



**TABLE OF CONTENTS**

**April 27, 2018 Volume 42, Issue 17**

**PROPOSED RULES**

EMERGENCY MANAGEMENT AGENCY, ILLINOIS  
Political Subdivision Emergency Services and Disaster Agencies  
29 Ill. Adm. Code 301.....7603

PUBLIC HEALTH, DEPARTMENT OF  
Community-Based Residential Rehabilitation Center Demonstration  
Program Code  
77 Ill. Adm. Code 220.....7655

**ADOPTED RULES**

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF  
State Vehicles and Garage  
44 Ill. Adm. Code 5040.....7672  
Conditions of Employment  
80 Ill. Adm. Code 303.....7677

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS  
Public Information, Rulemaking and Organization (Repealer)  
2 Ill. Adm. Code 1975.....7685  
Public Information, Rulemaking and Organization (New Part)  
2 Ill. Adm. Code 1975.....7687

HUMAN SERVICES, DEPARTMENT OF  
Related Program Provisions  
89 Ill. Adm. Code 117.....7696

PUBLIC HEALTH, DEPARTMENT OF  
Freestanding Emergency Center Code  
77 Ill. Adm. Code 518.....7701

**SECOND NOTICES RECEIVED**

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
Second Notices Received.....7708

**OTHER INFORMATION REQUIRED BY LAW TO BE PUBLISHED IN THE ILLINOIS REGISTER**

OFFICE OF THE STATE FIRE MARSHAL  
General Requirements for Underground Storage Tanks and the Storage,  
Transportation, Sale and Use of Petroleum and Other Regulated  
Substances (Notice of Publication Error)  
41 Ill. Adm. Code 174.....7709

## 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 2018

| <b>Issue#</b> | <b>Rules Due Date</b> | <b>Date of Issue</b> |
|---------------|-----------------------|----------------------|
| 1             | December 26, 2017     | January 5, 2018      |
| 2             | January 2, 2018       | January 12, 2018     |
| 3             | January 8, 2018       | January 19, 2018     |
| 4             | January 16, 2018      | January 26, 2018     |
| 5             | January 22, 2018      | February 2, 2018     |
| 6             | January 29, 2018      | February 9, 2018     |
| 7             | February 5, 2018      | February 16, 2018    |
| 8             | February 13, 2018     | February 23, 2018    |
| 9             | February 20, 2018     | March 2, 2018        |
| 10            | February 26, 2018     | March 9, 2018        |
| 11            | March 5, 2018         | March 16, 2018       |
| 12            | March 12, 2018        | March 23, 2018       |
| 13            | March 19, 2018        | March 30, 2018       |
| 14            | March 26, 2018        | April 6, 2018        |
| 15            | April 2, 2018         | April 13, 2018       |
| 16            | April 9, 2018         | April 20, 2018       |
| 17            | April 16, 2018        | April 27, 2018       |
| 18            | April 23, 2018        | May 4, 2018          |
| 19            | April 30, 2018        | May 11, 2018         |
| 20            | May 7, 2018           | May 18, 2018         |
| 21            | May 14, 2018          | May 25, 2018         |
| 22            | May 21, 2018          | June 1, 2018         |
| 23            | May 29, 2018          | June 8, 2018         |
| 24            | June 4, 2018          | June 15, 2018        |
| 25            | June 11, 2018         | June 22, 2018        |

|    |                    |                    |
|----|--------------------|--------------------|
| 26 | June 18, 2018      | June 29, 2018      |
| 27 | June 25, 2018      | July 6, 2018       |
| 28 | July 2, 2018       | July 13, 2018      |
| 29 | July 9, 2018       | July 20, 2018      |
| 30 | July 16, 2018      | July 27, 2018      |
| 31 | July 23, 2018      | August 3, 2018     |
| 32 | July 30, 2018      | August 10, 2018    |
| 33 | August 6, 2018     | August 17, 2018    |
| 34 | August 13, 2018    | August 24, 2018    |
| 35 | August 20, 2018    | August 31, 2018    |
| 36 | August 27, 2018    | September 7, 2018  |
| 37 | September 4, 2018  | September 14, 2018 |
| 38 | September 10, 2018 | September 21, 2018 |
| 39 | September 17, 2018 | September 28, 2018 |
| 40 | September 24, 2018 | October 5, 2018    |
| 41 | October 1, 2018    | October 12, 2018   |
| 42 | October 9, 2018    | October 19, 2018   |
| 43 | October 15, 2018   | October 26, 2018   |
| 44 | October 22, 2018   | November 2, 2018   |
| 45 | October 29, 2018   | November 9, 2018   |
| 46 | November 5, 2018   | November 16, 2018  |
| 47 | November 13, 2018  | November 26, 2018  |
| 48 | November 19, 2018  | November 30, 2018  |
| 49 | November 26, 2018  | December 7, 2018   |
| 50 | December 3, 2018   | December 14, 2018  |
| 51 | December 10, 2018  | December 21, 2018  |
| 52 | December 17, 2018  | December 28, 2018  |

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Political Subdivision Emergency Services and Disaster Agencies
- 2) Code Citation: 29 Ill. Adm. Code 301
- 3) 

| <u>Section Numbers</u> : | <u>Proposed Actions</u> : |
|--------------------------|---------------------------|
| 301.110                  | Amendment                 |
| 301.120                  | Amendment                 |
| 301.140                  | Amendment                 |
| 301.170                  | New Section               |
| 301.210                  | Amendment                 |
| 301.220                  | Amendment                 |
| 301.230                  | Amendment                 |
| 301.240                  | Amendment                 |
| 301.250                  | Amendment                 |
| 301.260                  | Repealed                  |
| 301.280                  | New Section               |
| 301.310                  | Amendment                 |
| 301.320                  | Amendment                 |
| 301.410                  | Amendment                 |
| 301.420                  | Amendment                 |
| 301.430                  | Amendment                 |
| 301.440                  | Amendment                 |
| 301.450                  | Amendment                 |
| 301.510                  | Amendment                 |
| 301.520                  | Amendment                 |
| 301.620                  | Amendment                 |
| 301.630                  | Amendment                 |
| 301.730                  | Amendment                 |
| 301.740                  | Amendment                 |
| 301.750                  | Amendment                 |
| 301.760                  | Amendment                 |
- 4) Statutory Authority: Implementing and authorized by Sections 5(f)(4), (5), (5.5), (5.10) and 10 of the Illinois Emergency Management Agency Act [20 ILCS 3305].
- 5) A Complete Description of the Subjects and Issues Involved: These amendments update language regarding emergency operation plans, exercise standards and review processes to be consistent with federal guidelines, statutory requirements and current practice including allowing flexibility for electronic communication. In addition, the

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

requirements for worker's compensation coverage were updated to reflect current procedures. Grant application procedures were also updated to reflect current practice and to be consistent with the federal program. A new provision was included to allow municipalities that crossover multiple jurisdictions to choose which jurisdiction in which to be included.

- 6) Any published studies or reports, along with the sources of underlying data, that were used when composing this rulemaking, in accordance with 1 Ill Adm. Code 100.355: IEMA utilized the Emergency Management Standard by the Emergency Management Accreditation Program (EMAP) as a developmental reference. This document is maintained/updated in compliance with American National Standards Institute (ANSI) standards and is nationally recognized as authoritative guidance for the development of emergency management programs.
- 7) Will this rulemaking replace an 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: The requirements imposed by the proposed rulemaking may require local governments to establish, expand, or modify their activities, though it is not anticipated that additional expenditures will be required from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. IEMA will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

217/785-9860

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: These entities will only be affected if they possess category 1 or 2 quantity of radioactive material.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2018

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

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE  
CHAPTER I: EMERGENCY MANAGEMENT AGENCY  
SUBCHAPTER c: ADMINISTRATION AND ORGANIZATION OF  
POLITICAL SUBDIVISION EMERGENCY SERVICES AND DISASTER AGENCIES

PART 301  
POLITICAL SUBDIVISION EMERGENCY SERVICES AND DISASTER AGENCIES

SUBPART A: GENERAL PROVISIONS

|                         |                                      |
|-------------------------|--------------------------------------|
| Section                 |                                      |
| 301.110                 | Purpose, Scope, Applicability        |
| 301.120                 | Definitions                          |
| 301.130                 | Severability                         |
| 301.140                 | Multiple County ESDA Consolidation   |
| <a href="#">301.170</a> | <a href="#">Program Requirements</a> |

SUBPART B: EMERGENCY OPERATIONS PLAN REQUIREMENTS

|                         |  |
|-------------------------|--|
| Section                 |  |
| 301.210                 | Authority                                  |
| 301.220                 | Initial Analysis and Assessment            |
| 301.230                 | Basic Plan Requirements                    |
| 301.240                 | Functional Annex Requirements              |
| 301.250                 | Hazard Specific Annexes                    |
| 301.260                 | Other Annexes ( <a href="#">Repealed</a> ) |
| <a href="#">301.280</a> | <a href="#">Supporting Plans</a>           |

SUBPART C: EMERGENCY OPERATIONS PLAN  
SUBMISSION AND REVIEW REQUIREMENTS

|         |  |
|---------|--|
| Section |  |
| 301.310 | EOP Submission and Review Requirements for Mandated ESDAs and Accredited ESDAs |
| 301.320 | EOP Submission and Review Requirements for Non-Mandated ESDAs                  |

SUBPART D: EXERCISE REQUIREMENTS

Section

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED AMENDMENTS

- 301.410 Exercise Requirements for the Emergency Operations Plan
- 301.420 Exercise Planning
- 301.430 Exercise Evaluation and Approval for Mandated ESDAs and Accredited ESDAs
- 301.440 Exercise Evaluation and Acceptance for Non-Mandated ESDAs
- 301.450 Waiver of Exercise Requirement

SUBPART E: ACCREDITATION AND CERTIFICATION OF ESDAS

Section

- 301.510 Accreditation of ESDAs
- 301.520 Certification of Non-Mandated ESDAs

SUBPART F: WORKERS' COMPENSATION ACT AND WORKERS' OCCUPATIONAL DISEASES ACT COVERAGE FOR VOLUNTEERS

Section

- 301.610 Authority
- 301.620 Eligibility
- 301.630 Procedures for Filing a Claim

SUBPART G: REQUIREMENTS FOR THE EMERGENCY MANAGEMENT ASSISTANCE GRANT PROGRAM

Section

- 301.710 Purpose
- 301.720 Eligible Applicants
- 301.730 Application Procedures
- 301.740 Allocation Determination
- 301.750 Reimbursement Procedures
- 301.760 Reconsideration of Reimbursement Denial

AUTHORITY: Implementing and authorized by Sections 5(f)(4), (5), (5.5), (5.10) and 10 of the Illinois Emergency Management Agency Act [20 ILCS 3305].

SOURCE: Adopted at 26 Ill. Reg. 3036, effective February 26, 2002; amended at 31 Ill. Reg. 11565, effective July 26, 2007; amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

**Section 301.110 Purpose, Scope, Applicability**

- a) In serving the IEMA mandate to prepare the State of Illinois to deal with disasters, to preserve the lives and property of the people of this State and to protect the public peace, health and safety in the event of a disaster, the purposes of this Part are:
- 1) To encourage local policy makers and emergency ~~management program administrators~~responders to plan and coordinate ~~a comprehensive~~their emergency management strategy to improve prevention, protection, response, recovery and mitigation~~emergency management~~ capabilities at the local level; and
  - 2) To establish requirements for:
    - A) Emergency management programs;
    - B) Emergency operations plans;
    - ~~C~~B) Exercises of emergency operations plans;
    - D) Other required plans;
    - ~~E~~C) Accreditation and certification~~Certification~~ of ESDAs;
    - ~~F~~D) Workers' compensation coverage and workers' occupational diseases coverage for volunteers; and
    - ~~G~~E) The emergency management assistance grant program.
- b) The provisions of this Part apply to all emergency services and disaster agencies established pursuant to the Illinois Emergency Management Agency Act [20 ILCS 3305].

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.120 Definitions**

All definitions set forth in this Section have the following meanings throughout this Part, unless

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

specifically provided otherwise. Words and terms not defined have the meanings set forth in the Illinois Emergency Management Agency Act.

"Act" means the Illinois Emergency Management Agency Act [20 ILCS 3305].

"Accreditation" means recognition of an emergency services and disaster agency by the Illinois Emergency Management Agency, in accordance with the requirements of Section 301.510 ~~of this Part~~.

"Annex" means descriptions in the emergency operations plan of policies, processes, roles and responsibilities that agencies and departments carry out before, during and after any disaster or emergency. Annexes focus on critical operational functions and entities responsible for those functions.

"Assumptions" means the information, facts and data treated as true for development of the emergency operations plan.

"Certification" means recognition of a non-mandated emergency services and disaster agency by an accredited county or multiple county emergency services and disaster agency in conjunction with the Illinois Emergency Management Agency, or by the Illinois Emergency Management Agency in the event that no accredited county or multiple county emergency services and disaster agency serves the county in which the non-mandated emergency services and disaster agency is located, in accordance with Section 301.520 ~~of this Part~~.

"Concept of Operations" means the overall approach of the political subdivision to the management of a disaster, such as who directs response efforts, what should happen, and when it should happen, including, but not limited to, how the political subdivision will implement the concepts and procedures of a recognized incident command system.

"Coordinator" means the staff assistant to, or the person appointed in accordance with Section 10(i) of the Act by, the principal executive officer of a political subdivision with the duty of coordinating the emergency management programs of that political subdivision.

"Damage Assessment" means an appraisal or determination of the effects of the disaster on physical, economic and natural resources and on human life.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

"Disaster" means *an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, or acts of domestic terrorism.* [20 ILCS 3305/4]

"Emergency Management" means the efforts of the political subdivisions to develop, plan, analyze, conduct, provide, implement and maintain programs for disaster mitigation, preparedness, response and recovery.

"Emergency Operations Center" or "EOC" means a location where policy and strategic management decisions are made during a disaster or disaster exercise.

"Emergency Operations Plan" or "EOP" means the written plan of a political subdivision describing the organization, mission, and functions of the political subdivision government and supporting services for responding to and recovering from disasters.

"Emergency Planning and Community Right-to-Know Act" or "[federal EPCRA](#)" ~~means the federal Act (42 USC 11001).~~

"Emergency Services and Disaster Agency" or "ESDA" means *the agency by this name, by the name emergency management agency, or by any other name that is established by ordinance within a political subdivision to coordinate the emergency management program within that political subdivision and with private organizations, other political subdivisions, the State and federal governments.* [20 ILCS 3305/4]

"Exercise" means *a planned event realistically simulating a disaster, conducted for the purpose of evaluating the political subdivision's ~~coordinated~~Coordinated emergency management capabilities, including, but not limited to, testing emergency operations plans.* [20 ILCS 3305/4]

"Exercise Design Team" means the people selected in accordance with Section 301.420(a) ~~of this Part~~ to develop and coordinate the exercise and the team from which a team member is designated to be the design team leader.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

~~"Federal Fiscal Year" or "FFY" means the federal budget period that begins annually on October 1 and ends the following September 30. The federal fiscal year is divided into four quarters. The first quarter is October 1–December 31; the second quarter is January 1–March 31; the third quarter is April 1–June 30; and the fourth quarter is July 1–September 30.~~

"FEMA" means the Federal Emergency Management Agency.

~~"Full Scale Exercise" means a time pressured exercise of a minimum of six functions of the emergency operations plan, involving strategic and tactical decision making, including the direction and control function, activating the emergency operations center and incident command post and deploying responders, equipment, and resources to the field.~~

~~"Functional Exercise" means a time pressured exercise of a minimum of four functions of the emergency operations plan, involving strategic and tactical decision making, including the direction and control function, activating the emergency operations center or the incident command post, or both.~~

"Goals" mean concepts adopted by strategic decision makers to give overall direction to disaster response and recovery, derived from one or more emergency management functions of the emergency operations plan and accomplished through decision makers of the emergency operations center and incident command system.

~~"Hazardous Materials Annex" means the annex to the emergency operations plan that is prepared in accordance with the requirements of Section 301.250 of this Part by the emergency services and disaster agency to address chemical hazards of the political subdivision and that includes all applicable portions of a State Emergency Response Commission approved Local Emergency Planning Committee chemical emergency response plan as applicable to the political subdivision preparing the emergency operations plan.~~

"IEMA" means the Illinois Emergency Management Agency.

"Illinois Emergency Planning and Community Right to Know Act" or "Illinois EPCRA" means 430 ILCS 100.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

"Incident Command" means a system that combines facilities, equipment, personnel, procedures, and communications to operate within a common organizational structure and that designates responsibility for the management of assigned resources to effectively accomplish stated goals and objectives.

~~"Incident Commander" means the individual responsible for the management of all incident command operations.~~

~~"Incident Command Post" means the location at which the primary command functions are executed.~~

"Local Emergency Planning Committee" or "LEPC" means the committee appointed in each emergency planning district by the State Emergency Response Commission pursuant to ~~the federal EPCRA~~Emergency Planning and Community Right to Know Act and ~~the Illinois EPCRA~~Emergency Planning and Community Right to Know Act.

"Mandated Emergency Services and Disaster Agency" or "Mandated ESDA" means each ESDA~~emergency services and disaster agency~~ required to be established pursuant to Section 10 of the ~~Illinois Emergency Management Agency Act~~[20 ILCS 3305/10]:

Each county ESDA~~emergency services and disaster agency~~, unless multiple county ESDA~~emergency services and disaster agency~~ consolidation is authorized by IEMA~~the Illinois Emergency Management Agency~~ with the consent of the respective counties in accordance with Section 301.140 ~~of this Part~~;

Each multiple county ESDA~~emergency services and disaster agency~~ authorized in accordance with Section 301.140 ~~of this Part~~;

Each ESDA~~emergency services and disaster agency~~ in a municipality with a population of over 500,000; and

Each ESDA~~emergency services and disaster agency~~ determined by the Governor to be required for a municipal corporation pursuant to Section 10(d) of the Act.

"Mitigation" means actions taken to eliminate or reduce the degree of risk to life

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

and property from hazards, either prior to or following a disaster.

"National Standard" means the version of the Emergency Management Standard developed by the Emergency Management Accreditation Program and accepted by IEMA.

"Non-Mandated Emergency Services and Disaster Agency" or "Non-Mandated ESDA" means an ESDA~~emergency services and disaster agency~~ not required to be established pursuant to the ~~Illinois Emergency Management Agency Act~~, but established by ordinance of the political subdivision it serves.

"Objectives" mean definable and measurable concepts adopted by tactical decision makers to accomplish the goals of disaster response and recovery, usually derived from one or more emergency management functions of the emergency operations plan.

"Political Subdivision" means *any county, city, village, or incorporated town or township if the township is in a county having a population of more than 2,000,000.* [20 ILCS 3305/4]

"Preparedness" means actions taken and programs and systems developed prior to a disaster to support and enhance response to and recovery from a disaster.

"Principal Executive Officer" means *chair of the county ~~board~~Board, supervisor of a township if the township is in a county having a population of more than 2,000,000, mayor of a city or incorporated town, president of a village, or in their absence or disability, the interim successor as established under Section 7 of the Emergency Interim Executive Succession Act* [5 ILCS 275]. [20 ILCS 3305/4]

"Recovery" means restoration actions and programs.

"Response" means the actions taken to address the immediate and short-term effects of a disaster.

"State Emergency Response Commission" or "SERC" means the Illinois Emergency Management Agency as appointed by the Governor in accordance with the Emergency Planning and Community Right to Know Act to carry out all State responsibilities required by federal EPCRA~~the Emergency Planning and Community Right to Know Act~~.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

"Strategic Decisions" means policy decisions that determine the goals of disaster response and recovery, usually made by elected officials or by designees appointed by ordinance, law, or emergency operations plan to act on behalf of elected officials during a disaster.

~~"Table Top Exercise" means a low stress, non time pressured, discussion based exercise of a minimum of four functions of the emergency operations plan, including the direction and control function, held in the Emergency Operations Center, the Incident Command Post, or other suitable facility.~~

"Tactical Decisions" means decisions that determine the objectives to satisfy the goals set by strategic decision makers, usually made by designees of the strategic decision makers, including command or general staff within the incident command system.

"Work Plan" means a narrative description of the ~~ESDA's emergency services and disaster agency's~~ specific actions to be accomplished during the next federal fiscal year.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.140 Multiple County ESDA Consolidation**

IEMA may authorize a multiple county ESDA consolidation, if all of the following requirements are met:

- a) At least one of the counties to be consolidated has been determined by IEMA to have an inability to comply with the ESDA requirements of the ~~IEMA~~ Act and of this Part, including, but not limited to, the EOP and exercise requirements, that can be remedied by consolidation or all the counties that are to be consolidated determine that the consolidation would better serve the interest of life-safety and protection of property and the environment;
- b) The counties to be consolidated are geographically connected; and
- c) The counties seeking to consolidate present to IEMA a signed intergovernmental agreement between the counties seeking to consolidate ESDAs that provides at a minimum:

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Evidence of consolidation approval and authorization by each of the county boards involved;
- 2) A beginning and ending date to the term of the consolidation agreement;
- 3) A description of how the county boards will divide or distribute authority for the consolidated ESDA in a way that will ensure that the emergency management interests of the affected counties are adequately addressed and of how issues will be addressed by the counties, such as funding and budget issues and legal representation for ESDA issues, including tort and workers' compensation issues; and
- 4) A description of how the consolidated ESDA will achieve command and control, as well as coordinate response and recovery~~operate~~ in a situation of concurrent disasters in each of the consolidated counties;~~;~~ and
- 5) ~~Evidence of how the unified command system will be implemented by the consolidated ESDA.~~

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.170 Program Requirements**

The responsible ESDA shall have a documented emergency management program that is consistent with the national standard, including program administration and evaluation; the use of advisory committee and coordination processes; administrative and financial processes and procedures; processes for requesting changes to ordinances and authorities; completion of a hazard identification risk assessment and threat and hazard identification risk assessment; hazard mitigation; implementation of prevention processes and programs; operational planning for emergency operations, recovery, continuity of operations and continuity of government plans; incident management; resource management and logistics; mutual aid; communications and warning capabilities; implementation and maintenance of operational procedures; the use and testing of facilities; implementation of training and exercise programs; and public information, crisis communications and education programs.

(Source: Added at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART B: EMERGENCY OPERATIONS PLAN REQUIREMENTS**

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

**Section 301.210 Authority**

- a) In accordance with requirements of Section 10(g) of the Act, each ESDA established pursuant to the Act shall prepare an emergency operations plan for its geographic boundaries that complies with the planning, review and approval standards set forth in this Part.
- b) If the corporate boundaries of a municipality fall within the boundaries of more than one county jurisdiction, the principal executive officer of the municipality may choose which county jurisdiction to be included for planning and exercise purposes after the following:
- 1) The chosen county jurisdiction agrees to be responsible for the entire municipality for planning and exercise purposes through an intergovernmental agreement or equivalent legally binding document. The intergovernmental agreement or equivalent legally binding document shall set the term of the agreement;  
  
AGENCY NOTE: If an agreement cannot be reached between the municipality and county jurisdictions involved, the county jurisdiction where the primary business address for the municipality is located shall be responsible for the planning and exercise requirements of this Part for the municipality.
  - 2) Notice is given to all county emergency management jurisdictions affected by the decision, including all other jurisdictions in which population of the municipality lies; and
  - 3) Notice is given to IEMA and IEMA has provided written approval prior to any change in responsibility. The intergovernmental agreement or equivalent legally binding document indicating agreement of the county in accordance with subsection (b)(1) shall be provided to IEMA.
- c) The responsible county jurisdiction under subsection (b)(1) shall provide all county emergency management jurisdictions affected by subsection (b) a copy of the EOP and copies of exercise and training records for the municipality.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- d) Nothing in this Section shall require a municipality to choose only one county nor shall it prevent more than one county from sharing responsibility for planning and exercise purposes. In addition, nothing in this Section shall require a county to accept full responsibility for a municipality unless it has agreed to do so under subsection (b)(1).

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.220 Initial Analysis and Assessment**

To begin the planning process and in conjunction with ~~biennial~~ EOP updates, representatives of the political subdivision organizations involved with emergency response shall jointly conduct all of the following tasks:

- a) Conduct a hazard identification and risk assessment~~analysis~~ for the political subdivision:
- 1) Identify hazards, including natural, ~~and~~ technological and human-caused;
  - 2) Hazard profiles shall include risk and vulnerability assessments and consequence analysis~~Profile hazards, considering frequency, magnitude, intensity, location, spatial extent, duration, seasonal pattern, speed of onset and availability of warning, using historical data, scientific methods or other sources; and~~
  - 3) Compare, ~~and~~ prioritize and document risks of the hazards identified.
- b) Develop a profile of~~Assess vulnerabilities within~~ the political subdivision:
- 1) Collect demographic data (such as daily population patterns, traffic patterns, seasonal population changes, ~~special needs~~ populations with functional and access needs) from public and private sources to determine potential consequences of identified hazards ~~for~~ people and community functions.
  - 2) Collect structural inventory data (including data on critical facilities, residential, commercial, and industrial structures, lifelines, and transportation) to determine potential consequences of identified hazards ~~for~~ community functions, property and sites of potential secondary

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

hazards.

- c) ~~Complete a Threat and Hazard Identification Risk Assessment to assess all core capabilities for prevention, protection, response, recovery and mitigation mission areas (see Presidential Policy Directive 8 (National Preparedness)), March 30, 2011 (fas.org/irp/offdocs/ppd/ppd-8.pdf) of the political subdivision. Assess response capabilities of the political subdivision, identify shortfalls in core response capabilities and develop strategies to alleviate shortfalls in planning, organization, equipment, training and exercises, such as memorandums of understanding, mutual aid agreements or good Samaritan agreements.~~

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.230 Basic Plan Requirements**

- a) The EOP shall have a ~~basic plan foreword~~ that includes:
- 1) A document signed and dated by the principal executive officer of the political subdivision approving the plan.
  - 2) A register for recording changes and entering change dates.
  - 3) ~~A signature page providing signatory evidence that the highest ranking officials of all governmental departments, including, but not limited to, fire and police, and private sector organizations with assigned emergency responsibilities, concur with the portions of the plan applicable to the entity they represent.~~
  - 34) For non-mandated ESDAs, except those accredited pursuant to Section 301.510 ~~of this Part~~, a signature page providing signatory evidence that each county or multiple county ESDA coordinator serving the county in which the non-mandated ESDA is located, other than the county or multiple county ESDA reviewing the EOP for acceptance pursuant to Section 301.320 ~~of this Part~~, concurs with the portions of the plan applicable to the ESDA they represent.
  - 5) ~~A distribution list of the plan recipients, indicating whether complete plans or specific portions were distributed.~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- ~~46)~~ A table of contents listing all sections of the plan.
- b) Each ESDA shall have an EOP that individually addresses:
- 1) The EOP's:
    - A) scope; or
    - B) goals and objectives;
  - 2) Authority;
  - 3) Situation and assumptions;
  - 4) Functional roles and responsibilities for internal and external agencies, organizations, departments and positions;
  - 5) Logistical support and resource requirements necessary to implement the EOP;
  - 6) The concept of operations for the EOP; and
  - 7) Assignment of responsibility for EOP maintenance, review and updating.
- c) The EOP shall identify and assign specific areas of responsibility for performing functions in response to an emergency or disaster.
- d) The EOP shall contain a list of formal mutual aid agreements, memoranda of understanding (MOUs), and other written agreements affecting the emergency response and recovery functions of the political subdivision.
- e) The EOP shall delineate processes for the political subdivision to supplement resources provided through MOUs.
- f) Within two years after the adoption of this subsection, all mandated ESDAs shall include in the EOP how the political subdivision will perform each of the following functions, and identify and assign specific areas of responsibility for performing the functions in response to an emergency or disaster:

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) administration and finance;
- 2) agriculture and natural resources;
- 3) critical infrastructure and key resource restoration;
- 4) debris management;
- 5) detection and monitoring;
- 6) donation management;
- 7) energy and utilities services;
- 8) firefighting/fire protection;
- 9) human services (including food, water and commodities distribution);
- 10) incident and needs assessment;
- 11) information collection, analysis, and dissemination;
- 12) law enforcement;
- 13) mutual aid;
- 14) private sector coordination;
- 15) public works and engineering;
- 16) search and rescue;
- 17) transportation systems and resources; and
- 18) volunteer management

~~The EOP shall have a Basic Plan Overview detailing the political subdivision's approach to emergency operations, including:~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) ~~A general purpose statement of the EOP.~~
- 2) ~~A list of assumptions used in developing the plan.~~
- 3) ~~A concept of operations section, including, but not limited to, how the political subdivision will implement the concepts and procedures of a recognized incident command system.~~
- 4) ~~Identification of the line of succession, by title and position, (with up to two alternates) of who will implement the plan, direct emergency response and recovery, and provide continuous leadership, authority and responsibility.~~
- 5) ~~A description of the functions and responsibilities assigned to each organization, including private and volunteer organizations or groups, in support of emergency response and recovery operations in the political subdivision. This information may also be exhibited in a chart or matrix designating who has primary and support responsibilities.~~
- 6) ~~Maps, or references to maps or to a Geographic Information System available in the EOC, pertinent to emergency operations planning for the political subdivision and including, but not limited to, locating fixed hazards.~~
- 7) ~~An attachment containing written mutual aid agreements, memorandums of understanding (MOUs), and other written agreements affecting the emergency response and recovery functions of the political subdivision.~~
- 8) ~~Procedures detailing how the political subdivision will request outside assistance in a disaster, such as assistance from other ESDAs or IEMA, or both.~~
- 9) ~~Citations to the legal authorities for emergency operations, including, but not limited to, ordinances.~~
- 10) ~~Assignment of responsibility for plan maintenance, review, evaluation and updating.~~

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

**Section 301.240 Functional Annex Requirements**

- a) Within two years after the adoption of this subsection (a), all mandated ESDAs shall include in the EOP annexes~~The EOP shall include an annex~~ addressing how the political subdivision will perform each of the following functions:
- 1) Direction, and Control and Coordination – What means the political subdivision will use to establish and maintain a unified and coordinated operational structure and process to direct and control activities throughout response and recovery that integrates all critical stakeholders and supports the execution of strategies, priorities and functional roles and responsibilities~~direct and control activities during and following emergency situations.~~
  - 2) Communications – The means, organizations and processes by which the political subdivision will communicate among and between affected communities and organizations involved in response and recovery in support of situational awareness and operations~~How information will be exchanged among responders in an emergency situation.~~
  - 3) Warning/Emergency Information – The means, organizations and processes by which officials will coordinate the delivery of alerts and warning that provide the public with lifesaving information and instructions on actions to be taken for potential or actual emergencies~~How the public will be warned and instructed regarding actual or threatened hazards through the public media or other means.~~
  - 4) Public Information – The means, organization and process by which a political subdivision will coordinate the delivery of prompt, reliable and actionable~~provide timely, accurate, and useful information to the whole community through the use of clear, consistent, accessible and culturally and linguistically appropriate methods to effectively relay information regarding any threat or hazard, as well as the actions being taken and the assistance being made available, as appropriate~~and instructions to area residents throughout an emergency. It includes information disseminated to the public through the media and other information sources on what is happening, what the response organization is doing, and what the public should do for its safety.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 5) Disaster Intelligence/Damage Assessment – The means the political subdivision will use to coordinate timely, accurate and actionable information resulting from the identification, planning, collection, processing, analysis, evaluation and dissemination of information among government or private sector entities, as appropriate~~identify, collect, analyze and disseminate information on the extent and impact of the disaster.~~
- 6) Evacuation and Population Protection – The means the political subdivision will use to coordinate the evacuation and movement of people to a safe area, or to instruct the public to shelter-in-place, when conditions require immediate protection in potential or actual emergencies~~The movement of people to a safe area from an area believed to be at risk, when emergency situations necessitate such action.~~
- 7) Mass Care or Population Related Disaster Services – The means the political subdivision will use to coordinate life-sustaining and human services to the affected population, to include hydration, feeding, sheltering, temporary housing, evacuee support, reunification, and distribution of emergency supplies~~Actions taken to ensure appropriate services are provided at a mass care facility, including, but not limited to, providing temporary shelter, food, medical care, clothing and other essential life support needs to people displaced from their homes because of a disaster situation.~~
- 8) Health and Medical – The means the political subdivision will use to coordinate lifesaving medical treatment via Emergency Medical Services and related operations and avoid additional disease and injury by providing targeted public health, medical and behavioral health support and products to all affected populations in emergencies and disasters~~The activities associated with providing health and medical services in emergencies and disasters, including emergency medical, hospital, public health, environmental health, mental health services.~~
- 9) Mortuary Services or Fatality Management – The means the political subdivision will use to coordinate fatality management services, including:
  - A) decedent remains recovery and victim identification;

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- B) inventorying and protecting deceased's personal effects;
  - C) working with local, state and federal authorities to provide mortuary processes, temporary storage or permanent internment solutions;
  - D) sharing information with mass care services for the purpose of locating and notifying the next of kin and reunifying family members and caregivers with missing persons/remains; and
  - E) providing counseling to the bereaved~~Activities including the collection, identification, and care of human remains; determining the cause of death; inventorying and protecting deceased's personal effects; and locating and notifying the next of kin.~~
- 10) Resource Management or Logistics – The process the political subdivision will use to coordinate resources and material to satisfy the needs generated by a disaster through the delivery of essential commodities, equipment, services and personnel in support of impacted communities and survivors, including emergency power and fuel support, as well as the coordination of access to community staples~~The process of managing people, equipment, facilities, supplies and other resources to satisfy the needs generated by a disaster.~~
- b) Each functional annex required by subsection (a) shall individually address:
- 1) The annex's purpose and:
    - A) scope; or
    - B) goals and objectives;
  - 2) Authority;
  - 3) Situation and assumptions;
  - 4) Identification of, and functional roles and responsibilities for, internal and external agencies, organizations, departments and positions;

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 5) Logistical support and resource requirements necessary to implement the annex;
  - 6) A description of situations that trigger implementation of the annex;
  - 7) A description of assumptions that apply to the annex;
  - 8) The concept of operations for the annex; and
  - 9) Assignment of responsibility for annex maintenance, review and updating.
  - ~~1) The purpose of the function.~~
  - ~~2) A description of situations that trigger implementation of the function.~~
  - ~~3) A description of assumptions that apply to the function.~~
  - ~~4) The concept of operations for the function.~~
  - ~~5) Assignment of responsibility for annex maintenance, review and updating.~~
- c) In addition to the requirements of subsections (a) and (b), each annex may include functional appendices, tabs, checklists and job aids.~~In addition to addressing the requirements of subsection (b), the Direction and Control annex shall also:~~
- 1) ~~Describe the direction and control relationship of tasked organizations, including:~~
    - A) ~~The command structure—specifically who will be in charge during emergency response operations.~~
    - B) ~~The authorities of, and limitations on, key response personnel such as the on-scene Incident Commander.~~
    - C) ~~How emergency response organizations will be notified when it is necessary to respond.~~
    - D) ~~The means that will be used to obtain, analyze, and disseminate~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

~~information (for decision making, requesting assistance, reporting, etc.).~~

- ~~E) The relationship between the EOC and the Incident Command Post.~~
- 2) ~~List the organizations that are tasked with specific direction and control responsibilities and describe those responsibilities. Include the assignment of responsibility for:~~
  - ~~A) Reporting to the EOC when activated.~~
  - ~~B) Coordinating press releases among response organizations.~~
  - ~~C) Managing the primary and alternate EOCs.~~
  - ~~D) Maintaining a significant events log.~~
  - ~~E) Removing debris.~~
- d) ~~In addition to addressing the requirements of subsection (b), the Communications annex shall also:~~
  - 1) ~~Describe the total emergency communications system used for communication among all groups and individuals involved in the political subdivision's response to an emergency.~~
  - 2) ~~Describe the primary and backup communication methods and personnel.~~
  - 3) ~~Identify the organization assigned to coordinate all communication activities.~~
  - 4) ~~List the organizations that are tasked with specific communications responsibilities and describe those responsibilities.~~
  - 5) ~~Identify the representative from each tasked organization who will report to the EOC when activated.~~
- e) ~~In addition to addressing the requirements of subsection (b), the~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

~~Warning/Emergency Information annex shall also:~~

- ~~1) Identify the methods used to provide warning/emergency information for the public and special populations.~~
- ~~2) Identify the locations of outdoor warning/emergency information devices and define the geographical areas covered.~~
- ~~3) Describe the specific warning/emergency information responsibilities assigned to the tasked organizations.~~
- ~~4) Identify the department or agency responsible for activating public warning/emergency information systems.~~

f) ~~In addition to addressing the requirements of subsection (b), the Public Information annex shall also:~~

- ~~1) Assign a person to be the public information officer (PIO) responsible for coordinating information gathering and production, rumor control, public inquiries, and media relations.~~
- ~~2) Designate a facility as the public information center.~~
- ~~3) List the organizations that are tasked with specific public information responsibilities and describe those responsibilities.~~
- ~~4) Assign a public information representative to report to the EOC when activated.~~

g) ~~In addition to addressing the requirements of subsection (b), the Disaster Intelligence/Damage Assessment annex shall also:~~

- ~~1) List the organizations that are tasked with specific disaster intelligence/damage assessment responsibilities and describe those responsibilities.~~
- ~~2) Assign a disaster intelligence/damage assessment representative to report to the EOC when activated.~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- h) ~~In addition to addressing the requirements of subsection (b), the Evacuation annex shall also:~~
- 1) ~~List the organizations that are tasked with specific evacuation responsibilities and describe those responsibilities.~~
  - 2) ~~Identify the department, agency or organization responsible for coordinating all transportation resources planned for use in an evacuation.~~
- i) ~~In addition to addressing the requirements of subsection (b), the Mass Care annex shall also:~~
- 1) ~~List the organizations that are tasked with specific mass care responsibilities and describe those responsibilities, including:~~
    - A) ~~Identification of the department, agency, or organization responsible for determining the need to open shelter.~~
    - B) ~~Identification of the department, agency, or organization responsible for emergency mass feeding operations.~~
    - C) ~~Identification of the department, agency, or organization responsible for providing health and/or medical care at shelter and/or congregate care facilities.~~
  - 2) ~~Assign a mass care representative to report to the EOC when activated.~~
  - 3) ~~Identify the mass care representative who will coordinate press releases with the public information officer.~~
- j) ~~In addition to addressing the requirements of subsection (b), the Health and Medical Services annex shall also:~~
- 1) ~~List the organizations and individuals that are tasked with responsibilities for providing emergency health and medical services and describe those responsibilities, including:~~
    - A) ~~Identification of the department, agency, or organization responsible for arranging crisis counseling for emergency workers.~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- ~~B) Identification of the department, agency, or organization responsible for sanitation services.~~
- ~~2) Assign a health and medical services representative to report to the EOC when activated.~~
- k) In addition to addressing the requirements of subsection (b), the Mortuary Services annex shall also:
- ~~1) List the organizations and individuals that are tasked with mortuary services responsibilities and describe those responsibilities.~~
- ~~2) Describe how mortuary services will be expanded during a mass casualty incident, if necessary.~~
- l) In addition to addressing the requirements of subsection (b), the Resource Management annex shall also:
- ~~1) List the organizations and individuals that are tasked with resource management responsibilities and describe those responsibilities. Include identification of who will organize, manage, coordinate, and distribute the donations of money, goods, and labor received from individual citizens and volunteer groups during an emergency.~~
- ~~2) Assign a resource management representative to report to the EOC when activated.~~
- dm) The ESDA may include additional ~~functional~~ annexes in the EOP as determined by the ESDA to be necessary for the emergency management efforts of the political subdivision in the event of a disaster, ~~including, but not limited to, the following functions: search and rescue, law enforcement, public works, transportation, energy management, animal welfare, legislative relations, aviation operations and/or others.~~ IEMA may require the ESDA to include ~~an additional annexes~~ functional annex in the EOP, if IEMA determines that those annexes ~~are such an annex is~~ necessary preparation for protection of the public peace, health and safety in the event of a disaster.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- e) The ESDA may use traditional, functional, core capability or Emergency Support Function (ESF) annexes in the EOP as determined by the ESDA to be necessary for the emergency management efforts of the political subdivision in the event of a disaster.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.250 Hazard Specific Annexes**

- a) Each hazard specific annex of the EOP shall individually address:
- 1) The annex's purpose and:
    - A) scope; or
    - B) goals and objectives;of the annex.
  - 2) Authority;A description of situations that trigger implementation of the hazard specific annex.
  - 3) Situation and assumptions;A description of assumptions that apply to the hazard specific annex.
  - 4) Identification of and functional roles and responsibilities for internal and external agencies, organizations, departments and positions;
  - 5) Logistical support and resource requirements necessary to implement the annex;
  - 6) The concept of operations for the hazard specific annex; and-
  - 7) Assignment of responsibility for annex maintenance, review and updating.
- b) In addition to the requirements of subsection (a), each hazard specific annex of the EOP may include functional appendices, tabs, checklists and job aids.
- cb) TheBeginning January 1, 2003, the EOP shall include, as a Hazardous Materials annex, all applicable portions of ana SERC approved LEPC chemical emergency response plan for the political subdivision, developed in accordance with the

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

requirements of the Illinois EPCRA. The SERC shall appoint an ESDA coordinator from within the LEPC's emergency planning district to serve as a member of the LEPC in the development of the LEPC chemical emergency response plan.

de) Based upon United States Geological Survey calculations of probable areas subject to earthquake damage, IEMA has determined that the EOPs of the following county ESDAs and of political subdivision ESDAs located within the following counties shall include an Earthquake annex: Alexander, Calhoun, Crawford, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Jersey, Johnson, Lawrence, Madison, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White, and Williamson. In addition to addressing the requirements of subsection (a), the Earthquake annex shall address, at a minimum:

- 1) For Direction and Control purposes:
  - A) The use of ground or aerial surveys, or both, to determine the scope of the damage, casualties, and the status of critical facilities.
  - B) The use of damage assessment information to identify the facilities and areas where urban search and rescue operations are to be conducted and to establish priorities for search and rescue operations.
    - i) Provisions to control access into and out of damaged areas.
    - ii) The inspection of buildings and other structures to determine habitability or the need for condemnation or demolition and how such determinations will be marked.
- 2) For Public Information purposes:
  - A) The development and distribution of survival tips on what to do during and immediately after an earthquake.
  - B) The distribution of warnings and advice on the continuing threats of fire, unsafe areas, building collapse, aftershocks, and other hazards.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- C) Public notification of emergency assistance locations, such as shelter, medical services, and food and water.
- 3) For Evacuation purposes, ~~the A) provisions~~ Provisions for moving residents of custodial facilities, including, but not limited to, hospitals and jails, following an earthquake due to structural damage from the earthquake or projected aftershocks.
  - 4) For Mass Care purposes:
    - A) Identification of mass care facilities in low seismic risk areas that are away from secondary effect threats.
    - B) Identification of mass care facilities that are structurally sound, well retrofitted, or built to code, based on the knowledge of a structural engineer.
    - C) A ranking of the mass care facilities based on the amount of earthquake resistance protection offered.
- ed) An ESDA may include additional Hazard Specific annexes for threats and hazards identified through the process set forth in Section 301.220 ~~in the EOP as determined by the ESDA to be necessary for the emergency management efforts of the political subdivision in the event of a disaster, including, but not limited to annexes on flooding and dam failures, nuclear power plant accidents, terrorism, weapons of mass destruction, tornadoes, or airport accidents.~~ IEMA may require the ESDA to include ~~an~~ additional Hazard Specific annexes ~~annex~~ in the EOP, if IEMA determines that those annexes are ~~such annex is~~ necessary preparation for protection of the public peace, health and safety in the event of a disaster.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.260 Other Annexes (Repealed)**

~~Mandated ESDAs shall include, as an annex, the EOP, or a cross-reference to the EOP, of a non-mandated ESDA that the mandated ESDA has reviewed and accepted in accordance with the provisions of Section 301.320 of this Part.~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.280 Supporting Plans**

- a) Within two years after the adoption of this subsection, all mandated ESDAs shall have a recovery plan that addresses short- and long-term recovery priorities and provides guidance for restoration of critical community functions, services, vital resources, facilities, programs, and infrastructure to the affected area.
- b) Within two years after the adoption of this subsection, all mandated ESDAs shall have a continuity of operations plan (COOP) that describes how the ESDA's essential functions will be continued and recovered in an emergency or disaster. The plan shall identify essential positions and lines of succession, and provide for the protection or safeguarding of critical applications, communications resources, vital records/databases, process and functions that must be maintained during response activities and identify and prioritize applications, records, processes and functions to be recovered if lost.
- c) Within two years after the adoption of this subsection, all mandated ESDAs shall have a continuity of government (COG) plan that identifies the jurisdiction's leadership succession authorities and addresses how the ESDA will support the preservation, maintenance or reconstitution of the jurisdiction's constitutional responsibilities. The plan shall include identification of succession of leadership, delegation of emergency authority, and command and control.
- d) The plans required in subsections (a) through (c) may be separate plans, included within the basic plan, or contained in annexes.

(Source: Added at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART C: EMERGENCY OPERATIONS PLAN  
SUBMISSION AND REVIEW REQUIREMENTS****Section 301.310 EOP Submission and Review Requirements for Mandated ESDAs and Accredited ESDAs**

- a) Each mandated ESDA and each ESDA eligible for and seeking accreditation pursuant to Section 301.510 ~~of this Part~~ shall ~~biennially~~ submit to IEMA for review and approval an emergency operations plan for their geographic

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

boundaries that complies with the planning standards of this Part.

AGENCY NOTE: For review of EOPs, "approval" means that IEMA has determined that the requirements specified in this Part have been included in the plan.

- b) The principal executive officer of the political subdivision and the ESDA coordinator shall review and approve the EOP submission ~~not more than 60 days~~ prior to the submission to IEMA. The EOP submission shall include a statement, signed by the principal executive officer and the ESDA coordinator, that the plan has been reviewed and approved by all departments or organizations with assigned emergency responsibilities.
- c) Each ESDA ~~should~~ shall review and update its EOP ~~at least annually~~ biennially, except the ESDA shall ~~annually~~ review and update the Hazardous Materials annex to the EOP based on changes provided by the LEPC as a result of the LEPC's annual review of its the LEPC chemical emergency response plan. A review and update should be considered by the ESDA at a lesser interval for any circumstances that impact the jurisdiction and the functions described in the EOP.
- d) Each ESDA shall submit a copy of its EOP, ~~either personally with proof of submittal or by certified or registered mail,~~ to IEMA in accordance with the review schedule established by IEMA.

AGENCY NOTE: Written notification shall be given to IEMA of any revisions to the EOP made during those periods of time when the ESDA's EOP is not due for review by IEMA.

- e) ~~Within 30 days after submittal,~~ IEMA shall review the plan and give written notification to the ESDA, ~~either personally with proof of notification or by certified or registered mail,~~ of IEMA approval or disapproval of the EOP in accordance with the planning standards set forth in this Part.
- f) If the EOP is disapproved, IEMA shall provide a written list of deficiencies and suggested means of remediation to the ESDA. The ESDA has 60 calendar days after receipt of the disapproval to remediate the plan and resubmit it to IEMA; ~~either personally with proof of submission or by certified or registered mail.~~ IEMA may arrange for technical assistance in remediating the plan.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- g) ~~Within 30 days after receipt of the resubmitted plan, IEMA shall notify the ESDA and the principal executive officer of the political subdivision, either personally with proof of notification or by certified or registered mail, of its final determination of approval or disapproval.~~
- h) ~~In the event that the ESDA fails to obtain IEMA approval of an EOP within the time frames established in this Section, IEMA may arrange for an EOP that complies with the planning standards of this Part to be written for the political subdivision in order to fulfill the IEMA mandate of ensuring statewide disaster preparedness.~~
- hi) ~~Upon approval of the EOP, IEMA will make and retain a copy of the approved plan in the IEMA regional office and return the original copy of the approved plan to the ESDA for retention. In addition, IEMA shall forward a copy of the approved plans of those ESDAs eligible for and seeking accreditation pursuant to Section 301.510 of this Part to the county or multiple county ESDA serving the county in which the ESDA eligible for and seeking accreditation is located.~~
- j) ~~IEMA shall send a letter of approval to each mandated ESDA or accredited ESDA that has completed an EOP that complies with the planning standards of this Part.~~

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.320 EOP Submission and Review Requirements for Non-Mandated ESDAs**

- a) ~~Except for those non-mandated ESDAs eligible for and seeking accreditation pursuant to Section 301.510 of this Part, each non-mandated ESDA shall biennially submit to the county or multiple county ESDA serving the county in which the non-mandated ESDA is located, for acceptance by the county or multiple county ESDA, an EOP for its geographic boundaries that complies with the planning standards of this Part. The county or multiple county ESDA shall send a letter of acceptance or non-acceptance to the non-mandated ESDA. If the EOP is not accepted by the county or multiple county ESDA and if the non-mandated ESDA so requests, IEMA shall provide professional and technical EOP assistance through the county or multiple county ESDA serving the county in which the non-mandated ESDA is located.~~
- b) ~~IEMA shall annually review a random sample of at least one EOP but not less~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

~~than 10 percent of county or multiple county ESDA accepted EOPs in each county that has accepted an EOP in accordance with subsection (a) to ensure consistency of planning review statewide.~~

- ~~b~~e) For non-mandated ESDAs eligible for and seeking accreditation pursuant to Section 301.510 ~~of this Part~~, the EOP submission and review requirements of Section 301.310 ~~of this Part~~ shall apply.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: EXERCISE REQUIREMENTS

**Section 301.410 Exercise Requirements for the Emergency Operations Plan**

- a) The ESDA shall have a documented exercise program for its EOP and conduct or participate in an IEMA-approved exercise for hazards identified through the processes set forth in Section 301.220, and exercise all core capabilities, within a four-year cycle beginning with IEMA's approval of the EOP, including at least one full-scale exercise.
- b) The ESDA shall have a process for corrective actions to prioritize and track the resolution of deficiencies in exercise events. Corrective actions identified in the process shall be used to revise relevant plans.
- c) The ESDA may combine hazards and core capabilities into one or more exercises and must submit required documentation to IEMA for approval pursuant to Sections 301.420 and 301.430.

~~The ESDA shall coordinate a biennial, evaluated exercise of the EOP in the following manner:~~

- ~~a) Table top or functional exercise, except for the year of the full-scale exercise.~~
- ~~b) Full-scale exercise every fourth biennial exercise.~~

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.420 Exercise Planning**

- a) The ESDA coordinator shall select an exercise design team and exercise design

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

team leader for each exercise.

- b) The ESDA coordinator ~~should~~shall submit to IEMA for design approval, at least 30 days, or 60 days if State assistance is being requested, in advance of the exercise, a description of:
- 1) The type of exercise and exercise date;
  - 2) The exercise scenario;
  - 3) The scope of participation;
  - 4) The exercise objectives, meaning the ends toward which exercise efforts are directed; and
  - 5) The EOP functional areas and core capabilities being tested.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.430 Exercise Evaluation and Approval for Mandated ESDAs and Accredited ESDAs**

- a) IEMA shall coordinate the evaluation of the exercise for mandated ESDAs and for accredited ESDAs.
- b) IEMA shall determine if the exercise is approved in accordance with the Exercise Design Approval Form~~IEMA Exercise Evaluation Guide~~ and issue to the ESDA written notice of the determination within 14 days, ~~personally with proof of notice or by certified or registered mail, to the ESDA.~~
- c) If the exercise is not approved, the ESDA shall, within 45~~30~~ days after receipt of the IEMA determination of disapproval:
- 1) Plan a suitable corrective exercise to correct the deficiencies identified by the evaluation;
  - 2) Notify IEMA no less than 10 days in advance of the corrective exercise; and

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 3) Have IEMA coordinate the evaluation of the corrective exercise.
- d) IEMA shall determine if the corrective exercise is approved in accordance with the [Exercise Design Approval Form](#)~~IEMA Exercise Evaluation Guide~~ and issue the final IEMA determination by written notice, ~~personally with proof of notice or by certified or registered mail,~~ within ~~45~~30 days after completion of the corrective exercise documentation, to the ESDA and to the principal executive officer of the political subdivision.
- e) In the event that the ESDA fails to obtain IEMA approval of an exercise within the time frames established in this Subpart, IEMA may coordinate the planning and conducting of an exercise that complies with the exercise requirements of this Part in order to fulfill the IEMA mission of ensuring statewide disaster preparedness.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.440 Exercise Evaluation and Acceptance for Non-Mandated ESDAs**

- a) Except for those non-mandated ESDAs eligible for and seeking accreditation pursuant to Section 301.510 ~~of this Part,~~ each non-mandated ESDA shall:
  - 1) Coordinate the evaluation of the exercise using the [Exercise Design Approval Form](#)~~IEMA Exercise Evaluation Guide~~; and
  - 2) Submit documentation ~~at least 45,~~ ~~within 30~~ days ~~in advance,~~ of the exercise and evaluation to the county or multiple county ESDA serving the county in which the non-mandated ESDA is located, for acceptance by the county or multiple county ESDA. The county or multiple county ESDA shall send a letter of acceptance or non-acceptance to the non-mandated ESDA. If the exercise and evaluation is not accepted by the county or multiple county ESDA, and upon request of the non-mandated ESDA, IEMA ~~may~~shall provide professional and technical exercise assistance, through the county or multiple county ESDA serving the county in which the non-mandated ESDA is located.
- b) ~~IEMA shall annually review a random sample of at least one accepted exercise and evaluation submittal but not less than 10 percent of county or multiple county ESDA accepted exercise and evaluation submittals in each county that has~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

~~accepted an exercise and evaluation in accordance with subsection (a) to ensure consistency of exercise and evaluation acceptance statewide.~~

- be) For non-mandated ESDAs eligible for and seeking accreditation pursuant to Section 301.510 ~~of this Part~~, the exercise evaluation and approval requirements of Section 301.430 ~~of this Part~~ shall apply.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.450 Waiver of Exercise Requirement**

- a) If an actual disaster or emergency occurs during a jurisdiction's four-year exercise cycle, IEMA, or the county for non-mandated unaccredited ESDAs, has the discretion to waive the requirements of this Subpart. In addition to a letter requesting a waiver, ESDAs shall submit the following documentation Sections 301.410 and 301.420 of this Part, for the ESDA's current exercise year, if the ESDA satisfies all of the following conditions:

~~The ESDA submits documentation to IEMA that it was involved in an actual response to a disaster during the year in which the exercise is required. Such documentation shall include details about the response, including, but not limited to, the date, type of disaster, and type of response.~~

- 1b) Within 60 days after the EOC is no longer active, For mandated ESDAs and non-mandated for accredited ESDAs shall submit an After Action Report (AAR) and a Corrective Action/Improvement Plan to their IEMA regional office. In addition, non-mandated accredited ESDAs shall also submit the AAR and Corrective Action/Improvement Plan to the county in which they reside, IEMA shall coordinate the evaluation of the actual response as an exercise using the IEMA Exercise Evaluation Guide. Except for those non-mandated ESDAs accredited pursuant to Section 301.510 of this Part, non-mandated ESDAs shall coordinate the evaluation of the actual response as an exercise using the IEMA Exercise Evaluation Guide and shall submit documentation of the actual response and evaluation to IEMA within 30 days after the actual response.
- 2) Within 60 days after the EOC is no longer active, except for those non-mandated ESDAs accredited pursuant to Section 301.510, non-mandated ESDAs shall submit an AAR and a Corrective Action/Improvement Plan

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

to the county in which they reside.

AGENCY NOTE: Prior to an ESDA submitting the required documents for a waiver, IEMA or the county, as appropriate, shall determine which core capabilities will be evaluated to meet the exercise requirement.

- be) The actual response as an exercise shall be approved or accepted in the same manner as an exercise is approved or accepted pursuant to Sections 301.430 and 301.440 ~~of this Part.~~

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: ACCREDITATION AND CERTIFICATION OF ESDAS

**Section 301.510 Accreditation of ESDAs**

- a) The following ESDAs are eligible to apply for IEMA accreditation:
- 1) Mandated ESDAs; and
  - 2) Non-mandated ESDAs determined biennially by the IEMA Director, or his/her designee, to have demonstrated justification to IEMA for accreditation eligibility based on the following political subdivision criteria:
    - A) Heightened, greater than average disaster vulnerability;
    - B) An increased need for ESDA services in the political subdivision due to all of the following:
      - i) Population size and concentration;
      - ii) Insufficiency of county ESDA resources to meet the emergency management needs of the political subdivision; and
      - iii) A high concentration of emergency management resources in the political subdivision existing prior to the accreditation eligibility review;

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- C) Evidence that the ESDA coordinator provides to the political subdivision a paid emergency management work effort as coordinator of at least 50% of the political subdivision's standard full-time work week, not including exercise hours; and
  - D) Documentation of the emergency management services provided to the political subdivision by the ESDA, including, but not limited to, documentation of emergency operations plans, training, exercises, and actual responses, during a minimum of the past 5 years.
- b) For IEMA accreditation, eligible applicants, determined in accordance with subsection (a) ~~of this Section~~, shall satisfy all of the following requirements:
- 1) Submit a copy of the political subdivision ordinance creating the ESDA affixed with the official seal by the clerk of the political subdivision.
  - 2) Submit documentation of the ESDA coordinator's Notice of Appointment card.
  - 3) Submit evidence that the political subdivision supports a paid emergency management work effort of at least 50% of the political subdivision's standard full-time work week, not including exercise hours.
  - 4) Submit documentation that~~the following~~:
    - A) ~~For ESDA coordinators appointed prior to January 1, 2002, documentation that the ESDA Coordinator has biennially completed 48 hours of professional development training, of which a minimum of 24 hours is IEMA-sponsored professional development training. However, for the first accreditation review pursuant to this rulemaking, eligible applicants may submit documentation that the ESDA coordinator has, at any time prior to the first accreditation review pursuant to this rulemaking, completed the equivalent of 48 hours of professional development training. The IEMA-sponsored professional development training program shall, at a minimum, be consistent with and at least as stringent as the FEMA professional development series.~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

~~Coordinators may receive credit for up to 24 hours of non-IEMA-sponsored professional development training, including, but not limited to, emergency management conferences, independent study courses, college courses or internet courses, but only if such training is consistent with or at least as stringent as training in the IEMA-sponsored professional development training program and is pre-approved for a specific number of credit hours in writing by IEMA prior to the training.~~

- ~~B)~~ For ~~ESDA coordinators appointed after January 1, 2002,~~ documentation that:
- ~~Ai)~~ ~~An ESDA coordinator appointed after January 1, 2002 has completed, within 12~~~~Within six~~ months after the date of appointment, ~~unless this time is extended by IEMA up to one year from the date of appointment, the ESDA coordinator has completed~~ the IEMA New Coordinators Workshop Course and the Principles of Emergency Management Course or courses determined by IEMA to be consistent with or at least as stringent as these courses; and
- ~~Bi)~~ After the first year of appointment, ~~or for ESDA coordinators appointed prior to January 1, 2002,~~ the ESDA coordinator has biennially completed 48 hours of professional development training, of which a minimum of 24 hours is IEMA-sponsored professional development training. The IEMA-sponsored professional development training program shall, at a minimum, be consistent with and at least as stringent as the FEMA Professional Development Series~~professional development series~~. Coordinators may receive credit for up to 24 hours of non-IEMA-sponsored professional development training, including, but not limited to, emergency management conferences, independent study courses, college courses or internet courses, but only if such training is consistent with or at least as stringent as training in the IEMA-sponsored professional development training program and is pre-approved for a specific number of credit hours in writing by IEMA prior to the training.
- 5) Complete an EOP that meets the requirements of Subparts~~Subpart B~~ and

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

~~Cof this Part no later than July 1, 2002, except ESDAs that have an EOP approved by IEMA within the 18 month period immediately preceding January 1, 2002 shall complete an EOP that meets the requirements of Subpart B of this Part no later than the date of the next IEMA scheduled biennial EOP review.~~

- ~~6)~~ Submit documentation that IEMA has approved the EOP in accordance with the review and approval provisions of Subpart C of this Part, except ESDAs that have an EOP approved by IEMA within the 18 month period immediately preceding January 1, 2002 shall submit documentation of such prior IEMA EOP approval.
  - ~~67)~~ Conduct an exercise in accordance with the requirements of Subpart D of this Part.
  - ~~8)~~ Submit documentation of final IEMA approval of the exercise conducted in accordance with the requirements of Subpart D of this Part.
  - ~~9)~~ Submit a list of non-mandated ESDA EOPs, if any, reviewed by the county or multiple county ESDA in accordance with Section 301.320 of this Part.
  - ~~10)~~ Submit a list of non-mandated ESDAs, if any, whose exercises and evaluations have been submitted to the county or multiple county ESDA in accordance with the requirements of Section 301.440 of this Part.
  - ~~11)~~ Submit a list of non-mandated ESDAs, if any, certified by the county or multiple county ESDA in accordance with the requirements of Section 301.520 of this Part.
  - ~~712)~~ Complete and submit all current National Incident Management System (NIMS) compliance documents as established by IEMA.
- c) The term of accreditation is two years, with beginning and ending dates indicated on the accreditation document issued by IEMA. Eligible ESDA applicants may seek accreditation renewal by satisfying the requirements of subsection (b) of this Section.
  - d) IEMA shall issue an accreditation document under signature of the IEMA

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

Director.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.520 Certification of Non-Mandated ESDAs**

- a) Except for those non-mandated ESDAs accredited in accordance with Section 301.510 ~~of this Part~~, non-mandated ESDAs may apply to an accredited county or multiple county ESDA serving the county in which the non-mandated ESDA is located, for certification, or to IEMA in the event that no accredited county or multiple county ESDA serves the county in which the non-mandated ESDA is located. Each accredited county or multiple county ESDA, or IEMA in the event that no accredited county or multiple county ESDA serves the county in which the non-mandated ESDA is located, may issue certification to non-mandated ESDAs located within its geographic boundaries, if the non-mandated ESDAs satisfy the following requirements:
- 1) Submit a copy of the political subdivision ordinance creating the ESDA affixed with the official seal by the clerk of the political subdivision.
  - 2) Submit documentation of the ESDA coordinator's Notice of Appointment card.
  - 3) Submit documentation that~~the following~~:
    - A) ~~For ESDA coordinators appointed prior to January 1, 2002, documentation that the ESDA coordinator has biennially completed 48 hours of professional development training, of which a minimum of 24 hours is IEMA sponsored professional development training. However, for the first certification review under this Part, eligible applicants may submit documentation that the ESDA coordinator has, at any time prior to the first certification review under this Part, completed the equivalent of 48 hours of professional development training. The IEMA sponsored professional development training program shall, at a minimum, be consistent with and at least as stringent as the FEMA professional development series. Coordinators may receive credit for up to 24 hours of non-IEMA sponsored professional development training, including, but not limited to, emergency management conferences,~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

~~independent study courses, college courses or internet courses, but only if such training is consistent with or at least as stringent as training in the IEMA sponsored professional development training program and is pre-approved for a specific number of credit hours in writing by IEMA prior to the training.~~

~~B) For ESDA coordinators appointed after January 1, 2002, documentation that:~~

~~Ai) An ESDA coordinator appointed after January 1, 2002, has completed, within 12~~~~Within six~~ months after the date of appointment, ~~unless this time is extended by IEMA up to one year from the date of appointment, the ESDA coordinator has completed~~ the IEMA New Coordinators Workshop Course and the Principles of Emergency Management Course or courses determined by IEMA to be consistent with or at least as stringent as these courses; and

~~Bi) After the first year of appointment, or for ESDA coordinators appointed prior to January 1, 2002,~~ the ESDA coordinator has biennially completed 48 hours of professional development training, of which a minimum of 24 hours is IEMA-sponsored professional development training. The IEMA-sponsored professional development training program shall, at a minimum, be consistent with and at least as stringent as the FEMA Professional Development Series~~professional development series~~. Coordinators may receive credit for up to 24 hours of non-IEMA-sponsored professional development training, including, but not limited to, emergency management conferences, independent study courses, college courses or internet courses, but only if such training is consistent with or at least as stringent as training in the IEMA-sponsored professional development training program and is pre-approved for a specific number of credit hours in writing by IEMA prior to the training.

4) Complete an EOP that meets the requirements of Subpart B and C of this Part~~Subpart B and C of this Part~~ that is reviewed and accepted by the county or multiple county ESDA in accordance with Section 301.320~~of this Part~~.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 5) Conduct an exercise and evaluation that meets the requirements of Subpart ~~D of this Part~~ that is accepted by the county or multiple county ESDA in accordance with Section 301.440 ~~of this Part~~.
- ~~b) IEMA shall annually review a random sample of at least one certification but no less than 10 percent of certifications issued by accredited county or multiple county ESDAs in each county that has certified a non-mandated ESDA pursuant to subsection (a) for compliance with the requirements stated and to ensure consistency of certification reviews statewide.~~
- ~~be) The certification term is two years with beginning and ending dates indicated on the certificate issued by the accredited county or multiple county ESDA under signature of the accredited county or multiple county ESDA and IEMA. The non-mandated ESDA may seek renewal of its certification.~~

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART F: WORKERS' COMPENSATION ACT AND WORKERS'  
OCCUPATIONAL DISEASES ACT COVERAGE FOR VOLUNTEERS

**Section 301.620 Eligibility**

Only a volunteer meeting all of the following requirements is eligible for State coverage under the Workers' Compensation Act or Workers' Occupational Diseases Act:

- a) Volunteer, age 18 and above, of IEMA or of an ESDA accredited pursuant to Section 301.510 ~~of this Part~~;
- b) Volunteer not compensated ~~by IEMA or the ESDA for which he/she is volunteering~~;
- c) Duly qualified through appointment by IEMA or the ESDA to perform disaster response functions consistent with the IEMA Act and the political subdivision's ESDA ordinance;
- d) Enrolled (sworn in) in accordance with Section 20 of the Act; and
- e) Suffering disease, injury or death while participating in any of the following: ~~a disaster response, disaster exercise, training related to the EOP of the political~~

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

~~subdivision, or a search and rescue team response to an occurrence or threat of injury or loss of life that is beyond local response capabilities, if:~~

- 1) ~~Disaster~~For a disaster response if:
  - A) IEMA is notified at the time of disaster response by contacting the IEMA Communications Center at 1-800-782-7860; and
  - B) The coverage request, on a form prescribed by IEMA, is received by IEMA within 10 calendar days after the disaster response has ended.
- 2) ~~Disaster~~For a disaster exercise or training if related to the EOP of the political subdivision, the event is planned and:
  - A) The exercise or training is related to the EOP of IEMA or the political subdivision;
  - ~~BA)~~ The exercise or training event is specifically and expressly pre-approved in writing by IEMA for a specific date; and
  - ~~CB)~~ The coverage request, on a form prescribed by IEMA, is received by IEMA at least 5 calendar days, but not more than 30 calendar days, in advance of the planned exercise or training and is placed on the State Exercise or Training Calendar event.
- 3) ~~Search~~For a search-and-rescue team response if:
  - A) The search-and-rescue team response is to an occurrence or threat of injury or loss of life that is beyond local response capabilities;
  - B) The search-and-rescue team response is specifically and expressly requested by IEMA or by the ESDA that appointed and enrolled the search-and-rescue team volunteer and is specifically and expressly approved by IEMA prior to the search-and-rescue team response. The Director of IEMA shall determine the termination of the approval period. IEMA shall document its approval and termination on a form prescribed by IEMA; and

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- C) Each search-and-rescue team volunteer used in the response has completed training appropriate to the function he or she performs during the search-and-rescue team response.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.630 Procedures for Filing A Claim**

- a) To ~~file a claim~~~~request coverage~~ for a volunteer under the Workers' Compensation Act or the Workers' Occupational Diseases Act, the accredited ESDA that appointed and enrolled the volunteer shall submit to ~~the IEMA Workers' Compensation Coordinator~~, in a timely manner, all of the following:
- 1) Evidence that the notification or pre-approval requirements of Section 301.620(e) ~~of this Part~~ have been satisfied for the disaster response, disaster exercise, training, or search-and-rescue team response;
  - 2) Information provided by the volunteer including:
    - A) Evidence of immediate notification to the volunteer's supervisor of the disease or injury;
    - B) Evidence that the volunteer, or a supervisor in the event the volunteer is seriously injured or incapacitated, contacted the early intervention partner prescribed by the Illinois Department of Central Management Services (CMS) at 800-773-3221 immediately after suffering the disease or injury;
    - C) Completed documentation on the forms prescribed by CMS including, but not limited to:
      - i) The Employee's Notice of Injury;
      - ii) The Initial Workers' Compensation Medical Report;
      - iii) An Information Release Authorization; and
      - iv) The Demands of the Job.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

AGENCY NOTE: The forms may be found on the CMS website at <http://www2.illinois.gov/cms/Employees/benefits/rm/Pages/WorkersCompensation.aspx>.

- 3) A Workers Compensation Coverage Request, on a form prescribed by IEMA, ~~submitted~~signed by the ESDA coordinator;
  - 4) A ~~written~~ copy of the sworn oath taken by the volunteer in accordance with Section 20 of the Act, signed and dated by the volunteer;
  - 5) A Supervisor's Report of Injury or Illness, on a form prescribed by CMS that may be found on the CMS website; and
  - 6) The Workers' Compensation Witness Report, on a form prescribed by CMS that may be found on the CMS website.
- b) Completed claims shall be forwarded ~~from IEMA~~ to CMS ~~the Illinois Department of Central Management Services~~ for compensation determinations in accordance with requirements of the Workers' Compensation Act and the Workers' Occupational Diseases Act.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART G: REQUIREMENTS FOR THE EMERGENCY  
MANAGEMENT ASSISTANCE GRANT PROGRAM

**Section 301.730 Application Procedures**

- a) In accordance with the submission schedule established by IEMA, ~~applicants~~Applicants seeking Emergency Management Assistance (EMA) grant funds shall ~~annually, by August 31,~~ submit to IEMA a completed EMA application packet, in the format prescribed by IEMA, ~~that~~which includes the following:
- 1) Documentation of current IEMA accreditation to satisfy the eligibility requirement stated in Section 301.720;
  - 2) A completed application form, as prescribed by IEMA, that includes the budget of the applicant's EMA eligible personnel and administrative

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

expenses ~~for the federal fiscal year beginning October 1~~ and an annual work plan; and

- 3) The requested grant amount.
- b) IEMA shall notify applicants of their EMA grant program acceptance or rejection ~~pursuant to federal guidelines and the IEMA established schedule by September 30~~. Accepted applicants are grantees.
- c) Grantees for the EMA grant program shall enter into a Grant Agreement with IEMA setting forth the terms of the grant, including the grantee's agreement to satisfy all grant related assurances and certifications required by the State of Illinois and by the United States Government.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.740 Allocation Determination**

- a) The Director of IEMA shall annually determine the amount of funding available for the EMA grant program prior to the award of any grants, based on the level of funding provided by FEMA. Such amount shall be allocated annually to EMA grantees by IEMA, on a federal fiscal year basis, up to 50 percent of the grantee's political subdivision's eligible EMA expenses, in accordance with the requirements of this Section.
- b) To assist ESDAs in accomplishing the basic preparedness requirements of the Act (ESDA coordinators' organization, administration, training, and operation of the ESDA and ESDA development and exercise of the EOP, exclusive of contractor fees), the following EMA fund allocations shall be made:
  - 1) Basic Amount. A basic amount of funding, as established annually by the Director of IEMA not to exceed 40 percent of the total annual amount available for the EMA grant program determined pursuant to subsection (a) ~~of this Section~~, shall annually be allocated equally among all EMA grantees who have met the requirements of ~~Sections~~ Section 301.720 and 301.730 ~~of this Part on or before October 1~~. However, if a grantee's Basic Amount allocation exceeds the amount requested in the grantee's EMA application, the EMA application amount shall be used as the Basic Amount allocation for ~~that such~~ grantee.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 2) Population Share. 50 percent of the total EMA grant amount remaining, after the final allocations in subsection (b)(1) ~~of this Section~~ have been made, shall annually be allocated among all EMA grantees who have met the requirements of ~~Sections~~ Section 301.720 and 301.730 ~~of this Part on or before October 1~~ and who have requested an eligible grant amount in excess of the Basic Amount allocation, on a per capita basis according to the most recent census data available through the Illinois Secretary of State's office or, if unavailable, through the U.S. Department of Commerce, Bureau of the Census. EMA grantees whose geographic borders encompass another EMA grantee's jurisdiction shall have their per capita figures reduced accordingly. If a grantee's Basic Amount allocation plus Population allocation exceeds the total amount requested in the grantee's EMA application, the EMA application amount shall be used as the final allocation for that grantee.
  
- c) Additional Program Needs – The total EMA grant amount remaining, after the allocations in subsection (b) ~~of this Section~~ have been made, shall annually be allocated for ESDA Additional Program Needs. This amount shall be completely allocated among all EMA grantees who have met the requirements of Sections 301.720 and 301.730 ~~of this Part on or before October 1~~ and have requested an eligible grant amount in excess of the Base Amount plus Population allocation, on a per capita basis according to the most recent census data available through the Illinois Secretary of State's office or, if unavailable, through the U.S. Department of Commerce, Bureau of the Census. EMA grantees whose geographic borders encompass another EMA grantee's jurisdiction shall have their per capita figures reduced accordingly. However, for an Additional Program Needs allocation, the EMA grantee shall, ~~on or before October 1~~, present documentation justifying the additional needs request for necessary and essential local emergency preparedness ESDA personnel and administrative purposes including, but not limited to:
  - 1) Additional exercises beyond the biennial EOP exercise;
  - 2) Personnel costs beyond those required for basic preparedness;
  - 3) Mitigation planning and awareness; and
  - 4) Emergency management public awareness efforts.

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- d) If the grantee's allocation amount calculated under this Section exceeds the amount requested in the EMA application, the EMA application amount shall be used as the final EMA grant amount.
- e) IEMA shall monitor the expenditure of allocated EMA funds throughout the FFY and may, prior to the end of the FFY, reallocate unobligated funds, among all EMA grantees who have met the requirements of ~~Sections~~Section 301.720 and 301.730 ~~of this Part~~ and who have requested an eligible grant amount in excess of the allocation determined in accordance with subsections (b) and (c) of this Section, on a per capita basis according to the most recent census data available through the Illinois Secretary of State's office or, if unavailable, through the U.S. Department of Commerce, Bureau of the Census. EMA grantees whose geographic borders encompass another EMA grantee's jurisdiction shall have their per capita figures reduced accordingly.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.750 Reimbursement Procedures**

- a) Reimbursement for eligible expenses is available to grantees up to the amount of the grantee's annual EMA grant amount determined in accordance with Section 301.740 ~~of this Part~~. However, reimbursements under the EMA grant program shall not exceed 50 percent of the dollar amount spent on the requested reimbursement by the grantee's political subdivision. Prior approval from IEMA is required for requested reimbursement expenses not included in the political subdivision budget submitted in the grantee's original EMA application pursuant to Section 301.730.
- b) Eligible expenses for reimbursement are reasonable expenses in the categories listed on the Eligible Expenses form prescribed by IEMA as eligible expenses and any other reasonable expenses approved by IEMA through the application and allocation process of this Subpart. However, none of the ineligible expenses on the Ineligible Expense form prescribed by IEMA are reimbursable.
- c) Grantees who have a signed EMA grant agreement with IEMA may apply to IEMA for reimbursement of eligible expenses on a quarterly basis by submitting to IEMA, no later than ~~that~~ 30 calendar days after the last day of the preceding quarter, unless an extension has been pre-approved by IEMA, the following:

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) A list and documentation of incurred expenses for which reimbursement is being requested in a format prescribed or authorized by IEMA. IEMA may request additional documentation to validate the claim.
- 2) A narrative quarterly report describing the ESDA's specific actions accomplished during the quarter for which reimbursement is being requested.
- d) IEMA may deny a reimbursement request if the grantee fails to comply with any of the requirements of this ~~Part~~Subpart. If denying a reimbursement request, IEMA shall notify the grantee in the grants management system or successor systems~~issue a denial letter within 15 days after receipt of the reimbursement request.~~

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 301.760 Reconsideration of Reimbursement Denial**

- a) A grantee may request reconsideration of a reimbursement denial by sending a written reconsideration request to the IEMA manager of the EMA grant program within 15 days after ~~receipt of written notice of~~ the reimbursement denial. The reconsideration request shall include:
  - 1) Specific identification of the item or submission for which reimbursement was denied;
  - 2) The basis for the requested reconsideration; and
  - 3) Documentation or exhibits to support the requested reconsideration.
- b) Upon receipt of the reconsideration request, the manager of the EMA grant program shall review the original decision, the reconsideration request and all relevant documentation or exhibits. The manager of the EMA grant program shall notify the grantee in writing of his or her reconsideration decision and rationale ~~within 10 days after receipt of the reconsideration request.~~
- c) If the grantee seeks further review of the reimbursement decision, the grantee may request a final reconsideration by the Director of IEMA by sending a written reconsideration request to the Director of IEMA within 15 days after receipt of

## ILLINOIS EMERGENCY MANAGEMENT AGENCY

## NOTICE OF PROPOSED AMENDMENTS

the EMA manager's decision in subsection (b). The Director shall issue a final reimbursement decision ~~within 10 days after receipt of the final reconsideration request.~~

- d) ~~Notwithstanding the time frames set forth in this Section, if a reconsideration request received by IEMA in accordance with the time frames established in this Section has not reached final resolution by December 15 following the end of the federal fiscal year, the reimbursement shall be granted.~~

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community-Based Residential Rehabilitation Center Demonstration Program Code
- 2) Code Citation: 77 Ill. Adm. Code 220
- 3) 

| <u>Section Numbers</u> : | <u>Proposed Actions</u> : |
|--------------------------|---------------------------|
| 220.1000                 | Amendment                 |
| 220.1050                 | Amendment                 |
| 220.1800                 | Amendment                 |
| 220.2000                 | Amendment                 |
| 220.2500                 | Amendment                 |
| 220.2700                 | Amendment                 |
| 220.2900                 | Amendment                 |
- 4) Statutory Authority: Alternative Health Care Delivery Act [210 ILCS 3]
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking seeks to update the alternative health care delivery model for community-based residential rehabilitation centers including admission practices, individual rehabilitation plan of care, medication administration, personnel qualifications, staff training, and food service supply requirements. These centers provide rehabilitation or support, or both, for persons who have experienced an acquired brain injury.  
  
The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.  
  
The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:  
  
Elizabeth Paton  
Assistant General Counsel  
Department of Public Health  
Division of Legal Services  
535 W. Jefferson St., 5th Floor  
Springfield IL 62761  
  
217/82-2043  
e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Community-Based Residential Rehabilitation Centers
  - B) Reporting, bookkeeping or other procedures required for compliance: Tracking and reporting, establishing a screening process that can measure outcomes, assessments, developing training programs
  - C) Types of professional skills necessary for compliance: Licensed and registered nurses, licensed physicians, life skills trainers, program manager/director, physical/occupational/speech therapists.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2017

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 220  
COMMUNITY-BASED RESIDENTIAL REHABILITATION CENTER  
DEMONSTRATION PROGRAM CODE

| Section  |  |
|----------|--|
| 220.1000 | Definitions  |
| 220.1050 | Referenced Materials   |
| 220.1100 | Demonstration Program Elements   |
| 220.1200 | Application for and Issuance of a License to Operate a Community-Based Residential Rehabilitation Center Model |
| 220.1300 | Obligations and Privileges of Community-Based Residential Rehabilitation Center Models                         |
| 220.1400 | Inspections and Investigations   |
| 220.1500 | Notice of Violation and Plan of Correction   |
| 220.1600 | Adverse Licensure Action   |
| 220.1700 | Policies and Procedures  |
| 220.1800 | Admission Practices  |
| 220.1900 | Participant Assessment   |
| 220.2000 | Individual Rehabilitation Plan   |
| 220.2100 | Participant Rights   |
| 220.2200 | Participant Care and Treatment Services  |
| 220.2300 | Participant Record Requirements  |
| 220.2400 | Residential Services   |
| 220.2500 | Medication Administration  |
| 220.2600 | Discharge and Follow-up Practices  |
| 220.2700 | Personnel  |
| 220.2800 | Health Care Worker Background Check  |
| 220.2900 | Food Service   |
| 220.3000 | Physical Plant   |
| 220.3100 | Quality Assessment and Improvement   |

AUTHORITY: Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 24 Ill. Reg. 6675, effective April 25, 2000; amended at 26 Ill. Reg. 11969, effective July 31, 2002; emergency amendment at 27 Ill. Reg. 7904, effective April 30, 2003, for a maximum of 150 days; emergency expired September 26, 2003; amended at 28 Ill. Reg. 2240, effective January 26, 2004; amended at 30 Ill. Reg. 850, effective January 9, 2006; amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 220.1000 Definitions**

The following terms have the meaning ascribed to them here whenever the term is used in this Part.

Abuse – any physical or mental injury or sexual assault inflicted on a participant other than by accidental means in a facility. Abuse means:

Physical abuse refers to the infliction of injury on a participant that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to patients or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent. Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

*Sexual assault – an act of nonconsensual sexual conduct or sexual penetration, as defined in Section 11-0.1 of the Criminal Code of 2012, including, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.*~~Sexual assault.~~

Act – the Alternative Health Care Delivery Act ~~[210 ILCS 3]~~.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Active treatment – an interaction between a participant and staff member that is intended to result in greater autonomy or independence for the participant.

Board – *the State Board of Health*. (Section 10 of the Act)

Case Manager – ~~athe~~ person who is responsible for organizing the provision of services to the participant.

Charitable Care – the intentional provision of free or discounted services to persons who cannot afford to pay for them.

Community-Based Residential Rehabilitation Center Model or Model – *a designated site that provides rehabilitation or support, or both, for persons who have experienced ~~an acquired brain injury~~severe brain injury, who are medically stable, and who no longer require acute rehabilitation care or intense medical or nursing services*. (Section 35(4) of the Act)

Comparable Health Care Providers – other community-based residential rehabilitation programs in the region that are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF).

Demonstration Program or Program – *a program to license and study alternative health care models authorized under the Act*. (Section 10 of the Act)

Department – *the Illinois Department of Public Health*. (Section 10 of the Act)

Dietician – a person who is a licensed dietician as provided in the Dietetic and Nutrition Services Practice Act ~~{225 ILCS 30}~~.

Director – *the Director of Public Health* or designee. (Section 10 of the Act)

Individual Rehabilitation Plan – a coordinated plan that identifies rehabilitation goals and outcomes based on the participant's preferences, strengths, and challenges.

Inspection – any survey, evaluation, or investigation of the Community-Based Residential Rehabilitation Center Model's compliance with the Act and this Part by the Department or designee.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Least Restrictive – treating individuals in the least intrusive manner and the least intrusive environment possible, given each individual's needs and the risk of harm to self or others.

Licensee – ~~the~~ person or entity licensed to operate the Community-Based Residential Rehabilitation Center Model.

Life Skills Trainer – a person who meets the minimum qualifications in Section 220.700(k) and provides training, assistance and supervision to participants in the areas of living skills, therapeutic recreation, and other forms of assistance in both residential and community settings.

Neuropsychologist – a person who is licensed as a psychologist under the Clinical Psychologist Licensing Act ~~[225 ILCS 15]~~ who specializes in brain-behavior relationships. The neuropsychologist administers a series of tests to evaluate the person's cognitive, emotional, intellectual, and academic/vocational skills.

Occupational Therapist, Registered (OTR) – a person who is registered as an occupational therapist under the Illinois Occupational Therapy Practice Act ~~[225 ILCS 75]~~.

Operator – ~~the~~ person responsible for the control, maintenance and governance of the Model, its personnel and physical plant.

Owner – ~~an~~the individual, partnership, corporation, association or other person who owns the Model.

Participant – a person who resides in or receives services from a Community-Based Residential Rehabilitation Center Model.

Participant's Representative – a person authorized by the participant or by law to act on behalf of the participant.

Physical Therapist – a person who is registered as a physical therapist under the Illinois Physical Therapy Act ~~[225 ILCS 90]~~.

Physician – a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 ~~[225 ILCS 60]~~.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

Registered Nurse – a person who is licensed as a registered professional nurse under the [Nurse Practice Act](#)~~Nursing and Advanced Practice Nursing Act [225 ILCS 65]~~.

Rehabilitation Team – the primary decision-making body, including the participant and primary rehabilitation personnel, that designs and delivers the aspects of the rehabilitation plan.

Residence – the place where a participant lives that is owned or leased and operated by the Model.

Social Worker – a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act~~[225 ILCS 20]~~.

Speech/Language Pathologist – a person who is licensed under the [Illinois Speech-Language Pathology and Audiology Practice Act](#)~~Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]~~ and is responsible for diagnosis and treatment of communication disorders, swallowing disorders, and cognitive difficulties.

State Fire Marshal – the Office of the State Fire Marshal, Division of Fire Prevention.

Substantial Compliance – meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 220.1050 Referenced Materials**

The following materials are referenced in this Part:

- a) State of Illinois [Statutes:statutes](#)
  - 1) Alternative Health Care Delivery Act [210 ILCS 3]
  - 2) [Criminal Code of 2012 \[720 ILCS 5\]](#)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- ~~32~~) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- ~~43~~) Illinois Occupational Therapy Practice Act [225 ILCS 75]
- ~~54~~) Illinois Physical Therapy Act [225 ILCS 90]
- ~~65~~) Medical Practice Act of 1987 [225 ILCS 60]
- ~~76~~) [Nurse Practice Act](#) ~~Nursing and Advanced Practice Nursing Act~~ [225 ILCS 65]
- ~~87~~) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- ~~98~~) Clinical Psychologist Licensing Act [225 ILCS 15]
- ~~109~~) [Illinois](#) Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
- ~~1140~~) Illinois Health Facilities Planning Act [20 ILCS 3960]
- ~~1244~~) Nursing Home Care Act [210 ILCS 45]
- ~~1312~~) Health Care Worker Background Check Act [225 ILCS 46]
- b) Federal Statutes
  - Social Security Act ([42 USC ch. 7](#))~~(42 USC 301 et seq., 1395 et seq. and 1396 et seq.)~~
- c) State of Illinois Rules
  - 1) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
  - 2) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
  - 3) Food Service Sanitation Code (77 Ill. Adm. Code 750)
  - 4) Drinking Water Systems Code (77 Ill. Adm. Code 900)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 5) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
- 6) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- 7) Illinois Accessibility Code (~~7177~~ Ill. Adm. Code 400)
- 8) ~~Rules of~~ Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- 9) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 220.1800 Admission Practices**

- a) The licensee shall designate the individual or group that is responsible for making admission decisions.
- b) The licensee shall establish written admission criteria that:
  - 1) Identify individuals who can be served by the programs available through the Model;
  - 2) Ensure nondiscrimination of participants based on disability, race, religion, sex, source of payment, and any other basis recognized by applicable State and federal laws;
  - 3) Ensure that participants *are medically stable and no longer require acute rehabilitative care or intense medical or nursing services.* (Section 35(4) of the Act)
- c) The licensee shall establish a preadmission screening process to ensure that the admission criteria are met and that outcome goals are addressed. The proposed plan of care~~preadmission screening report~~ shall serve as the rehabilitation plan until the comprehensive assessment is completed and a rehabilitation plan is developed for the individual.
- d) Physician orders for medications (if necessary) and information concerning any

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

other immediate medical care needs shall be submitted to the licensee at the time of the participant's admission.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 220.2000 Individual Rehabilitation Plan**

- a) Within 10 business days after ~~the~~ completion of the assessment conducted pursuant to Section 220.1900 ~~of this Part~~, the results of the assessment (designed by the rehabilitation team) shall be used to revise the individualized rehabilitation plan to establish, ~~designed by the rehabilitation team, that establishes~~ goals and objectives that incorporate the unique strengths, abilities, and preferences of the person served and relate ~~relates~~ to the services and environment to which the person will be discharged. *The design of individualized program plans shall be consistent with the outcome goals that are established for each resident.* (Section 35(4) of the Act)
- b) The individual rehabilitation plan shall include, at a minimum:
- 1) The desired outcome goals for the program;
  - 2) Identification of targeted objectives to achieve the outcome goals;
  - 3) Services needed to support the targeted objectives;
  - 4) Anticipated time ~~times~~ frames for accomplishing the goals and objectives;  
and
  - 5) Persons responsible for implementing the rehabilitation plan.
- c) The licensee shall define the members of the rehabilitation team who will develop and review the rehabilitation plan. The members of the rehabilitation team shall include, at a minimum:
- 1) The participant;
  - 2) Participant representative, if he or she ~~he/she~~ chooses to participate, and any other persons chosen by the participant;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 3) A person assigned to coordinate services for the person (case manager or designee);
  - 4) A nurse; and
  - 5) Persons providing services for the participant, based on the assessment.
- d) The rehabilitation team shall meet at least every 30 days to implement and modify, as needed, the rehabilitation plan and discharge plan.
- e) The case manager or case manager designee shall ensure that the rehabilitation plan is implemented and ~~that~~ the appropriate services are coordinated to ensure ~~that~~ the rehabilitation plan is followed.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 220.2500 Medication Administration**

- a) Except for medications allowed in subsection (f) ~~of this Section~~, the only medications allowed in the residence are those for particular individual participants. The medication of each participant shall be kept and stored in the original container received from the pharmacy or as packaged by the nurse, when preparing unit dose packages from ~~multi-dose~~multidose containers.
- 1) Each ~~multi-dose~~multidose medication container shall indicate the participant's name, physician's name, prescription number, name, strength of dose, route of administration, frequency of dose and quantity of drug, date this container was last filled, the initials of the pharmacist filling the prescription, the identity of the pharmacy, the refill date and any necessary special instructions.
  - 2) Each single unit or unit dose package shall contain the proprietary and nonproprietary name of the drug and the strength of the dose. The name of the participant and the physician do not have to be on the label of the package, but they must be identified with the package in a straightforward method such a manner as to assure ~~that~~ the drug is administered to the correct person.
  - 3) When the unit dose system is used for packaging oral medication, house

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

staff trained in administering medication may assist participants in the self-administration or in taking their medication by carrying the medication from the locked area where it is stored and handing it to the participant. If the participant is unable to receive or open the container, staff may open the container for the participant and assist him or her in consuming or applying the medication. If cognitive ~~or~~ behavioral limitations result in poor compliance, staff may open the container for the participant.

- b) All oral medication packaged in ~~multi-dose~~ ~~multidose~~ containers, prescribed medication given through a feeding tube, and all parenteral medication must be administered by a ~~licensed~~ ~~registered~~ nurse or physician, and all intravenous parenteral medication must be administered by a registered nurse or physician, unless the medication is self-administered by the participant.
- c) All participants shall be evaluated by the rehabilitation team to determine their self-medication capability. Each participant determined to have the capability to learn to administer ~~his or her~~ ~~his/her~~ own medications shall have written objectives developed by the team based on this evaluation and stated in specific behavioral terms that permit the progress of the resident to be assessed and recorded.
- d) The licensee shall provide, either directly or through arrangements with a consultant nurse, training and supervision necessary for identified participants to gain independence in self-administering their own medications as approved in writing by the participant's physician, and documented in the participant's individual plan.
- e) To be considered "capable of self-administering their own medications," participants must, at a minimum, be able to identify their medication by size, shape, or color and know when they should take it, and the amount to be taken each time.
- f) A licensee may stock a small supply of medications regularly available without prescription at a commercial pharmacy, such as ~~over-the-counter;~~ ~~noncontrolled~~ cough syrups, laxatives, and analgesics. These shall be given to a participant only upon the order of a physician.
- g) The licensee shall have in each residence a first aid kit that contains items appropriate to treat minor cuts, burns, and abrasions.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- h) All medications shall be properly stored in a secured location not accessible to unauthorized individuals.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 220.2700 Personnel**

- a) The licensee shall provide adequate, properly trained and supervised staff to meet each participant's individual rehabilitation plan. Services shall be provided by a coordinated rehabilitation team.
- b) The licensee shall define, through job descriptions, the minimum education and experience requirements for all staff, consultants, and contract staff providing services to the Community-Based Residential Rehabilitation Center Model.
- c) The licensee shall provide an initial orientation and routine, pertinent training to all staff. This training may include demonstration, one-on-one training, small group exercises, or lectures. All training conducted shall be documented with:
- 1) Date;date,
  - 2) Startstarting and endending time;,-
  - 3) Instructorsinstructors;
  - 4) Course title and short description of content;,- and
  - 5) Attendance records, including staff member's written signature.
- d) The licensee shall develop and maintain written personnel policies, which are followed in the operation of the Model.
- e) Each employee shall have an initial health evaluation, which shall be used to ensure that employees are not placed in positions that would pose undue risk of infection to themselves, other employees, participants or visitors. Individuals who were employed by the Model prior to June 1, 2000, shall have an initial health evaluation within six months after licensure of the Model.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 1) The initial health evaluation shall be completed not more than 30 days prior to nor 30 days after the employee's first day of employment.
  - 2) The initial health evaluation shall include a health inventory from the employee, including an evaluation of the employee's immunization status.
  - 3) The initial health evaluation shall include tuberculin testing in accordance with the Department's Control of Tuberculosis Code (77 Ill. Adm. Code 696).
- f) The licensee shall designate a program ~~manager or director~~coordinator/director.
- g) A registered nurse shall be responsible for managing the day-to-day health needs of every residential participant. Residential staff, as well as clinical team members, shall support health-related programs, as requested by the registered nurse under the direction of the treating physician.
- h) The Model shall have a Supervisory Nurse, who shall be a registered nurse and who shall:
- 1) Promote the competency, numbers, and staff levels of nursing personnel appropriate to meet the rehabilitation and complex needs of the persons served;
  - 2) Identify and implement a nursing program and structure to ensure such that the persons served will receive coordinated services;
  - 3) Provide ongoing monitoring of compliance with nursing standards in practice and documentation; and
  - 4) Provide orientation and ongoing training in rehabilitation nursing skills.
- i) The Model shall have a Medical Director or Medical Consultant who coordinates ~~and/or~~ advises personnel on medical matters. The Medical Director or Consultant shall:
- 1) Have training ~~and/or~~ experience in dealing with the needs of persons with acquired brain injuries;

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 2) Be participating in an active clinical practice; and
  - 3) Provide ~~direction and consultation~~direction/consultation on a regular basis as dictated by the needs of the persons served.
- j) The Model shall employ case managers to organize the provision of services to participants. Minimum qualifications shall include:
- 1) A bachelor's degree in a social service field; and
  - 2) Three years of direct service to persons with disabilities, in either a medical or rehabilitation setting.
- k) The Model shall employ life skills ~~trainers~~therapists to provide training, assistance and supervision to participants in the areas of living skills, therapeutic recreation and other forms of assistance in both residential and community settings. Minimum qualifications shall include:
- 1) A high school diploma, ~~or~~ general education development (GED) diploma or, in lieu of high school diploma or GED diploma, proof of active enrollment at a college or university;
  - 2) A valid government issued identification~~A valid drivers' license, five years' driving history, and an insurable driving record;~~
  - 3) Certification in cardiopulmonary resuscitation (CPR) and first aid;
  - 4) Completion of Office of Safety and Health Administration (OSHA) training;
  - 5) Completion of vital signs and physical transfer training;
  - 6) Ability to manage physical transfers of adults and to lift 50 lbs. for short distances and 3 ft. high;
  - 7) Good written and verbal communications skills;
  - 8) Ability to work independently; ~~and~~

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

- 9) Passage of a background check and physical examination in accordance with requirements of the Department of Children and Family Services prior to working with adolescent program participants; ~~and-~~
- 10) For staff who will be transporting participants, the licensee shall ensure that all persons who transport participants on behalf of the licensee hold a valid driver's license and have an insurable driving record.
- l) Prior to employing any individual in a position that requires a State license, the Model shall contact the Illinois Department of Financial and Professional Regulation to verify that the individual's license is active. A copy of the license shall be placed in the individual's personnel file.
- m) The Model shall check the status of all applicants with the Health Care Worker Nurse Aide Registry prior to hiring.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 220.2900 Food Service**

- a) At least three meals a day shall be provided and prepared by either residential staff or participants assisted by residential staff as needed.
- b) Snacks shall be offered between meals and at bedtime.
- c) Menus shall be developed according to the participants' preferences, ascertained through a group decision-making process, and shall be reviewed by a dietician.
- d) Menus shall be planned at least one week in advance. All menus, as actually served, shall be kept on file for no fewer than 30 days.
- e) If a participant's rehabilitation plan includes training in meal planning and preparation, this Part shall not preclude that participant from planning and preparing his or her own meals in the residence.
- f) Supplies of staple foods adequate to prepare a minimum of three days~~one week's~~ meals and of perishable foods adequate to prepare a minimum of three days~~two days'~~ meals shall be maintained on the premises of each residence.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Primary food supply of staple and perishable foods is maintained at a licensee food distribution location.
  - 2) Life skills trainers pick up food supplies in three- and four-day intervals.
  - 3) Access to additional staple and perishable foods is available at the licensee food distribution location.
- g) All food served shall be prepared in accordance with the Department's Food Service Sanitation Code (77 Ill. Adm. Code 750).

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: State Vehicles and Garage
- 2) Code Citation: 44 Ill. Adm. Code 5040
- 3) Section Number: 5040.530                      Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 405-215, 405-280 and 405-285 of the Department of Central Management Services Law [20 ILCS 405/405-215, 405-280 and 405-285] and Sections 1 and 2 of the State Vehicle Identification Act [30 ILCS 610/1 and 2].
- 5) Effective Date of Rule: April 11, 2018
- 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 the *Illinois Register*: 41 Ill. Reg. 11042, September 8, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR.
- 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: In the case of a traffic ticket issued to the driver of a state-owned or leased vehicle, this rule change allows for a State agency to pay those traffic tickets directly where the employee who incurred the ticket has not paid, and it may be difficult or impossible to get the employee to pay. The rule change also specifies

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

that when a driver of such a vehicle is issued a traffic ticket, the driver should immediately report the ticket to the appropriate agency contact. Failure to promptly report a citation or pay fines may result in discipline.

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

Bureau of Administrative Services  
Department of Central Management Services  
715 Stratton Office Building  
Springfield IL 62706

217/782-2141

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING,  
PROCUREMENT AND PROPERTY MANAGEMENT  
SUBTITLE D: PROPERTY MANAGEMENT  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5040  
STATE VEHICLES AND GARAGE

SUBPART A: GENERAL

|          |               |
|----------|---------------|
| Section  |               |
| 5040.100 | Authority     |
| 5040.110 | Policy        |
| 5040.120 | Applicability |
| 5040.130 | Definitions   |

SUBPART B: ACQUISITION

|          |  |
|----------|--|
| Section  |  |
| 5040.200 | Acquisition of Vehicles                    |
| 5040.210 | Fuel Economy Standards                     |
| 5040.220 | Availability of Vehicles                   |
| 5040.230 | Agency Purchase                            |
| 5040.240 | Motor Pool Lease or Rental (Repealed)      |
| 5040.250 | Private Firm Lease or Rental               |
| 5040.260 | Use of Personal Vehicles on State Business |
| 5040.270 | Requests for Acquisition of Vehicles       |

SUBPART C: USE OF VEHICLES

|          |                            |
|----------|----------------------------|
| Section  |                            |
| 5040.300 | Use of Vehicles            |
| 5040.310 | Title and Registration     |
| 5040.320 | License Plates             |
| 5040.330 | Identification of Vehicles |
| 5040.340 | Assignment to Individuals  |
| 5040.350 | Authorized Use             |
| 5040.360 | Use and Condition Review   |
| 5040.370 | Exceptions to Use Rules    |

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

5040.380 Motor Pool (Repealed)

## SUBPART D: MAINTENANCE

## Section

5040.400 Maintenance of Vehicles  
5040.410 Scheduled Inspection and Maintenance  
5040.420 CMS Garages  
5040.430 Warranty Work

## SUBPART E: MISCELLANEOUS

## Section

5040.500 Driver Requirements  
5040.510 Insurance  
5040.520 Accidents Report Procedures  
5040.530 Tickets  
5040.540 Credit Card  
5040.550 Gasoline Purchase  
5040.560 Charges  
5040.570 Payment of Charges  
5040.580 Credits  
5040.590 Cost Information (Repealed)  
5040.600 Designation and Role of the Agency Vehicle Coordinator/Vehicle Use Officer  
5040.610 DCMS Annual Statement (Repealed)  
5040.620 Required Forms and Information  
5040.630 Agency Signature Authority  
5040.700 Rate Schedule

**AUTHORITY:** Implementing Sections 405-280, 405-285, and 405-215 of the Department of Central Management Services Law [20 ILCS 405/405-280, 405-285, and 405-215] and Sections 1 and 2 of the State Vehicle Identification Act [30 ILCS 610/1 and 2] and authorized by Section 405-280 of the Department of Central Management Services Law [20 ILCS 405/405-280].

**SOURCE:** Adopted at 4 Ill. Reg. 28, p. 173, effective July 1, 1980; amended at 4 Ill. Reg. 30, p. 1225, effective July 1, 1980, by the Department of Administrative Services; transferred to the Department of Central Management Services by Executive Order 82-1, effective July 1, 1982; amended at 7 Ill. Reg. 2483, effective March 1, 1983; codified at 8 Ill. Reg. 8180; amended at 9 Ill. Reg. 13720, effective August 21, 1985; amended at 13 Ill. Reg. 13829, effective August 22,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

1989; amended at 15 Ill. Reg. 7553, effective May 7, 1991; amended at 19 Ill. Reg. 14774, effective October 5, 1995; amended at 25 Ill. Reg. 6221, effective April 17, 2001; amended at 26 Ill. Reg. 9695, effective June 19, 2002; amended at 30 Ill. Reg. 4587, effective March 1, 2006; amended at 36 Ill. Reg. 2089, effective January 24, 2012; amended at 38 Ill. Reg. 16839, effective July 25, 2014; recodified Title of the Part at 39 Ill. Reg. 5903; amended at 42 Ill. Reg. 7672, effective April 11, 2018.

## SUBPART E: MISCELLANEOUS

**Section 5040.530 Tickets**

The driver of a State-owned or -leased vehicle is responsible for immediately reporting to the vehicle coordinator for his or her agency all citations for moving or parking violations received by the driver. Citations received due to mechanical defects are the responsibility of the agency assigned the vehicle. Otherwise, employees must pay fines and costs associated with the moving or parking violation. Once notified, agencies are responsible for tracking any State vehicle-related fines and associated costs, and ensuring that their employees promptly pay any required fines and associated costs. In cases in which employees who have incurred violations cannot be identified by the agency or are no longer employed by the State, agencies may, in their discretion, pay fines and associated costs in connection with the violations, including fines and costs incurred in prior fiscal years. If the agency can identify with reasonable certainty the relevant former State employee who incurred the citation, the State shall pursue reasonable efforts to require the former employee to pay the fines and costs directly. Employees who fail to promptly report citations for moving or parking violations, or to pay fines and associated costs as required, may be subject to discipline, up to and including discharge.

(Source: Amended at 42 Ill. Reg. 7672, effective April 11, 2018)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

|                         |                         |
|-------------------------|-------------------------|
| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
| 303.21                  | New Section             |
| 303.30                  | Amendment               |
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327].
- 5) Effective Date of Rules: April 11, 2018
- 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 the *Illinois Register*: 41 Ill. Reg. 13465; November 13, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference between Proposal and Final Version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR.
- 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: The rulemaking sets forth the procedures for an expedited step 4 grievance hearing. The language will codify in the rules procedures which are already in use. Additionally, the rulemaking corrects certain cross references appearing in other Sections.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

Bureau of Personnel  
Department of Central Management Services  
715 Stratton Office Building  
Springfield IL 62706

217/782-2141

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

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

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303  
CONDITIONS OF EMPLOYMENT

## SUBPART A: GRIEVANCE PROCEDURE

| Section                |                                     |
|------------------------|-------------------------------------|
| 303.10                 | Definition of a Grievance           |
| 303.20                 | Procedure                           |
| <a href="#">303.21</a> | <a href="#">Expedited Procedure</a> |
| 303.30                 | Grievance Committee                 |
| 303.45                 | Representation                      |

## SUBPART B: LEAVE OF ABSENCE

| Section |   |
|---------|---|
| 303.90  | Sick Leave                              |
| 303.100 | Accumulation of Sick Leave              |
| 303.102 | Payment in Lieu of Sick Leave           |
| 303.105 | Reinstatement of Sick Leave             |
| 303.110 | Advancement of Sick Leave               |
| 303.112 | Sick Leave Bank                         |
| 303.115 | Veterans Hospital Leave                 |
| 303.120 | Furlough Program                        |
| 303.125 | Leave for Personal Business             |
| 303.130 | Maternity/Paternity and Adoption Leave  |
| 303.131 | Leave in the Event of a Stillborn Child |
| 303.135 | On-The-Job Injury – Industrial Disease  |
| 303.140 | Leaves of Absence Without Pay           |
| 303.142 | Leave to Attend Union Conventions       |
| 303.145 | Disability Leave                        |
| 303.148 | Family Responsibility Leave             |
| 303.149 | Organ Donor Leave                       |
| 303.150 | Employee Rights After Leave             |
| 303.153 | Failure to Return                       |

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

|         |  |
|---------|--|
| 303.155 | Leave to Take Exempt Position                      |
| 303.160 | Military and Peace Corps Leave                     |
| 303.165 | Family Military Leave                              |
| 303.166 | Civil Air Patrol Leave                             |
| 303.170 | Military Reserve Training and Emergency Call-Up    |
| 303.171 | Leave for Military Physical Examinations           |
| 303.175 | Disaster Service Leave With Pay                    |
| 303.176 | Disaster Service Leave With Pay – Terrorist Attack |
| 303.180 | Attendance in Court                                |
| 303.190 | Authorized Holidays                                |
| 303.200 | Holiday Observance                                 |
| 303.215 | Payment for Holidays                               |
| 303.220 | Holiday During Vacation                            |
| 303.225 | Eligibility for Holiday Pay                        |
| 303.250 | Vacation Eligibility                               |
| 303.260 | Prorated Vacation for Part-Time Employees          |
| 303.270 | Vacation Schedule and Loss of Earned Vacation      |
| 303.290 | Payment in Lieu of Vacation                        |
| 303.295 | Vacation Benefits on Death of Employee             |

## SUBPART C: WORK HOURS AND SCHEDULES

|         |                              |
|---------|------------------------------|
| Section |                              |
| 303.300 | Work Schedules               |
| 303.310 | Emergency Shut-Down          |
| 303.320 | Overtime                     |
| 303.330 | Overtime Payable Upon Death  |
| 303.340 | Attendance Records           |
| 303.350 | Notification of Absence      |
| 303.355 | Review of Attendance Records |

## SUBPART D: UNDATED OR INCOMPLETE FORMS

|         |                  |
|---------|------------------|
| Section |                  |
| 303.360 | Undated Forms    |
| 303.370 | Incomplete Forms |

## SUBPART E: EMPLOYEE SEPARATIONS

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

|         |                           |
|---------|---------------------------|
| Section |                           |
| 303.380 | Reason for Separation     |
| 303.385 | Repayment of Benefit Time |

## SUBPART F: TUITION REIMBURSEMENT

|         |                       |
|---------|-----------------------|
| Section |                       |
| 303.390 | Tuition Reimbursement |

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

**SOURCE:** Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15454, effective November 24, 1997; amended at 23 Ill. Reg. 13815, effective November 4, 1999; emergency amendment at 24 Ill. Reg. 16694, effective October 27, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 4847, effective March 19, 2001; emergency amendment at 25 Ill. Reg. 12429, effective September 14, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1138, effective January 18, 2002; amended at 27 Ill. Reg. 9008, effective May 23, 2003; emergency amendment at 28 Ill. Reg. 9677, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; emergency amendment at 28 Ill. Reg. 13795, effective October 1, 2004, for a maximum of 150 days; emergency expired February 27, 2005; amended at 28 Ill. Reg. 16308, effective December 3, 2004; amended at 30 Ill. Reg. 329, effective December 30, 2005; amended at 30 Ill. Reg. 13857, effective August 2, 2006; emergency amendment at 32 Ill. Reg. 19944, effective December 9, 2008, for a maximum of 150 days; amended at 33 Ill. Reg. 6503, effective April 23, 2009; emergency amendment at 33 Ill. Reg. 12032, effective August 7, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 16801, effective November

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

24, 2009; emergency amendment at 34 Ill. Reg. 12985, effective August 20, 2010, for a maximum of 150 days; amended at 35 Ill. Reg. 1587, effective January 14, 2011; amended at 36 Ill. Reg. 8661, effective May 30, 2012; amended at 36 Ill. Reg. 16200, effective November 1, 2012; amended at 42 Ill. Reg. 7677, effective April 11, 2018.

## SUBPART A: GRIEVANCE PROCEDURE

**Section 303.21 Expedited Procedure**

- a) If agreed to by both parties, the following shall be the procedure for an expedited hearing:
- 1) The Director shall appoint an employee of the Department of Central Management Services, Division of Legal/Labor Relations, to serve as the hearing officer of the expedited Step 4 grievance hearing.
  - 2) The hearing officer shall have the authority to mediate the grievance with the parties prior to the scheduling of the hearing.
  - 3) If the parties are unable to reach a resolution, the hearing officer shall schedule the hearing with the grievant or grievant's representative and the representative of the employee's agency to hear the grievance.
  - 4) Prior to the hearing, the parties shall submit documentation in support of their respective case. The hearing officer shall have the authority to accept or deny all submissions of evidence.
  - 5) At the grievance hearing, both parties shall present a summary of their cases. Witnesses are not allowed, but witness statements may be entered. The opposing party will have the opportunity to respond to the documentation and/or witness statements at the hearing. At the conclusion, the hearing officer shall adjourn the grievance hearing. The hearing officer shall make a written recommendation to the Director within five working days after the hearing date.
  - 6) Upon receipt of the recommendation of the hearing officer, the Director shall approve, disapprove, or modify the recommendation, and shall render a decision on the recommendation in writing, and cause a copy of

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

that decision to be served upon the parties. The Director's decision shall be final.

(Source: Added at 42 Ill. Reg. 7677, effective April 11, 2018)

**Section 303.30 Grievance Committee**

- a) The Director shall appoint a grievance committee comprised of two employees of the Department of Central Management Services and one employee of the Civil Service Commission or, if the grievant has a separate proceeding before the Civil Service Commission or if a Civil Service Commission employee is unavailable, an employee from an agency other than the Department of Central Management Services to hear grievances. Committee members must have experience and knowledge in the areas of personnel administration and employee relations. Not more than one committee member shall be appointed from any one bureau and no committee member shall be appointed to hear a grievance arising from the bureau in which the committee member is employed.
- b) In addition to the three committee members appointed pursuant to subsection (a) above, the Director shall appoint an employee of the Department of Central Management Services, Division of Employee and Labor Relations to serve as Secretary-Chairperson of the committee. The Secretary-Chairperson shall assist the committee in its determination, shall be entitled to be heard by the committee, but shall not be entitled to vote on the committee's recommendations. Unless an expedited Step 4 (see Section ~~303.21303-20 (b)(4)~~) procedure is agreed to by the parties pursuant to procedures and policies issued by the Director, the members of the grievance committee shall reduce their recommendations as to the disposition of the grievance to writing and submit them to the Director. A dissenting member of the committee may make separate recommendations. All recommendations will bear the signature of the concurring committee members.
- c) Upon the receipt of recommendations from a grievance committee, the Director shall approve, disapprove or modify the Panel recommendations, shall render a decision thereon in writing, and cause a copy of such decision to be served upon the parties. The Director's decision shall be final.
- d) The written statement of the employee's grievance, the recommendations of the grievance committee, and the decision of the Director, thereon shall be made a part of the permanent record of the grieving employee in the files of the

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Department.

(Source: Amended at 42 Ill. Reg. 7677, effective April 11, 2018)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 1975
- 3) 

| <u>Section Numbers:</u> | <u>Adopted Actions:</u> |
|-------------------------|-------------------------|
| 1975.10                 | Repealed                |
| 1975.110                | Repealed                |
| 1975.120                | Repealed                |
| 1975.130                | Repealed                |
| 1975.210                | Repealed                |
| 1975.220                | Repealed                |
| 1975.230                | Repealed                |
| 1975.240                | Repealed                |
| 1975.250                | Repealed                |
- 4) Statutory Authority: Implementing and authorized by Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19], and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- 5) Effective Date of Repealer: April 11, 2018
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted rule is on file at the Illinois Housing Development Authority, located at 111 E. Wacker Drive, Suite 1000, Chicago IL 60601, and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: As this is an internal rulemaking, per the IAPA, First Notice publication is not required.
- 10) Has JCAR issued a Statement of Objection to this Repealer? No
- 11) Difference between Proposal and Final Version: The address of the Illinois Housing Development Authority was updated.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED REPEALER

- 13) Will this repealer replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Repealer: This Part is being replaced.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Karri Kartes  
Associate Corporate & Compliance Counsel  
Illinois Housing Development Authority  
111 E. Wacker Drive, Suite 1000  
Chicago IL 60601

312/836-5313  
email: [kkartes@ihda.org](mailto:kkartes@ihda.org)

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 1975
- 3) 

| <u>Section Numbers</u> : | <u>Adopted Actions</u> : |
|--------------------------|--------------------------|
| 1975.110                 | New Section              |
| 1975.210                 | New Section              |
| 1975.310                 | New Section              |
| 1975.320                 | New Section              |
| 1975.410                 | New Section              |
| 1975.420                 | New Section              |
| 1975.430                 | New Section              |
| 1975.440                 | New Section              |
| 1975.510                 | New Section              |
| 1975.520                 | New Section              |
- 4) Statutory Authority: Implementing and authorized Section 7.19 of the Illinois Housing Development Act [20 ILCS 3805/7.19], and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- 5) Effective Date of Rules: April 11, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file at the Illinois Housing Development Authority, located at 111 E. Wacker Drive, Suite 1000, Chicago IL 60601, and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: As this is an internal rulemaking, per the IAPA, First Notice publication is not required.
- 10) Has JCAR issue a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The address of the Illinois Housing Development Authority was updated.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 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: This rulemaking governs IHDA meetings.
- 16) Information and questions regarding these adopted rules shall be directed to:

Karri Kartes  
Associate Corporate & Compliance Counsel  
Illinois Housing Development Authority  
111 E. Wacker Drive, Suite 1000  
Chicago IL 60601

312/836-5313  
email: [kkartes@ihda.org](mailto:kkartes@ihda.org)

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
CHAPTER XX: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 1975  
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: DEFINITIONS

Section  
1975.110      Definitions

SUBPART B: PUBLIC INFORMATION

Section  
1975.210      Public Information and Submissions

SUBPART C: RULEMAKING

Section  
1975.310      Applicability  
1975.320      Adoption, Amendment and Repeal of Rules

SUBPART D: ORGANIZATION

Section  
1975.410      Applicability  
1975.420      Organization of the Authority  
1975.430      By-Laws  
1975.440      Meetings of the Members

SUBPART E: PUBLIC COMMENT AT MEETINGS

Section  
1975.510      Applicability  
1975.520      Guidelines

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

**AUTHORITY:** Implementing Section 5-15(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-15(a)] and authorized by Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25].

**SOURCE:** Adopted at 5 Ill. Reg. 14583, effective prior to October 24, 1980 as corrected at 6 Ill. Reg. 620; codified at 7 Ill. Reg. 2433; amended at 8 Ill. Reg. 2996, effective February 28, 1984; amended at 9 Ill. Reg. 8631, effective May 29, 1985; emergency amendment at 9 Ill. Reg. 10086, effective June 13, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11296, effective July 5, 1985; amended at 9 Ill. Reg. 14675, effective September 13, 1985; amended at 9 Ill. Reg. 16848, effective October 21, 1985; amended at 11 Ill. Reg. 2795, effective January 27, 1987; amended at 21 Ill. Reg. 13817, effective October 7, 1997; former Part repealed at 42 Ill. Reg. 7685 and new Part adopted at 42 Ill. Reg. 7687, effective April 11, 2018.

## SUBPART A: DEFINITIONS

**Section 1975.110 Definitions**

The following terms used in this Part shall have the following definitions:

"Act": the Illinois Housing Development Act [20 ILCS 3805].

"Agenda": the list of items that will be discussed during a specific regular meeting, special meeting or emergency meeting.

"Authority" or "IHDA": the Illinois Housing Development Authority.

"By-Laws": the By-Laws of the Authority, as amended from time to time.

"Chairman": the Chairman of the Authority.

"Commentor": an individual who desires to deliver public comments at a meeting.

"Director": the Executive Director of the Authority.

"Emergency Meeting": a meeting called by the members in the event of a bona fide emergency as described in Section 2.02 of OMA.

"IAPA": the Illinois Administrative Procedure Act [5 ILCS 100].

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

"Meeting": a regular meeting, special meeting or emergency meeting, as described in OMA, as applicable.

"Members": the members of the Authority.

"Officers": Vice Chairman, Treasurer, Assistant Treasurer, Secretary and Assistant Secretary.

"OMA": the Illinois Open Meetings Act [5 ILCS 120].

"Public Comments": statements delivered or to be delivered at a meeting by a commentor.

"Regular Meeting": a regular meeting as described in Section 2.02 of OMA.

"Rule": a rule of the Authority promulgated and maintained in accordance with the IAPA.

"Special Meeting": a special meeting as described in Section 2.02 of OMA.

"Staff": the Director, Deputy Director, if any, and the employees of the Authority.

"State": the State of Illinois.

"Website": the Authority's website located at [www.ihda.org](http://www.ihda.org).

## SUBPART B: PUBLIC INFORMATION

**Section 1975.210 Public Information and Submissions**

- a) The public may direct inquiries to the Authority, and may obtain information concerning the Authority and its programs and activities from the Authority, on the IHDA website. Inquiries may also be made in writing to 111 E. Wacker Drive, Suite 1000, Chicago, Illinois 60601. The telephone number of the Authority is (312) 836-5200.
- b) Internet links to the Authority's rules may be found on the website.
- c) The By-Laws may be found on the website.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

## SUBPART C: RULEMAKING

**Section 1975.310 Applicability**

This Subpart applies to all rulemaking proceedings of the Authority.

**Section 1975.320 Adoption, Amendment and Repeal of Rules**

- a) The Authority promulgates its rules in accordance with the IAPA.
- b) No rule may be adopted, amended or repealed except by an official action of the members.
- c) Authority staff shall develop proposed rules, amendments to existing rules, and repealers of existing rules and submit them to the members for review and approval.
- d) Upon approval by the members, the Authority staff shall proceed with the rulemaking process in accordance with the IAPA.
- e) The Authority may also promulgate emergency, peremptory and required rules and amendments in accordance with the IAPA.

## SUBPART D: ORGANIZATION

**Section 1975.410 Applicability**

This Subpart shall govern practices and procedures with respect to the organizational structure and meetings of the Authority.

**Section 1975.420 Organization of the Authority**

Duties of the members, officers and staff of the Authority are governed by the Act and the By-Laws.

- a) **Members.** The Authority is a body politic and corporate of the State created by the Act and governed by nine members, appointed by the Governor by and with the advice and consent of the Senate.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

- b) Chairman. The Chairman, who is a member and who is designated from time to time by the Governor, is the chief executive officer of the Authority.
- c) Officers. The members annually elect from their membership a Vice Chairman, Treasurer, and Secretary. The members may elect one or more Assistant Treasurers and Assistant Secretaries, who need not be members.
- d) Director. The Director, who is appointed by the members, is the chief administrative officer of the Authority. The members may also appoint a Deputy Director.
- e) Staff. The Authority may from time to time employ persons as necessary for the effective transaction of Authority business. Under the By-Laws, the Director may be empowered to employ the staff.
- f) Staff Organization. The Director may, in his or her discretion, organize the staff into departments, divisions, or other administrative units necessary for the effective transaction of Authority business, including, but not limited to, units focused on accounting, finance, operations, single family and multifamily housing lending, compliance, law, communications, planning and research.

**Section 1975.430 By-Laws**

Business of the Authority is transacted in accordance with the By-Laws, which are available to the public on the IHDA website and upon request in accordance with Section 1975.210.

**Section 1975.440 Meetings of the Members**

- a) Meetings must be conducted in compliance with applicable provisions of OMA.
- b) Except as may be prohibited by OMA, the members may act by unanimous written consent without a meeting, as provided in the Act and the By-Laws.
- c) Five members constitute a quorum for the transaction of business at any meeting.
- d) The agenda shall set forth the general subject matter of any resolution that will be the subject of final action at the meeting.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

- e) The list of specific items set forth on an agenda for a regular meeting shall not preclude the consideration of discussion by the members of other items not specifically set forth on the agenda.

## SUBPART E: PUBLIC COMMENTS AT MEETINGS

**Section 1975.510 Applicability**

This Subpart shall provide the guidelines for public comment at the meetings, in accordance with Section 2.06(g) of OMA. The members may choose to refrain from the discussion of any topic; however, the members' inability to discuss a certain topic shall not preclude a commentor from commenting on that topic. Certain meetings may be closed to the public, including commentors, in accordance with OMA.

**Section 1975.520 Guidelines**

- a) The Authority shall post the schedule of regular meetings on the website at the beginning of each calendar year in accordance with Section 2.02 of OMA.
- b) The Authority shall post each regular meeting agenda on the website no later than 48 hours prior to each regular meeting in accordance with Section 2.02 of OMA.
- c) Notices and agendas for rescheduled and reconvened regular meetings, special meetings and emergency meetings shall be posted on the website in accordance with Section 2.02 of OMA.
- d) Commentors shall make a written request to address the members, via email to the Director, no later than 24 hours prior to a regular meeting, rescheduled or reconvened regular meeting, or special meeting. The Director's email address is located on the website. Any such request must include the name and business address of the individual wishing to speak, the name of the organization or group to be represented, if any, and a summary of the public comments.
- e) Commentors to emergency meetings are requested to submit to the Director, as soon as practicable prior to the emergency meeting, a written request to address the members. Any such request must include the name and business address of the individual wishing to speak, the name of the organization or group to be represented, if any, and a summary of the public comments.

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## NOTICE OF ADOPTED RULES

- f) Within a reasonable amount of time prior to each meeting, the Authority will provide a sign-up sheet for all commentors. Each commentor will be requested to provide his or her name and contact information and the topic to be addressed.
- g) A maximum of 30 minutes at the beginning of each meeting will be set aside for commentors.
- h) Each commentor shall be allowed to speak for three minutes.
- i) When more than three commentors desire to comment on the same topic, the Chairman may direct the group of commentors to designate representatives so as not to exceed three commentors for each topic.
- j) Commentors are encouraged to limit their public comments to those germane to the specific matters listed on the agenda.
- k) Commentors are required to conduct themselves in a professional manner prior to, during and after the meeting.
- l) A commentor who did not request the opportunity to provide public comments prior to a certain meeting, in accordance with subsection (d), and still desires to provide public comments at the meeting must also sign in prior to the meeting in accordance with subsection (f). However, the members may, in their sole discretion, decide to recognize or not recognize that commentor.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Number: 117.55                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].
- 5) Effective Date of Rule: April 13, 2018
- 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, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 41 Ill. Reg. 15167; December 26, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: The following language was added: "If funds are available, valid late claims will be accepted in the order in which they are received."
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and purpose of Rulemaking: This rulemaking revises the time frames for submitting claims for funeral and burials. It allows claims to be processed past the 180 days from the date of death of the decedent, or past the 90th calendar day for which a claim had to be returned for correction or completion.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

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

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

217/785-9772

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 117  
RELATED PROGRAM PROVISIONS

## Section

|        |   |
|--------|---|
| 117.1  | Incorporation By Reference  |
| 117.10 | Payee for Financial Assistance  |
| 117.11 | Issuance of Cash Assistance Benefits  |
| 117.12 | Client Training Brochure for the Electronic Benefits Transfer (EBT) System                            |
| 117.13 | Replacement of the EBT Card   |
| 117.15 | Reinstatement Upon Cooperation  |
| 117.20 | Replacement of Missing Warrants   |
| 117.30 | Withholding of Rent (Repealed)  |
| 117.40 | Recovery of Interim Assistance – Aid to the Aged, Blind or Disabled and General Assistance (Repealed) |
| 117.50 | Funerals and Burials  |
| 117.51 | Funeral Home Services   |
| 117.52 | Burial Expenses   |
| 117.53 | Payment to Vendor(s)  |
| 117.54 | Claims for Reimbursement  |
| 117.55 | Submittal of Claims   |
| 117.60 | Substitute Parental Care/Supplemental Child Care – TANF and AABD                                      |
| 117.70 | Charge for Replacement of Photo ID Cards (Repealed)   |
| 117.80 | Direct Deposit of Recipients' Warrants  |
| 117.90 | State Income Tax Match  |
| 117.91 | New Hire Match  |
| 117.92 | Electronic Finger Imaging   |

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

**SOURCE:** Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. 5263, effective April 19, 1999; amended at 23 Ill. Reg. 11174, effective August 27, 1999; amended at 23 Ill. Reg. 12638, effective October 15, 1999; emergency amendment at 24 Ill. Reg. 6723, effective April 14, 2000, for maximum of 150 days; amended at 24 Ill. Reg. 13422, effective August 18, 2000; amended at 24 Ill. Reg. 16305, effective October 17, 2000; amended at 27 Ill. Reg. 14028, effective August 7, 2003; amended at 30 Ill. Reg. 11549, effective June 20, 2006; amended at 32 Ill. Reg. 9614, effective June 23, 2008; emergency amendment at 36 Ill. Reg. 10503, effective July 1, 2012 until June 30, 2013; amended at 37 Ill. Reg. 1884, effective February 4, 2013; amended at 38 Ill. Reg. 18659, effective August 29, 2014; amended at 42 Ill. Reg. 7696, effective April 13, 2018.

**Section 117.55 Submittal of Claims**

- a) Vendor or reimbursement claims must be submitted on Department designated claim forms. The claim forms contain a certification statement ~~that~~which must not be altered. Claim forms must be legibly signed and dated in ink by the claimant. The Department will return without payment any claim form ~~that~~which is not properly signed, or ~~that~~which includes an altered certification statement.
- b) Claims not submitted within 30 calendar days ~~after~~of the date of death of the decedent must be accompanied by a written statement explaining the reason for

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

the delay.

- c) If funds are available, valid late claims will be accepted in the order in which they are received.
- de) Subject to appropriations, theThe Department may~~will~~ deny any claim that~~which~~ is not:
- 1) Submitted for the first time within 180 calendar days after~~of~~ the date of death of the decedent~~;~~ or
  - 2) Re-submitted within 90 calendar days after being returned for correction or completion.

(Source: Amended at 42 Ill. Reg. 7696, effective April 13, 2018)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Freestanding Emergency Center Code
- 2) Code Citation: 77 Ill. Adm. Code 518
- 3) Section Number: 518.1100                      Adopted Action:  
Amendment
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) Effective Date of Rule: April 10, 2018
- 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 the *Illinois Register*: 41 Ill. Reg. 15034; December 15, 2017
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.
- 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: This rulemaking implements PA 99-710, which established new requirements for ambulance service to freestanding emergency centers.
- 16) Information and questions regarding this adopted rule shall be directed to:

Elizabeth Paton  
Assistant General Counsel

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT

Department of Public Health  
Division of Legal Services  
535 West Jefferson, 5th Floor  
Springfield IL 62761

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

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

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETYPART 518  
FREESTANDING EMERGENCY CENTER CODE

## Section

|          |   |
|----------|---|
| 518.1000 | Definitions                                     |
| 518.1050 | Incorporated and Referenced Materials           |
| 518.1100 | Freestanding Emergency Center Licensure         |
| 518.1150 | Initial Licensure Application                   |
| 518.1155 | Application for Annual License Renewal          |
| 518.1160 | Surveys   |
| 518.1165 | Complaints                                      |
| 518.1200 | Emergency Suspension Orders                     |
| 518.1250 | Violations and Hearings                         |
| 518.1300 | Governing Board                                 |
| 518.1350 | Provision of Emergency Services                 |
| 518.1400 | EMS System Participation                        |
| 518.1450 | Patients' Rights                                |
| 518.1500 | Language Assistance Services                    |
| 518.1550 | Personnel Services                              |
| 518.1600 | Personnel Requirements                          |
| 518.1610 | Health Care Worker Background Check             |
| 518.1650 | Medical Staff Organization                      |
| 518.1700 | Nursing Services                                |
| 518.1750 | Accounting                                      |
| 518.1800 | Quality Assurance and Reporting                 |
| 518.1850 | Orders for Medications and Treatments           |
| 518.1900 | Infection Control                               |
| 518.1950 | Sterilization and Processing of Supplies        |
| 518.2000 | Laboratory Services                             |
| 518.2010 | Radiological Services                           |
| 518.2020 | Comprehensive Emergency Treatment Services      |
| 518.2030 | Notification of Emergency Personnel             |
| 518.2040 | Community or Areawide Planning                  |
| 518.2050 | Disaster and Mass Casualty Program              |
| 518.2060 | Emergency Services for Sexual Assault Survivors |

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

|                    |  |
|--------------------|--|
| 518.2070           | Pharmacy Service   |
| 518.2080           | Housekeeping Service   |
| 518.2090           | Insect and Rodent Control  |
| 518.2100           | Laundry Service  |
| 518.2110           | Food Service   |
| 518.2120           | Maintenance  |
| 518.2130           | Fire Safety  |
| 518.2140           | Water Supply   |
| 518.2150           | Garbage, Waste and Sewage Handling and Disposal                      |
| 518.2160           | Submission of Architectural Plans                                    |
| 518.2170           | Preparation of Drawings and Specifications – Submission Requirements |
| 518.2180           | Construction Details   |
| 518.2190           | Finishes   |
| 518.2200           | Structural Requirements  |
| 518.2210           | Mechanical Requirements  |
| 518.2220           | Plumbing and Other Piping Systems                                    |
| 518.2230           | Electrical Requirements  |
| 518.2240           | Building Requirements  |
| 518.ILLUSTRATION A | Seismic Zone Map   |
| 518.TABLE A        | Piping Locations for Oxygen, Vacuum and Medical Compressed Air       |
| 518.TABLE B        | Insulation/Building Perimeter  |
| 518.TABLE C        | Minimum Efficiency Reporting Values                                  |

AUTHORITY: Implementing and authorized by Section 32.5 of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Adopted at 22 Ill. Reg. 13756, effective July 10, 1998; amended at 24 Ill. Reg. 14026, effective August 31, 2000; amended at 27 Ill. Reg. 8456, effective May 15, 2003; amended at 33 Ill. Reg. 8317, effective June 4, 2009; amended at 34 Ill. Reg. 12207, effective August 4, 2010; amended at 42 Ill. Reg. 7701, effective April 10, 2018.

**Section 518.1100 Freestanding Emergency Center Licensure**

- a) The Department ~~will~~shall license freestanding emergency centers pursuant to the Act and this Part.
- b) A freestanding emergency center shall meet the following requirements:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- 1) *has received a permit from the ~~Illinois~~ Health Facilities and Services Review Board to establish a Freestanding Emergency Center by January 1, 2015~~freestanding emergency center if the application for the permit has been deemed complete by the Department by March 1, 2009;~~*
- 2) *is located:*
  - A) *in a municipality with a population of 50,000~~75,000~~ or fewer inhabitants;*
  - B) *within 5020 miles of the hospital that owns or controls the freestanding emergency center; and*
  - C) *within 5020 miles of the Resource Hospital affiliated with the freestanding emergency center as part of the EMS system;*
- 3) *is wholly owned or controlled by an Associate or Resource Hospital, but is not a part of the hospital's physical plant;*
- 4) *meets the standards for licensed FECs, adopted in this Part, including, but not limited to:*
  - A) *facility design, specification, operation, and maintenance standards;*
  - B) *equipment standards; and*
  - C) *the number and qualifications of emergency medical personnel and other staff, which must include at least one board certified emergency physician present at the FEC 24 hours per day;*
- 5) *limits its participation in the EMS System strictly to receiving a limited number of patients by ambulance:*
  - A) *According to the FEC's 24-hour capabilities;~~BLS runs by emergency medical vehicles according to~~*
  - B) *According to protocols developed by the Resource Hospital within the FEC's designated EMS System; and*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

- C) *As pre-approved by both the EMS Medical Director and the Department*~~*approved by the Project Medical Director and the Department;*~~
- 6) *provides comprehensive emergency treatment services, as defined in Hospital Licensing Requirements (~~77 Ill. Adm. Code 250~~), 24 hours per day, on an outpatient basis;*
  - 7) *provides an ambulance and maintains on site ambulance services staffed with paramedics 24 hours per day;*
  - 8) *complies with all State and federal patient rights provisions, including, but not limited to, the Emergency Medical Treatment Act and the federal Emergency Medical Treatment and Active Labor Act;*
  - 9) *maintains a communications system that is fully integrated with its Resource Hospital within the FEC's designated EMS System;*
  - 10) *reports to the Department any patient transfers from the FEC to a hospital within 48 hours after the transfer plus any other data determined to be relevant by the Department;*
  - 11) *submits to the Department, on a quarterly basis, the FEC's morbidity and mortality rates for patients treated at the FEC and other data determined to be relevant by the Department;*
  - 12) *does not describe itself or hold itself out to the general public as a full service hospital or hospital emergency department in its advertising or marketing activities;*
  - 13) *complies with any other rules adopted by the Department under the Act that relate to FECs;*
  - 14) *passes the ~~Department's~~ Department's site inspection for compliance with the FEC requirements of the Act;*
  - 15) *submits a copy of the permit issued by the Illinois Health Facilities and Services Review ~~and Services Review~~ Board indicating that the facility*

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT

*has complied with the Illinois Health Facilities Planning Act with respect to the health services to be provided at the facility;*

- 16) *submits an application for designation as an FEC in a manner and form prescribed by the Department in this Part; and*
- 17) *pays the annual license fee as determined by the Department. (Section 32.5(a)(~~1~~) of the Act)*

(Source: Amended at 42 Ill. Reg. 7701, effective April 10, 2018)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of April 10, 2018 through April 16, 2018. The rulemakings are scheduled for the May 15, 2018 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| <u>Second Notice Expires</u> | <u>Agency and Rule</u>   | <u>Start of First Notice</u>      | <u>JCAR Meeting</u> |
|------------------------------|--|-----------------------------------|---------------------|
| 5/25/18                      | <u>Department on Aging</u> , Adult Protection and Advocacy Services (89 Ill. Adm. Code 270)  | 11/17/17<br>41 Ill. Reg.<br>13846 | 5/15/18             |
| 5/27/18                      | <u>Illinois Student Assistance Commission</u> , Police Training Academy Job Training Scholarship Program (23 Ill. Adm. Code 2744)          | 2/9/18<br>42 Ill. Reg.<br>2787    | 5/15/18             |
| 5/27/18                      | <u>Illinois Student Assistance Commission</u> , Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill. Adm. Code 2763)           | 2/9/18<br>42 Ill. Reg.<br>2794    | 5/15/18             |
| 5/27/18                      | <u>Illinois Student Assistance Commission</u> , Golden Apple Scholars of Illinois Program (23 Ill. Adm. Code 2764)                         | 2/9/18<br>42 Ill. Reg.<br>2802    | 5/15/18             |
| 5/27/18                      | <u>Illinois Student Assistance Commission</u> , Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 Ill. Adm. Code 2765) | 2/9/18<br>42 Ill. Reg.<br>2810    | 5/15/18             |
| 5/27/18                      | <u>Illinois Student Assistance Commission</u> , Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)                              | 2/9/18<br>42 Ill. Reg.<br>2781    | 5/15/18             |
| 5/30/18                      | <u>Secretary of State</u> , Departmental Duties (2 Ill. Adm. Code 552)   | 12/1/17<br>41 Ill. Reg.<br>14432  | 5/15/18             |

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: General Requirements for Underground Storage Tanks and the Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances
- 2) Code Citation: 41 Ill. Adm. Code 174
- 3) Register citation of proposed rulemaking: 42 Ill. Reg. 3270; February 23, 2018
- 4) Explanation: In Section 174.210(a) Incorporations by Reference:

References have been corrected as follows:

Steel Tank Institute (STI). Available from the Steel Tank Institute, 944 Donata Court, Lake Zurich IL 60047, (847) 438-8265:

STI (F894.01) (ACT 100), "Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks", revised ~~February 2017~~ January 2009.

~~Underwriters~~ Underwriter Laboratories, c/o COMM 2000, 151 Eastern Avenue, Bensenville IL 60106, 1-888-853-3503:

Standard for Pre-Engineered Dry Chemical Extinguishing System Units, UL 1254 (2013~~2005~~).

US Department of Defense (published and made available to the public at <http://www.wbdg.org/ffc/dod>):

"Unified Facilities Criteria (UFC) 3-460-01, Petroleum Fuel Facilities", 2010 Edition as revised by Change 2, eff. June 17, 2015.

In subsection (b), changed "CFRR" to "CFR".

**ILLINOIS ADMINISTRATIVE CODE**  
**Issue Index - With Effective Dates**

Rules acted upon in Volume 42, Issue 17 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.

**PROPOSED RULES**

|          |       |      |
|----------|-------|------|
| 29 - 301 | ..... | 7603 |
| 77 - 220 | ..... | 7655 |

**ADOPTED RULES**

|           |                 |      |
|-----------|-----------------|------|
| 44 - 5040 | 4/11/2018 ..... | 7672 |
| 80 - 303  | 4/11/2018 ..... | 7677 |
| 2 - 1975  | 4/11/2018 ..... | 7685 |
| 2 - 1975  | 4/11/2018 ..... | 7687 |
| 89 - 117  | 4/13/2018 ..... | 7696 |
| 77 - 518  | 4/10/2018 ..... | 7701 |

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