over impervious foundation materials. One of two foundations shall be used:
 - A) Impervious soil (permeability equal to less than 1×10^{-7} cm/sec., as defined in Section 651.0703 (Geotechnical considerations in waste facility siting) of the Agricultural Waste Management Field Handbook, Soil Conservation Service, U.S. Department of Agriculture, 1992). A 4 to 6" ~~inch~~ base of ungraded (varying particle size) field lime over the soil foundation is suggested as a runoff control measure.

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- B) An impervious, weight-bearing foundation such as concrete or asphalt.
- 3) Surface water shall be diverted away from the composter.
 - 4) Location shall be in an area where runoff will not contaminate water supplies or allow leachate to discharge into streams, ponds or lakes.
 - 5) The composter shall not be constructed less than 200 feet from a stream, private potable water supply well, or any other potable water supply source, except in accordance with Section 14.2(b) of the Illinois Environmental Protection Act.
 - 6) The composter shall not be constructed within the applicable 200- or 400-foot minimum setback zone of an existing community water supply well as established pursuant to Section 14.2 of the Illinois Environmental Protection Act.
 - 7) A composting site shall be located at least ¼ mile from the nearest occupied residence (other than a residence located on the same property as the facility).
 - 8) The composter shall consist of at least two bins, allowing operation as primary and secondary composting sequences.
 - 9) The composter shall be constructed of permanent rot-resistant materials, such as preservative-treated wood or concrete.
 - 10) The size of the composter shall be based on the greatest projected offal rate from animals during any ~~3~~three-month period of the year.
 - 11) The composter bin minimum width dimension shall be at least one foot greater than the width of the loader bucket used for turning the compost.
 - 12) A composting thermometer with a minimum probe length of 36" shall be kept available at the facility for monitoring progress of the compost process.

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- 13) Records of offal additions, composter operation and land application of finished compost shall be maintained on the premises.
- 14) Composting shall comply with the following guidelines:
 - A) Coarse sawmill sawdust, shredded corn stalks, chopped straw, coarse-ground corn cobs, and other materials possessing like properties and having similar particle size are recommended as the carbon source.
 - B) A supply of carbon source materials shall be stockpiled and maintained on the premises at all times when the composter is in operation.
 - C) Finished compost from the offal composting process (secondary bins) may be re-used in an amount appropriate to maintaining proper composting operation (up to 50% volume of re-used finished compost suggested).
 - D) Offal placed on the floor of a primary bin shall be mixed in a 50/50 ratio to carbon source material and underlain with at least 12" of absorbent carbon source material.
 - E) Any offal placed in the primary composter bin shall be immediately covered with a layer of carbon source material to a depth of at least 12" on top and all sides. Carbon source material shall be added to the composter daily or as frequently as needed to sustain a cover of carbon source material over all parts of carcasses in the bin's uppermost layer.
 - F) Offal and carbon source material may be added to the primary bin until the bin is full.
 - G) The composting process shall be monitored and managed in such a way that heating and decomposition can proceed to completion (typically ~~3~~three months in the primary bin from the time the last carcass is placed in the bin and another ~~3~~three months in the secondary bin from the time the compost is moved into the secondary bin from the primary bin). Water shall be added as

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necessary to adjust the moisture content of the compost and promote further composting activity.

- H) Finished compost shall be agronomically distributed over land under cultivation or reused in the composting process. Finished compost may be returned to the primary composting bin in a ratio of up to 50% finished compost to fresh carbon source material. For the purpose of this subsection (g)(14)(H), the agronomic rate is the annual application rate of the compost, either alone or in combination with other nutrient supplying materials, which is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Swine Disease Control and Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
105.10	Amendment
105.30	Amendment
105.110	Amendment
105.120	Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act [510 ILCS 100], and the Illinois Pseudorabies Control Act [510 ILCS 90]
- 5) A Complete Description of the Subjects and Issues Involved: The State of Illinois has maintained Stage V (free) pseudorabies (PRV) status since 2002. The rules would update references to CFR, modify identification and entry requirements for Illinois and out-of-state exhibition swine, and eliminate pseudorabies testing for Illinois exhibition swine as long as Illinois maintains pseudorabies stage IV or V state status.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

Susan Baatz
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The Agency did not anticipate the need for this rulemaking.

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

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)PART 105
SWINE DISEASE CONTROL AND ERADICATION ACT

Section	
105.5	Definitions
105.7	Incorporation by Reference
105.10	Swine Entering Illinois for Feeding Purposes Only
105.20	Quarantine of Imported Feeder Swine (Repealed)
105.30	Swine Entering Illinois for Breeding Purposes
105.40	Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
105.41	General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.42	Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds (Repealed)
105.44	Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds (Repealed)
105.46	Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.50	Official Pseudorabies Test (Repealed)
105.60	Pseudorabies Test Requirements for Intrastate Movement (Repealed)
105.70	Pseudorabies Testing of Feeder Swine (Repealed)
105.80	Feeder Swine (Repealed)
105.90	Feral Swine
105.100	Feeder Swine Moving Through Pig Shows/Sales
105.110	Swine Entering Illinois for Exhibition Purposes Other Than Through Show/Pig Sales
105.120	Illinois Exhibition Swine
105.130	Requirements for Establishing and Maintaining a Herd Under the Voluntary Porcine Reproductive and Respiratory Disease (PRRS) Monitored Herd Program

AUTHORITY: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95].

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SOURCE: Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 27, 1981; codified at 5 Ill. Reg. 10461; amended at 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 23, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 9 Ill. Reg. 18435, effective November 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at 11 Ill. Reg. 10187, effective May 15, 1987; amended at 11 Ill. Reg. 10538, effective May 21, 1987; amended at 12 Ill. Reg. 3440, effective January 22, 1988; amended at 13 Ill. Reg. 3715, effective March 13, 1989; amended at 14 Ill. Reg. 1961, effective January 19, 1990; amended at 14 Ill. Reg. 15322, effective September 10, 1990; amended at 16 Ill. Reg. 11799, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5910, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14010, effective August 16, 1993; amended at 18 Ill. Reg. 1880, effective January 24, 1994; amended at 18 Ill. Reg. 17968, effective January 1, 1995; amended at 20 Ill. Reg. 1563, effective January 12, 1996; amended at 21 Ill. Reg. 917, effective January 7, 1997; amended at 21 Ill. Reg. 17094, effective January 1, 1998; amended at 23 Ill. Reg. 459, effective January 1, 1999; amended at 24 Ill. Reg. 1017, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 8625, effective June 15, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16635, effective November 1, 2000; amended at 26 Ill. Reg. 98, effective January 1, 2002; amended at 26 Ill. Reg. 14630, effective September 23, 2002; amended at 36 Ill. Reg. 13604, effective September 1, 2012; amended at 40 Ill. Reg. _____, effective _____.

Section 105.10 Swine Entering Illinois for Feeding Purposes Only

- a) Feeder swine, except feral swine, may enter Illinois provided they are identified by an ear tag or site tattoo in the right ear showing state of origin and accompanied by a permit from the Department and an official health certificate.
- b) The official health certificate shall:
 - 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
 - 2) Be approved by the Animal Health Official of state of origin;
 - 3) Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;

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- 4) Show that the feeder swine are not from a quarantined herd and/or area;
 - 5) List number and description of the feeder swine, site tattoos, ear tag series or location of ear tag records when pigs originate from cooperative feeder pig sales; and
 - 6) Show that the swine originate from a herd in which a representative sample of the herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80), originate from a qualified pseudorabies negative or pseudorabies negative gene-altered vaccinated herd that is conducting monthly monitoring tests, or originate from a state that has been classified as Stage IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by the Department as the classification for that entire state.
- c) Permits:
- 1) Permits to import feeder swine shall only be issued to:
 - A) An Illinois licensed feeder swine dealer; and
 - B) A person importing pigs to feed on his or her own premises and not for resale other than to slaughter.
 - 2) Applicant for permit shall furnish the following information to the Department:
 - A) Name and complete mailing address of Illinois destination.
 - B) Name and address of consignor.
 - C) Number of swine in shipment.
 - D) Pseudorabies vaccination status of swine.
 - 3) Grounds for refusal to issue a permit are:
 - A) Violation of the Act or this Part.

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- B) If a person should be licensed under the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620] and his or her license is not in good standing with the Department.
- C) Presence of a disease that might endanger the Illinois swine industry.
- d) Imported isowean or feeder swine from Stage I or II states shall be quarantined to the Illinois premises until a 95/10 random sample test has been performed on the imported animals 21 to 60 days post-importation.
- e) Feeder swine entering Illinois in accordance with the provisions governing the interstate movement of swine within a production system (9 CFR 71 and 9 CFR 85; ~~(2015)2011~~) are exempt from the certificate of veterinary inspection, individual identification and permit requirements.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 105.30 Swine Entering Illinois for Breeding Purposes

- a) Swine for breeding purposes, or of breeding age, returning to Illinois after exhibition, except feral swine, may enter Illinois provided they are accompanied by a permit from the Department and an official health certificate.
- b) Official health certificate shall:
 - 1) Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture;
 - 2) Be approved by the Animal Health Official of the state of origin;
 - 3) Identify each animal by registration number, approved ear tag, breed registry tattoo, or ear notch approved by the respective breed registry;
 - 4) Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
 - 5) Show that the swine are not from a quarantined herd and/or area;

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- 6) Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry, or that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, or that the swine originate from a validated brucellosis-free state or area (Swine Brucellosis Eradication Uniform Methods and Rules); and
 - 7) Show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 15 days prior to entry or that the swine originated from a qualified pseudorabies negative herd where at least half of the last monitoring test has been conducted within 15 days (testing half of the required monthly number of swine every 15 days is acceptable in– Stage I or II states only; monthly testing is acceptable in Stage III states), with the qualified herd number and qualification date listed on the health certificate, pseudorabies vaccination status of swine, or that the swine originated from a country that meets the requirements for Stage V or from a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by the Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split Stage III/IV and above.
- c) Permits:
- 1) Permits to import breeding swine shall be issued by telephoning or writing the Department.
 - 2) Applicant for permit shall furnish the following information to the Department:
 - A) Name and complete mailing address of Illinois destination;
 - B) Name and address of consignor;
 - C) Number of swine in shipment; and

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- D) Pseudorabies vaccination status of swine.
- 3) Grounds for refusal to issue a permit are:
- A) Violation of the Act or this Part; and
 - B) Presence of a disease that might endanger the Illinois swine industry.
- d) Imported breeding animals or swine of breeding age returning to Illinois after exhibition shall be kept quarantined and isolated until a percentage of the imported breeding swine are retested and negative to an official test for pseudorabies conducted not less than 21 days nor more than 60 days after entering Illinois. If the number of imported breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 imported breeding animals are involved, a minimum of 30% ~~percent~~ or 30 animals, whichever is less, is to be tested. Imported breeding swine originating from a country that meets the requirements for Stage V or a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards are exempt from the isolation and retest provisions. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by the Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split Stage III/IV and above.
- e) Breeding swine entering Illinois in accordance with the provisions governing the interstate movement of swine within a production system (9 CFR 71 and 9 CFR 85, ~~(2015)2011~~) are exempt from the certificate of veterinary inspection, individual identification and permit requirements.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 105.110 Swine Entering Illinois for Exhibition Purposes Other Than Through Show/Pig Sales

Swine of any age entering Illinois for exhibition purposes other than through show/pig sales must comply with the following:

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- a) Exhibition swine may enter Illinois provided they are identified ~~with~~by an approved official identifier~~rear tag, tattoo or recognized breed ear notch~~, and accompanied by a permit from the Department and an official health certificate.
- b) Official health certificate shall:
- 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
 - 2) Be approved by the Animal Health Official of state of origin;
 - 3) Show that the exhibition swine are free from visible evidence of any contagious, infectious or communicable disease or exposure to those diseases;
 - 4) Show that the exhibition swine are not from a quarantined herd and/or area;
 - 5) Show that the swine originated from a Stage IV or V state (no test is required); ~~or that the swine originated from a Stage III, IV or V~~ state and are negative to an official test for pseudorabies conducted within the 30 days prior to entry; or that the swine originated from a qualified pseudorabies negative herd in a Stage ~~III, IV or V~~ state, and the qualified pseudorabies negative herd number and date of last qualification test is listed on the health certificate; or that the swine originated from a Stage I or II state and are negative to an official test for pseudorabies conducted within the 10 days prior to entry; and
 - 6) Show breeding swine, four months of age and over, to be negative to an official test for brucellosis within 30 days prior to exhibition; or that the swine originated from a validated brucellosis-free herd with the herd number and date of last validation test listed on the health certification; or the swine originated from a validated brucellosis-free state or area.
- c) Permits:
- 1) Applicant for permit shall furnish the following information to the Department:

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- A) Name and complete mailing address of Illinois destination;
 - B) Name and address of consignor;
 - C) Number of swine in shipment; and
 - D) Pseudorabies vaccination status of swine.
- 2) Grounds for refusal to issue a permit are:
- A) Violation of the Act or this Part; and
 - B) Presence of a disease that might endanger the Illinois swine industry.

d) Swine consigned to terminal market classes must meet the same test requirements as exhibition swine if these classes are held with "exhibits not intended for slaughter". When terminal classes are held on a day when no other livestock are present, these animals are exempt from all test requirements and do not need a health certificate and permit, unless the animals are originating from Stage I or Stage II states, when the health certificate and permit is still required. All swine in terminal classes must be identified by a site tattoo. Swine from pseudorabies quarantined herds are not allowed to exhibit regardless of whether the show is terminal or non-terminal.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 105.120 Illinois Exhibition Swine

Illinois exhibition swine of any age must meet the following requirements:

- a) Be accompanied by a health certificate issued within 90 days prior to exhibition and individually identified with by an approved official identifier ~~ear tag, tattoo or recognized ear notch. Ear notch identification is acceptable for barrows, crossbred gilts and breeding swine.~~
- b) The official health certificate shall:
 - 1) Be issued by an accredited veterinarian of the state of origin or a

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veterinarian in the employ of the United States Department of Agriculture;

- 2) Show that the exhibition swine are free from visible evidence of any contagious, infectious or communicable disease or exposure to those diseases;
 - 3) Show that the exhibition swine are not from a quarantined herd and/or area; and
 - 4) Show that Illinois is a Stage IV or V state (no test is required); or the swine are negative to an official test for pseudorabies conducted within the 90 days prior to exhibition; or ~~that~~ the swine originated from a qualified pseudorabies negative herd and the qualified pseudorabies negative herd number and date of last qualification test is listed on the health certificate.
- c) Illinois swine exhibited in Stage I or Stage II states or out-of-state shows allowing Stage I or II state pigs to exhibit returning to Illinois must be isolated and retested negative to an official test for pseudorabies 21-60 days after returning to Illinois before being able to be exhibited in Illinois or return to the herd of origin.
- d) Swine consigned to terminal market classes must meet the same test requirements as exhibition swine if these classes are held with "exhibits not intended for slaughter". When terminal classes are held on a day when no other livestock are present, these animals are exempt from all test requirements and do not need a health certificate. All swine in terminal classes must be identified by a site tattoo. Swine from pseudorabies quarantined herds are not allowed to exhibit regardless of whether the show is terminal or non-terminal.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Animal Disease Laboratories Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
110.30	Amendment
110.50	Amendment
110.60	Amendment
110.70	Amendment
110.90	Amendment
110.105	Amendment
110.120	Amendment
- 4) Statutory Authority: Animal Disease Laboratories Act [510 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: Lab tests and associated fee schedule for the Animal Disease Laboratory have been updated.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

Susan Baatz
Illinois Department of Agriculture

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State Fairgrounds, P. O. Box 19281
Springfield IL 62794-9281

217/524-6905
fax: 217/785-4505

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Veterinarians and livestock owners will have increased fees for some laboratory services. There will be little, if any, effect on small municipalities and not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures are required.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The agency did not anticipate the need for this rulemaking.

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

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)PART 110
ANIMAL DISEASE LABORATORIES ACT

Section

110.10	Definitions
110.20	Submitting Specimens
110.30	Payment For Laboratory Services
110.40	Tests Not Covered By Fee Schedule (Repealed)
110.50	Minimum Fees
110.60	Euthanasia Fees
110.70	Clinical Pathology/Parasitology Fees
110.80	Histopathology Fees
110.90	Microbiology Fees
110.100	Parasitology Fees (Repealed)
110.105	Serology Fees
110.110	Toxicology Fees (Repealed)
110.120	Miscellaneous Fees
110.130	Meats Chemistry Fees (Repealed)
110.140	Liquor Control Commission Fees (Repealed)

AUTHORITY: Implementing and authorized by the Animal Disease Laboratories Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 23 Ill. Reg. 386, effective January 1, 1999; amended at 23 Ill. Reg. 9754, effective August 9,

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1999; amended at 24 Ill. Reg. 990, effective January 10, 2000; amended at 24 Ill. Reg. 16606, effective November 1, 2000; amended at 26 Ill. Reg. 105, effective January 1, 2002; amended at 28 Ill. Reg. 2104, effective February 1, 2004; amended at 30 Ill. Reg. 10080, effective May 22, 2006; amended at 34 Ill. Reg. 19439, effective January 1, 2011; amended at 35 Ill. Reg. 19768, effective January 1, 2012; amended at 36 Ill. Reg. 13621, effective September 1, 2012; amended at 38 Ill. Reg. 20672, effective October 16, 2014; amended at 40 Ill. Reg. _____, effective _____.

Section 110.30 Payment For Laboratory Services

The person requesting the services shall be responsible for payment of fees for laboratory services performed by the Illinois Department of Agriculture [Animal Disease Laboratory](#). Laboratory charges are due and payable when billed each month. Reports of laboratory findings will be withheld for any case submitted by an entity whose account is over 60 days past due.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 110.50 Minimum Fees

- a) A submission fee of ~~\$52~~ per accession shall be charged on all accessions [except EIA serology](#).
- b) Fee schedules are available at the laboratories or the Department's website: www.agr.state.il.us/laboratory-services/. A fee cap of \$150 will apply to livestock diagnostic cases with necropsies when multiple tests are required to complete a diagnosis. Mailed-in livestock cases with multiple tests in which the practitioner has necropsied the animals will be subject to the same \$150 fee cap. Companion animals (dogs, cats, equids, camelids, etc.) are not subject to the fee cap. Disposal charges for carcasses, [spinal cord removal charges, euthanasia and charges for additional animals](#) are not included in the cap and will be billed according to the fee schedule. Likewise, outside laboratory testing is not covered under the fee cap and will be charged according to referral laboratory costs. Upon submission, all carcasses and materials derived from them become the property of the State of Illinois, to be used or disposed of in any manner consistent with Illinois law. No portion of the carcass, except the ashes resulting from cremation of the carcass, will be returned to the previous owner.
- c) Necropsy fees will be as listed in this subsection. The necropsy fee is dependent on animal size. "Weight" means the weight of each animal included in an

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accession. "Number" means the maximum number of animals that can be included in a single accession for the designated necropsy fee. "Additional Animal Fee" is the extra charge for each animal added to an accession beyond the maximum specified in the second column. For example, if 4 pigs, each weighing 20 pounds, are submitted, the fee will be \$65 (\$45 for the first 3 animals plus \$20 for the additional animal).

Weight (lbs.)	Number	Necropsy Fee	Additional Animal Fee
0-34	3	\$45	\$20
35-149	2	\$45	\$25
150-499	1	\$45	\$30
500 or more	1	\$60	\$35

d) Spinal cord removal fees (per animal, not subject to fee cap):

- 1) 1-499 pounds.....\$ 45
- 2) 500 or more pounds.....\$ 60

e) Accessions submitted as rush priority will be charged at least twice the normal rate. If the cost of complying with the rush exceeds twice the normal charges, additional charges will be applied to cover commodity costs. This charge will apply to the submissions of any individual requesting results faster than the normal laboratory turnaround, including, but not limited to, samples placed ahead of already pending samples, samples run outside of normal schedules, and testing requested on weekends, holidays or after normal laboratory working hours.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 110.60 Euthanasia Fees

- a) Companion animals (pets, equids, camelids) and feral animals will not be accepted alive at the laboratory. These animals must be euthanized prior to submission. Livestock (cattle, swine, sheep, goats and poultry) can be accepted alive and will be euthanized following euthanasia guidelines published by the American Veterinary Medical Association.
- b) If chemical euthanasia is required, a minimum charge of \$10.00 will apply. Aggregate weights will apply when a submission includes multiple animals.

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- c) The following fees apply to livestock accepted at a Department laboratory for euthanasia based on the total weight of the livestock:

Weight (in pounds)	With Sedation
0-100	10.00
101-200	15.00
201-300	20.00
301-400	25.00
401-500	30.00
501-600	35.00
601-700	40.00
701-800	45.00
801-900	50.00
 Each additional Increment of 100	 10.00

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 110.70 Clinical Pathology/Parasitology Fees

~~The following fees apply to those specimens submitted where a necropsy is not involved, with a minimum total fee of \$7.50:~~

- a) Hematology
 - 1) Hematocrit \$ 6.00
 - 2) Erythrocyte Parasites 10.00
- b) Chemistry
 - Total Protein (refractometric) 7.50
- c) Other Tests
 - 1) Cytology 20.00

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2)	Cytology, multiple sites.....	30.00
3)	Morphologic examination – ecto and endoparasites	10.00
4)	Fecal Flotation.....	12.00
5)	Trichomonas foetus (Venereal trichomoniasis)	10.00
6)	Giardia/Cryptosporidia ELISA (feces).....	20.00

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 110.90 Microbiology Fees

~~The following are the fees for microbiology (per sample or pool unless otherwise specified):~~

a) Bacteriology, Mycoplasma and Fungi

1)	Aerobic or anaerobic culture without sensitivity testing	\$ 15.00
2)	Antibiotic sensitivity (per isolate).	15.00 10.00
3)	Milk for mastitis culture	15.00 4.00
4)	Leptospirosis culture per specimen	20.00
4 5)	Fluorescent Antibody Test (FA), per antigen	15.00
5 6)	Campylobacter (culture)	25.00 15.00
6 7)	Salmonella (enrichment media, per site or pool).....	15.00
7 8)	S enteritidis, poultry-house drag swabs, culture	25.00
8 9)	S enteritidis, poultry-house drag swabs immunoassay	20.00
9 10)	S enteritidis, poultry-house drag swabs, PCR	35.00
10 11)	Listeria (cold enrichment).....	15.00
11 2)	Brachyspira (swine dysentery)	12.50
11 13)	Johne's bacillus (Mycobact avium paratuberculosis)	20.00 15.00

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<u>1214</u>)	Preparation of Return culture for bacterin production per organism (plus shipping)	20.00 4.00
<u>1315</u>)	Fungal culture	15.00
<u>1416</u>)	Microscopic examination (brightfield, darkfield, outside normal procedures)	6.00
<u>1517</u>)	Mycoplasma culture	12.00
<u>1618</u>)	Trichomonas transport media	actual cost plus shipping
<u>1719</u>)	PCR testing	35.00
<u>20</u>)	Clostridium difficile toxin ELISA (per sample or pool)	20.00

b) Food safety microbiology

1)	Food: Confirmation panel, E coli O157:H7	\$ 75.00
2)	Food: Confirmation panel, E coli, non-O157-STEC.....	75.00
3)	Food: Confirmation panel, Listeria monocytogenes	75.00
4)	Food: Confirmation panel, Listeria sp.....	75.00
5)	Food: Confirmation panel, Salmonella sp	75.00
6)	Food: Culture, bacterial, E coli plate colony count	35.00
7)	Food: KIS test, antimicrobial drug testing	17.00
8)	Food: RT-PCR test, E coli O157:H7 screen.....	100.00
9)	Food: RT-PCR test, E coli non-O157 STEC	100.00
10)	Food: RT-PCR test, Listeria monocytogenes.....	100.00
11)	Food: RT-PCR test, Listeria sp	100.00
12)	Food: RT-PCR test, Salmonella sp	100.00

c) Virology

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1)	Fluorescent Antibody Test (per antigen)	\$ 15.00
2)	Rabies (FA test)	25.00
3)	Virus Isolation (per virus)	25.00
4)	PCR Testing.....	35.00

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 110.105 Serology Fees

~~The following are the fees for serology:~~

a)	Anaplasmosis (ELISA).....	\$ 7.00
b)	Avian influenza (AGID)	5.00
cb)	Bluetongue (AGID)	3.50
de)	Bluetongue (ELISA)	3.50
ed)	Bovine leukemia virus (AGID)	5.00
fe)	Bovine leukemia virus (ELISA)	5.00
gf)	Brucella abortus (BAPA, card, std plate, <u>std tube</u>)	2.50
hg)	Brucella abortus (species other than bovine, porcine, and canine)	2.50
h)	Brucella abortus (std tube).....	2.50
i)	Brucella abortus RAP	2.50
j)	Brucella abortus rivanol.....	10.00
k)	EIA-AGID	8.00
l)	EIA-ELISA	8.00
m)	Johne's ELISA	5.00
n)	Johne's ELISA, goats.....	6.00

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o)	Leptospirosis (microtiter agglutination, 6 serotypes, per sample) companion animals	24.00
p)	Leptospirosis (microtiter agglutination, 6 serotypes, per sample) livestock (ruminants, swine).....	12.00
nq)	Mycoplasma hypopneumoniae (ELISA).....	4.00
or)	Mycoplasma synoviae, M gallisepticum, M meleagridis (PA test) each	2.00
ps)	PRRS ELISA	6.00
qt)	PRRS IFA, US strain	8.00
rt)	PRRS IFA Lelystad strain	8.00
sv)	Pseudorabies (AutoLex or ELISA).....	1.00
tw)	Salmonella pullorum/ typhimurium (MPA)	1.00
x)	Salmonella typhimurium (MPA)	1.00
uy)	Serology spin charge (per specimen)	1.00
vz)	Swine influenza, ELISA (per serotype).....	8.00
aa)	TGE ELISA	6.00
bb)	PRCV ELISA	6.00
wee)	Unlisted Serology (each disease) per sample	5.00

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 110.120 Miscellaneous Fees

a)	Return of shipping container	actual shipping cost
b)	Cremation <u>(200 pound limit)</u>	
<u>1)</u>	<u>Up</u> up to <u>7675</u> pounds	\$ 75.00
<u>2)</u>	<u>Each</u> 76 pounds and above, each additional pound	1.00

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between 76 and 200 pounds.....

c)	Handling fee for sending specimens to out-of-state laboratories	
	<u>1)</u> Non-refrigerated..... actual shipping cost plus	2.50
	<u>2)</u> Refrigerated..... actual shipping cost plus	2.50
	<u>3)</u> Dry ice..... actual shipping cost plus	10.00
	<u>4)</u> <u>Dangerous goods</u> <u>actual shipping cost plus</u>	<u>12.00</u>
		0.50 per pound, minimum
d)	Disposal fee for animals that cannot be rendered.....	15.00
e)	<u>Disposal fee for horse carcasses</u> actual cost Horses — carcass disposal fee	
f)	<u>Disposal fee for headless cattle</u> <u>actual cost</u>	
gf)	<u>Chronic Wasting Disease</u> Chronic wasting disease	
	<u>1)</u> (CWD) killed by hunter in State	45.00
	<u>2)</u> CWD killed by hunter out of state	50.00
	<u>3)</u> CWD captive surveillance.....	45.00
hg)	Laboratory supplies, forms or materials.....	actual cost plus shipping
ih)	Emergency fee/ <u>rush fee</u> (outside working hours)	50.00 <u>per</u> <u>accession</u>

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- j) CWD sample collection and head disposal fee (out-of-state animals) 5.00

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Meat and Poultry Inspection Act
- 2) Code Citation: 8 Ill. Adm. Code 125
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
125.145	Amendment
125.260	Amendment
125.380	Amendment
- 4) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]
- 5) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection program as required by the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act and as required by Section 16 of the Meat and Poultry Inspection Act [225 ILCS 650/16], the Department is proposing amendments to the federal meat and poultry products in section rules:

FSIS is requiring the use of a descriptive designation as part of the product name on the labels of raw meat and poultry products that contain added solutions and that do not meet a standard of identity.

Federal meat inspection regulations are going to require the use of the descriptive designation "mechanically tenderized," "blade tenderized," or "needle tenderized" on the labels of raw or partially cooked needle- or blade-tenderized beef products, including beef products injected with a marinade or solution, unless the products are to be fully cooked or to receive another full lethality treatment at an official establishment.

In addition, FSIS rule changes will impact 8 IL Adm Code 125.145 - Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products, which incorporates 9 CFR 430.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:
- Susan Baatz
Illinois Department of Agriculture
State Fairgrounds, P. O. Box 19281
Springfield IL 62794-9281
- 217/524-6905
fax: 217/785-4505
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Meat and poultry facilities
- B) Reporting, bookkeeping or other procedures required for compliance: Businesses will be required to update labeling material with the required statements.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACTPART 125
MEAT AND POULTRY INSPECTION ACTSUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations
125.145	Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products
125.146	Consumer Protection Standards: Raw Products
125.147	Rules of Practice
125.148	Quantity of Contents Labeling and Procedures and Requirements for Accurate Weights
125.149	Label Approval

SUBPART B: MEAT INSPECTION

Section

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125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products (Repealed)
125.300	Special Services Relating to Meat and Other Products
125.305	Exotic Animal Inspection

SUBPART C: POULTRY INSPECTION

Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 5-625 of the Civil Administrative Code of Illinois [20 ILCS 5/5-625].

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SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; preemptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; preemptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; preemptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; preemptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; preemptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; preemptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; preemptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; preemptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; preemptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; preemptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; preemptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; preemptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; preemptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; preemptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; preemptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; preemptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; preemptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; preemptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; preemptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; preemptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; preemptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; preemptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; preemptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; preemptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; preemptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; preemptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; preemptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; preemptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; preemptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; preemptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; preemptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; preemptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; preemptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; preemptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; preemptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; preemptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; preemptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; preemptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; preemptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; preemptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; preemptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; preemptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; preemptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; preemptory amendment withdrawn at

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15 Ill. Reg. 1574, effective January 2, 1991; preemptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; preemptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; preemptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; preemptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; preemptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; preemptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; preemptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; preemptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; preemptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; preemptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; preemptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; preemptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; preemptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; preemptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; preemptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; preemptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; preemptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; preemptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; preemptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; preemptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; preemptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; preemptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; preemptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; preemptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; preemptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; preemptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; preemptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; preemptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; preemptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; preemptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; preemptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; preemptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; preemptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; preemptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; preemptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; preemptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; preemptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; preemptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; preemptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; preemptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; preemptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; preemptory amendment at 24 Ill. Reg. 3933, effective February 22, 2000; preemptory amendment at 24 Ill. Reg. 5699, effective

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March 14, 2000; preemptory amendment at 24 Ill. Reg. 6734, effective April 14, 2000; amended at 24 Ill. Reg. 7197, effective April 27, 2000; preemptory amendment at 24 Ill. Reg. 14074, effective August 30, 2000; preemptory amendment at 24 Ill. Reg. 14451, effective September 15, 2000; preemptory amendment at 25 Ill. Reg. 7341, effective April 26, 2001; preemptory amendment at 25 Ill. Reg. 12434, effective September 13, 2001; preemptory amendment at 25 Ill. Reg. 15444, effective November 19, 2001; preemptory amendment at 26 Ill. Reg. 980, effective January 11, 2002; preemptory amendment at 26 Ill. Reg. 7750, effective May 10, 2002; amended at 27 Ill. Reg. 10205, effective July 1, 2003; preemptory amendment at 27 Ill. Reg. 13634, effective July 28, 2003; emergency amendment at 27 Ill. Reg. 14197, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; preemptory amendment at 27 Ill. Reg. 15172, effective September 15, 2003; preemptory amendment at 27 Ill. Reg. 17281, effective November 1, 2003; preemptory amendment at 27 Ill. Reg. 18270, effective November 14, 2003; amended at 28 Ill. Reg. 2131, effective February 1, 2004; preemptory amendment at 28 Ill. Reg. 3513, effective February 6, 2004; preemptory amendment at 28 Ill. Reg. 11934, effective August 5, 2004; preemptory amendment at 28 Ill. Reg. 15694, effective November 30, 2004; preemptory amendment at 28 Ill. Reg. 16368, effective December 6, 2004; preemptory amendment at 29 Ill. Reg. 2479, effective February 1, 2005; amended at 29 Ill. Reg. 5661, effective April 13, 2005; preemptory amendment at 29 Ill. Reg. 15645, effective October 7, 2005; amended at 29 Ill. Reg. 18432, effective October 28, 2005; preemptory amendment at 29 Ill. Reg. 20580, effective November 29, 2005; preemptory amendment at 29 Ill. Reg. 21058, effective December 21, 2005; preemptory amendment at 30 Ill. Reg. 2400, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 16081, effective September 25, 2006; preemptory amendment at 31 Ill. Reg. 5149, effective March 16, 2007; preemptory amendment at 31 Ill. Reg. 12624, effective August 20, 2007; preemptory amendment at 31 Ill. Reg. 16763, effective December 10, 2007; preemptory amendment at 32 Ill. Reg. 590, effective January 1, 2008; preemptory amendment at 32 Ill. Reg. 17831, effective October 30, 2008; preemptory amendment at 33 Ill. Reg. 1230, effective January 5, 2009; preemptory amendment at 33 Ill. Reg. 6338, effective April 17, 2009; preemptory amendment at 33 Ill. Reg. 12040, effective August 5, 2009; preemptory amendment at 35 Ill. Reg. 571, effective December 22, 2010; preemptory amendment at 35 Ill. Reg. 1802, effective January 14, 2011; preemptory amendment at 35 Ill. Reg. 19553, effective January 1, 2012; preemptory amendment at 36 Ill. Reg. 9264, effective June 6, 2012; amended at 36 Ill. Reg. 14664, effective October 1, 2012; preemptory amendment at 36 Ill. Reg. 17930, effective December 21, 2012; preemptory amendment at 37 Ill. Reg. 875, effective January 28, 2013; preemptory amendment at 37 Ill. Reg. 6870, effective May 6, 2013; preemptory amendment at 38 Ill. Reg. 4176, effective February 1, 2014; preemptory amendment at 38 Ill. Reg. 20825, effective October 20, 2014; preemptory amendment at 39 Ill. Reg. 502, effective December 22, 2014; amended at 40 Ill. Reg. _____, effective _____.

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SUBPART A: GENERAL PROVISIONS FOR BOTH
MEAT AND/OR POULTRY INSPECTION**Section 125.145 Control of Listeria Monocytogenes in Ready-to-Eat Meat and Poultry Products**

The Department incorporates by reference 9 CFR 430 (2004); [80 FR 35178, effective September 17, 2015](#)).

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART B: MEAT INSPECTION

Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(f)(2), 317.5, 317.6, 317.8, 317.10 through 317.13, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (2010; 75 FR 82148, effective January 1, 2012; 77 FR 76824, effective December 31, 2012; 78 FR 66826, effective January 6, 2014; 79 FR 71007, effective December 1, 2014; [79 FR 79044, effective January 1, 2016](#); [80 FR 28153, effective May 17, 2016](#)).
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling ~~that~~~~which~~ has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the

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Weights and Measures Act [225 ILCS 470] and ~~the rules adopted thereto~~ (8 Ill. Adm. Code 600).

- f) Any Type I establishment is authorized to use generically approved labeling for meat and poultry products as defined in subsection (h) ~~of this Section~~ without the labeling being submitted for approval to the Department, provided the labeling is in accordance with this Section and shows all mandatory features in a prominent manner as required in 9 CFR 317.2 and 381 and is not otherwise false or misleading.
- g) The Department shall select samples of generically approved labeling from the records maintained by official establishments to determine compliance with labeling requirements. Any finding of false or misleading labeling shall institute the proceedings prescribed in Section 13 of the Act~~225 ILCS 650/13~~.
- h) Generically approved labeling is labeling that complies with the following:
 - 1) Labeling for a product that has a product standard as specified in 9 CFR 319 and 381 or the Standards and Labeling Policy Book and does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees, or is not a domestic product labeled in a foreign language;
 - 2) Labeling for single-ingredient products, such as beef steak or lamb chops, that does not contain any special claims such as quality claims, nutrient content claims, health claims, negative claims, geographical origin claims or guarantees or is not a domestic product labeled with a foreign language;
 - 3) Labeling for containers of products sold under contract specifications to federal government agencies that the product is not offered for sale to the general public, provided that the contract specifications include specific requirements with respect to labeling and are made available to the inspector-in-charge;
 - 4) Labeling for shipping containers that contain fully labeled immediate containers, provided that the labeling complies with 9 CFR 316.13 and 381.127;

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- 5) Labeling for products not intended for human food, provided it complies with 9 CFR 325, 381.152(c) and 381.193;
- 6) Meat inspection legends;
- 7) Inserts, tags, liners, pasters and similar devices containing printed or graphic matter and for use or to be placed within containers and coverings of products, provided the devices contain no reference to product and bear no misleading feature;
- 8) Labeling for consumer test products not intended for sale;
- 9) Labeling that was previously approved by the Department as sketch labeling, and the final labeling was prepared without modification or with the following modifications:
 - A) All features of the labeling are proportionately enlarged or reduced provided that all minimum size requirements specified in applicable regulations are met and the labeling is legible;
 - B) The substitution of any unit of measurement with its abbreviation or the substitution of any abbreviation with its unit of measurement, e.g., "lb." for "pound" or "oz." for "ounce" or of the word "pound" for "lb." or "ounce" for "oz.";
 - C) A master or stock label has been approved where the name and address of the distributor are omitted and the name and address are applied before being used (in that case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when the labels are offered for approval);
 - D) Wrappers or other covers bearing pictorial designs, emblematic designs or illustrations, e.g., floral arrangements, illustrations of animals, fireworks, etc., are used with approved labeling (The use of the designs will not make necessary the application of labeling not otherwise required.);

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- E) A change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;
- F) The addition, deletion or amendment of a dated or undated coupon, a cents-off statement, cooking instructions, packer product code information or the UPC product code information;
- G) Any change in the name or address of the packer, manufacturer or distributor that appears in the signature line;
- H) Any change in the net weight, provided the size of the net weight statement complies with 9 CFR 317.2 and 318.121;
- I) The addition, deletion or amendment of recipe suggestions for the product;
- J) Any change in punctuation;
- K) Newly assigned or revised establishment numbers for a particular establishment that has been approved by the Department;
- L) The addition or deletion of open dating information;
- M) A change in the type of packaging material on which label is printed;
- N) Brand name changes, provided that there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic significance, and the brand name does not affect the name of the product;
- O) The deletion of the word "new" on new product labeling;
- P) The addition, deletion or amendment of special handling statements, provided that the change is consistent with 9 CFR 317.2(k) and 318.125(a);

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- Q) The addition of safe handling instructions as required by 9 CFR 317.2(1) and 381.125(b);
 - R) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label, provided that the change in quantity of ingredients complies with any minimum or maximum limits for the use of the ingredients prescribed in 9 CFR 318, 319 and 381.147;
 - S) Changes in the color of the labeling, provided that sufficient contrast and legibility remain;
 - T) A change in the product vignette, provided that the change does not affect mandatory labeling information or misrepresent the content of the package;
 - U) A change in the establishment number by a corporation or parent company for an establishment under its ownership;
 - V) Changes in nutrition labeling that only involve quantitative adjustments to the nutrition labeling information, except for serving sizes, provided the nutrition labeling information maintains its accuracy and consistency;
 - W) Deletion of any claim, and the deletion of non-mandatory features or non-mandatory information; and
 - X) The addition or deletion of a direct translation of the English language into a foreign language for products marked "for export only".
- i) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
 - j) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (2004)).

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- k) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- l) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- m) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- n) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

SUBPART C: POULTRY INSPECTION

Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.133, 381.134, 381.136 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443; 381.444; 381.445; 381.454; 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (2010; 75 FR 82148, effective January 1, 2012; 76 FR 82077, effective December 30, 2011; 77 FR 76824, effective December 31, 2012; 78 FR 66826, effective January 6, 2014; 79 FR 49566, effective October 20, 2014; 79 FR 71007, effective December 1, 2014; [79 FR 79044, effective January 1, 2016](#)).
- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.

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- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and ~~the rules adopted thereto~~ (8 Ill. Adm. Code 600).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling ~~that~~ which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.

ILLINOIS DEPARTMENT OF AGRICULTURE

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- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
- n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when ~~those such~~ labels or devices have been mutilated or damaged or when the establishment ceases to do business. ~~The Such~~ labels and devices shall be given to the inspector for disposition.
- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Falconry and the Captive Propagation of Raptors
- 2) Code Citation: 17 Ill. Adm. Code 1590
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1590.90	Amendment
1590.120	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36] and Section 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to allow capture of peregrine falcons by Master class falconers, to allocate permits via lottery; set permit fees; establish a capture season; establish reporting requirements and change the regulations governing the use of raptors in nuisance wildlife abatement to bring state regulations up to date with proposed federal regulation changes.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking neither creates, nor expands, any State mandate affecting units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Craig Colbrook, Legal Counsel
Department of Natural Resources

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One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 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:
Completion of online form 3-186A
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2015

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRYPART 1590
FALCONRY AND THE CAPTIVE PROPAGATION OF RAPTORS

Section

1590.10	Establishment of Rules and Regulations
1590.20	Definitions
1590.30	Provisions of Rules and Regulations (Repealed)
1590.40	Violation of Rules (Repealed)
1590.50	Permit and License Requirements
1590.60	Examination and Application Procedures
1590.70	Inspection of Facilities, Facility Requirements, Care of Raptors and Equipment
1590.80	Falconry Permits – Classes and Standards
1590.82	Banding Requirements – Falconry Raptors
1590.85	Captive Propagation – Regulations
1590.90	Capturing of Raptors – Regulations
1590.100	Transfer, Change in Status, Release, Acquisition and Reporting Requirements
1590.110	Hunting Seasons for Falconers
1590.120	Additional Provisions
1590.130	Violation of Rules

1590.APPENDIX A Migratory Bird Acquisition and Disposition Report (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36] and Section 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5].

SOURCE: Amendment filed November 17, 1977, effective January 1, 1978; emergency amendment at 5 Ill. Reg. 9161, effective September 1, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 6207, effective May 14, 1982; amended at 10 Ill. Reg. 16627, effective September 24, 1986; amended at 11 Ill. Reg. 11350, effective June 9, 1987; amended at 12 Ill. Reg. 12807, effective July 26, 1988; amended at 13 Ill. Reg. 10567, effective June 16, 1989; amended at 14 Ill. Reg. 6088, effective April 17, 1990; amended at 15 Ill. Reg. 32, effective December 24, 1990; amended at 15 Ill. Reg. 16681, effective October 31, 1991; amended at 16 Ill. Reg. 11052, effective June 30, 1992; amended at 18 Ill. Reg. 14700, effective September 19,

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1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 2218, effective February 3, 1997; amended at 38 Ill. Reg. 895, effective January 1, 2014; amended at 40 Ill. Reg. _____, effective _____.

Section 1590.90 Capturing of Raptors – Regulations

- a) No permittee may capture any raptor without an appropriate permit from the Department. A permittee in possession of a valid capture permit may capture raptors of a non-prohibited species or subspecies. A person shall hold a valid falconry permit in Illinois or another state to be eligible for a capture permit. The Department will authorize up to 250 capture permits annually. Requests for capture permits in excess of 250 will be considered first in following years.
 - 1) A capture permittee may only intentionally capture a raptor species that he or she is allowed to possess. A permittee that captures a raptor that he or she may not possess shall immediately release the bird.
 - 2) Immature passage raptors may be captured from September 1 until March 1.
 - 3) Haggard American kestrels (*Falco sparverius*) and great horned owls may be captured between September 1 and January 1.
 - 4) The capture or taking of any eyass raptor in Illinois shall be permitted between February 1 and August 1. When eyasses are captured, at least one eyass shall be left in the nest.
 - 5) The fee for a raptor capture permit for a resident of the State of Illinois is \$50 per year. The fee for a non-resident raptor capture permit is \$100 per year.
 - 6) A capture permit shall expire on March 1 of each year and shall authorize the permittee to take up to his or her legal limit of raptors for possession and/or replacement, but no more than 2 raptors shall be taken from the wild per calendar year. All raptors shall be captured in a humane manner. Marked raptors that escape or are lost may be recaptured at any time without a capture permit and do not count as a bird taken from the wild.

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- 7) The take of raptors from the wild must be reported by entering the required information into the electronic database at <http://permits.fws.gov/186A> or submitting a paper form 3-186A to the Department at the capturer's first opportunity to do so, but no later than 10 days after the capture of the raptor.
- b) A raptor taken from the wild is always considered to be a wild raptor no matter how long it is held in captivity or whether it is transferred to another person. However, it is only considered to be taken from the wild by the person who captured it. The raptor is not considered to be taken from the wild by any subsequent permittee to whom it is legally transferred.
- c) Wild raptors listed as endangered or threatened by the U.S. Fish and Wildlife Service (50 CFR 17) and golden eagles may not be captured in Illinois for falconry purposes. This prohibition shall not prevent a master class permittee from obtaining a wild raptor listed as threatened by FWS at 50 CFR 17, or a golden eagle, provided listed raptors are captured legally in another state or country, or transferred from another falconer in accordance with federal regulations (50 CFR 21.29), this Part and the laws of the jurisdiction in which the raptors are obtained.
- d) No wild raptor listed as endangered or threatened by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) but not by FWS (50 CFR 17) may be captured in Illinois for falconry purposes. This prohibition shall not prevent a permittee from obtaining a raptor of any listed species, provided that it is captured legally in another state or country or transferred from another falconer in accordance with federal regulations (50 CFR 21.29), this Part, and the laws of the jurisdiction in which the raptor was obtained.
- e) Except as provided for in Section 1590.50(a)(2) and (d), any unmarked raptors imported into Illinois must be identified with a marker provided by the Department, and the State's copy of FWS electronic form 3-186A must be sent to the Department within 5 days after marking, as determined by the postmark.
- f) A raptor taken under a depredation (or special purpose) permit may be used for falconry by general or master falconers in compliance with federal regulations (50 CFR 21.29).

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- g) A capture permittee who is present at the capture site and immediately receives a captured raptor from another permittee is considered to be the person who removed the raptor from the wild. The capture permittee receiving the raptor is responsible for submitting a form 3-186A reporting take of the raptor from the wild. This would occur, for example, if another person climbs a tree or rappels down a cliff and takes a nestling for the permittee and gives it to the permittee at the tree or cliff.
- h) If the capture permittee is not at the immediate location where the raptor is taken from the wild, then the person who takes it must be a general or master falconer, have a valid capture permit, and report take of the raptor. If the falconer capturing the raptor then transfers the raptor to the first capture permittee, the permittee capturing the raptor and the permittee receiving the raptor both must submit a 3-186A form reporting the transaction at the first opportunity to do so, but no later than 10 days after the transfer. The raptor will count as one of the two raptors the falconer who took it from the wild is allowed to capture in any year. The raptor will not count as a raptor taken from the wild by the capture permittee who received the raptor. The falconer who takes the raptor from the wild shall report the take even if he or she promptly transfers it.
- i) If a capture permittee has a long-term or permanent physical impairment that prevents attending the capture of a species that is permitted for that permittee's use in falconry, then a general or master falconer holding a valid capture permit may capture the raptor for the permittee. The capture permittee receiving the raptor is then responsible for submitting a 3-186A form reporting take of the raptor from the wild and the raptor will count against the capture permittee's take of wild raptors allowed in any year.
- j) Any raptor unintentionally captured shall be promptly released.
- k) If a capture permittee transfers a raptor taken from the wild to a falconry permittee in the same year it was captured, the raptor will count as one of the raptors allowed to be taken from the wild in that year, but it will not count as a capture by the recipient, though it will always be considered a wild bird for purposes of bird counts and permits.
- l) A raptor wearing falconry equipment or a captive-bred raptor may be recaptured at any time, even if the permittee is not allowed to possess the species. The raptor will not count against the capture permittee's possession limit, nor will its take

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from the wild count against the permittee's take limit. The recapture must be reported to the Department no more than 5 working days after the recapture by submitting a form 3-186A. A recaptured falconry raptor must be returned to the person who lost it, if that person may legally possess it. Disposition of a raptor whose legal possession cannot be determined will be at the discretion of the Department.

- m) A raptor banded with an aluminum federal band issued by the federal Bird Banding Laboratory may be taken from the wild, except that a banded peregrine falcon may not be taken.
- 1) If a captured raptor (including a peregrine falcon) is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry raptor, it shall be reported to the Department by submitting a form 3-186A within 5 working days after the capture. A recaptured falconry raptor shall be returned to the person who lost it. Disposition of a raptor whose legal possession cannot be determined will be at the discretion of the Department. While a bird is temporarily held for the purpose of returning it to the person who lost it, it will not count against the possession limit or the limit of take from the wild if it has been reported to the Department.
 - 2) If a peregrine falcon having a research band (such as a colored band with alphanumeric codes) or a research marking attached to it is captured, then it shall immediately be released unless the falcon has a transmitter attached to it, in which case it may be held for up to 30 days if the researcher is contacted to determine if it would like to replace the batteries and the capture is reported to the Department by submitting a form 3-186A within 5 working days after capture. If the researcher wishes to replace the batteries or remove the transmitter, then the researcher or its designee can make the change or allow the captor to do so before the falcon is released. If the researcher does not wish to keep the transmitter on the falcon, then the peregrine falcon may be kept for falconry purposes only if the species is not on the Illinois list of endangered and threatened species.
 - 3) If a captured raptor has any other band, research marking or transmitter attached to it, the band numbers and all other relevant information must be

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promptly reported to the federal Bird Banding Laboratory at 1-800-327-2263.

- A) If the raptor has a transmitter attached to it, then it may be held for up to 30 days if the researcher is contacted to determine if it would like to replace the transmitter and the capture is reported to the Department by submitting a form 3-186A within 5 working days after capture. If the researcher wishes to replace the transmitter, then the researcher or its designee can make the change or allow the captor to do so before the raptor is released. Disposition of the raptor will be at the discretion of the researcher and the Department.
 - B) A temporarily possessed raptor having a transmitter attached will not count against the raptor possession limit for falconry raptors.
- n) A capture permittee is responsible for the costs of care and rehabilitation for any raptor that is injured as a result of the permittee's trapping efforts and the permittee may either:
- 1) place the raptor on the capture permittee's falconry permit. Take of the raptor shall be reported by entering the required information into the electronic database at <http://permits.fws.gov/186A> and by submitting a paper form 3-186A to the Department no more than 10 days after capture. The raptor must then be treated by a veterinarian or licensed wildlife rehabilitator. The raptor will count against the permittee's possession limit; or
 - 2) the raptor may be given directly to a veterinarian or permitted wildlife rehabilitator or an appropriate Department employee. The raptor will then not count against the permittee's allowed take or possession limit.
- o) [In order to receive authorization to take passage peregrine falcons in Illinois for falconry purposes, the following regulations apply in addition to subsections \(a\) through \(n\).](#)
- 1) [Applicants must possess a valid master class falconry permit.](#)

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- 2) Preference for receiving a permit to capture a peregrine falcon will be given to Illinois residents. After all permit applications received from Illinois residents have been filled, remaining permits will be allocated to non-resident applicants via a lottery.
- 3) Persons must apply for authorization to capture peregrine falcons by August 31. Permits will be allocated by lottery and will become valid upon receipt of payment by the Department. The fee for the permit for Illinois residents will be \$50. The fee for non-residents will be \$100. If the applicant possesses a valid Illinois Capture Permit, no fee in addition to the Illinois Capture Permit fee will be required.
- 4) Capture permits expire on March 1 annually. Peregrine falcons may only be captured between September 20 and October 20. Permits will be valid for the capture of one peregrine falcon.
- 5) Authorized persons may be required to provide feathers or other samples as directed by the Department and/or US Fish and Wildlife Service.
- 6) Permittees must report successful captures of peregrine falcons within 48 hours after capture using the electronic reporting system or by phone to the Department's representative.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

Section 1590.120 Additional Provisions

- a) Molted and salvaged feathers from falconry raptors held in captivity may be retained and received from other falconry permittees and licensed wildlife rehabilitators for imping purposes only. Feathers from raptors other than golden eagles may also be left where they fell, destroyed or donated as provided for in this subsection (a). Buying, selling or bartering the feathers is prohibited.
 - 1) Feathers from a falconry bird, except golden eagle feathers, may be donated to a person or institution that is authorized by the U.S. Department of Agriculture, FWS or DNR to possess them.
 - 2) Molted primary and secondary flight feathers and retrices from a golden eagle that are not kept for imping must be sent to the National Golden

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Eagle Repository, Rocky Mountain Arsenal, Bldg. 128, Commerce City, CO 80022; phone number 303-287-2110. All other feathers from a golden eagle, including body feathers, should also be sent to the National Eagle Depository.

- 3) Persons whose falconry permit is expired or revoked must donate the feathers of any species of falconry raptor, except a golden eagle, to any person who is authorized by the U.S. Department of Agriculture, FWS or DNR to possess them or burn, bury or otherwise destroy them.
- b) Any person convicted of illegal possession of raptors shall have his or her permit revoked and his or her raptors confiscated by the Department. The Department shall dispose of any confiscated raptors by transferring them to another permittee or permittees, releasing them to the wild, or destroying them if they are unsuitable to be transferred or released.
- c) Convictions of violating any Section of this Part shall result in a period of suspension or revocation by the Department of the permittee's falconry privileges for up to 5 years, pursuant to 17 Ill. Adm. Code 2530.
- d) A permittee who possesses a lawfully acquired raptor on which a marker is attached and is listed as endangered by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) and not by the Fish and Wildlife Service (50 CFR 17), and if the raptor was acquired prior to the enactment of these regulations or prior to listing of the bird in the Endangered Species List of Illinois or the United States, legally acquired out of State (see Section 1590.90(c)), or is the progeny of 2 legally held birds (see Section 1590.85(a) and Section 1590.100 (d)), shall be allowed to possess the raptor as part of the permittee's falconry permit class.
- e) Nothing in this Part shall prohibit public educational presentations and other educational uses of raptors held on a falconry permit in accordance with Federal regulations (50 CFR 21.29).
- f) Falconers may use other acceptable falconry practices, such as, but not limited to, the use of creance (tethered) flying, lures, balloons or kites in training or conditioning falconry raptors. Permittees in possession of an Illinois game breeders permit may train raptors by using or killing pen reared game at any time.

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- g) Hacking of falconry raptors is an allowed method of conditioning raptors, but only by general or master class falconers under the following conditions:
- 1) any raptor that is being hacked counts against the falconer's possession limit and must be a species that is authorized to be possessed;
 - 2) any hybrid that is hacked must have 2 attached functioning radio transmitters during hacking; and
 - 3) a falconry raptor may not be hacked near a nesting area of a State or federally endangered or threatened species that might be disturbed or taken by the falconry raptor. Falconers should contact the Department for information to ensure that this does not occur.
- h) A general or master falconer may assist a permitted migratory bird rehabilitator to condition raptors in preparation for their release to the wild in accordance with federal regulations (50 CFR 21.29). A raptor held for rehabilitation may be held in the falconer's facilities.
- i) A master falconer may use [an authorized raptor species](#)~~a falconry bird~~ to scare away protected species that are causing property damage or a risk to human health or safety in accordance with 17 Ill. Adm. Code 525 and federal regulations (50 CFR 21). A master falconer may use [an authorized raptor species](#)~~a falconry bird~~ to kill protected species that are causing property damage or a risk to human health or safety on the land of another for a fee, only if he or she has the appropriate class of nuisance wildlife control permit from the Department (17 Ill. Adm. Code 525) and the appropriate Fish and Wildlife Service permit (50 CFR 21).
- j) Falconry birds that die must be disposed of under the following conditions:
- 1) The entire body of a golden eagle held for falconry, including all feathers, talons and other parts, must be donated to the National Eagle Depository.
 - 2) The entire body or feathers of any other species of falconry raptor may be donated to any person or educational institution authorized by the U.S. Department of Agriculture, FWS or DNR to possess the raptor or feathers.

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- 3) The entire body of a raptor, except a golden eagle, that was banded or microchipped prior to death may be kept so that the feathers are available for imping. The body of captive-bred raptors may be mounted by a taxidermist. Taxidermy mounts may be used in giving conservation education programs. The bird band and microchip must be left in place.
- 4) The flight feathers from dead raptors not donated or mounted by a taxidermist may be kept for as long as the falconer possessing them has a valid falconry permit. The flight feathers may not be bought, sold or bartered. All paperwork documenting the acquisition of the raptor must be retained.
- 5) Falconry raptors not otherwise disposed of as provided in this subsection (j) shall be burned, buried or otherwise destroyed as approved by the Department within 10 days after the death of the raptor or after final examination by a veterinarian to determine cause of death. Euthanized falconry raptors could pose a risk of secondary poisoning to other animals. Appropriate precautions must be taken to avoid such poisonings.
- k) An unintentional prey item taken by a falconry raptor may be fed upon by the raptor but not be possessed by the falconer.
- l) Falconers must ensure that State and federally listed endangered and threatened species are not taken by falconry raptors. Take, for the purposes of this Section, includes to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture or collect, or to attempt to engage in this conduct. Falconers must report unintentional take of State listed species to the Department's endangered species program manager in addition to reporting the take of federally listed species to the Ecological Services Field Office for the location where the take occurred.
- m) When flown free, a hybrid raptor must have attached at least 2 functioning radio transmitters to assist in locating the raptor.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: State Toll Highway Rules
- 2) Code Citation: 92 Ill. Adm. Code 2520
- 3) Section Number: 2520.750 Proposed Action:
Amendment
- 4) Statutory Authority: 605 ILCS 10/3; 605 ILCS 10/10
- 5) A Complete Description of the Subjects and Issues Involved: The Authority anticipates the opening of the Elgin/O'Hare Tollway in 2016. This new Tollway will be electronically tolled in its entirety. It will be equipped with regular, evenly spaced electronic toll collection points. For this segment of the Tollway system only, the Tollway is proposing that the toll violation rates be reduced from \$20 to \$10 per violation and that the escalation rate for fines not paid within 30 days be reduced from \$50 to \$25 per unpaid fine.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: No formal studies or reports were prepared.
- 7) Will this rulemaking replace any emergency rule 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 rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking is intended to avoid the imposition of an unnecessarily large fine on a potential customer who drives the length of the Elgin/O'Hare Tollway and fails to pay the required toll/fine.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments within 45 days of the publication of this Notice in the *Illinois Register* to:

David Goldberg
General Counsel

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

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Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove IL 60515

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the most recent agenda because: The proposed rule changes had not been prepared or necessarily contemplated by the Tollway's Board of Directors at the time of the publishing of the most recent Regulatory Agenda.

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

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER IV: ILLINOIS STATE TOLL HIGHWAY AUTHORITYPART 2520
STATE TOLL HIGHWAY RULES

SUBPART A: AUTHORITY AND DEFINITIONS

Section

2520.100	Authority
2520.110	Authority Rulemaking
2520.120	Related Statutes
2520.130	Definitions

SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

Section

2520.200	Illinois Vehicle Code
2520.203	Use of Tollway Prohibited or Restricted
2520.206	Vehicles Excepted from Provisions of Section 2520.203
2520.209	Transportation of Hazardous Materials
2520.212	Special Usage Toll
2520.215	Loading or Unloading of Vehicles
2520.218	Full Stop at All Toll Plazas
2520.221	Entering and Leaving the Tollway
2520.224	"U" Turns, Etc.
2520.227	Backing Up of Vehicles
2520.230	Parking, Standing or Stopping
2520.233	Relocating of Vehicles
2520.236	Pushing or Towing of Vehicles
2520.239	Stopping or Halting Vehicles by the Authority
2520.242	Destruction of Authority Property
2520.245	Picnics
2520.248	Aircraft
2520.251	Sale of Goods and Services
2520.254	Solicitation of Rides
2520.257	Loitering or Interfering with Traffic
2520.260	Approaching/Departing a Toll Plaza
2520.263	Compliance with Orders or Directions of State Troopers, Etc.

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

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2520.266	Duty Upon Striking Fixtures, Structures or Other Property on Tollway
2520.269	Payment of Tolls
2520.272	I-Pass Registration
2520.275	Prohibited and Restricted Lanes
2520.278	Traffic Control Devices
2520.281	Penalty for Violation

SUBPART C: TRESPASS

Section	
2520.300	Authority
2520.310	Restriction of Vehicles Using the Tollway
2520.320	Restriction on Nature of Use of Tollway
2520.340	Persons and Vehicles Excepted from the Requirements of Subpart C
2520.350	Penalties

SUBPART D: SPEED RESTRICTIONS

Section	
2520.410	Maximum Speed Limits for Passenger Cars
2520.420	Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing Trailers, House Trailers and Campers
2520.430	Maximum Speed Limits for Designated I-Pass Lanes, Service Areas, Parking Areas, Access Roads and Ramps, and Barrier Toll Plaza Approaches
2520.440	Road Hazards and Construction Zones
2520.450	Special Road Conditions
2520.460	Minimum Speed Limits

SUBPART E: FINES AND PENALTIES

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2520.510	Violations
2520.520	Littering – Penalty
2520.530	Spurious or Counterfeit Tickets, Coupons or Tokens – Penalty
2520.540	Toll Collection Devices – Penalty for Breaking
2520.550	I-PASS Customer – Penalties

SUBPART F: TOLL VIOLATIONS – ADMINISTRATIVE ADJUDICATION SYSTEM

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENT

Section

2520.700	Authority
2520.705	Notice of Violation to Respondent
2520.710	Effective Date of Notices
2520.715	Establishment of the Toll-Free Telephone Number
2520.720	Timely Request for Hearing
2520.725	Hearing Officers – Appointment, Disqualification, Powers and Duties
2520.730	Discovery
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2520.740	Hearings Format
2520.745	Failure to Respond to Notice of Violation – Default
2520.750	Penalties
2520.755	Liability of Lessor
2520.760	Liability of Registered Owner
2520.765	Enforcement of Final Order
2520.770	Judicial Review

SUBPART G: EMPLOYMENT

Section

2520.800	Tollway Employees
2520.APPENDIX A	Rules and Regulations for Overweight and Overdimension Vehicles and Loads

AUTHORITY: Implementing and authorized by the Toll Highway Act [605 ILCS 10].

SOURCE: Filed January 3, 1973; effective February 1, 1973; codified at 8 Ill. Reg. 19884; Part repealed, new Part adopted at 17 Ill. Reg. 8539, effective May 27, 1993; amended at 20 Ill. Reg. 10200, effective July 12, 1996; emergency amendment at 24 Ill. Reg. 2737, effective February 4, 2000, for a maximum of 150 days; emergency expired July 2, 2000; emergency amendment at 24 Ill. Reg. 4234, effective February 29, 2000, for a maximum of 150 days; emergency expired July 27, 2000; amended at 24 Ill. Reg. 16078, effective October 11, 2000; emergency amendment at 26 Ill. Reg. 16325, effective October 31, 2002, for a maximum of 150 days ; amended at 27 Ill. Reg. 6325, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 18238, effective November 6, 2003, for a maximum of 150 days; emergency expired April 5, 2004; emergency amendment at 28 Ill. Reg. 1780, effective January 14, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 6911, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 7688, effective May 24, 2004, for a maximum of 150 days; emergency expired October 20,

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2004; amended at 28 Ill. Reg. 14530, effective October 25, 2004; old Part repealed at 30 Ill. Reg. 11261 and new Part adopted at 30 Ill. Reg. 11264, effective June 9, 2006; amended at 35 Ill. Reg. 535, effective December 27, 2010; emergency amendment at 38 Ill. Reg. 2433, effective January 7, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4037, effective January 27, 2014; amended at 38 Ill. Reg. 11369, effective May 9, 2014; amended at 38 Ill. Reg. 19780, effective September 25, 2014; amended at 39 Ill. Reg. 12640, effective August 28, 2015; amended at 40 Ill. Reg. _____, effective _____.

SUBPART F: TOLL VIOLATIONS – ADMINISTRATIVE ADJUDICATION SYSTEM

Section 2520.750 Penalties

The Authority shall assess the registered owner of any vehicle driven through a toll plaza without the payment of the proper toll the following penalties:

- a) Upon a finding of liability, the registered owner of the vehicle shall be liable for the outstanding toll, a \$10 fine for each toll violation occurring on the Elgin-O'Hare Tollway and a \$20 fine for each per-violation occurring on the remainder of the Tollway. and all applicable fees.
- b) Additional Fine
 - 1) Upon the failure of the registered owner to pay the toll, fine and/or fee to the Authority within 30 days after notice of a final order of liability, the Authority shall assess the registered owner an additional fine of \$25 for violations occurring on the Elgin-O'Hare Tollway and \$50 for violations occurring on the remainder of the Tollway. This additional fine shall apply to ~~for~~ each violation without further notice or order.
 - 2) Pilot Program
Notwithstanding the requirement of subsection (a), the Authority Board may establish by Resolution a temporary program under which the \$50 additional fine for any or all classes of vehicles is suspended for the time period specified in the Resolution. After that period, the Board will determine whether the additional fine policy will be discontinued, modified or continued and this Section will be amended to reflect that decision.

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NOTICE OF PROPOSED AMENDMENT

- c) Upon failure of a registered owner of a vehicle to satisfy any toll, fine or fee resulting from a final order or orders of liability relating to 5 or more toll violations, the Authority shall notify the Secretary of State to suspend the registered owner's vehicle registration and/or driver's license.
- 1) A prerequisite to the suspension of vehicle registration and/or driver's license by the Secretary of State, under 625 ILCS 5/3-704.2 or 6-306.7, shall be the submission to the Secretary of State, by the Authority, of a Certified Report containing the following information:
- A) The name, last known address as recorded with the Secretary of State or, for a lessee of a cited vehicle, at the last address known to the lessor of the cited vehicle at the time of the lease, and the driver's license number of the person who failed to satisfy the final order of liability and the registration number of any vehicle known to be registered in this State to the person.
- B) A statement that the Authority sent a notice of impending suspension of the person's driver's license, vehicle registration, or both, to the person named in the report at the address recorded with the Secretary of State, the date on which the notice was sent, and the address to which the notice was sent.
- 2) The person to whom the notice of impending suspension was sent may challenge the accuracy of the information contained in the Certified Report by submitting his/her challenges, within 30 days after the date of the notice, in writing, to:

The Illinois State Toll Highway Authority
ATTN: Violation Administration Center
2700 Ogden Avenue
Downers Grove, Illinois 60515

Challenges to the accuracy of the information contained in the Certified Report shall be limited to the following:

- A) The person who received the notice was not the registered owner of the vehicle in question at the time of the alleged violations.

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- B) The person who received the notice has already paid the fine and any fees.
- 3) The Authority shall notify the Secretary of State whenever a person named in the Certified Report has satisfied the previously reported fines or penalties or whenever the Authority determines that the original report was in error. Upon receipt of the Authority's notification, the Secretary of State shall terminate the suspension. (See 625 ILCS 5/6-306.7.)
- 4) In addition to any tolls, fines or fees assessed by the Authority for toll violations, the registered owner of the vehicle involved in the toll violations at issue shall be required to reimburse the Authority for all fees paid to the Illinois Secretary of State for the enforcement of this Section.
- d) Upon failure of a registered owner of a vehicle to satisfy any toll, fine or fee resulting from a final order issued by the Authority relating directly or indirectly to 5 or more toll violations, any and all vehicles registered to the registered owner shall be subject to immobilization, towing and/or impoundment.
- 1) If the vehicle was immobilized, a sticker shall be affixed to the vehicle in a conspicuous space. The sticker shall state:
 - A) that the vehicle has been immobilized pursuant to Section 10(a-5) of the Toll Highway Act for non-payment of 5 or more toll violations;
 - B) that all immobilized vehicles are subject to immediate tow and impoundment;
 - C) the procedures for making payment to obtain release of the immobilization;
 - D) the procedures for contesting the immobilization; and
 - E) that any unauthorized attempt to remove the immobilizing device shall constitute a petty offense.
 - 2) If the vehicle was towed and/or impounded, the Tollway shall notify the registered owner of the vehicle by First Class Mail or other means

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENT

provided by law at the registered owner's address of record as recorded with the Secretary of State's vehicle registration records. The notification shall state:

- A) that the vehicle has been towed and/or impounded pursuant to Section 10(a-5) of the Toll Highway Act for non-payment of 5 or more toll violations;
 - B) the entity that is currently storing the vehicle;
 - C) the procedures for making payment to obtain release of the towed and/or impounded vehicle;
 - D) the procedures for contesting the tow and/or impoundment; and
 - E) that the vehicle may be sold or otherwise disposed of in accordance with Section 4-208 of the Vehicle Code if the vehicle is not retrieved within 30 days after the date of the notification.
- 3) The registered owner may challenge the immobilization, tow and/or impoundment within 30 days after the date of the notification specified in subsection (d)(1) or (d)(2), in writing, to:
- The Illinois State Toll Highway Authority
ATTN: Violation Administration Center
2700 Ogden Avenue
Downers Grove, Illinois 60515
- 4) Challenges to the immobilization, tow and/or impoundment of a vehicle shall follow the procedures set forth in this Subpart F.
- 5) If a hearing officer determines that the registered owner was not the registered owner of the vehicle in question at the time of the alleged violations or the registered owner has already paid the outstanding fines and fees, the hearing officer shall order the Authority to release the vehicle without any costs to the registered owner.
- 6) If a hearing officer determines that the registered owner was not the registered owner of the vehicle in question at the time of the alleged

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

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violations or the registered owner has not already paid the fines and any fees, the hearing officer may order the Authority to release the vehicle only upon payment in full to the Authority of any and all outstanding final order judgment totals plus all fees paid by the Authority relating to the immobilization, tow, impoundment and/or storage of the registered owner's vehicle.

- 7) The Authority may contract with other public or private entities to carry out the provisions of this subsection (d). If the immobilization is performed by the State Police utilizing an Authority-owned immobilization device, an additional immobilization administrative release fee of \$50 shall be applied. If the immobilization, tow and/or impoundment is performed by another public or private entity, the additional administrative release, tow and/or storage fees shall be set by contract between the Authority and the public or private entity.
- 8) Judicial review of all final orders of the Authority with respect to immobilized, towed or impounded vehicles shall be conducted in accordance with the Administrative Review Law.

(Source: Amended at 40 Ill. Reg. _____, effective _____)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: 140.80 Adopted Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Rule: October 14, 2015
- 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 rule, including any materials incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: June 5, 2015; 39 Ill. Reg. 7761
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rule currently in effect? Yes; 39 Ill. Reg. 8137
- 14) Are there any other rulemakings pending on this Part? Yes

<u>Section:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
140.412	Amendment	39 Ill. Reg. 182; January 2, 2015
- 15) Summary and Purpose of Rulemaking: The amendment is authorized by PA 99-2 and increases the current inpatient and outpatient provider assessment by a uniform percentage for the period beginning on April 1, 2015 and ending on June 30, 2015.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

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

Mollie Zito
General Counsel
Illinois Department of Healthcare and Family Services
201 South Grand Avenue East, 3rd Floor
Springfield IL 62763-0002

217/782-1233

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Persons Confined or Detained by the Criminal Justice System

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Suspension and Denial of Payment, Recovery of Money and Penalties
- 140.16 Termination, Suspension or Exclusion of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination, Suspension, Exclusion or Revocation on Persons

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension, Exclusion or Barring
- 140.20 Submittal of Claims
- 140.21 Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited
- 140.27 Assignment of Vendor Payments
- 140.28 Record Requirements for Medical Providers
- 140.30 Audits
- 140.31 Emergency Services Audits
- 140.32 Prohibition on Participation, and Special Permission for Participation
- 140.33 Publication of List of Sanctioned Entities
- 140.35 False Reporting and Other Fraudulent Activities
- 140.40 Prior Approval for Medical Services or Items
- 140.41 Prior Approval in Cases of Emergency
- 140.42 Limitation on Prior Approval
- 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
- 140.44 Withholding of Payments Due to Fraud or Misrepresentation
- 140.45 Withholding of Payments Upon Provider Audit, Quality of Care Review, Credible Allegation of Fraud or Failure to Cooperate
- 140.55 Electronic Data Interchange Service
- 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
- 140.72 Drug Manual (Recodified)
- 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund
- 140.86 Supportive Living Facility Funds

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
- 140.95 Hospital Services Trust Fund
- 140.96 General Requirements (Recodified)
- 140.97 Special Requirements (Recodified)
- 140.98 Covered Hospital Services (Recodified)
- 140.99 Hospital Services Not Covered (Recodified)
- 140.100 Limitation On Hospital Services (Recodified)
- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

- Section
- 140.400 Payment to Practitioners
- 140.402 Copayments for Noninstitutional Medical Services
- 140.403 Telehealth Services
- 140.405 Non-Institutional Rate Reductions
- 140.410 Physicians' Services
- 140.411 Covered Services By Physicians
- 140.412 Services Not Covered By Physicians
- 140.413 Limitation on Physician Services
- 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items – Prescribers
- 140.416 Optometric Services and Materials
- 140.417 Limitations on Optometric Services
- 140.418 Department of Corrections Laboratory
- 140.420 Dental Services
- 140.421 Limitations on Dental Services
- 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists (Repealed)
- 140.425 Podiatry Services
- 140.426 Limitations on Podiatry Services
- 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items – Podiatry (Repealed)
- 140.428 Chiropractic Services
- 140.429 Limitations on Chiropractic Services (Repealed)
- 140.430 Independent Clinical Laboratory Services
- 140.431 Services Not Covered by Independent Clinical Laboratories
- 140.432 Limitations on Independent Clinical Laboratory Services
- 140.433 Payment for Clinical Laboratory Services
- 140.434 Record Requirements for Independent Clinical Laboratories
- 140.435 Advanced Practice Nurse Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

140.436	Limitations on Advanced Practice Nurse Services
140.438	Diagnostic Imaging Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.451	Prospective Drug Review and Patient Counseling
140.452	Mental Health Services
140.453	Definitions
140.454	Types of Mental Health Services
140.455	Payment for Mental Health Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Hospital-Based and Encounter Rate Clinic Payments
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics (Repealed)
140.467	Independent Clinics
140.469	Hospice
140.470	Eligible Home Health Care, Nursing and Public Health Providers
140.471	Description of Home Health Care Services
140.472	Types of Home Health Care Services
140.473	Prior Approval for Home Health Care Services
140.474	Payment for Home Health Care Services
140.475	Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.476	Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

140.477	Limitations on Equipment, Prosthetic Devices and Orthotic Devices
140.478	Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Illinois Healthy Women
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.494	Record Requirements for Medical Transportation Services
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
140.498	Fingerprint-Based Criminal Background Checks

SUBPART E: GROUP CARE

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140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered By Department Payment
140.512	Utilization Control
140.513	Notification of Change in Resident Status
140.514	Certifications and Recertifications of Care (Repealed)
140.515	Management of Recipient Funds – Personal Allowance Funds

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds – Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	County Contribution to Medicaid Reimbursement (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports – Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs Updates
140.552	Nursing and Program Costs
140.553	General Administrative Costs Updates
140.554	Component Inflation Index (Repealed)
140.555	Minimum Wage

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
140.646	Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND
LOCAL GOVERNMENTAL ENTITIES

Section

140.850	Reimbursement of Administrative Expenditures
140.855	Administrative Claim Review and Reconsideration Procedure
140.860	County Owned or Operated Nursing Facilities
140.865	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT

Section	
140.920	General Description
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REIMBURSEMENT EQUITY (ICARE) PROGRAM

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective

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November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and

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140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150

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days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill.

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Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency

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amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September

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20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill.

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Reg. 18323, effective November 12, 2008; preemptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; preemptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253, effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg.

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12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015 through June 30, 2015; emergency amendment at 39 Ill. Reg. 8137, effective May 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 12825, effective September 4, 2015; amended at 39 Ill. Reg. 13380, effective September 25, 2015; amended at 39 Ill. Reg. 14138, effective October 14, 2015.

SUBPART C: PROVIDER ASSESSMENTS

Section 140.80 Hospital Provider Fund

- a) Purpose and Contents
 - 1) The Hospital Provider Fund (Fund) was created in the State Treasury on February 3, 2004 (see 305 ILCS 5/5A-8). Interest earned by the Fund shall be credited to the Fund. The Fund shall not be used to replace any funds appropriated to the Medicaid program by the General Assembly.
 - 2) The Fund is created for the purpose of receiving and disbursing monies in accordance with this Section and Article 5A of the Code.
 - 3) The Fund shall consist of:
 - A) All monies collected or received by the Department under subsection (b);
 - B) All federal matching funds received by the Department as a result of expenditures made by the Department that are attributable to

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monies deposited in the Fund;

- C) Any interest or penalty levied in conjunction with the administration of the Fund;
 - D) Monies transferred from another fund in the State treasury;
 - E) All other monies received for the Fund from any other source, including interest earned on those monies.
- b) Provider Assessments
- 1) Subject to Sections 5A-3, 5A-10 and 5A-15 of the Public Aid Code, for State fiscal years 2009 through 2018, an annual assessment on inpatient services is imposed on each hospital provider in an amount equal to \$218.38 multiplied by the difference of the hospital's occupied bed days less the hospital's Medicare bed days; provided, however, the amount of \$218.38 shall be increased by a uniform percentage to generate an amount equal to 75% of the State share of the payments authorized under Section 12-5 of the Public Aid Code, with that increase only taking effect upon the date that a State share for those payments is required under federal law. For the period of April through June 2015, the amount of \$218.38 used to calculate the assessment under this subsection (b)(1) shall be increased by a uniform percentage to generate \$20,250,000 in the aggregate for that period from all hospitals subject to the annual assessment under this Section. For State fiscal years 2009 and after, a hospital's occupied bed days and Medicare bed days shall be determined using the most recent data available from each hospital's 2005 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on December 31, 2006, without regard to any subsequent adjustments or changes to such data. If a hospital's 2005 Medicare cost report is not contained in the Healthcare Cost Report Information System, then the Department may obtain the hospital provider's occupied bed days and Medicare bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.
 - 2) Subject to Sections 5A-3, 5A-10, and 5A-15 of the Public Aid Code for

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the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012, and for State fiscal years 2013 through 2018, an annual assessment on outpatient services is imposed on each hospital provider in an amount equal to .008766 multiplied by the hospital's outpatient gross revenue; provided, however, the multiplier of .008766 shall be increased by a uniform percentage to generate an amount equal to 25% of the State share of the payments authorized under Section 12-5, with that increase only taking effect upon the date that a State share for those payments is required under federal law. For the period of April through June 2015, the amount of .008766 used to calculate the assessment under this subsection (b)(2) shall be increased by a uniform percentage to generate \$6,750,000 in the aggregate for that period from all hospitals subject to the annual assessment under this Section. For the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012 and for State fiscal years 2013 through 2018, a hospital's outpatient gross revenue shall be determined using the most recent data available from each hospital's 2009 Medicare cost report as contained in the Healthcare Cost Report Information System file, for the quarter ending on June 30, 2011, without regard to any subsequent adjustments or changes to that data. If a hospital's 2009 Medicare cost report is not contained in the Healthcare Cost Report Information System, then the Department may obtain the hospital provider's outpatient gross revenue from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees. For the period beginning June 10, 2012 through June 30, 2012, the annual assessment on outpatient services shall be prorated by multiplying the assessment amount by a fraction, the numerator of which is 21 days and the denominator of which is 365 days.

- c) Payment of Assessment Due
 - 1) The inpatient assessment imposed by Section 5A-2 of the Code for State fiscal year 2009 and each subsequent State fiscal year shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the 14th State business day of each month. No installment payments of an inpatient assessment shall be due and payable, however, until after the Comptroller has issued the payments required

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under Section 5A-12.2 of the Code. Assessment payments postmarked on the due date will be considered as paid on time.

- 2) Except as provided in Section 5A-4(a-5) of the Code, the outpatient assessment imposed by subsection (b)(2) of this Section for the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012, and for State fiscal year 2013 and each subsequent State fiscal year, shall be due and payable in monthly installments, each equaling one-twelfth of the assessment for the year, on the 14th State business day of each month.
 - A) No installment payment of an outpatient assessment imposed by subsection (b)(2) shall be due and payable, however, until after:
 - i) the Department notifies the hospital provider, in writing, that the payment methodologies to hospitals required under Section 5A-12.4 of the Code have been approved by the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services (CMMS), and the waiver under 42 CFR 433.68 for the assessment imposed by subsection (b) of this Section, if necessary, has been granted by CMMS; and
 - ii) the Comptroller has issued the payments required under Section 5A-12.4 of the Code.
 - B) Assessment payments postmarked on the due date will be considered as paid on time. Upon notification to the Department of approval of the payment methodologies required under Section 5A-12.4 of the Code and the waiver granted under 42 CFR 433.68, if necessary, all installments otherwise due under subsection (b)(2) of this Section prior to the date of notification shall be due and payable to the Department upon written direction from the Department and issuance by the Comptroller of the payments required under Section 5A-12.4 of the Code.
- 3) Any assessment amount that is due and payable to the Department more frequently than once per calendar quarter shall be remitted to the Department by the hospital provider by means of electronic funds transfer. The Department may provide for remittance by other means if the amount

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due is less than \$10,000 or electronic funds transfer is unavailable for this purpose.

- 4) All payments received by the Department shall be credited first to unpaid installment amounts (rather than to penalty or interest), beginning with the most delinquent installments.
- d) Notice Requirements, Penalty, and Maintenance of Records
- 1) The Department shall send a notice of assessment to every hospital provider subject to an assessment under subsection (b), except that no notice shall be sent for the outpatient assessment imposed under subsection (b)(2) until the Department receives written notice that the payment methodologies to hospitals required under Section 5A-12.4 of the Code has been approved and the waiver under 42 CFR 433.68, if necessary, has been granted by CMMS.
 - 2) If a hospital provider conducts, operates, or maintains more than one hospital licensed by the Illinois Department of Public Health, a separate notice shall be sent for each hospital.
- e) Procedure for Partial Year Reporting/Operating Adjustments
- 1) Cessation of business during the fiscal year in which the assessment is being paid. If a hospital provider ceases to conduct, operate, or maintain a hospital for which the person is subject to assessment under subsection (b), the assessment for the State fiscal year in which the cessation occurs shall be adjusted by multiplying the assessment computed under subsection (d) by a fraction, the numerator of which is the number of days in the year during which the provider conducts, operates, or maintains the hospital and the denominator of which is 365. Immediately upon ceasing to conduct, operate or maintain a hospital, the person shall pay the assessment for the year as adjusted (to the extent not previously paid).
 - 2) Commencing of business during the fiscal year in which the assessment is being paid. A hospital provider who commences conducting, operating, or maintaining a hospital for which the person is subject to assessment under subsection (b), upon notice by the Department, shall pay the assessment under subsection (d) as computed by the Department in installments on the

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due dates stated on the notices and on the regular installment due dates for the State fiscal year occurring after the due date of the initial assessment notice. For State fiscal years 2009 through 2018, in the case of a hospital provider that did not conduct, operate or maintain a hospital in 2005, the inpatient assessment for that State fiscal year shall be computed on the basis of hypothetical occupied bed days for the full calendar year as determined by the Department. For the portion of State fiscal year 2012 beginning June 10, 2012 through June 30, 2012, and for State fiscal years 2013 through 2018, in the case of a hospital provider that did not conduct, operate or maintain a hospital in 2009, the outpatient assessment imposed under subsection (b)(2) shall be computed on the basis of hypothetical gross outpatient revenue for the full calendar year as determined by the Department. The assessment determination made by the Department is final.

- 3) **Partial Calendar Year Operation Adjustment.** For a hospital provider that did not conduct, operate, or maintain a hospital throughout the entire calendar year reporting period, the assessment for the State fiscal year shall be annualized for the portion of the reporting period the hospital was operational (dividing the assessment due by the number of days the hospital was in operation and then multiplying the amount by 365). Information reported by a prior provider from the same hospital during the calendar year shall be used in the annualization equation, if available.
 - 4) **Change in Ownership and/or Operators.** The full quarterly installment must be paid on the designated due dates regardless of changes in ownership or operators. Liability for the payment of the assessment amount (including past due assessments and any interest or penalties that may have accrued against the amount) rests on the hospital provider currently operating or maintaining the hospital regardless if these amounts were incurred by the current owner or were incurred by previous owners. Collection of delinquent assessment fees from previous providers will be made against the current provider. Failure of the current provider to pay any outstanding assessment liabilities incurred by previous providers shall result in the application of penalties described in subsection (f)(1).
- f) **Penalties**
- 1) Any hospital that fails to pay the full amount of an installment when due

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shall be charged, unless waived by the Department for reasonable cause, a penalty equal to 5% of the amount of the installment not paid on or before the due date, plus 5% of the portion remaining unpaid on the last day of each monthly period thereafter, not to exceed 100% of the installment amount not paid on or before the due date. Waiver due to reasonable cause may include but is not limited to:

- A) provider has not been delinquent on payment of an assessment due, within the last three calendar years from the time the delinquency occurs.
 - B) provider can demonstrate to the Department's satisfaction that a payment was made prior to the due date.
 - C) provider is a new owner/operator and the late payment occurred in the quarter in which the new owner/operator assumed control of the facility.
- 2) Within 30 days after the due date, the Department may begin recovery actions against delinquent hospitals participating in the Medicaid Program. Payments may be withheld from the hospital until the entire assessment, including any interest and penalties, is satisfied or until a reasonable repayment schedule has been approved by the Department. If a reasonable agreement cannot be reached or if a hospital fails to comply with an agreement, the Department reserves the right to recover any outstanding provider assessment, interest and penalty by recouping the amount or a portion thereof from the hospital's future payments from the Department. The provider may appeal this recoupment in accordance with the Department's rules at 89 Ill. Adm. Code 104. The Department has the right to continue recoupment during the appeal process. Penalties pursuant to subsection (f)(1) will continue to accrue during the recoupment process. Recoupment proceedings against the same hospital two times in a fiscal year may be cause for termination from the Medicaid Program. Failure by the Department to initiate recoupment activities within 30 days shall not reduce the provider's liabilities nor shall it preclude the Department from taking action at a later date.
- 3) If the hospital does not participate in the Medicaid Program, or is no longer doing business with the Department, or the Department cannot

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recover the full amount due through the claims processing system, within three months after the fee due date, the Department may begin legal action to recover the monies, including penalties and interest owed, plus court costs.

- g) **Delayed Payment – Groups of Hospitals**
The Department may establish delayed payment of assessments and/or waive the payment of interest and penalties for groups of hospitals such as disproportionate share hospitals or all other hospitals when:
- 1) The State delays payments to hospitals due to problems related to State cash flow; or
 - 2) A cash flow bond pool's, or any other group financing plans', requests from providers for loans are in excess of its scheduled proceeds such that a significant number of hospitals will be unable to obtain a loan to pay the assessment.
- h) **Delayed Payment – Individual Hospitals**
In addition to the provisions of subsection (g), the Department may delay assessments for individual hospitals that are unable to make timely payments under this Section due to financial difficulties. No delayed payment arrangements shall extend beyond the last business day of the calendar quarter following the quarter in which the assessment was to have been received by the Department as described in subsection (c). The request must be received by the Department prior to the due date of the assessment.
- 1) **Criteria.** Delayed payment provisions may be instituted only under extraordinary circumstances. Delayed payment provisions may be made only to qualified hospitals who meet all of the following requirements:
 - A) The provider has experienced an emergency that necessitates institution of delayed payment provisions. Emergency in this instance is defined as a circumstance under which institution of the payment and penalty provisions described in subsections (c)(1), (c)(2), (f)(1) and (f)(2) would impose severe and irreparable harm to the clients served. Circumstances that may create these emergencies include, but are not limited to, the following:

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- i) Department system errors (either automated system or clerical) that have precluded payments, or that have caused erroneous payments such that the provider's ability to provide further services to clients is severely impaired;
 - ii) Cash flow problems encountered by a provider that are unrelated to Department technical system problems and that result in extensive financial problems to a facility, adversely impacting on its ability to serve its clients.
- B) The provider serves a significant number of clients under the medical assistance program. "Significant" in this instance means:
- i) A hospital that serves a significant number of clients under the medical assistance program; significant in this instance means that the hospital qualifies as a disproportionate share hospital (DSH) under 89 Ill. Adm. Code 148.120(a)(1) through 148.120(a)(2); or qualifies as a Medicare DSH hospital under the current federal guidelines.
 - ii) A government-owned facility that meets the cash flow criterion under subsection (h)(1)(A)(ii).
 - iii) A hospital that has filed for Chapter 11 bankruptcy and that meets the cash flow criterion under subsection (h)(1)(A)(ii).
- C) The provider must ensure that a delay of payment request, as defined under subsection (h)(3)(A), is received by the Department prior to the payment due date, and the request must include a Cash Position Statement that is based upon current assets, current liabilities and other data for a date that is less than 60 days prior to the date of filing. Any liabilities payable to owners or related parties must not be reported as current liabilities on the Cash Position Statement. A deferral of assessment payments will be denied if any of the following criteria are met:
- i) The ratio of current assets divided by current liabilities is greater than 2.0.

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- ii) Cash, short term investments and long term investments equal or exceed the total of accrued wages payable and the assessment payment. Long term investments that are unavailable for expenditure for current operations due to donor restrictions or contractual requirements will not be used in this calculation.
- D) The provider must show evidence of denial of an application to borrow assessment funds through a cash flow bond pool or financial institutions such as a commercial bank. The denial must be 90 days old or less.
- E) The provider must sign an agreement with the Department that specifies the terms and conditions of the delayed payment provisions. The agreement shall contain the following provisions:
- i) Specific reasons for institution of the delayed payment provisions;
 - ii) Specific dates on which payments must be received and the amount of payment that must be received on each specific date described;
 - iii) The interest or a statement of interest waiver as described in subsection (h)(5) that shall be due from the provider as a result of institution of the delayed payment provisions;
 - iv) A certification stating that, should the entity be sold, the new owners will be made aware of the liability and any agreement selling the entity will include provisions that the new owners will assume responsibility for repaying the debt to the Department according to the original agreement;
 - v) A certification stating that all information submitted to the Department in support of the delayed payment request is true and accurate to the best of the signator's knowledge; and
 - vi) Other terms and conditions that may be required by the

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Department.

- 2) A hospital that does not meet the above criteria may request a delayed payment schedule. The Department may approve the request, notwithstanding the hospital not meeting the above criteria, upon a sufficient showing of financial difficulties and good cause by the hospital. If the request for a delayed payment schedule is approved, all other conditions of this subsection (h) shall apply.
- 3) Approval Process
 - A) In order to receive consideration for delayed payment provisions, providers must ensure their request is received by the Department prior to the payment due date, in writing (telefax requests are acceptable) to the Bureau of Hospital and Provider Services. The request must be received by the date designated by the Department. Providers will be notified, in writing, as to the due dates for submitting delay of payment requests. Requests must be complete and contain all required information before they are considered to have met the time requirements for filing a delayed payment request. All telefax requests must be followed up with original written requests, postmarked no later than the date of the telefax. The request must include:
 - i) An explanation of the circumstances creating the need for the delayed payment provisions;
 - ii) Supportive documentation to substantiate the emergency nature of the request including a cash position statement as defined in subsection (h)(1)(C), a denial of application to borrow the assessment as defined in subsection (h)(1)(D) and an explanation of the risk of irreparable harm to the clients; and
 - iii) Specification of the specific arrangements requested by the provider.
 - B) The hospital shall be notified by the Department, in writing prior to the assessment due date, of the Department's decision with regard

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to the request for institution of delayed payment provisions. An agreement shall be issued to the provider for all approved requests. The agreement must be signed by the administrator, owner, chief executive officer or other authorized representative and be received by the Department prior to the first scheduled payment date listed in such agreement.

- 4) **Waiver of Penalties.** The penalties described in subsections (f)(1) and (f)(2) may be waived upon approval of the provider's request for institution of delayed payment provisions. In the event a provider's request for institution of delayed payment provisions is approved and the Department has received the signed agreement in accordance with subsection (h)(3)(B), the penalties shall be permanently waived for the subject quarter unless the provider fails to meet all of the terms and conditions of the agreement. In the event the provider fails to meet all of the terms and conditions of the agreement, the agreement shall be considered null and void and the penalties shall be fully reinstated.
 - 5) **Interest.** The delayed payments shall include interest at a rate not to exceed the State of Illinois borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (h)(1)(E). The interest may be waived by the Department if the facility's current ratio, as described in subsection (h)(1)(C), is 1.5 or less and the hospital meets the criteria in subsections (h)(1)(A) and (B). Any waivers granted shall be expressly identified in the agreement described in subsection (h)(1)(E).
 - 6) **Subsequent Delayed Payment Arrangements.** Once a provider has requested and received approval for delayed payment arrangements, the provider shall not receive approval for subsequent delayed payment arrangements until such time as the terms and conditions of any current delayed payment agreement have been satisfied or unless the provider is in full compliance with the terms of the current delayed payment agreement. The waiver of penalties described in subsection (h)(4) shall not apply to a provider that has not satisfied the terms and conditions of any current delayed payment agreement.
- i) **Administration and Enforcement Provisions**
The Department shall establish and maintain a listing of all hospital providers appearing in the licensing records of the Department of Public Health, which shall

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show each provider's name and principal place of business and the name and address of each hospital operated, conducted, or maintained by the provider in this State. The Department shall administer and enforce Sections 5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 of the Code and collect the assessments and penalty assessments imposed under Sections 5A-2 and 4 of the Code. The Department, its Director, and every hospital provider subject to assessment measured by occupied bed days shall have the following powers, duties and rights:

- 1) The Department may initiate either administrative or judicial proceedings, or both, to enforce the provisions of Sections 5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 of the Code. Administrative enforcement proceedings initiated shall be governed by the Department's rules at 89 Ill. Adm. Code 104.200 through 104.330. Judicial enforcement proceedings initiated shall be governed by the rules of procedure applicable in the courts of this State.
- 2) No proceedings for collection, refund, credit, or other adjustment of an assessment amount shall be issued more than three years after the due date of the assessment, except in the case of an extended period agreed to in writing by the Department and the hospital provider before the expiration of this limitation period.
- 3) Any unpaid assessment under Section 5A-2 of the Code shall become a lien upon the assets of the hospital upon which it was assessed. If any hospital provider, outside the usual course of its business, sells or transfers the major part of any one or more of the real property and improvements, the machinery and equipment, or the furniture or fixtures of any hospital that is subject to the provisions of Sections 5A-1, 2, 3, 4, 5, 7, 8, 10 and 12 of the Code, the seller or transferor shall pay the Department the amount of any assessment, assessment penalty, and interest (if any) due from it under Sections 5A-2 and 4 of the Code up to the date of the sale or transfer. If the seller or transferor fails to pay any assessment, assessment penalty, and interest (if any) due, the purchaser or transferee of the asset shall be liable for the amount of the assessment, penalties and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee. The purchaser or transferee shall continue to be liable until the purchaser or transferee pays the full amount of the assessment, penalties, and interest (if any) up to the amount of the reasonable value of the property acquired by the purchaser or transferee or until the purchaser or transferee receives from the Department a certificate

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showing that the assessment, penalty and interest have been paid or a certificate from the Department showing that no assessment, penalty or interest is due from the seller or transferor under Sections 5A-2, 4 and 5 of the Code.

- 4) Payments under Section 5A-4 of the Code are not subject to the Illinois Prompt Payment Act [30 ILCS 540]. Credits or refunds shall not bear interest.
 - 5) In addition to any other remedy provided for and without sending a notice of assessment liability, the Department may collect an unpaid assessment by withholding, as payment of the assessment, reimbursements or other amounts otherwise payable by the Department to the hospital provider.
- j) Exemptions
The following classes of providers are exempt from the assessment imposed under Section 5A-4 of the Code unless the exemption is adjudged to be unconstitutional or otherwise invalid:
- 1) A hospital provider that is a State agency, a State university, or a county with a population of 3,000,000 or more.
 - 2) A hospital provider that is a county with a population of less than 3,000,000 or a township, municipality, hospital district, or any other local governmental unit.
- k) Nothing in Section 5A-4 of the Code shall be construed to prevent the Department from collecting all amounts due under this Section pursuant to an assessment imposed before February 3, 2004.
- l) Definitions
As used in this Section, unless the context requires otherwise:
- 1) "CMMS" means the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services.
 - 2) "Department" means the Illinois Department of Healthcare and Family Services.

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- 3) "Fund" means the Hospital Provider Fund.
- 4) "HCRIS" means the federal Centers for Medicare and Medicaid Services Healthcare Cost Report Information System.
- 5) "Hospital" means an institution, place, building, or agency located in this State that is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act, whether public or private and whether organized for profit or not-for-profit.
- 6) "Hospital Provider" means a person licensed by the Department of Public Health to conduct, operate, or maintain a hospital, regardless of whether the person is a Medicaid provider. For purposes of this definition, "person" means any political subdivision of the State, municipal corporation, individual, firm, partnership, corporation, company, limited liability company, association, joint stock association or trust, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.
- 7) "Inpatient Gross Revenue" means total inpatient gross revenue, as reported on the HCRIS Worksheet C, Part 1, Column 6, Line 101, less the sum of the following lines (including any subset lines of these lines):
 - A) Line 34: Skilled Nursing Facility.
 - B) Line 35: Other Nursing Facility.
 - C) Line 35.01: Intermediate Care Facility for the Mentally Retarded.
 - D) Line 36: Other Long Term Care.
 - E) Line 45: PBC Clinical Laboratory Services – Program Only.
 - F) Line 60: Clinic.
 - G) Line 63: Other Outpatient Services.
 - H) Line 64: Home Program Dialysis.

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- D) Line 65: Ambulance Services.
 - J) Line 66: Durable Medical Equipment – Rented.
 - K) Line 67: Durable Medical Equipment – Sold.
 - L) Line 68: Other Reimbursable.
- 8) "Medicare Bed Days" means, for each hospital, the sum of the number of days that each bed was occupied by a patient who was covered by Title XVIII of the Social Security Act, excluding days attributable to the routine services provided to persons receiving skilled or intermediate long term care services. Medicare bed days shall be computed separately for each hospital operated or maintained by a hospital provider.
- 9) "Medicare Gross Inpatient Revenue" means the sum of the following:
- A) The sum of the following lines from the HCRIS Worksheet D-4, Column 2 (excluding the Medicare gross revenue attributable to the routine services provided to patients in a psychiatric hospital, a rehabilitation hospital, a distinct part psychiatric unit, a distinct part rehabilitation unit or swing beds):
 - i) Line 25: Adults and Pediatrics.
 - ii) Line 26: Intensive Care Unit.
 - iii) Line 27: Coronary Care Unit.
 - iv) Line 28: Burn Intensive Care Unit.
 - v) Line 29: Surgical Intensive Care Unit.
 - vi) Line 30: Other Special Care Unit.
 - B) From Worksheet D-4, Column 2, the amount from Line 103 less the sum of Lines 60, 63, 64, 66, 67 and 68 (and any subset lines of these lines).

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

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- C) The amount from Worksheet D-6, Part 3, Column 3, Line 53.
- 10) "Medicare Gross Outpatient Revenue" means the amount from the HCRIS Worksheet D, Part V, Line 101, Columns 5, 5.01, 5.02, 5.03 and 5.04 less the sum of Lines 45, 60, 63, 64, 65, 66 and 67 (and any subset lines of these lines).
- 11) "Occupied Bed Days" means the sum of the number of days that each bed was occupied by a patient for all beds, excluding beds classified as long term care beds and assessed a licensed bed fee during calendar year 2001. Occupied bed days shall be computed separately for each hospital operated or maintained by a hospital provider.
- 12) "Outpatient Gross Revenue" means, for each hospital, its total gross charges attributed to outpatient services as reported on the Medicare cost report at Worksheet C, Part I, Column 7, Line 101 less the sum of lines 45, 60, 63, 64, 65, 66, 67 and 68 (and any subset lines of these lines).

(Source: Amended at 39 Ill. Reg. 14138, effective October 14, 2015)

DEPARTMENT OF LABOR

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- 1) Heading of the Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Number: 350.410 Adopted Action:
Amendment
- 4) Statutory Authority: Occupational Safety and Health Act [820 ILCS 219]
- 5) Effective Date of Rule: October 19, 2015
- 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 rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in *Illinois Register*: July 17, 2015; 39 Ill. Reg. 9860
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: There have not been any changes.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were required.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Adopts the mandatory Federal reporting requirements of the State of Illinois and all its political subdivisions for all work-related fatalities, hospitalizations, amputations and loss of eye incidents involving an employee.
- 16) Information and questions regarding this adopted rule shall be directed to:

Chris Wieneke
Chief Legislative Liaison

DEPARTMENT OF LABOR

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Illinois Department of Labor
900 S. Spring St.
Springfield IL 62704

217/558-1270

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

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT

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

PART 350
HEALTH AND SAFETY

SUBPART A: INSPECTIONS AND CITATIONS

Section

350.10 Definitions

350.20 Purpose and Scope

350.30 Posting of Notice; Availability of the Acts, Regulations and Applicable Standards

350.40 Authority for Inspection

350.50 Objection to Inspection

350.60 Entry Not a Waiver

350.70 Advance Notice of Inspections

350.80 Conduct of Inspections

350.90 Representatives of Employers and Employees

350.100 Trade Secrets

350.110 Consultation with Employees

350.120 Complaints by Employees

350.125 Discrimination Prohibited Against Employees

350.130 Inspection not Warranted; Informal Review

350.140 Imminent Danger

350.150 Citations; Policy Regarding Employee Rescue Activities

350.160 Petitions for Modification of Abatement Date

350.170 Proposed Penalties

350.180 Posting of Citations

350.190 Employer and Employee Contests before the Administrative Law Judges of the Hearings Division

350.200 Failure to Correct a Violation for which a Citation has been Issued

350.210 Abatement Verification

350.220 Informal Conferences

SUBPART B: INJURY/ILLNESS RECORDKEEPING REQUIREMENTS~~RECORDS OF INJURIES AND ILLNESSES~~

Section

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350.250	Purpose, Scope and Definitions
350.260	Recording Criteria
350.270	Determination of Work-Relatedness
350.280	Determination of New Cases
350.290	General Recording Criteria
350.300	Recording Criteria for Needlestick and Sharps Injuries
350.310	Recording Criteria for Cases Involving Medical Removal under IDOL-Adopted OSHA Standards
350.320	Recording Criteria for Cases Involving Occupational Hearing Loss
350.330	Recording Criteria for Work-Related Tuberculosis Cases
350.340	Forms
350.350	Multiple Establishments
350.360	Covered Employees
350.370	Annual Summary
350.380	Retention and Updating
350.390	Employee Involvement
350.400	Prohibition Against Discrimination
350.405	Variance from Recordkeeping Requirements
350.410	Reporting Fatalities, Hospitalizations and Hospitalization, Amputations and Loss of Eye Incidents to the Illinois Department of Labor
350.420	Providing Records to Government Representatives
350.430	Requests from the Illinois Department of Public Health/Bureau of Labor Statistics for Data

SUBPART C: VARIANCES FROM STANDARDS

Section	
350.500	Petition for Variance from Standards

SUBPART D: CONSULTATION PROGRAM

Section	
350.600	Purpose

SUBPART E: ADOPTION OF FEDERAL STANDARDS

Section	
350.700	Adoption of Federal Standards

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- 350.APPENDIX A Decision Tree
350.APPENDIX B Sample Abatement Plan or Progress Report (Non-mandatory)

AUTHORITY: Implementing and authorized by the Occupational Health and Safety Act [820 ILCS 219].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. 12850, effective September 4, 1997; amended at 23 Ill. Reg. 3993, effective October 1, 1999; amended at 23 Ill. Reg. 12447, effective October 2, 1999; amended at 24 Ill. Reg. 13693, effective August 23, 2000; amended at 25 Ill. Reg. 860, effective January 5, 2001; amended at 25 Ill. Reg. 10196, effective July 30, 2001; old Part repealed at 30 Ill. Reg. 5531 and new Part adopted at 30 Ill. Reg. 4777, effective March 13, 2006; amended at 34 Ill. Reg. 4793, effective March 16, 2010; old Part repealed at 38 Ill. Reg. 11570, and new Part adopted at 38 Ill. Reg. 11572, effective May 16, 2014; amended at 38 Ill. Reg. 20781, effective October 20, 2014; amended at 39 Ill. Reg. 14176, effective October 19, 2015.

SUBPART B: INJURY/ILLNESS RECORDKEEPING REQUIREMENTS~~RECORDS OF INJURIES AND ILLNESSES~~

Section 350.410 Reporting Fatalities, Hospitalizations and Hospitalization, Amputations and Loss of Eye Incidents to the Illinois Department of Labor

- a) Basic Requirement
Within 8 hours after the death of any employee from a work-related incident ~~or the in-patient hospitalization of one or more employees as a result of a work-related incident,~~ the employer shall orally report the fatality/hospitalization by telephone 24/7 Notification – (800) 782-7860 or (217) 782-7860. Within 24 hours after the in-patient hospitalization of one or more employees, or an employee's amputation, or an employee's loss of an eye, as a result of a work-related incident, the employer shall report the in-patient hospitalization, amputation or loss of an eye.
- b) Implementation

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- 1) The reporter must give the following information for each fatality or hospitalization incident:
 - A) The establishment name;
 - B) The location of the incident;
 - C) The time of the incident;
 - D) The number of fatalities or hospitalized employees;
 - E) The names of any injured employees;
 - F) The reporter's contact person and his or her phone number; and
 - G) A brief description of the incident.
- 2) Every fatality or hospitalization incident resulting from a motor vehicle accident must be reported.
- 3) Report a fatality caused by a heart attack at work. The Division Manager will decide whether to investigate the incident, depending on the circumstances of the heart attack.
- 4) Only report fatalities or hospitalizations that occur within 30 days after an incident.
- 5) If the employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under this Section, make the report within 8 hours after the incident is reported to the employer or any agent or employee of the employer.

(Source: Amended at 39 Ill. Reg. 14176, effective October 19, 2015)

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- 1) Heading of the Part: Department of Personnel
- 2) Code Citation: 80 Ill. Adm. Code 420
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
420.10	Amendment
420.610	Amendment
420.680	Amendment
420.740	New Section
420.760	Amendment
- 4) Statutory Authority: 15 ILCS 310/10
- 5) Effective Date of Rules: October 19, 2015
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules is on file and available for public inspection in the Secretary of State Office, Room 197 Howlett Building, Springfield IL 62756
- 9) Notice of Proposal published in the *Illinois Register*: May 15, 2015; 39 Ill. Reg. 6853
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version:

420.740 – Leave to Take Exempt Position
The words "that granted the leave of absence" have been added to the last sentence in this Section. The sentence has been revised to read "At the expiration of the leave of absence, an employee shall be restored to the same or similar position with continuous service, including the period of the leave, upon making application to the employing department that granted the leave of absence."
- 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 an emergency rule currently in effect? No

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- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of this Rulemaking: This rulemaking conforms with current merit practices, regulations of federal and state legislative enactments and makes technical changes.
- 16) Information and questions regarding the adopted rules shall be directed to:

Stephan Roth or Steven Dennis
Office of the Secretary of State
Department of Personnel
Room 197 Howlett Building
Springfield IL 62756

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER II: SECRETARY OF STATE

PART 420
DEPARTMENT OF PERSONNEL

SUBPART A: INTRODUCTION

Section
420.10 Definitions

SUBPART B: CLASSIFICATION AND PAY

Section
420.200 Positions
420.210 Position Classification
420.220 Pay Plan

SUBPART C: MERIT AND FITNESS

Section
420.300 Application and Examination
420.310 Appointment and Selection
420.320 Trainees
420.330 Intermittents
420.340 Continuous Service
420.350 Performance Evaluation Forms
420.360 Probationary Status
420.370 Promotions
420.380 Employee Transfers
420.390 Demotion
420.400 Layoffs and Reemployment
420.410 Voluntary Reduction
420.415 Sworn Personnel – Inter-Agency Assignment
420.420 Resignation and Reinstatement
420.430 Discipline, Discharge, and Termination
420.435 Return of State Property

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SUBPART D: CONDITIONS OF EMPLOYMENT

Section	
420.600	Grievance Procedure
420.610	Sick Leave
420.620	Personal Leave
420.630	On-The-Job Injury – Industrial Disease (Repealed)
420.640	Leaves of Absence Without Pay
420.645	Family Leave
420.650	Limitations on Leaves of Absence
420.660	Leaves of Absence – Special
420.665	Leaves of Absence – Sworn Personnel – Inter-Agency Assignment
420.670	Leaves of Absence – Special – Salary (Repealed)
420.680	Employee Rights After Leave
420.690	Leave of Absence – Election to Public Office
420.700	Failure to Return from Leave of Absence
420.705	National Service Leave
420.710	Military Leave
420.715	Disaster Services Leave with Pay
420.720	Leave for Annual Military Reserve Training or Special Duty
420.730	Leave for Military Physical Examinations
420.740	Leave to Take Exempt Position (Repealed)
420.745	Blood/Organ/Tissue Donation Leave
420.750	School Visitation Leave
420.760	Non-service Connected and Service Connected Disability Leave
420.770	Attendance in Court
420.775	Victims' Economic Security and Safety Leave
420.800	Vacation
420.810	Work Schedules
420.820	Overtime
420.825	Temporary Assignment (Repealed)
420.830	Holidays
420.835	Notification of Absence

SUBPART E: GENERAL PROVISIONS

Section	
420.1000	Records

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420.1010	Benefits
420.1015	Proration of Rights and Benefits
420.1020	Prohibition of Discrimination
420.1030	Other Provisions

AUTHORITY: Implementing and authorized by Section 10 of the Secretary of State Merit Employment Code [15 ILCS 310/10].

SOURCE: Emergency rule adopted December 29, 1977; amended at 3 Ill. Reg. 49, p. 159, effective October 1, 1979; amended at 4 Ill. Reg. 40, p. 219, effective December 1, 1980; amended at 6 Ill. Reg. 3302, effective March 16, 1982; amended at 6 Ill. Reg. 7494, effective June 16, 1982; amended at 7 Ill. Reg. 11526, effective September 7, 1983; codified at 8 Ill. Reg. 2653; recodified at 10 Ill. Reg. 15659; amended at 12 Ill. Reg. 6766, effective April 1, 1988; amended at 17 Ill. Reg. 1652, effective February 1, 1993; emergency amendment at 21 Ill. Reg. 1710, effective January 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5937, effective April 24, 1997; emergency amendment at 27 Ill. Reg. 18259, effective November 17, 2003, for a maximum of 150 days; emergency expired April 14, 2004; amended at 28 Ill. Reg. 7676, effective May 24, 2004; emergency amendment at 32 Ill. Reg. 3013, effective February 13, 2008, for a maximum of 150 days; emergency amendment repealed at 32 Ill. Reg. 6659, effective April 2, 2008; amended at 32 Ill. Reg. 15017, effective September 8, 2008; amended at 35 Ill. Reg. 4278, effective March 1, 2011; amended at 36 Ill. Reg. 12125, effective July 16, 2012; amended at 36 Ill. Reg. 13945, effective September 1, 2012; amended at 37 Ill. Reg. 4282, effective April 1, 2013; amended at 39 Ill. Reg. 14182, effective October 19, 2015.

SUBPART A: INTRODUCTION

Section 420.10 Definitions

"Allocation": The assignment of a position to a class based on duties, responsibilities and requirements.

"Appropriate Supervisor": An employee who has the authority to resolve an employee's grievance.

"Certified Employee": An employee who has successfully completed a required probationary period and attained certified status during the employee's most recent period of continuous service.

"Certified Status": Status achieved through the completion of a probationary

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period.

"Class": A composite of positions that are sufficiently similar, in terms of duties and responsibilities, requiring the same or related knowledge, skills, abilities and licenses (if required) to fulfill them, and the same title, selection instrument, salary range or rate of pay that would apply equitably to each. Example: All Executive I positions in the Office of the Secretary of State are a class.

"Code": The Secretary of State Merit Employment Code [15 ILCS 310].

"Commission": The Secretary of State Merit Commission.

"Continuous Service": The uninterrupted period of service from the date of original appointment to State service.

"Department of Personnel": The Secretary of State Department of Personnel.

"Director of Personnel": The Director of the Secretary of State Department of Personnel.

"Employee": Any employee on the payroll as well as any employee on a leave of absence granted pursuant to this Part.

"Executive or Administrative Employee": Those employees who have principal administrative responsibility for the determination of policy or principal administrative responsibility for the way in which policies are carried out.

"Executive Security Officer": A law enforcement officer charged with executive protective duties.

"Highly Confidential Employee": An employee who occupies a position that, by its nature, is entrusted with private, restricted or privileged information of a type that would preclude its being subject to Jurisdiction B.

"Immediate Family": Father, mother, brother, sister, son, daughter, spouse, [parties to a marriage, domestic partners \(established prior to 6-1-11\)](#) or party to a civil union, including adoptive and custodial relationships and "in-laws".

"Jurisdiction A": The Section of the Code that deals with the classification and

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compensation of positions in the Office of the Secretary of State.

"Jurisdiction B": The Section of the Code that deals with merit and fitness as it applies to positions in the Office of the Secretary of State.

"Jurisdiction C": The Section of the Code that deals with the conditions of employment of positions of the Office of the Secretary of State.

"Licensed Attorney": Attorneys who are licensed to practice law within the State of Illinois.

"Next Higher Supervisor": An employee who is authorized to adjust grievance resolutions offered by an Appropriate Supervisor; an employee who may be locally or regionally assigned to resolve Level 2 grievances.

"Organizational Entity": An organization whose chief executive officer reports directly to the Secretary of State or the Assistant Secretary of State.

"Pay Plan": The plan, authorized by the Secretary of State Merit Employment Code, that sets forth rules for salary treatment when processing personnel transactions and other compensation actions and identifies the various salary schedules.

"Pay Status": An employee who is active on the payroll of the Office of the Secretary of State and who receives wages for hours worked, paid holidays and benefit time used.

"Position": A set of duties, authorities and responsibilities.

"Position Description": The official document that identifies the duties, responsibilities, location and reporting relationships of a position.

"Probationary Period": A period of six calendar months (or 979 hours) immediately following an original appointment or reinstatement, or a period of three months (489.5 hours) following a promotion.

"Series": A class series is composed of two or more individual classes that are directly related in type of work performed, responsibility exercised and background experience required, while differing in levels, difficulty and/or

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achievement of these same terms. The classes of a series are similar in title and are usually sequential in nature from lowest to highest. Example: Executive I, II, III, IV and V are a class series.

"Sworn Personnel – Inter-Agency Assignment": Employees of the Office, vested with police authority, who are assigned to an affiliated outside organization for a determined time frame to perform police officer duties.

"Time of Hostilities": Any period of time during which a declaration of war by the United States Congress has been or is in effect or is recognized by the issuance of a Presidential Proclamation or Executive Order as defined in Section 10b.7 of the Secretary of State Merit Employment Code [15 ILCS 310/10b.7].

"Title": A title is the name by which a class is known. Example: Executive I is a title.

"Unskilled Positions": Positions whose primary requirement is that incumbents be of good physical condition.

(Source: Amended at 39 Ill. Reg. 14182, effective October 19, 2015)

SUBPART D: CONDITIONS OF EMPLOYMENT

Section 420.610 Sick Leave

- a) Sick Leave Definition: All employees, except those in emergency, permanent part-time, intermittent, per diem, or temporary status, unless the status is the result of accepting a nonpermanent working assignment in another class, shall accumulate sick leave at the rate of one day for each month's service. Intermittent and permanent part-time employees shall accrue sick time on a prorated hourly basis determined by a ratio, the numerator of which shall be number of hours in pay status each month and the denominator of which shall be the number of normal work hours that month.
- b) Accumulation of Sick Leave: Employees shall be allowed to carry over from year to year of continuous service any unused sick leave. An employee shall retain any unused sick leave accumulated prior to December 1, 1980.
- c) Reinstatement of Sick Leave:

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- 1) On or after the effective date of this Section, accumulated sick leave available at the time an employee's continuous service is interrupted shall, upon verification, be reinstated to the employee's account upon return to full-time, regularly scheduled part-time, or intermittent employment, except in temporary or emergency status. This reinstatement is applicable provided the interruption of service occurred not more than 5 years prior to the date the employee reenters service and provided the sick leave has not been credited by the appropriate retirement system towards retirement benefits.
 - 2) An employee with previous service for which sick leave was granted under provisions other than Jurisdiction C of the Code shall have the sick leave reinstated to the extent provided under this Section.
- d) **Advancement of Sick Leave:** An employee with more than 2 years continuous service whose personnel records warrant it may be advanced sick leave with pay for not more than 10 working days, with the written approval of the department and the Director of Personnel. Advances will be charged against sick leave accumulated later in subsequent service. No additional advance of sick time will be made until all previously advanced time is repaid.
- e) **Use of Sick Leave:**
- 1) Sick leave shall be used in the following order:
 - A) Sick leave granted prior to January 1, 1984 will be used first;
 - B) Sick leave granted beginning January 1, 1998 will be used second;
 - C) Sick Leave granted from January 1, 1984 through December 31, 1997 will be used last.
 - 2) Sick leave may not be used in increments of less than ½ hour at a time, but in conjunction with the first ½ hour may be taken in additional 15-minute increments. Permanent part-time and intermittent employees may use sick time in 15-minute increments.

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- 3) Sick leave may be used for illness, disability or injury of the employee or appointments with doctor, dentist or other professional medical practitioner, and also may be used for not more than 30 days in one calendar year in the event of serious illness, disability, injury, or death of a member of the employee's immediate family, unless such time is used pursuant to the Family Medical Leave Act (29 USC 2601 et seq.).
 - 4) The employing department or the Department of Personnel shall, when there is apparent abuse, require evidence to substantiate that sick leave days were used for the purposes set forth in subsection (e)(3). For periods of absence of more than 5 consecutive workdays, the employee shall provide verification for the absence in accordance with the provisions of Section 420.760(b)(4).
 - 5) Employees may be granted up to 3 days (a day being equal to his/her actual workday) of paid leave time, in addition to the use of sick time allowed in subsection (e)(3), to attend services and related events and make necessary arrangements upon the death of a member of his/her immediate family. For purposes of this subsection (e)(5), immediate family includes father/step-father, mother/step-mother, brother/step-brother, sister/step-sister, son/step-son, daughter/step-daughter, spouse, [parties to a marriage](#), domestic partner ([established prior to 6-1-11](#)), party to a civil union, child (including adopted, custodial or in-law), grandparent, grandchild, parent-in-law, brother or sister-in-law, niece, nephew, aunt and uncle. The employee may be required to provide documentation as to the necessity for absences covered by this subsection (e)(5).
- f) Payment in Lieu of Sick Leave:
- 1) Unless otherwise provided by law, upon separation of employment by means of resignation, retirement, death, indeterminate layoff, or discharge, and if the employee is not employed in another position in State service within 4 calendar days of the separation, an employee is entitled to be paid for unused sick leave which accrued on or after January 1, 1984 and prior to January 1, 1998 in accordance with subsection (e)(3).
 - 2) The amount of sick leave to be paid upon termination of employment will be determined as follows:

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- A) using time records from the employing department, the Department of Personnel will verify the employee's sick leave balance for sick leave earned, but not taken, in the period from January 1, 1984 up to and including December 31, 1997;
 - B) the employees will be paid one-half of the amount of sick leave days determined in subsection (e)(2)(A), multiplied by the daily salary rate in effect at the time of separation.
- 3) The method for computing the hourly or daily salary rate for sick leave qualifying for lump sum payment upon separation of employment shall be determined by Payroll.
- 4) If an employee has a negative sick leave balance pursuant to subsection (d) when employment is separated, the employing department must submit this negative sick leave balance to Payroll, where one of the following will be applied:
- A) Subtract the negative sick leave balance from the earning amount still due to the employee by the Secretary of State.
 - B) Contact employing department, stating dollar amount of overpayment to employee. The employing department then has the responsibility of contacting the employee regarding the dollar amount due to the Secretary of State, payable by personal check or money order.
 - C) If no repayment occurs, Payroll will establish a lien against any State of Illinois monetary payment due to the employee through the Comptroller for the negative sick leave balance owed to the Secretary of State.
- 5) An employee who is reemployed, reinstated or recalled from indeterminate layoff and who received lump sum payment in lieu of unused sick days will have the days restored by doing the following:
- A) The employee must notify the employing department to request restoration of the previously paid unused sick days to the

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employee's sick leave account; and

- B) The employee must repay the gross (total) amount paid by the State (before deductions) to the Secretary of State by personal check or money order. The employing department will forward the employee's repayment to Payroll before unused sick days are returned to the employee's sick leave account.
- g) Pursuant to the Secretary of State Merit Employment Code [15 ILCS 310/10b.18], an employee who is also a veteran shall be permitted 4 days with pay per year to visit a veterans' hospital for examination of a military service connected disability. Upon submitting proof of the visit, the 4 days shall not be charged against any sick leave currently available to the employee.

(Source: Amended at 39 Ill. Reg. 14182, effective October 19, 2015)

Section 420.680 Employee Rights After Leave

- a) When an employee returns from a leave of absence of 6 months or less, the department shall return the employee to the same or similar position in the class in which the employee was incumbent prior to the commencement of the leave.
- b) Except for those leaves granted under Sections 420.665, 420.705, 420.710 or 420.760(g) and when an employee returns from a leave or leaves exceeding 6 months and there is no vacant position available to the employee in the same class in which the employee was incumbent prior to the leave or leaves commencing, the employee may be laid off without consideration of continuous service and, if laid off, the employee's name shall be placed on the reemployment list.
- c) Except for those leaves granted under Sections 420.665, 420.690, ~~or~~ 420.710 or 420.760(g), an employee shall resign his/her employment or be terminated from employment once he/she has been continuously out on leave of absence for 2 calendar years.

(Source: Amended at 39 Ill. Reg. 14182, effective October 19, 2015)

Section 420.740 Leave to Take Exempt Position ~~(Repealed)~~

The Director of Personnel may approve leaves of absence for certified employees who accept

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appointment in a position that is exempt from Jurisdiction B of the Merit Employment Code. These leaves of absence may be for a period of one year or less and may be extended for additional one-year periods. At the expiration of the leave of absence, an employee shall be restored to the same or similar position with continuous service, including the period of the leave, upon making application to the employing department that granted the leave of absence.

(Source: Former Section 420.740 repealed at 32 Ill. Reg. 15017, effective September 8, 2008; new Section added at 39 Ill. Reg. 14182, effective October 19, 2015)

Section 420.760 Non-service Connected and Service Connected Disability Leave

- a) Employees who are unable to perform a substantial portion of their regularly assigned duties due to temporary physical or mental disability shall, upon request, or approval of a claim under the Workers' Compensation Act [820 ILCS 305] or Workers' Occupational Diseases Act [820 ILCS 310], be granted a non-service or service-connected disability leave for the duration of the disability. A substantial portion of regularly assigned duties shall be those duties or responsibilities normally performed by the employee that constitute a significant portion of the employee's time or that constitute the factors differentiating that particular position from other positions, provided the balance of the duties can be reassigned by the department.
- b) In granting the leave, the Director of Personnel shall apply the following standards:
 - 1) As soon as the employee becomes aware of an impending period of disability, the employee shall notify the appropriate supervisor and provide a written statement by the attending physician or other authority of the approximate length of time the employee will be unable to perform regularly assigned duties;
 - 2) A request for disability leave shall be in writing, except when the department is advised by other appropriate means of the employee's disability. In this event, the employee's signature is not required;
 - 3) Except for service-connected disability as provided in subsection (g), the employee shall have exhausted available sick leave provided under Section 420.610 prior to being granted a disability leave; an employee may use other accrued paid time for this purpose, but is not required to do

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so;

- 4) During a disability leave, the disabled employee shall provide written verification by a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] or under similar laws of Illinois or of other states or countries, or by an individual authorized by a recognized religious denomination to treat by prayer or spiritual means. The verification shall show the diagnosis, prognosis and expected duration of the disability and shall be made no less often than every 30 days during a period of disability, unless the nature of the disability precludes the need for such frequency of verification;
- c) Termination of Leave:
- 1) Failure of an employee to provide verification of continued disability upon reasonable request shall, on due notice, cause termination of the leave.
 - 2) An employee's disability leave shall terminate when the employee is no longer temporarily disabled and is capable of performing regularly assigned duties.
 - A) An employee is no longer temporarily disabled when he/she is able to perform regularly assigned duties upon advice of the appropriate authority (i.e., attending physician, an impartial physician, or other authority).
 - B) An employee is no longer temporarily disabled when he/she is found to be permanently disabled and unable to perform a substantial or significant portion of his/her regularly assigned duties by the appropriate authority, or in the absence of that authority, by the attending physician.
 - C) If the department has reason to believe that an employee is able or unable to perform a substantial portion of the regularly assigned duties, it may seek and rely upon the decision of an impartial physician or other specialist licensed pursuant to the Medical Practice Act [225 ILCS 60] in the field of the alleged disability chosen by agreement of the parties or, in the absence of an agreement, upon the decision of an impartial physician or other

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

specialist licensed pursuant to the Medical Practice Act who is selected by the Director of Personnel or [SERS TRISTAR](#) the [Illinois Department of Central Management Services](#).

- D) In determining whether to approve a requested discharge of an employee for failure to return from a disability leave or for physical inability to perform the duties of a position, the Director of Personnel may seek and rely upon the advice of the State Employees Retirement System or other appropriate authority, including an impartial physician selected in accordance with subsection (c)(2)(C).
- d) An employee who returns from a disability leave shall have the rights set forth in Section 420.680 or subsection (g)(6), whichever applies.
- e) An employee who is on disability leave while in temporary or emergency status, except if that status results from a leave of absence to accept a temporary or emergency position, shall be eligible for disability leave for the balance of the appointment and shall earn or accrue no other benefit arising from this Part.
- f) Up to 12 weeks of leave time out of any 12 month period may be designated as leave time under the Family and Medical Leave Act (FMLA) (29 USC 2601 et seq.). Designated FMLA leave time will run concurrently with the disability leave or workers' compensation grace time, provided the absence is due to a qualifying serious injury or illness.
- g) An employee who suffers an on-the-job injury or illness and is unable to perform a substantial portion of the regularly assigned duties in accordance with subsection (a) shall also be subject to the following:
- 1) Upon request, an employee will be allowed full pay for 3 working days of absence without utilization of any accumulated sick leave or other benefits if a workers' compensation claim is filed and approved pursuant to the Workers' Compensation [or Workers' Occupational Diseases](#) Act.
 - 2) Starting with the 4th working day of absence, the employee shall be permitted, but not required, to utilize accumulated sick leave or other benefit leave time, or may be granted a non-service disability leave of absence pending outcome of the employee's workers' compensation claim.

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During the leave granted under this subsection (g)(2), the employee may not apply for disability benefits with the Illinois State Employees Retirement System. The employee shall not be required to exhaust available sick time accumulated in accordance with Section 420.610 to be granted this leave.

- 3) If the employee's workers' compensation claim is deemed subject to benefits provided in the Workers' Compensation or Workers' Occupational Diseases Act, the employee will be placed on a service-connected disability leave of absence. The employee shall not be required to exhaust available sick time accumulated in accordance with Section 420.610 to be granted this leave.
- 4) In the event the ~~service-connected~~ injury or illness is not deemed subject to benefits under the Acts Act, the employee will be placed on a non-service disability leave of absence or may use accumulated benefit time to cover any absences related to the incident.
- 5) In the event the ~~service-connected~~ injury or illness becomes the subject of an award by the Illinois Workers' Compensation Commission or a settlement contract is approved by the Illinois Workers' Compensation Commission that provides for payment of temporary total disability (TTD) to cover non-work time, the employee ~~shall~~may restore to the State the payment received as sick leave or other benefit leave time and the employee's leave account shall be credited with leave time equivalents.
- 6) An employee who returns from a service-connected disability leave of absence shall be returned to the same or similar position in the same class in which the employee was incumbent at the time the leave commenced.

(Source: Amended at 39 Ill. Reg. 14182, effective October 19, 2015)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: General Rules, Definitions
- 2) Code Citation: 92 Ill. Adm. Code 1000
- 3) Section Number: 1000.70 Adopted Action: Amendment
- 4) Statutory Authority: 15 ILCS 310/10
- 5) Effective Date of Rule: October 19, 2015
- 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 rule is on file and available for public inspection in the Secretary of State Office, Room 197 Howlett Building, Springfield IL 62756
- 9) Notice of Proposal published in the *Illinois Register*: May 15, 2015; 39 Ill. Reg. 6869
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposed and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested.
- 13) Will these rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of this Rulemaking: This rulemaking conforms with current merit practices, regulations of federal and State legislative enactments and makes technical changes.
- 16) Information and questions regarding the adopted rule shall be directed to:

Stephan Roth or Steven Dennis
Office of the Secretary of State

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Department of Personnel
Room 197 Howlett Building
Springfield IL 62756

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1000
GENERAL RULES, DEFINITIONS

Section	
1000.10	Definitions
1000.20	Appointment of Subordinates
1000.30	Reciprocity, Prorate and Forced Registration Review Board (Repealed)
1000.40	Offices of the Secretary of State
1000.41	Voter Registration at Driver Services Facilities
1000.50	Forms
1000.60	Certification of Copies of Records
1000.70	Department of Police
1000.80	Enforcement of the Illinois Vehicle Code (Repealed)
1000.90	Hearings (Repealed)
1000.110	Audits and Collections (Repealed)
1000.120	Audit Costs

AUTHORITY: Implementing Section 2-105(c) of the Illinois Vehicle Code [625 ILCS 5/2-105(c)] and authorized by 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed and effective December 15, 1970; amended at 6 Ill. Reg. 2239, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 7152, effective May 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11067, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amendment at 6 Ill. Reg. 15040, effective December 1, 1982; amended at 7 Ill. Reg. 13677, effective October 14, 1983; amended at 8 Ill. Reg. 5353, effective April 6, 1984; amended at 9 Ill. Reg. 2326, effective February 1, 1985; amended at 13 Ill. Reg. 5185, effective April 1, 1989; amended at 13 Ill. Reg. 11844, effective July 1, 1989; emergency amendment at 24 Ill. Reg. 1681, effective January 14, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6950, effective April 24, 2000; emergency amendment at 25 Ill. Reg. 9376, effective July 1, 2001, for maximum of 150 days; emergency expired November 27, 2001; amended at 26 Ill. Reg. 12040, effective July 19, 2002; amended at 29 Ill. Reg. 1960, effective January 20, 2005; amended at 34 Ill. Reg. 2755, effective February 2, 2010; amended at 37 Ill. Reg. 1254, effective January 17, 2013; amended at 39 Ill. Reg. 14198, effective October 19, 2015.

Section 1000.70 Department of Police

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

- a) The investigators authorized pursuant to Section 2-115 of the Illinois Vehicle Code [625 ILCS 5/2-115] shall be appointed by the Secretary and organized into the Department of Police.
- b) The Department of Police, which is headquartered in Springfield, Illinois, shall have District headquarters throughout Illinois to enable the Department to best distribute its supervisory responsibilities and work load.
- c) The employees of the Department of Police shall be subject to the Secretary of State Merit Employment Code [15 ILCS 310]; the Office of the Secretary of State's rules entitled Department of Personnel (80 Ill. Adm. Code 420) and the Department of Police General Orders. ~~When~~Where there is conflict between the policies of the Office and the General Orders of Police, the Office policies shall prevail.
- d) Sworn personnel
 - 1) Sworn personnel shall mean the peace officers within the Department of Police.
 - 2) The grades of sworn personnel, from lowest to highest, shall be Investigator Trainee, Investigator, Investigator Sergeant, Investigator Lieutenant, and Investigator Commander. Position descriptions for these employees shall be established by the Department of Personnel in accordance with Section 10a of the Secretary of State Merit Employment Code and 80 Ill. Adm. Code 420.210.
 - 3) New sworn personnel shall be hired in accordance with Section 10b of the Secretary of State Merit Employment Code and shall be required to successfully complete certain terms and conditions under the Secretary of State Merit Employment Code that include, but are not limited to, the following:
 - A) An examination for Investigators or Investigator Trainees as prescribed by the Director of Personnel, Office of the Secretary of State.
 - B) A physical ability test, consistent with the physical ability standards set forth by the Illinois Law Enforcement Training and

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

Standards Board (20 Ill. Adm. Code 1720.20.Appendix A) prior to the entrance into any of the Illinois certified basic police academies.

- C) A background investigation conducted by the Department of Police to determine if the applicant has any criminal convictions and to verify that all information contained in the applicant's application is true and accurate.
 - D) A medical and a psychological examination using standard criteria.
- 4) Application and Testing Procedures for Investigator Sergeants. Any applicant for the position of Investigator Sergeant must complete or successfully pass the following application procedure:
- A) The filing of the standard personnel application form with the Department of Personnel with a copy to the Department of Police.
 - B) An examination for Investigator Sergeant as prescribed by the Director of Personnel, Office of the Secretary of State.
 - ~~C) An oral interview conducted by a panel of sworn officers of the Department in the grade of at least Investigator Sergeant, appointed by the Director to determine the applicant's qualifications and suitability for promotion to the rank of Investigator Sergeant.~~
- e) Miscellaneous provisions pertaining to the Department of Police
- 1) The Department of Police shall collect a storage fee in the amount of \$5.00 per day from any person or entity owning a vehicle which is stored on Secretary of State property for any reason. Fees shall be deposited in the Secretary of State Police Services Fund.
 - 2) The Department of Police, to implement Section 3-308 of the Illinois Vehicle Code, shall operate inspection stations at various locations throughout Illinois as the workload of inspecting rebuilt and salvage vehicles requires.

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(Source: Amended at 39 Ill. Reg. 14198, effective October 19, 2015)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

Heading of the Part: The Administration and Operation of the Teachers' Retirement System

Code Citation: 80 Ill. Adm. Code 1650

Section Numbers: 1650.160
1650.270
1650.272
1650.3005
1650.3015
1650.3020
1650.3030
1650.3035
1650.3040

Date Originally Published in the *Illinois Register*: 6/12/15
39 Ill. Reg. 8243

At its meeting on October 13, 2015, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that the Teachers' Retirement System consider further amendments to its Part titled The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650; 39 Ill. Reg. 8243) establishing in rule the characteristics of the file the System will maintain on investment manager/consultant selections. Examples of changes that would make TRS rules more "substantially similar" to Article 35 of the Procurement Code, as required by Section 1-113.14(b) of the Illinois Pension Code, include: detailing the information to be maintained in the file, such as a description of the position, the specific standards that will be used to rank candidates for the current position, candidate information, candidate rankings and the final selection decision; and stating the extent to which information in the selection file will be accessible by the public.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

1. Statutory Authority: Section 50-37 of the Illinois Procurement Code, 30 ILCS 500/50-37, prohibits business entities with contracts and solicitations worth in excess of \$50,000 in combined annual value pending with a given officeholder responsible for awarding the contracts from making campaign contributions to campaign committees established to promote the candidacy of the officeholder or any other declared candidate for that office. The prohibition also extends to contributions made by various affiliated persons and businesses of a business entity that is subject to the prohibition. Section 50-37 requires that notice of violation of the prohibition and the penalty imposed is to be published in the Illinois Register.
2. Name of Contributor: Mark Kmety, affiliated person of Mesirow Insurance Services Inc.
3. Date of Violation: October 29, 2014
4. Description of Violation: Mark Kmety, affiliated person of Mesirow Insurance Services Inc., made a contribution of \$1,000 to Citizens for Rauner, Inc., a campaign committee established to support the election of Bruce Rauner to the office of Governor. At the time of the contribution, Bruce Rauner was a declared candidate for the office of Governor, and Mesirow Insurance Services had in place active contracts with the Illinois Department of Central Management Services, Illinois Finance Authority, Illinois State University and the Illinois Toll Highway Authority. The total annual combined value of the contracts was in excess of \$50,000.
5. Summary of Action Taken by the Agency: Section 50-37 provides that State contracts with a business entity that violates the campaign contribution prohibition are voidable at the discretion of the Chief Procurement Officer. The Chief Procurement Officer for Public Institutions of Higher Education has notified Mesirow Insurance Services of the apparent violation, reviewed responsive material provided, and has considered the value, status, and necessity of the contracts. In addition, the Chief Procurement Officer has taken into consideration the recognition by Mesirow of the violation and its understanding of the necessity to avoid such situations in the future. The Chief Procurement Officer finds that voiding affected contracts, bids or proposals would not be in the best interest of the State.

CHIEF PROCUREMENT OFFICER FOR
PUBLIC INSTITUTIONS OF HIGHER EDUCATION

NOTICE OF PUBLIC INFORMATION

NOTICE OF CAMPAIGN CONTRIBUTION VIOLATION OF PROCUREMENT CODE

As required by Section 50-37(e) of the Procurement Code, Citizens for Rauner, Inc., is required to pay to the State an amount equal to the value of the contribution within 30 days of the publication of this notice. This amount is \$1,000.00

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

2015 THIRD QUARTER INCOME TAX SUNSHINE INDEX

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information: Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Third Quarter of 2015. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Alternative Apportionment
Compensation
Credits
Credits – Foreign Tax
Exempt Organizations
Partnerships
Subtraction Modifications
Sales Outside the Ordinary Course of Business (Bulk Sales)
Subtraction Modifications – Pensions

Copies of the ruling letters themselves are available for inspection and may be purchased

DEPARTMENT OF REVENUE

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2015 THIRD QUARTER INCOME TAX SUNSHINE INDEX

for a minimum of \$1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

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

Paul S. Caselton
Deputy General Counsel – Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield IL 62702

217/524-3951

DEPARTMENT OF REVENUE

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2015 THIRD QUARTER INCOME TAX SUNSHINE INDEX

ALTERNATIVE APPORTIONMENT

IT 15-0010 GIL	8/31/2015	Request to use separate accounting cannot be granted without evidence that the statutory apportionment formula does not fairly reflect the market for the taxpayer's services.
IT 15-0012 GIL	9/15/2015	Petition to use separate accounting cannot be granted merely because separate accounting reaches a different tax liability than the statutory apportionment method.
IT 15-0013 GIL	9/15/2015	Petition to use separate accounting cannot be granted merely because separate accounting reaches a different tax liability than the statutory apportionment method.
IT 15-0014 GIL	9/15/2015	Petition to use separate accounting cannot be granted merely because separate accounting reaches a different tax liability than the statutory apportionment method.

COMPENSATION

IT 15-0004 GIL	5/27/2015	Payments received in settlement of claims brought by former employee against employer are compensation sourced under IITA Section 304(a)(2)(B).
IT 15-0007 GIL	7/14/2015	Compensation of an employee performing services in multiple states is sourced entirely to the state in which the employee's base of operations is located.

CREDITS

DEPARTMENT OF REVENUE

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2015 THIRD QUARTER INCOME TAX SUNSHINE INDEX

IT 15-0001 PLR 7/13/2015 Various issues related to the credits for costs of restoring and preserving historical properties in a River Edge Redevelopment Zone addressed.

CREDITS – FOREIGN TAX

IT 15-0003 GIL 5/7/2015 Compensation paid in Illinois under IITA Section 304(a)(2)(B) does not qualify for the credit for taxes paid to other states.

EXEMPT ORGANIZATIONS

IT 15-0011 GIL 9/08/2015 Exempt organizations that do not have unrelated business taxable income are not subject to Illinois income tax.

PARTNERSHIPS

IT 15-0002 GIL 3/27/2015 Seat on an exchange is not a qualified investment securities or "equipment reasonably necessary to carry on" the activities of an investment partnership, but deposits insured by the Securities Investment Protection Corporation are qualified investment securities.

SUBTRACTION MODIFICATIONS

IT 15-0001 GIL 2/24/2015 Personal service income earned by a nonresident who is in Illinois only because the nonresident's spouse is a member of the military stationed in this State is exempt from Illinois income tax by the Servicemembers Civil Relief Act.

IT 15-0005 GIL 7/10/2015 The Illinois Income Tax Act does not allow or require

DEPARTMENT OF REVENUE

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2015 THIRD QUARTER INCOME TAX SUNSHINE INDEX

modifications to the attribute reductions made for federal income tax purposes as the result of excluding discharge of indebtedness income from taxable income.

SALES OUTSIDE THE ORDINARY COURSE OF BUSINESS (BULK SALES)

IT 15-0006 GIL 7/13/2015 Bulk sales reporting is not required for repossessions of collateral.

SUBTRACTION MODIFICATIONS – PENSIONS

IT 15-0008 GIL 8/4/2015 Distributions from a qualified profit-sharing plan under IRC Section (a) may be subtracted from adjusted gross income whether or not rolled over into a Roth IRA.

IT 15-0009 GIL 8/31/2015 No subtraction modification is allowed for refund of state taxes included in corporation's federal taxable income.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 39, Issue 44 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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JCAR REVIEW OF EXISTING RULES

STATEMENT OF RECOMMENDATIONS

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