
ILLINOIS

REGISTER



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TABLE OF CONTENTS

August 31, 2018 Volume 42, Issue 35

PROPOSED RULES

HEALTHCARE AND FAMILY SERVICES, DEPARTMENT OF

Medical Payment

89 Ill. Adm. Code 140.....16364

ADOPTED RULES

CIVIL SERVICE COMMISSION

Civil Service Commission

80 Ill. Adm. Code 1.....16395

COMMERCE COMMISSION, ILLINOIS

Telephone Assistance Programs

83 Ill. Adm. Code 757.....16417

TRANSPORTATION, DEPARTMENT OF

Construction Standards for School Buses Used in Special Transportation

92 Ill. Adm. Code 444.....16443

NOTICE OF CODIFICATION CHANGES

INSURANCE, DEPARTMENT OF

Surplus Line Business Requirements

50 Ill. Adm. Code 2801.....16453

Requirements

50 Ill. Adm. Code 5601.....16455

Viatical Settlement Provider and Broker Requirements

50 Ill. Adm. Code 5701.....16457

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received.....16460

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

ENVIRONMENTAL PROTECTION AGENCY, ILLINOIS

Combined Sewer Overflow Exception Criteria and First Flush
Determination (Withdrawal of Repealer)

35 Ill. Adm. Code 375.....16461

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

Issue#	Rules Due Date	Date of Issue
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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Actions:
 140.421 Amendment
 140.492 Amendment
 140.TABLE D Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This proposed amendment implements PA 100-587 by: adding adult dental diagnostic and preventative services as a covered service, and increasing the base and mileage rates for ambulance services by 12%.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
140.417	Amendment	42 Ill. Reg. 27; January 5, 2018
140.3	Amendment	42 Ill. Reg. 7285; April 20, 2018
140.6	Amendment	42 Ill. Reg. 7285; April 20, 2018
140.413	Amendment	42 Ill. Reg. 7285; April 20, 2018
140.421	Amendment	42 Ill. Reg. 8119; May 18, 2018
140.513	Amendment	42 Ill. Reg. 9052; June 8, 2018
140.80	Amendment	42 Ill. Reg. 13411; July 13, 2018
140.452	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.453	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.455	Amendment	42 Ill. Reg. 14043; July 20, 2018
140.460	Amendment	42 Ill. Reg. 14043; July 20, 2018

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.TABLE N Amendment 42 Ill. Reg. 14043; July 20, 2018

- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

HFS.Rules@illinois.gov

The Department requests the submission of written comments within 45 days after the publication of this Notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this Rulemaking was Summarized: July 2018

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

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

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART C: PROVIDER ASSESSMENTS

- Section
- 140.80 Hospital Provider Fund
- 140.82 Developmentally Disabled Care Provider Fund
- 140.84 Long Term Care Provider Fund

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 140.473 Prior Approval for Home Health Care Services
- 140.474 Payment for Home Health Care Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Illinois Healthy Women
- 140.487 Healthy Kids Program Timeliness Standards
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures
- 140.490 Medical Transportation
- 140.491 Medical Transportation Limitations and Authorization Process
- 140.492 Payment for Medical Transportation
- 140.493 Payment for Helicopter Transportation
- 140.494 Record Requirements for Medical Transportation Services
- 140.495 Psychological Services
- 140.496 Payment for Psychological Services
- 140.497 Hearing Aids
- 140.498 Fingerprint-Based Criminal Background Checks
- 140.499 Behavioral Health Clinic

SUBPART E: GROUP CARE

- Section
- 140.500 Long Term Care Services
- 140.502 Cessation of Payment at Federal Direction
- 140.503 Cessation of Payment for Improper Level of Care
- 140.504 Cessation of Payment Because of Termination of Facility
- 140.505 Informal Hearing Process for Denial of Payment for New ICF/MR
- 140.506 Provider Voluntary Withdrawal
- 140.507 Continuation of Provider Agreement

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 140.510 Determination of Need for Group Care
- 140.511 Long Term Care Services Covered By Department Payment
- 140.512 Utilization Control
- 140.513 Notification of Change in Resident Status
- 140.514 Certifications and Recertifications of Care (Repealed)
- 140.515 Management of Recipient Funds – Personal Allowance Funds
- 140.516 Recipient Management of Funds
- 140.517 Correspondent Management of Funds
- 140.518 Facility Management of Funds
- 140.519 Use or Accumulation of Funds
- 140.520 Management of Recipient Funds – Local Office Responsibility
- 140.521 Room and Board Accounts
- 140.522 Reconciliation of Recipient Funds
- 140.523 Bed Reserves
- 140.524 Cessation of Payment Due to Loss of License
- 140.525 Quality Incentive Program (QUIP) Payment Levels
- 140.526 County Contribution to Medicaid Reimbursement (Repealed)
- 140.527 Quality Incentive Survey (Repealed)
- 140.528 Payment of Quality Incentive (Repealed)
- 140.529 Reviews (Repealed)
- 140.530 Basis of Payment for Long Term Care Services
- 140.531 General Service Costs
- 140.532 Health Care Costs
- 140.533 General Administration Costs
- 140.534 Ownership Costs
- 140.535 Costs for Interest, Taxes and Rent
- 140.536 Organization and Pre-Operating Costs
- 140.537 Payments to Related Organizations
- 140.538 Special Costs
- 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
- 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
- 140.541 Salaries Paid to Owners or Related Parties
- 140.542 Cost Reports – Filing Requirements
- 140.543 Time Standards for Filing Cost Reports
- 140.544 Access to Cost Reports (Repealed)
- 140.545 Penalty for Failure to File Cost Reports

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND
LOCAL GOVERNMENTAL ENTITIES

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 140.910 Referrals (Recodified)
- 140.911 Basic Rehabilitation Aide Training Program (Recodified)
- 140.912 Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section

- 140.920 General Description
- 140.922 Covered Services
- 140.924 Maternal and Child Health Provider Participation Requirements
- 140.926 Client Eligibility (Repealed)
- 140.928 Client Enrollment and Program Components (Repealed)
- 140.930 Reimbursement
- 140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND
REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section

- 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
- 140.942 Definition of Terms (Recodified)
- 140.944 Notification of Negotiations (Recodified)
- 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
- 140.948 Negotiation Procedures (Recodified)
- 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
- 140.952 Closing an ICARE Area (Recodified)
- 140.954 Administrative Review (Recodified)
- 140.956 Payments to Contracting Hospitals (Recodified)
- 140.958 Admitting and Clinical Privileges (Recodified)
- 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
- 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
- 140.964 Contract Monitoring (Recodified)
- 140.966 Transfer of Recipients (Recodified)
- 140.968 Validity of Contracts (Recodified)
- 140.970 Termination of ICARE Contracts (Recodified)
- 140.972 Hospital Services Procurement Advisory Board (Recodified)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
- 140.982 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)

SUBPART I: PRIMARY CARE CASE MANAGEMENT PROGRAM

Section

- 140.990 Primary Care Case Management Program
- 140.991 Primary Care Provider Participation Requirements
- 140.992 Populations Eligible to Participate in the Primary Care Case Management Program
- 140.993 Care Management Fees
- 140.994 Panel Size and Affiliated Providers
- 140.995 Mandatory Enrollment
- 140.996 Access to Health Care Services
- 140.997 Payment for Services

SUBPART J: ALTERNATE PAYEE PARTICIPATION

Section

- 140.1001 Registration Conditions for Alternate Payees
- 140.1002 Participation Requirements for Alternate Payees
- 140.1003 Recovery of Money for Alternate Payees
- 140.1004 Conditional Registration for Alternate Payees
- 140.1005 Revocation of an Alternate Payee

SUBPART K: MANDATORY MCO ENROLLMENT

Section

- 140.1010 Mandatory Enrollment in MCOs

SUBPART L: UNAUTHORIZED USE OF MEDICAL ASSISTANCE

Section

- 140.1300 Definitions
- 140.1310 Recovery of Money
- 140.1320 Penalties

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

140.1330 Enforcement

140.TABLE A	Criteria for Non-Emergency Ambulance Transportation
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	Rate Regions
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services (Repealed)
140.TABLE N	Program Approval for Specified Behavioral Health Services
140.TABLE O	Criteria for Participation as a Behavioral Health Clinic

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

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; preemptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill.

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. 6945, effective May 1, 2005; emergency amendment at 29 Ill. Reg. 8509, effective June 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 12534, effective August 1, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 14957, effective September 30, 2005; emergency amendment at 29 Ill. Reg. 15064, effective October 1, 2005, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 29 Ill. Reg. 15985, effective October 5, 2005, for the remainder of the 150 days; emergency amendment at 29 Ill. Reg. 15610, effective October 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 16515, effective October 5, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 349, effective December 28, 2005; emergency amendment at 30 Ill. Reg. 573, effective January 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 796, effective January 1, 2006; amended at 30 Ill. Reg. 2802, effective February 24, 2006; amended at 30 Ill. Reg. 10370, effective May 26, 2006; emergency amendment at 30 Ill. Reg. 12376, effective July 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 13909, effective August 2, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 14280, effective August 18, 2006; expedited correction at 31 Ill. Reg. 1745, effective August 18, 2006; emergency amendment at 30 Ill. Reg. 17970, effective November 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18648, effective November 27, 2006; emergency amendment at 30 Ill. Reg. 19400, effective December 1, 2006, for a maximum of 150 days; amended at 31 Ill. Reg. 388, effective December 29, 2006; emergency amendment at 31 Ill. Reg. 1580, effective

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 2413, effective January 19, 2007; amended at 31 Ill. Reg. 5561, effective March 30, 2007; amended at 31 Ill. Reg. 6930, effective April 29, 2007; amended at 31 Ill. Reg. 8485, effective May 30, 2007; emergency amendment at 31 Ill. Reg. 10115, effective June 30, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14749, effective October 22, 2007; emergency amendment at 32 Ill. Reg. 383, effective January 1, 2008, for a maximum of 150 days; peremptory amendment at 32 Ill. Reg. 6743, effective April 1, 2008; peremptory amendment suspended at 32 Ill. Reg. 8449, effective May 21, 2008; suspension withdrawn by the Joint Committee on Administrative Rules at 32 Ill. Reg. 18323, effective November 12, 2008; peremptory amendment repealed by emergency rulemaking at 32 Ill. Reg. 18422, effective November 12, 2008, for a maximum of 150 days; emergency expired April 10, 2009; peremptory amendment repealed at 33 Ill. Reg. 6667, effective April 29, 2009; amended at 32 Ill. Reg. 7727, effective May 5, 2008; emergency amendment at 32 Ill. Reg. 10480, effective July 1, 2008, for a maximum of 150 days; emergency expired November 27, 2008; amended at 32 Ill. Reg. 17133, effective October 15, 2008; amended at 33 Ill. Reg. 209, effective December 29, 2008; amended at 33 Ill. Reg. 9048, effective June 15, 2009; emergency amendment at 33 Ill. Reg. 10800, effective June 30, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 11287, effective July 14, 2009; amended at 33 Ill. Reg. 11938, effective August 17, 2009; amended at 33 Ill. Reg. 12227, effective October 1, 2009; emergency amendment at 33 Ill. Reg. 14324, effective October 1, 2009, for a maximum of 150 days; emergency expired February 27, 2010; amended at 33 Ill. Reg. 16573, effective November 16, 2009; amended at 34 Ill. Reg. 516, effective January 1, 2010; amended at 34 Ill. Reg. 903, effective January 29, 2010; amended at 34 Ill. Reg. 3761, effective March 14, 2010; amended at 34 Ill. Reg. 5215, effective March 25, 2010; amended at 34 Ill. Reg. 19517, effective December 6, 2010; amended at 35 Ill. Reg. 394, effective December 27, 2010; amended at 35 Ill. Reg. 7648, effective May 1, 2011; amended at 35 Ill. Reg. 7962, effective May 1, 2011; amended at 35 Ill. Reg. 10000, effective June 15, 2011; amended at 35 Ill. Reg. 12909, effective July 25, 2011; amended at 36 Ill. Reg. 2271, effective February 1, 2012; amended at 36 Ill. Reg. 7010, effective April 27, 2012; amended at 36 Ill. Reg. 7545, effective May 7, 2012; amended at 36 Ill. Reg. 9113, effective June 11, 2012; emergency amendment at 36 Ill. Reg. 11329, effective July 1, 2012 through June 30, 2013; emergency amendment to Section 140.442(e)(4) suspended at 36 Ill. Reg. 13736, effective August 15, 2012; suspension withdrawn from Section 140.442(e)(4) at 36 Ill. Reg. 14529, September 11, 2012; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.442(e)(4) at 36 Ill. Reg. 14820, effective September 21, 2012 through June 30, 2013; emergency amendment to Section 140.491 suspended at 36 Ill. Reg. 13738, effective August 15, 2012; suspension withdrawn by the Joint Committee on Administrative Rules from Section 140.491 at 37 Ill. Reg. 890, January 8, 2013; emergency amendment in response to Joint Committee on Administrative Rules action on Section 140.491 at 37 Ill. Reg. 1330, effective January 15, 2013 through June 30, 2013; amended at 36 Ill. Reg. 15361, effective October 15, 2012; emergency amendment at 37 Ill. Reg. 253,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective January 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 846, effective January 9, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 1774, effective January 28, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 2348, effective February 1, 2013 through June 30, 2013; amended at 37 Ill. Reg. 3831, effective March 13, 2013; emergency amendment at 37 Ill. Reg. 5058, effective April 1, 2013 through June 30, 2013; emergency amendment at 37 Ill. Reg. 5170, effective April 8, 2013 through June 30, 2013; amended at 37 Ill. Reg. 6196, effective April 29, 2013; amended at 37 Ill. Reg. 7985, effective May 29, 2013; amended at 37 Ill. Reg. 10282, effective June 27, 2013; amended at 37 Ill. Reg. 12855, effective July 24, 2013; emergency amendment at 37 Ill. Reg. 14196, effective August 20, 2013, for a maximum of 150 days; amended at 37 Ill. Reg. 17584, effective October 23, 2013; amended at 37 Ill. Reg. 18275, effective November 4, 2013; amended at 37 Ill. Reg. 20339, effective December 9, 2013; amended at 38 Ill. Reg. 859, effective December 23, 2013; emergency amendment at 38 Ill. Reg. 1174, effective January 1, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 4330, effective January 29, 2014; amended at 38 Ill. Reg. 7156, effective March 13, 2014; amended at 38 Ill. Reg. 12141, effective May 30, 2014; amended at 38 Ill. Reg. 15081, effective July 2, 2014; emergency amendment at 38 Ill. Reg. 15673, effective July 7, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. 18216, effective August 18, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18462, effective August 19, 2014; amended at 38 Ill. Reg. 23623, effective December 2, 2014; amended at 39 Ill. Reg. 4394, effective March 11, 2015; emergency amendment at 39 Ill. Reg. 6903, effective May 1, 2015 through June 30, 2015; emergency amendment at 39 Ill. Reg. 8137, effective May 20, 2015, for a maximum of 150 days; emergency amendment at 39 Ill. Reg. 10427, effective July 10, 2015, for a maximum of 150 days; emergency expired December 6, 2015; amended at 39 Ill. Reg. 12825, effective September 4, 2015; amended at 39 Ill. Reg. 13380, effective September 25, 2015; amended at 39 Ill. Reg. 14138, effective October 14, 2015; emergency amendment at 40 Ill. Reg. 13677, effective September 16, 2016, for a maximum of 150 days; emergency expired February 12, 2017; amended at 41 Ill. Reg. 999, effective January 19, 2017; amended at 41 Ill. Reg. 3296, effective March 8, 2017; amended at 41 Ill. Reg. 7526, effective June 15, 2017; amended at 41 Ill. Reg. 10950, effective August 9, 2017; amended at 42 Ill. Reg. 4829, effective March 1, 2018; amended at 42 Ill. Reg. 12986, effective June 25, 2018; emergency amendment at 42 Ill. Reg. 13688, effective July 2, 2018, for a maximum of 150 days; emergency amendment to emergency rule at 42 Ill. Reg. 16265, effective August 13, 2018, for the remainder of the 150 days; amended at 42 Ill. Reg. 14383, effective July 23, 2018; amended at 42 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.421 Limitations on Dental Services

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Effective for dates of service on or after July 1, ~~2018~~2014:

- a) The Department shall impose prior approval requirements to determine the medical necessity of dental services listed in this Section. Prior approval is required for:
 - 1) Crowns;
 - 2) Partial Pulpotomy;
 - 3) Periodontal services, except full mouth debridement for diagnostic purposes, ~~ages 0-20~~;
 - 4) Apexification and recalcification;
 - 5) Apicoectomy;
 - 6) Dentures, partial dentures and denture relines;
 - 7) Maxillofacial prosthetics;
 - 8) Prosthodontics;
 - 9) Removal of impacted teeth;
 - 10) Surgical removal of residual roots;
 - 11) Surgical exposure to aid eruption;
 - 12) Alveoloplasty;
 - 13) Incision and drainage of abscess;
 - 14) Removal of cysts or tumors;
 - 15) Frenulectomy;

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 16) Orthodontics. Effective January 1, 2017, medically necessary orthodontic treatment is approved only for patients under the age of 21 and is defined as:
- A) treatment necessary to correct a condition that scores 28 points or more on the Handicapping Labio-Lingual Deviation Index (HLD); or
 - B) treatment necessary to correct the following conditions:
 - i) Cleft palate;
 - ii) Deep impinging bite with signs of tissue damage, not just touching palate;
 - iii) Anterior crossbite with gingival recession; and
 - iv) Severe traumatic deviation (i.e., accidents, tumors, etc.; attach description);
- 17) General anesthesia, conscious sedation or deep sedation;
- 18) Therapeutic drug injection;
- 19) Other drugs and medicaments;
- 20) Unspecified miscellaneous adjunctive general services or procedures;
- 21) Dental services not listed in Table D.
- b) The dentist may request post-approval when a dental procedure requiring prior approval is provided on an emergency basis. Approval of the procedures shall be given if the dental procedure is medically necessary.

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

Section 140.492 Payment for Medical Transportation

Notwithstanding the provisions set forth in subsections (a) through (h), beginning July 1, 2002,

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

the reimbursement rates paid for medical transportation services shall be the lesser of the provider's usual and customary charge to the general public or 94 percent of the fiscal year 2002 rate otherwise determined by the Department under this Section. Notwithstanding Section 140.405, beginning with date of service July 1, 2013 and thereafter, the Department's established maximum rate for ambulance services shall be equivalent to 100% of the rate in effect on June 30, 2012, as reflected on the Department's Fee Schedule, except when a rate that is higher than the rate in effect on June 30, 2012 is specified in subsection (h). Payment for medical transportation services shall be made in accordance with the methodologies outlined in this Section. Base rate reimbursement is determined by the county in which the vehicle is, or the vehicles are, based. In no case shall rates exceed the Medicare allowable, where applicable, or the rates charged to the general public.

- a) For dates of service prior to July 1, 2006, medicar providers shall be paid a base rate, which includes the first ten miles (20 miles round trip), a mileage rate and a fixed amount for an employee or non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.
- b) For dates of service prior to July 1, 2006, service car providers shall be paid a base rate, which includes the first ten miles (20 miles round trip), a mileage rate and a fixed amount for a non-employee attendant. Loaded miles, i.e., those miles for which the provider is actually transporting an individual, after ten miles (20 miles round trip) shall be reimbursed.
- c) For dates of service on or after July 1, 2006, medicar providers and service car providers shall be paid at a base rate, a mileage rate and a fixed amount for an attendant. Payment for an attendant is subject to the requirements in Section 140.490(e)(5). Mileage reimbursement is made for loaded miles, i.e., those miles for which the provider is actually transporting an individual. Mileage for multiple passengers is reimbursed pursuant to Section 140.490(d).
- d) Private auto providers shall be paid for loaded miles at a mileage rate.
- e) Payment for transportation services provided by common carrier, such as commercial airplanes, buses and trains, shall be at the usual community rate.
- f) Taxicabs in an area regulated by a municipality or township shall be reimbursed at the community rate and a fixed amount for an attendant. Payment for an attendant is subject to the requirements in Section 140.490(e).

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- g) Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department and a fixed amount for an attendant. Payment for an attendant is subject to the requirements in Section 140.490(e). The Department rate shall be reviewed on an annual basis each July.
- h) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at a base, mileage rate (loaded miles) and a rate for oxygen, as appropriate. Payment shall also be made for Advanced Life Support (ALS) at an all inclusive rate, which includes the base rate, supplies, and all other services, excluding mileage. However, for ALS services provided on or after July 1, 1993, separate reimbursement shall be made for oxygen when used and appropriately billed. Loaded miles for ALS trips shall be reimbursed at the per mile rate. Payment shall also be made for Specialty Care Transport (SCT). Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (h)(1) through (5). Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.
- 1) Payment shall be made at a basic rate for Basic Life Support (BLS) services that is provider specific. The basic rate shall be the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim form, or 80 percent of the 50th percentile of the Medicare prevailing charge for Basic Life Support for the designated Medicare Locality, except that any basic rate previously approved by the Department that exceeds these parameters shall remain in force. The rate of annual increase shall not exceed five percent. Beginning with dates of service July 1, ~~2018~~~~2013~~ and thereafter, the Department's established maximum rate for BLS services shall be equivalent to ~~112%~~ ~~the sum of 100%~~ of the rate in effect on June 30, ~~2018~~~~2012~~ ~~plus \$14.65~~, as reflected on the Department's Fee Schedule.
- 2) Payment for loaded miles shall be at a rate per mile. If a natural disaster, weather or other conditions necessitate the use of a route other than the most direct route, reimbursement will be based on the actual distance traveled. The rate per mile shall be 50 percent of the 50th percentile of the Medicare prevailing mileage charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent. Beginning with dates of service July 1, ~~2018~~ ~~2013~~ and thereafter, regardless of the county in which

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

the vehicle is based, loaded miles shall be paid at the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim, or the Department's established rate of ~~\$5.605.00~~ per mile, as reflected on the Department's Fee Schedule.

- 3) Payment for oxygen shall be made at a flat rate statewide. The rate shall be 50 percent of the 50th percentile of the Medicare prevailing charge for Medicare Locality 16. The annual rate of increase shall not exceed five percent.
 - 4) Payment for Advanced Life Support (ALS) services shall be at the lesser of the provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80 percent of the difference between the Medicare 50th percentile prevailing charge for Basic Life Support services and Advanced Life Support services for Medicare Locality 16. The annual rate of increase shall not exceed five percent. Beginning with dates of service July 1, ~~20182013~~ and thereafter, the Department's established maximum rate for ALS services shall be equivalent to 112% ~~the sum of 100%~~ of the rate in effect on June 30, ~~20182012 plus \$14.65~~, as reflected on the Department's Fee Schedule.
 - 5) Beginning with dates of service July 1, ~~20182013~~ and thereafter, payment for SCT shall be made at the lesser of the provider's usual and customary charge to the general public, as reflected on the provider's claim, or the Department's established rate, which is equivalent to 112% ~~the sum of 100%~~ of the ALS rate in effect on June 30, ~~20182012 plus \$75.00~~, as reflected on the Department's Fee Schedule.
- i) Payment for medical transportation services provided by individuals, including those currently receiving public assistance, legally responsible relatives or household members, will be made at a loaded mileage rate.
 - j) The Department may adjust reimbursement for medical transportation services in a county when such adjustment is necessary to ensure the availability of transportation to medical services.

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

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 140. TABLE D Schedule of Dental Procedures

Effective January 1, ~~2018~~2016. Additional dental services may be approved based on medical necessity.

- a) Diagnostic Services
 - 1) Clinical Oral Evaluations
 - A) Oral Exams (~~ages 0-20~~) – ~~limited to one every 6 months per patient~~ in an office and school setting;
 - i) For ages 0-20 – Limited to one every 6 months per patient;
and
 - ii) For ages 21 and over – Limited to one every 12 months per patient
 - B) Limited Exam (~~ages 0-99~~)
 - C) Comprehensive Exam (~~ages 0-99~~)
 - 2) X-rays (~~ages 0-99~~)
- b) Preventive Services (~~ages 0-20~~)
 - 1) Prophylaxis – ~~limited to one every 6 months per patient~~ in an office or school setting
 - A) For ages 0-20 – Limited to one every 6 months per patient; and
 - B) For ages 21 and over – Limited to one every 12 months per patient
 - 2) Topical Application of Fluoride (ages 0-20) – limited to one every 6 months per patient in an office or school setting
 - 3) Fluoride Varnish (ages 0-2) – limited to three per 12 months per patient ages 0-2 years in an office setting

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 4) Sealants (ages 0-20) – limited to one per lifetime per tooth regardless of place of service
- 5) Space Maintenance (ages 0-20) – limited to one per lifetime per quadrant
- c) Restorative Services (~~ages 0-99~~)
 - 1) Amalgams
 - 2) Resins
 - 3) Crowns
 - 4) Other Restorative Services
- d) Endodontic Services (~~ages 0-20~~)
 - 1) Pulpotomy – limited to ages 0-20
 - 2) Endodontic Therapy (ages 21 and over; limited to anterior teeth only)
 - 3) Apexification/Recalcification Procedures limited to ages 0-20
 - 4) Apicoectomy/Periradicular Services limited to ages 0-20
- e) Periodontal Services (~~ages 0-20~~)
 - 1) Surgical Services
 - 2) Non-Surgical Periodontal Services
 - 3) Other Periodontal Services
- f) Removable Prosthodontic Services (~~ages 0-99~~)
 - 1) Complete Denture
 - 2) Partial Denture – limited to (~~ages 0-20~~)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) Repairs to Complete Denture
- 4) Repairs to Partial Denture
- 5) Denture Reline Procedures
- g) Maxillofacial Prosthetics (~~ages 0-99~~)
- h) Prosthodontics Fixed limited to(~~ages 0-20~~)
 - 1) Fixed Partial Denture Pontics
 - 2) Fixed Partial Denture Retainers – Crowns
 - 3) Other Fixed Partial Denture Services
- i) Oral and Maxillofacial Services (~~ages 0-99~~)
 - 1) Extractions
 - 2) Surgical Extractions
 - 3) Other Surgical Procedures
 - 4) Alveoloplasty
 - 5) Surgical Excision of Intra-osseous Lesions
 - 6) Surgical Incision
 - 7) Treatment of Fractures – Simple
 - 8) Treatment of Fractures – Compound
 - 9) Reduction of Dislocation and Management of Other Temporomandibular Joint Dysfunctions
 - 10) Other Repair Procedures

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

j) Orthodontic Services limited to(~~ages 0-20~~)

- 1) Comprehensive Orthodontic
- 2) Other Orthodontic Services

k) Adjunctive General Services (~~ages 0-99~~)

- 1) Unclassified Treatment
- 2) Anesthesia
- 3) Professional Consultation
- 4) Drugs

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

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Civil Service Commission
- 2) Code Citation: 80 Ill. Adm. Code 1
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1.10	Amendment
1.45	Amendment
1.90	Amendment
1.100	Amendment
1.110	Amendment
1.120	Amendment
1.130	Amendment
1.145	Amendment
1.146	Amendment
1.147	Amendment
1.150	Amendment
1.154	Amendment
1.170	Amendment
1.190	Amendment
1.200	Amendment
1.205	Amendment
1.210	Amendment
1.212	Amendment
1.220	Amendment
1.224	Amendment
1.236	Amendment
1.270	Amendment
1.280	Amendment
1.290	Amendment
1.300	Amendment
1.302	Amendment
- 4) Statutory Authority: 20 ILCS 415/10
- 5) Effective Date of Rules: September 1, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Civil Service Commission and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 7162; April 20, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 1.150, "f)" changed to "e)". Section 1.220 "or among" added after "between" in the first and second lines.
- 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 rule 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 the conduct of contested hearings held before the Civil Service Commission and brings the Agency into compliance after changes to the Open Meetings Act.
- 16) Information and questions regarding these adopted rules shall be directed to:

Andrew Barris
Assistant Executive Director
Civil Service Commission
607 East Adams, Suite 801
Springfield IL 62701

217/782-7373
fax: 217/524-3706

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

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER I: CIVIL SERVICE COMMISSIONPART 1
CIVIL SERVICE COMMISSION

Section

1.10	Meetings of the Commission
1.40	Procedures Before the Commission (Repealed)
1.45	Classification Plan
1.50	Ex Parte Communications
1.80	Declaratory Rulings
1.90	Allocation Appeals Procedure
1.100	Appeal of Layoff
1.110	Allegations of Personnel Code and Rule Violations
1.120	Appeal of Geographical Transfers
1.130	Appeals of Disciplinary Action or Demotion
1.140	Response to Proposed Decisions (Renumbered)
1.141	Collective Bargaining Agreements
1.142	Jurisdiction B Exemptions
1.143	Orders of Compliance
1.145	Appearances – Representation
1.146	Service of Pleadings
1.147	Appeal Hearing File
1.150	Filing Procedure – Computation of Time
1.154	Notice, Time and Place of Hearing
1.158	Public Hearing – Recording – Confidentiality
1.160	Disciplinary Charges and Amendments
1.170	Level of Discipline
1.180	Conduct of Hearings (Repealed)
1.190	Subpoena – Fees and Mileage of Witnesses
1.200	Authority of Administrative Law Judge
1.205	Motions
1.210	Extensions of Time – Continuances of Hearing – Waivers of Compensation for Continuances
1.212	Consolidation
1.216	Qualification of Administrative Law Judge
1.218	Disqualification of Administrative Law Judge

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1.220 Discovery
- 1.222 Evidence Depositions
- 1.224 Prehearing Conference
- 1.226 Stipulations
- 1.230 Default
- 1.232 Burden of Proof
- 1.233 Evidence
- 1.234 Hostile Witness
- 1.235 Exhibits
- 1.236 Order of Hearing
- 1.237 Hostile Witness (Renumbered)
- 1.240 Interlocutory Appeal
- 1.250 Past Work Record (Repealed)
- 1.260 Oral Argument Before the Commission
- 1.270 Authority of Commission [Regarding Orders and Proposals for Decision of the Administrative Law Judge to Modify Administrative Law Judge's Decision = Finality of Decision](#)
- 1.280 Record of Proceedings
- 1.290 Remandment
- 1.300 Administrative Review
- 1.302 Response to ~~Proposals~~ [Proposal](#) for Decision [or Orders](#)
- 1.310 Personnel Rules
- 1.320 Classification Plan (Renumbered)
- 1.330 Collective Bargaining Agreements (Renumbered)
- 1.340 Jurisdiction B Exemptions (Renumbered)
- 1.350 Orders of Compliance (Renumbered)

AUTHORITY: Implementing and authorized by Section 10 of the Personnel Code [20 ILCS 415/10].

SOURCE: Adopted June 28, 1972; rules repealed and new rules adopted at 6 Ill. Reg. 3551 and 3553, effective March 23, 1982; codified at 8 Ill. Reg. 16419; amended at 9 Ill. Reg. 15826, effective October 4, 1985; amended at 19 Ill. Reg. 12451, effective August 21, 1995; amended at 34 Ill. Reg. 3485, effective March 3, 2010; amended at 37 Ill. Reg. 3825, effective March 15, 2013; amended at 42 Ill. Reg. 16395, effective September 1, 2018.

Section 1.10 Meetings of the Commission

- a) The Illinois Civil Service Commission (Commission) shall hold an open and

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

public meeting each month. The meetings shall be held in Chicago and/or Springfield.

- b) A schedule of meeting dates shall be made at the beginning of each calendar year stating the ~~dates~~date, ~~times~~time and ~~places~~place of the monthly meetings.
- c) Changes in regular meeting dates and the holding of special meetings shall be made in compliance with the Illinois Open Meetings Act [5 ILCS 120] and the Illinois Personnel Code [20 ILCS 415].
- d) Meetings may be held by telephone conference call or by video conferencing if done in compliance with all applicable laws.
- e) Unless he or she is an interested party in a contested case subject to Section 1.260, any person shall have the opportunity to comment at a public meeting pursuant to the Open Meetings Act so long as the comment is reasonable in duration and is limited to a subject on that meeting's agenda. Any such comment shall be made at a time designated on the meeting's agenda and the Commission shall have the ability to cut off a comment if it is irrelevant, repetitious or disruptive.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work; ~~and-~~
- f) The relation of the class specification to any applicable collective bargaining agreement.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.90 Allocation Appeals Procedure

- a) An employee shall, within 15 days after receipt of the Director of the Department of Central Management Services' decision on reconsideration, serve notice upon the Commission of his or her intent to appeal the reconsideration decision of the Director. The employee shall simultaneously serve a copy of the notice of intent upon the Director of the Department of Central Management Services. The notice shall state the name of the employee, the employee's appointing agency, a description of the disputed classification issue, and the class for which the employee is appealing.
- b) Upon receipt of a notice of intent to appeal, the Director of the Department of Central Management Services shall file with the Commission within 30 days a submission setting forth the facts and reasons for the reconsideration decision. A copy shall be served upon the employee. In the submission there shall be a clear and brief recitation of all relevant facts, ~~argumentative facts~~ and documentary evidence submitted in exhibit form.
- c) Within 30 days after receipt of the Director's submission, the employee shall file with the Commission an answer setting forth all relevant facts, ~~argumentative facts~~ and documentary evidence in exhibit form. A copy of the answer shall be served upon the Director of the Department of Central Management Services. The employee shall point out with particularity his or her disagreement with the submission of the Department of Central Management Services.
- d) Within 30 days after receipt by the Commission of the submissions of the parties, notification will be served by the Commission of the date of the hearing that will be held for the purpose of presenting argument and/or accepting evidence on material and substantial issues of fact. By agreement of the parties and the Commission, the hearing may be waived.

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- e) Parties may represent themselves or be represented by counsel or by other representatives as they may elect.
- f) After the completion of the hearing, a proposal for decision by the Administrative Law Judge shall be served upon the parties. The parties shall have 1015 days after service to file written comments and arguments before the Commission renders its final decision. The filing of the parties' responses shall be in accordance with Section 1.302 ~~of this Part~~.
- g) Employees who are subject to collective bargaining agreements that permit an appeal to the Commission of class study reclassifications not resolvable under the applicable contract shall use the procedure set forth in this Section if they appeal to the Commission.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.100 Appeal of Layoff

- a) An appeal of layoff shall be filed with the Commission by the affected employee within 15 calendar days following the effective date of layoff. The effective date of layoff is the date designated by the Director of Central Management Services in the approved notice of layoff served on the employee.
- b) The appeal shall set forth with particularity a statement of facts and a designation of the applicable provisions of the Personnel Code or the Personnel Rules alleged to have been violated or not complied with.
- c) An investigation shall be conducted by the Commission and the proposal for decision shall be served upon all parties to the dispute. The parties shall then have 1024 days to file in the office of the Commission a response to the proposal for decision and a request for hearing if either party so desires.
- d) If, in the judgment of the Administrative Law Judge or the Commission, a substantial issue of fact or law exists that cannot be resolved by investigation, the parties will be notified of a date of hearing. The notice will set forth a short statement of the issue of fact and/or law. If it is determined that no material issue of fact or law exists, the Commission will issue its decision based upon the findings of the investigation and the parties' responses to the proposal for decision.

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.110 Allegations of Personnel Code and Rule Violations

- a) An allegation of a violation of the Personnel Code or Personnel Rules shall set forth with particularity a statement of facts and a designation of the applicable provisions of the Code or Rules that have been violated or not complied with. The appeal must be filed within 180 days after the date on which the affected person knew, received written notice of, or, through the use of reasonable diligence, should have known of the alleged violation or noncompliance.
- b) An investigation shall be conducted by the Commission and the proposal for decision shall be served upon all parties to the dispute. The parties shall then have 1021 days to file in the office of the Commission a response to the proposal for decision in accordance with Section 1.302 of this Part and a request for hearing if either party so desires.
- c) If, in the judgment of the Administrative Law Judge or the Commission, a substantial issue of fact or law exists, the parties will be notified of a hearing date. The notice will set forth a short statement of the issue of fact and/or law. If it is determined that no material issue of fact or law exists, the Commission will issue its decision based upon the findings of the investigation and the parties' responses to the proposal for decision.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.120 Appeal of Geographical Transfers

- a) An appeal of geographical transfer shall be filed with the Commission by the affected employee within 15 ~~calendar~~ days following the effective date of the transfer. The effective date of the transfer is the date the employee is required to report to the new location. In appeals to the Commission from permanent transfers from one geographical area in the State to another, the employee shall have the burden of introducing sufficient, competent and credible evidence showing that the transfer was unreasonable, unjust or capricious and was not a bona fide attempt to serve the best interests of the operating agency. Geographical area is presumed to be the county in which the position is located unless the employee or the operating agency can establish that a different standard is utilized

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

for the employee's position.

- b) Under normal circumstances, a transfer of an employee for a period in excess of 60 days will be considered a permanent transfer.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.130 Appeals of Disciplinary Action or Demotion

- a) A certified employee who has been served with written charges approved by the Director of Central Management Services for removal, discharge, demotion or suspension for a period of more than 30 days within a 12-month period may appeal to the Commission. The appeal shall be in writing and filed with the Commission within 15 days after receipt of the approved written charges.
- b) In disciplinary appeals and demotion appeals, the agency has the burden of proof and as such is designated the Petitioner; the employee is designated the Respondent.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.145 Appearances – Representation

Parties may choose to represent themselves, be represented by an appropriate association, or be represented by an attorney licensed to practice law in the State of Illinois. An attorney representing a party shall file a written notice of appearance with the Commission identifying the attorney by name, address, telephone, ~~and~~ facsimile number, email address and attorney registration number.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.146 Service of Pleadings

- a) Manner of Service. When copies of documents~~papers~~ filed with the Commission are required to be served on the opposing party, these copies shall be served personally, by first class mail, or in a manner agreed to by the parties and approved by the Administrative Law Judge pursuant to Section 1.150~~(d)~~.
- b) Proof of Service. Proof that copies were served on the opposing party must be

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

filed with the papers required to be filed with the Commission. Proof of service shall consist of the statement of the individual making service specifying the manner and date of the service.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.147 Appeal Hearing File

After an appeal to the Commission has been filed, the Commission will establish an appeal file containing all documents pertinent to the appeal. Either party to the appeal may inspect the file during regular business hours in the office of the Commission. Members of the public may inspect or request a copy of the appeal file in accordance with the Freedom of Information Act [5 ILCS 140], except for those records exempt from inspection and copying by that Act [or subject to protective order](#).

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.150 Filing Procedure – Computation of Time

- a) Filing and Form of Papers
 - 1) The original copy of a complaint, appeal, pleading, written motion, notice or other paper must be filed in the Springfield office of the Commission. If the last day for filing falls upon a weekend or legal holiday, the last date for filing will be the first business day subsequent to the weekend or legal holiday.
 - 2) Papers shall be signed ~~in ink~~ by the party filing the paper or by the party's representative and shall contain the address of the party or, if represented, the name, business address and telephone number of the representative. Copies of all filed papers shall be served on all parties to the proceedings, and notice of service shall be given to the Commission.
 - 3) Each document shall show on the first page the caption and case number assigned by the Commission, and shall identify the party on whose behalf the document is filed. The final page of each filed document shall contain the name, address and telephone number of the attorney, or of the party if the party is self-represented.

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 4) In accordance with the Identity Protection Act [5 ILCS 179], no person's Social Security Number shall be filed or submitted to the Civil Service Commission in a pleading, exhibit or any other document related to a case unless the Social Security Number is essential to the matter before the Commission.
- b) Notice
Notice to a designated representative is notice to the client or member represented. Notice to an employee who is not represented shall be served at the address specified in the employee's appeal or, if an address was not specified, to the last address shown in the employee's personnel recordfile.
- c) Computation of Time
Whenever a time period commences upon a person's receipt of service ~~or notice and service is~~ by mail, receipt shall be presumed to have occurred on the fourth day after mailing. The presumption may be rebutted by proper proof.
- d) Filing by Facsimile and/or Electronic Mail
Filings may be by facsimile if done in accordance with this Part. Filings may be by electronic mail if agreed to by all of the parties, but electronic filing of any or all pleadings, orders, proposals for decision, finding and decision of the Commission, or any other document will only be allowed with the prior approval of the Administrative Law Judge assigned to the proceeding as to the form and manner of the filing. By ~~express~~ agreement of all parties, the Administrative Law Judge may order that routine communications regarding scheduling matters be conducted via electronic mail. Pursuant to Section 10-70 of the Illinois Administrative Procedure Act [5 ILCS 100], compliance with that Act regarding service and/or notice may be waived by the parties.
- e) Electronic Filing System
Upon implementation of an electronic filing system, filings may be done electronically with the Commission.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.154 Notice, Time and Place of Hearing

Disciplinary hearings shall be scheduled within 30 days after the request for hearing is filed with the Commission. At least 10 days notice of the time and date of the first hearing shall be given

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

to all parties. This may, however, be waived in an emergency. Ordinarily, appeals will be heard in the Commission's Chicago or Springfield office, but ~~either party or~~ the Administrative Law Judge may conduct proceedings in other geographic locations~~request another location~~ for the convenience of witnesses and/or the~~all~~ parties.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.170 Level of Discipline

In determining the appropriate level of discipline, the Commission shall consider the nature of the offense, the employee's performance record, including disciplinary history, ~~and~~ the employee's length of continuous service, and other relevant factors. Cause for discharge means some substantial shortcoming that in some way renders the employee's continuance in the position detrimental to the discipline and efficiency of the service and that law and sound public opinion recognize as good cause for the employee's removal from the position.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.190 Subpoena – Fees and Mileage of Witnesses

- a) Upon written request by a party to a contested case, the Commission will issue a subpoena for attendance of a witness or production of books, papers, documents or other tangible things at a hearing or deposition if the party shows good cause as to why the testimony and/or books, papers, documents or other tangible things cannot otherwise be obtained and states the reasons why the testimony and/or books, papers, documents or other tangible things are necessary and relevant.
- b) Subpoena forms may be obtained upon written request~~by applying~~ to the Administrative Law Judge in~~Executive Director at~~ the Commission's Springfield office.
- c) Witness and Mileage Fees – The cost of service and witness and mileage fees shall be borne by the person requesting the subpoena. Witness and mileage fees shall be the same as are paid witnesses in the circuit courts of the State of Illinois.
- d) Service and Contents – The person requesting a subpoena shall be responsible for its service. ~~A subpoena shall be served reasonably in advance of its return date.~~ The subpoena shall state the telephone number and address of the person initiating its issuance and shall identify the person or evidence subpoenaed and the person

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

to whom, and the place, date and the time at which, it is returnable.

- e) Petition to Quash or Modify – Within five days after service of a subpoena on any person, that person may file a petition to quash or modify the subpoena, stating reasons in support of the relief. A copy of the petition shall be served at the same time on the person serving the subpoena. Whenever a petition to quash a subpoena is properly filed under this Section, the petitioner shall not be required to respond to the subpoena until the petition has been ruled upon.
- f) Any witness subpoenaed for a deposition may be required to attend only in the county in which he or she resides or maintains an office address, or in any other place ordered by the Administrative Law Judge.
- g) Enforcement – Whenever any person knowingly fails or refuses to comply with a subpoena, the party serving the subpoena or the Commission shall petition the appropriate circuit court pursuant to the Personnel Code for an order enforcing the subpoena.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.200 Authority of Administrative Law Judge

The Administrative Law Judge has the authority to conduct a hearing, take all necessary action to avoid delay, maintain order, and insure the development of a clear and complete record. The Administrative Law Judge shall have all powers necessary to conduct a hearing, including the power to:

- a) Administer oaths and affirmations;
- b) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by deposition if necessary, and generally conduct the proceedings according to generally recognized administrative law and this Part;
- c) Examine witnesses and direct witnesses to testify. If a witness refuses to answer a question after being directed to do so, the Administrative Law Judge may make such orders with regard to the refusal as are just and appropriate, including but not limited to excluding the testimony of a witness, admitting certain facts for purposes of the proceedings, or dismissing the appeal if the witness is under

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

control of a party;

- d) Limit the number of times any witness may testify, limit repetitious or cumulative testimony and set reasonable limits on the amount of time each witness may testify and be cross-examined;
- e) Rule upon offers of proof and receive relevant evidence;
- f) Direct parties to appear and confer for the settlement or simplification of issues, and to otherwise conduct prehearing conferences;
- g) Dispose of procedural requests or similar matters;
- h) Render findings of fact, conclusions of law and proposals for decision for an order or finding and decision of the Commission;
- i) Reprimand or exclude from the hearing any person for disruptive or improper conduct committed in the presence of the Administrative Law Judge;
- j) Take official notice of information from the employee's personnel record, United States Postal Service tracking information, generally recognized facts, administrative rules and regulations, and statutes;
- k) Enter a protective order to ensure the protection of any confidential or proprietary information, information specifically prohibited from disclosure by federal or State law or rules or regulations adopted under Federal or State law, or information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy;
- l) When a potential witness is available and appears to have information relevant to the case that would not be merely cumulative, and when the witness' relationship with one of the parties is such that the witness would ordinarily be expected to favor that party, if the party does not produce testimony, the inference arises that it would have been unfavorable and the Commission may draw a negative inference from the failure to testify;
- m) Conduct any activity, including hearings and prehearing conferences, by video, telephone or other electronic means;

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

n) Enter any order that further carries out the purpose of this Part.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.205 Motions

- a) Unless made orally on the record during a hearing, all motions shall be in writing and shall briefly state the order or relief requested and the specific grounds upon which relief is sought. Motions based on a matter that does not appear on record shall be supported by affidavit.
- b) A written motion shall be served at the same time upon all parties and filed with the Commission's Springfield office.
- c) Written motions and responses to motions shall set forth the arguments and authorities relied upon to permit the Administrative Law Judge to make a decision without oral argument on the motion. Parties may request a hearing that will be granted or denied based on the Administrative Law Judge's determination of need.
- d) Within seven days after service of a motion, a participant or party may file a response to the motion. If no response is filed, the participant or party shall be presumed to have waived objection to the granting of the motion, but the waiver of objection does not bind the Administrative Law Judge in the decision on the motion. Unless undue delay or material prejudice would result, the Administrative Law Judge will not grant any motion before expiration of the seven-day response period. The moving person shall not have the right to reply, except as permitted by the Administrative Law Judge.
- e) ~~Arguments on preliminary motions may be held by telephone conference by agreement of the parties and the Administrative Law Judge.~~

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.210 Extensions of Time – Continuances of Hearing – Waivers of Compensation for Continuances

- a) The Commission, or an Administrative Law Judge appointed by it to conduct a hearing, may, for good cause shown on timely motion after notice to the opposite party, extend the time for filing any pleading ~~or paper~~ or may continue the date of

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

a scheduled hearing for a limited period.

- b) Granting or denying a continuance of a scheduled hearing is within the discretion of the Commission or the Administrative Law Judge.
- c) Motions for extensions or continuances are not timely unless asserted at least 48 hours prior to the time scheduled for filing or hearing, except for emergencies, including but not limited to serious illness, family death or family emergency relating to the party or the [representative attorney](#) for the party.
- d) The granting of a request for continuance by the employee in a discharge appeal will, under normal circumstances, constitute a voluntary waiver of any claim to compensation for the period of the continuance if the employee is ordered retained in his or her position.
- e) Requests for continuances must be preceded by contacting the opposing party, either orally or in writing, and asking for agreement to the continuance.
- f) An employee's request for the first continuance in the case of a [demotion or disciplinary appeal](#) must be made in writing.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.212 Consolidation

Two or more [appeals proceedings](#) may be consolidated on motion of either party or the Administrative Law Judge when the cases involve common issues of law or fact, consolidation would not prejudice the rights of the parties, and consolidation would result in the efficient and expeditious resolution of appeals.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.220 Discovery

[The Commission does not facilitate the exchange of discovery information between or among the parties. Discovery is a process primarily conducted between or among the parties.](#) Discovery shall be attained through the following methods:

- a) Bill of Particulars – An employee who is the subject of disciplinary charges may

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

request additional information regarding the charges. Written demands for relevant information concerning the charges shall be answered within 10 days after service unless objected to.

- b) Written Interrogatories – A party may direct written interrogatories to any other party. The interrogatories shall be restricted to the subject matter of the complaint or defense and shall avoid placing undue detail, excessive burden, or expense on the answering party. Within 10 days after service, the answering party shall serve on the propounding party an answer, under oath or affirmation, or an objection to each interrogatory. When appropriate, a document may be served in answer to an interrogatory. Supplemental interrogatories shall not be allowed except on leave of the Administrative Law Judge for good cause shown.
- c) Production, Inspection, Copying or Photographing of Documents and Tangible Things – A party, by written request served upon the other parties, may require production for inspection, copying or photographing any document, object or tangible thing that is relevant to the subject matter of the complaint or defense. The party upon whom the request is served shall respond to the request within 10 days, stating with respect to each item or category that inspection and related activities will be permitted as required, unless the request is objected to, stating the reasons for objection.
- d) List of Witnesses and Documents – Upon timely request prior to a hearing on the merits, each party to the proceeding shall serve on the other party:
 - 1) A list of names and home or work addresses of the witnesses the party proposes to call in its case in chief.
 - 2) All documents the party proposes to offer in its case in chief.
 - 3) All written or recorded statements of the party's witnesses that may be used by an adverse party for the purpose of cross-examination.
- e) Deposition – A party may take discovery depositions either for good cause shown or by agreement. A discovery deposition, taken for good cause or by agreement, may be taken only upon leave of the Administrative Law Judge. No party shall serve a notice of deposition without leave of the Administrative Law Judge.
- f) Admission of Fact or of Genuineness of Documents – A party may serve on any

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.

- g) Privileges – All matters that are privileged against disclosure in civil cases in the courts of the State of Illinois shall be privileged against disclosure through any discovery procedure.
- h) Limitation of Discovery – At any time the Administrative Law Judge may, on his/her own motion or on motion of any party or witness, make protective orders as justice and fairness may require, denying, limiting, conditioning or regulating discovery to prevent unreasonable annoyance, expense, embarrassment, disadvantage or oppression. ~~Discovery materials need not be filed with the Commission unless specifically requested by the Administrative Law Judge.~~
- i) Unless specifically requested by the Administrative Law Judge, the parties shall not file discovery with the Commission.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.224 Prehearing Conference

- a) Upon written notice by the Administrative Law Judge in any proceeding, parties or their representatives may be directed to appear in person or by telephone or other electronic means at a specified time and place for a conference, prior to or during the course of hearing for the purposes of:
 - 1) Scheduling;
 - 2) Simplifying the issues;
 - 3) Amending the pleadings for clarifications, amplification, or limitation;
 - 4) Making admissions of facts or stipulating to the admissibility of any matters to expedite the hearing;
 - 5) Limiting the number of witnesses;

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 6) Exchanging prepared testimony and exhibits; and
 - 7) Aiding in the simplification of the evidence and disposition of the proceeding.
- b) After a prehearing conference, the Administrative Law Judge may provide all parties with a statement that recites:
- 1) Any ruling on motions or other actions taken by the Administrative Law Judge;
 - 2) Any agreements made by the parties as to any of the matters considered; and
 - 3) Those issues remaining for hearing.
- c) A court reporter may be present to transcribe the proceedings at a prehearing conference. All costs related to the court reporter's services shall be borne by the party requesting the service. The written record of the [prehearing conference proceedings](#) shall be filed with the Commission within 10 days after receipt of the transcript.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.236 Order of Hearing

- a) The Administrative Law Judge shall open the hearing by explaining the procedure to be followed in the hearing. Upon motion of either party or at the discretion of the Administrative Law Judge, any or all witnesses may be sequestered.
- b) Preliminary matters such as objection to charges, disputes involving discovery, stipulation of facts and documents, and scheduling of witnesses may be resolved.
- c) Each party shall be given the opportunity to make a brief opening statement identifying the issues and indicating what is to be proven.
- d) All witnesses shall testify under oath or affirmation.
- e) Each party may conduct such cross-examination as required for a full and true

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

disclosure of the facts. The Administrative Law Judge may also examine witnesses.

- f) Before closing the proceedings hearing, the Administrative Law Judge may allow both parties the opportunity to make brief oral and/or written closing statements.
- g) Witnesses may be required to testify via telephone and/or video conference by order of the Administrative Law Judge.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.270 Authority of Commission Regarding Orders and Proposals for Decision of the Administrative Law Judge to Modify Administrative Law Judge's Decision – Finality of Decision

- a) The Commission shall have the authority to affirm, reverse or modify the proposal for decision of the Administrative Law Judge, or remand the matter to the Administrative Law Judge for the purposes set forth in Section 1.290.
- b) If the Commission reverses or modifies a proposal for decision, it shall set forth in its written decision those findings of fact, conclusions of law, or other portions of the proposal for proposed decision that it is reversing or modifying. All portions of the proposal for decision not set forth in the Commission's written decision are presumed to be affirmed.
- c) A decision or action of the Commission shall become final at the time it is made in writing and announced at an open and public meeting of the Commission and cannot be further reviewed by or appealed to the Commission.
- d) The Commission's final administrative decision shall be served on the parties or their legal representatives in accordance with Section 1.150 or in a manner agreed to by the party receiving the decision~~representative by United States mail to the last known address of the party or counsel.~~

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.280 Record of Proceedings

- a) Whenever a hearing is held under the Personnel Code or this Part, it shall be

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

recorded by a court reporter or other means that adequately preserves the record. The Administrative Law Judge or Commission may order that any recording be transcribed. The agency that is a party to the hearing shall bear all costs related to the production of the transcript of the proceedings, including but not limited to the costs of the court reporter and original transcript. Parties who order copies of the transcript are responsible for the cost of the copies. The transcript provided to the Commission shall be transcribed in full page format with a word index. A party who has requested a protective~~an~~ order ~~of protection~~ (request that certain information remain confidential during and after the hearing) shall be responsible for redacting the protected information from the transcript.

- b) The written record of the proceeding shall be filed with the Commission within 10 days after receipt of the transcript of the final hearing by either the agency or its representative. Upon agreement of the parties, the written transcript may be filed directly with the Commission by the court reporter. Written notice of filing shall be served on all parties to the proceedings.
- c) Any record will be available for examination by the public at reasonable times in the Springfield office of the Commission. Upon written request made at least 48 hours (exclusive of Saturdays, Sundays and official State holidays) in advance, the Commission will make any record available for examination at its Chicago office.
- d) The transcript of proceedings on any matter before the Commission is complete upon the filing of the court reporter's transcript of the final day of hearing or the last filed written closing statement, whichever is later.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.290 Remandment

Until the decision in a case is final, the Commission may remand it to the Administrative Law Judge for the purpose of taking additional evidence or soliciting additional argument or for any other reason that will assist the Commission in rendering its finding and decision.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.300 Administrative Review

CIVIL SERVICE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

All final decisions of the Commission shall be subject to appeal by the parties to the proceedings under the Administrative Review Law [735 ILCS 5/Art. III] by the filing of a complaint and the issuance of summons within 35 days from the date that a copy of the Commission decision was served upon the party affected. A decision is deemed to have been served when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage prepaid, addressed to the party affected at the party's last known residence or place of business, or served by facsimile or electronic mail in accordance with Section 1.150.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

Section 1.302 Response to Proposals for Decision or Orders

- a) In a contested case in which the members of the Commission have not heard the case or read the record, the Proposal for Decision or Order findings and decision of the Administrative Law Judge appointed by the Commission to conduct the hearing or the results of the investigation shall be served upon~~mailed to~~ the parties prior to the Commission rendering a final decision.
- b) Unless arrangements to the contrary have been made, a copy~~six copies~~ of any response shall be filed in the Springfield office of the Commission. The responses shall be accompanied by proof that a copy of the response was served upon the opposing side.

(Source: Amended at 42 Ill. Reg. 16395, effective September 1, 2018)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Telephone Assistance Programs
- 2) Code Citation: 83 Ill. Adm. Code 757
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
757.10	Amendment
757.200	Amendment
757.205	Amendment
757.210	Amendment
757.215	Amendment
757.220	Amendment
757.225	Amendment
757.230	Amendment
757.235	Amendment
757.245	Amendment
757.250	New Section
757.400	Amendment
757.425	Amendment
757.500	New Section
757.EXHIBIT A	Amendment
757.EXHIBIT C	Amendment
- 4) Statutory Authority: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 13-301, 13-301.1 and 10-101].
- 5) Effective Date of Rules: August 15, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 5141; March 23, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 11) Differences between Proposal and Final Version: No substantive changes have been made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. JCAR proposed several non-substantive changes, and these have been accepted by the agency.
- 13) Does this rulemaking replace any emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Part 757, Telephone Assistance Programs, provides rules for the administration of the Lifeline program, the universal service program intended to make basic telephone service, and now also broadband internet service, available to low-income customers. Part 757 establishes the Universal Telephone Service Assistance Program ("UTSAP") to provide financial assistance to low-income customers for these purposes. The present rulemaking was prompted in large part by an order of the Federal Communications Commission that made a number of changes to the federal Lifeline program, including the types of assistance used to determine Lifeline eligibility. The revisions to Part 757 are designed to make the eligibility criteria under the State program consistent with the criteria of the federal program. Other revisions to Part 757 stem from a statutory change under Illinois law allowing telecommunications carriers to provide information about their service offerings through postings on their own websites as an alternative to tariff filings with the Commission.

An additional set of amendments to Part 757 relates to the addition of broadband internet access as a supported service for the Lifeline program. The General Assembly has amended Section 13-301.1(a) of the Public Utilities Act to give the agency the authority to include, as part of UTSAP, assistance or programs to increase the availability of broadband internet service to low-income customers. As a result, a number of amendments to the part reflect the statutory change concerning broadband access and the Lifeline program.

- 16) Questions or requests for information about these adopted rules shall be directed to:

Brian W. Allen
Office of General Counsel
Illinois Commerce Commission

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

527 East Capitol Avenue
Springfield IL 62701

217/558-2387

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIESPART 757
TELEPHONE ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

- 757.10 Definitions
757.15 Dispute Procedures

SUBPART B: LINK UP PROGRAM

Section

- 757.100 Link Up Service Requirement (Repealed)
757.105 Link Up Recovery Mechanism (Repealed)
757.110 Link Up Publicity (Repealed)
757.115 Link Up Application Procedure and Processing (Repealed)
757.120 Link Up Filing Requirements (Repealed)
757.125 Link Up Eligibility (Repealed)
757.130 Link Up Eligibility Certification (Repealed)

SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section

- 757.200 Service Requirement
757.205 UTSAP Funding
757.210 UTSAP Recovery
757.215 UTSAP Administrator
757.220 UTSAP Contribution Solicitation and Program Publicity
757.225 UTSAP Eligibility
757.230 UTSAP Application Procedure and Processing
757.235 [LEC UTSAP Eligibility Determination](#)~~Certification~~
757.240 Recertification (Repealed)
757.245 UTSAP Filing Requirements
[757.250 LEC Filing Requirements](#)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

SUBPART D: STAFF LIAISON

Section
757.300 Staff Liaison

SUBPART E: LIFELINE SERVICE

Section
757.400 Lifeline Service Requirements
757.405 Lifeline Recovery Mechanism (Repealed)
757.410 Lifeline Publicity (Repealed)
757.415 Lifeline Application Procedures and Processing (Repealed)
757.420 Lifeline Filing Requirements (Repealed)
757.425 Lifeline Eligibility
757.430 Lifeline Eligibility Certification and Verification (Repealed)

SUBPART F: BIAS ASSISTANCE

Section
757.500 BIAS Program Administration

757.EXHIBIT A LEC and ETC Quarterly Report to Commission
757.EXHIBIT B LEC Annual Report to the Commission
757.EXHIBIT C ~~Monthly~~ LEC Supplemental Assistance Charge and Contributions Report
757.EXHIBIT D Quarterly UTSAP Administrator Report to Commission
757.EXHIBIT E Lifeline Verification Ineligibility Notice (Repealed)
757.EXHIBIT F Link Up/Lifeline Programs Certification Form (Repealed)

AUTHORITY: Implementing Sections 13-301 and 13-301.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-301, 13-301.1 and 10-101].

SOURCE: Adopted at 13 Ill. Reg. 14366, effective October 1, 1989; amended at 14 Ill. Reg. 17923, effective October 15, 1990; emergency repealer at 15 Ill. Reg. 5082, effective March 25, 1991, for a maximum of 150 days; Part repealed at 15 Ill. Reg. 11929, effective August 12, 1991; new Part adopted at 16 Ill. Reg. 17981, effective December 15, 1992; amended at 20 Ill. Reg. 15257, effective December 1, 1996; emergency amendments at 21 Ill. Reg. 16416, effective December 10, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 8810, effective May 9, 1998; amended at 23 Ill. Reg. 11875, effective October 1, 1999; amended at 28 Ill. Reg. 346,

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

effective January 1, 2004; amended at 30 Ill. Reg. 18196, effective November 1, 2006; amended at 32 Ill. Reg. 8583, effective June 1, 2008; amended at 37 Ill. Reg. 11287, effective July 2, 2013; amended at 42 Ill. Reg. 16417, effective August 15, 2018.

SUBPART A: GENERAL PROVISIONS

Section 757.10 Definitions

For the purpose of this Part:

"Act" means the Public Utilities Act [220 ILCS 5].

"Broadband internet access service" or "BIAS" has the meaning ascribed in 47 CFR 54.400 (July 1, 2017).

"Commission" means the Illinois Commerce Commission.

"Eligible new subscriber" is an applicant for local exchange service or broadband internet access service who meets the eligibility guidelines set forth in Section 757.225757.425. As used in this Part, a subscriber who meets the eligibility criteria set forth in Section 757.225757.425 who relocates his or her principal place of residence is also an eligible new subscriber.

"Eligible subscriber" is any individual currently subscribing to local exchange service who meets the eligibility guidelines set forth in Section 757.225757.425.

"Eligible telecommunications carrier" has the meaning given to it at 47 CFR 54.201, as amended through the FCC's Third Report and Order, Further Report and Order and Order on Reconsideration, FCC 16-38, WC Docket Nos. 11-42, 09-197 and 10-90 (released April 27, 2016)-as of February 6, 2013. This incorporation does not include any later amendments or editions.

"LEC" means "local exchange carrier", which is a telecommunications carrier providing local exchange telecommunications service as defined in Section 13-204 of the Act [220 ILCS ~~5/13-204~~].

"Lifeline" means "Lifeline service", as defined in Section 13-301.1(c) of the Act, the retail local service offering defined and established at 47 CFR 54.401 as of February 6, 2013. This incorporation does not include any later amendments

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

~~or editions.~~

"Local exchange service charge waiver~~Waiver~~" means any reduction in a participant's initial local exchange~~telephone~~ service installation charge or local exchange service obligation in the amount established under ~~the provisions of this~~ Part.

"Local exchange service installation~~Installation~~ charge" means those ~~tariffed~~ charges pursuant to either a tariff filed with the Commission or, if no tariff is filed, a written service offering available on the local exchange carrier's website assessed for connecting an eligible new subscriber to the network. These charges do not include security deposit requirements.

"Local exchange service" means local exchange telecommunications service as defined in Section 13-204 of the Act.

"Local exchange service obligation" means those ~~tariffed~~ charges pursuant to either a tariff filed with the Commission or, if no tariff is filed, a written service offering available on the local exchange carrier's website assessed on a monthly basis for access to the network. These charges do not include taxes.

"Member Agreement" means the contract between ~~an~~each LEC ~~and a UTAC member of the Universal Telephone Assistance Corporation, a not for profit corporation, and the UTSAP Administrator.~~

"Program" or "plan" means the telephone assistance programs offered ~~by LECs and eligible telecommunications carriers~~ under this Part.

"Proxy Programs" include the assistance programs identified in 47 CFR 54.409, as amended through the FCC's Third Report and Order, Further Report and Order and Order on Reconsideration, FCC 16-38, WC Docket Nos. 11-42, 09-197 and 10-90 (released April 27, 2016), which include, with respect to Illinois, only: Medicaid; Supplemental Nutrition Assistance Program; Supplemental Security Income; Federal Public Housing Assistance; and Veterans and Survivors Pension Benefits of February 6, 2013. This incorporation does not include any later amendments or editions.

"Staff" means individuals employed by the Illinois Commerce Commission, exclusive of Commissioners.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

"UTAC" means the Universal Telephone Assistance Corporation, an Illinois not-for-profit corporation responsible for the administration of the UTSAP as described in Section 757.215.

"UTSAP" means the Universal Telephone Service Assistance Program in which all Illinois LECs shall participate as provided in Section 757.200.

"UTSAP Administrator" is the Universal Telephone Assistance Corporation, an Illinois not-for-profit corporation responsible for the administration of the UTSAP as described in Section 757.215.

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

SUBPART C: UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAM

Section 757.200 Service Requirement

- a) Each LEC shall participate in the local exchange service portions of the Universal Telephone Service Assistance Program (UTSAP) as required and authorized by Section 13-301.1 of the Public Utilities Act and as ordered by the Commission. All voluntary contributions received by an LEC under Section 757.205 ~~from the date of initial participation until a determination is made by the Commission under Section 757.200(b)~~ shall be forwarded to the UTSAP Administrator, consistent with the provisions of Section 757.210(d). The UTSAP Administrator shall invest these funds in:
- 1) Securities backed by the United States government or its agencies;
 - 2) Investment grade bonds with remaining terms to maturity of three years or less;
 - 3) Mutual funds that invest no less than 80% of their assets in bonds backed by the United States government or its agencies;
 - 4) Investment grade bonds, with weighted-average remaining terms to maturity of three years or less; or
 - 5) Federal Deposit Insurance Corporation (FDIC)-insured certificates of

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

deposit, FDIC-insured money market accounts, and other cash equivalent FDIC-insured investments.

- b) On July 1 of each year, UTAC shall file with the Commission a petition requesting the Commission to determine the amount of supplemental assistance, if any, UTAC shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) ~~of this Section~~. The petition shall contain recommendations of the UTSAP Administrator as provided in Section 757.215(c)(e)(5). The Commission may enter an order without a hearing; however, a hearing shall be held if requested by a party or by Staff within 30 days after the date the petition is filed, and a hearing may also be held on the Commission's or the Administrative Law Judge's own motion. The Commission shall determine, subject to the availability of funds, the amount of supplemental assistance, if any, the LECs shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) ~~of this Section~~.
- c) ~~The~~ UTSAP may provide assistance or, in the case of customers of eligible telecommunications carriers, supplement the assistance as provided by Section 13-301.1 of the Act, including, but not limited to:
- 1) a local exchange service charge waiver of the ~~local exchange telephone~~ service installation charges for eligible new subscribers of local exchange service;
 - 2) a local exchange service charge waiver of all or a portion of the local exchange service obligation of eligible subscribers or eligible new subscribers, which, in the case of eligible telecommunications carriers, is supplemental to any federal Lifeline assistance ~~in the form of State Lifeline service support~~;
 - 3) a combination of both subsections (c)(1) and (2) ~~above~~ as ordered by the Commission under subsections (b), (d), and (e); or
 - 4) any other program authorized by Section 13-301.1 of the Act.
- d) Limitation of ~~Eligibility~~ eligibility
- 1) If the Commission determines that a local exchange service charge waiver of all or a portion of the local exchange service obligation should be

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

provided by the UTSAP, in the form of State Lifeline service support or otherwise, the Commission may, if it deems necessary, limit eligibility ~~under Section 757.425(a)~~ to:

- A) one or more of the individual Proxy Programs identified in the definition of "Proxy Programs" in Section 757.10~~;~~ or
 - B) one or more subprograms within, or components of, an individual Proxy Program.
- 2) Any proposals to limit eligibility pursuant to this subsection (d) shall be made as part of the petition filed annually under subsection (b) ~~of this Section.~~
- 3) The Commission shall adopt a proposal that limits eligibility for assistance to one or more Proxy Programs or subprograms or components thereof pursuant to this subsection (d) only if it finds that:
- A) participation in the Proxy Program, subprogram, or component ~~thereof~~ can be verified;
 - B) the funds available to the UTSAP from voluntary contributions are sufficient and predictable, so as to permit the UTSAP to provide State Lifeline support to all subscribers or all new subscribers within the Proxy Program, subprogram, or component on an ongoing basis;
 - C) the proposal will increase accessibility to telecommunications services;
 - D) the proposal adequately considers the needs of and potential benefits to participants in the Proxy Programs; and
 - E) the proposal establishes narrowly targeted qualification criteria that are based solely on income or factors directly related to income, consistent with 47 CFR 54.409, as amended through the FCC's Third Report and Order, Further Report and Order and Order on Reconsideration, FCC 16-38, WC Docket Nos. 11-42, 09-197 and 10-90 (released April 27, 2016) ~~as of February 6, 2013~~. This

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

incorporation does not include any later amendments or editions.

- e) The Commission, on its own motion, or based upon a petition filed by the UTSAP Administrator, may order the LECs to temporarily suspend payment of or temporarily reduce the amount of the supplemental assistance provided under the programs set forth in Section 757.200(c), if the total program costs, in combination with the costs of any other programs administered by UTAC subject to this Part, exceed, or will exceed, the funds available from contributions specified in Section 757.205. If the Commission suspends or reduces the amount of payments under this Section, the Commission shall determine, subject to the availability of funds, the amount of supplemental assistance, if any, the LECs shall provide each eligible new subscriber or eligible subscriber under the programs set forth in subsection (c) ~~of this Section~~.

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

Section 757.205 UTSAP Funding

- a) All funding for UTSAP will be by voluntary contributions.
- b) Customers wishing to participate in the funding of UTSAP may do so by electing to contribute, on a monthly basis, a fixed amount to be included by the LEC on the customer's monthly bill for local exchange service. This contribution shall not reduce the customer's total amount due for local exchange~~telephone~~ services or other charges appearing on the bill.
- c) Residential customers may elect to contribute either \$.50, \$1.00, \$2.00 or \$5.00 per month. Business customers may elect to contribute \$1.00, \$5.00, \$10.00 or \$25.00 per month. Contributions will be collected on a recurring basis each month from the customer's bill remittance and will be reported and transferred to the UTSAP Administrator as specified in Section 757.210(c)~~757.210(d)~~.
- d) Customers may elect to discontinue or change the amount of the monthly contribution on their bill at any time upon providing at least 30 days~~days~~ notice to the LEC.
- e) LECs shall provide local exchange service customers the ability and the opportunity to make the elections referred to in subsections (b), (c) and (d) ~~above~~ on the bill inserts required by Section 757.220(a).

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- f) Failure by the customer in any month to remit the entire billed amount shall reduce the UTSAP contribution accordingly.
- g) One time or periodic contributions in excess of those amounts shown in subsection (d) ~~above~~ shall be made directly to the UTSAP Administrator.
- h) There are no other funding requirements on any party or individual for UTSAP above and beyond those shown in this Section.

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

Section 757.210 UTSAP Recovery

Costs incurred as a result of providing local exchange service under Section 757.200 shall be recovered in the following manner:

- a) The LECs shall deduct the local exchange service charge waivers provided to participants for local exchange service obligations and any additional local exchange service charge waivers of the initial local exchange telephone service installation charge as specified in Section 757.200 from the voluntary UTSAP contributions. Each LEC shall forward to the UTSAP Administrator voluntary UTSAP contributions net of installation local exchange service charge waivers and Lifeline local exchange service charge waivers provided pursuant to Section 757.200(c) ~~to the UTSAP Administrator~~.
- b) The LECs shall be allowed to recover their administrative costs associated with the UTSAP from the voluntary UTSAP contributions. If seeking recovery, administrative costs shall be reported by LECs annually to the Commission and the UTSAP Administrator through reports in the form of Exhibit B ~~to this Part~~.
- c) Each LEC with more than 35,000 access lines shall report in the form of Exhibit C and remit monthly to the UTSAP Administrator, and shall report quarterly in the form of Exhibit A to the Commission and the UTSAP Administrator. Each LEC with 35,000 or fewer access lines shall report quarterly in the form of Exhibits A and C to the Commission and the UTSAP Administrator, and shall remit quarterly to the UTSAP Administrator.
- d) The monthly LEC reports to the UTSAP Administrator required of LECs with

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

more than 35,000 access lines shall be in the form of Exhibit C and shall include:

- 1) the total UTSAP contributions billed, less adjustments for previous months UTSAP contributions billed but not collected;
 - 2) the total amount of local exchange service obligations waived;
 - 3) the amount of the additional local exchange service charge waivers of the initial local exchange telephone service installation charges as specified in Section 757.200; and
 - 4) any allowable administrative expenses incurred as specified in subsection (b) ~~of this Section~~.
- e) Costs of the UTSAP Administrator and its functions will be recovered from the UTSAP contributions before any other payments are made under the plan.
- f) Subject to its jurisdiction, the Commission may examine at any time the reasonableness of the LEC's costs incurred solely because of participation in UTSAP. If the Commission determines, after notice and hearing, that ~~those such~~ expenditures are not reasonable, the LEC shall remit the amounts determined not to be reasonable to the UTSAP Administrator.

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

Section 757.215 UTSAP Administrator

- a) All Illinois LECs shall be members of the Universal Telephone Assistance Corporation (UTAC), an Illinois not-for-profit corporation that will serve as the UTSAP Administrator.
- b) The UTAC Board will consist of 9 members. There shall be three classes of directors: one class consisting of 5 directors who shall be elected from five or more nominations made by the LECs, one class consisting of two directors who shall be elected from two or more nominations made by the Attorney General and the Citizens Utility Board, and one class consisting of two directors who shall be elected from two or more nominations made by the National People's Action, the Community Action for Fair Utility Practice, and the South Austin Coalition Community Council. The directors of all three classes shall be elected by a vote

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

of the members of UTAC.

- c) The responsibilities of the UTAC, as the UTSAP Administrator, shall be:
- 1) to administer a statewide UTSAP pool to which all LECs will report UTSAP contributions and expenses.
 - 2) to collect UTSAP contributions net of installation and Lifeline [local exchange service charge](#) waivers provided pursuant to Section 757.200(c) and reimburse LECs for their administrative expenses.
 - 3) to advise the Commission at any time that the total program costs exceed or will exceed the total contributions, so that the Commission may consider suspending any UTSAP programs or reducing the amount of assistance until such time as there are sufficient funds available to offset the costs.
 - 4) to assess the total UTSAP costs and the total UTSAP revenues and to petition the Commission pursuant to Section 757.200(b) and (d) for the purpose of recommending any changes in the [local exchange service charge](#) waiver amounts, the establishment of any new UTSAP programs, or the discontinuance of any existing programs.
 - 5) to provide external promotion and advertising of UTSAP programs in conformance with and in addition to that specified in Section 757.220.
- d) The UTAC, with Board approval, may contract with an outside agency to establish and maintain the UTSAP pooling function. The UTAC shall obtain Commission approval of any such contract.
- e) The UTSAP Administrator shall request bids and seek Commission approval of all contracts exceeding ~~\$25,000~~[\\$10,000](#).
- f) To receive a payment from the UTSAP Administrator, an LEC must comply with Section 13-301.1 of the Act, all requirements of this Part, and the bylaws and Member Agreement of the UTSAP Administrator.
- 1) The UTSAP Administrator may request information in writing regarding an LEC's payment request. An LEC shall have 14 business days to

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

respond. The UTSAP Administrator may temporarily withhold payment for 60 calendar days after the filing due dates in Section [757.250757.400\(d\)](#), or deny, in whole or in part, an LEC payment request if the request is not adequately documented, is inaccurate, or does not comply with all requirements of this Part, Section 13-301.1 of the Act, and the bylaws and Member Agreement of the UTSAP Administrator.

- 2) The UTSAP Administrator shall notify an LEC in writing, by U.S. mail to the LEC's address of record, of a decision to deny a payment request.
- 3) An LEC denied a payment request shall have 60 calendar days after the mailing date of the UTSAP Administrator's denial notification to file a complaint pursuant to 83 Ill. Adm. Code 200.170.

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

Section 757.220 UTSAP Contribution Solicitation and Program Publicity

- a) All LECs shall publicize the UTSAP to encourage contributions.
 - 1) Annually, each LEC shall notify its [local exchange service](#) customers that they may elect to participate in the funding of ~~the~~ UTSAP by electing to contribute, on a monthly basis, a fixed amount to be included in monthly bills until canceled by the customer.
 - 2) The customer notification specified in subsection (a)(1) ~~of this Section~~ shall be in the form of an insert in the customer bill. The mailing will specify fixed monthly amounts from which customers wishing to contribute may choose. In addition, the bill insert shall contain a phone number, post card or a mailing address that the customer may use to contact the LEC in order to initiate monthly contribution billing.
 - 3) On an ongoing basis, at least once each quarter, each LEC shall solicit UTSAP contributions from its [local exchange service](#) customers through bill inserts, news releases, LEC publications or other suitable means.
 - 4) The LEC will inform customers that they may contribute to UTSAP in connection with all orders for new service installation or move of service within the LEC's territory.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- b) Each LEC shall publicize, in all of its exchanges, each local exchange service program offered by the LEC under this Subpart C at least once each calendar quarter. These advertisements may appear in press releases, brochures, bill inserts, LEC publications, newspapers, radio, television and/or any other suitable means in the LEC's service territory.

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

Section 757.225 UTSAP Eligibility

- a) In order to be eligible to receive benefits under the UTSAP Program described in this Subpart C, an individual must meet the Lifeline Program eligibility criteria adopted by the FCC in 47 CFR 54.409, as amended through the FCC's Third Report and Order, Further Report and Order and Order on Reconsideration, FCC 16-38, WC Docket Nos. 11-42, 09-197 and 10-90 (released April 27, 2016) participate in a Proxy Program as defined in this Part.
- b) Benefits available under the UTSAP program shall be limited to one discount per household at the principal place of residence of the eligible subscriber.

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

Section 757.230 UTSAP Application Procedure and Processing

~~a)The LECs shall be responsible for processing all UTSAP applications related to local exchange service.~~

- ~~b) The UTSAP application procedures and processing shall be the same as those shown in Section 757.115.~~

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

Section 757.235 LEC UTSAP Eligibility Determination Certification

~~a)The certification and verification procedures in Section 757.430 will be applicable for the UTSAP. b)The LEC shall verify that the place an individual in the UTSAP for local exchange service qualifies as an eligible subscriber or eligible new subscriber, as applicable. The LEC may rely on eligibility verification provided by a National FCC Lifeline Eligibility Verifier, if one is~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

available for the federal Lifeline Program, or directly verify that the individual in the UTSAP for local exchange service qualifies as an eligible subscriber or eligible new subscriber, as applicable upon determination of eligibility.

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

Section 757.245 UTSAP Filing Requirements

- a) LECs shall provide for, in tariffs filed with the Commission or in written service offerings available on their websites, ~~appropriate tariffs for the provision of an additional local exchange service charge~~ waiver of the initial local exchange ~~telephone~~ service installation charge and/or a Lifeline local exchange service charge waiver pursuant to orders of the Commission under Section 757.200 authorizing such supplemental assistance programs.
- b) UTAC shall file with the Commission, on a quarterly basis, a report containing the information specified in Exhibit D ~~of this Part.~~
- c) UTAC shall file with the Commission copies of the minutes of all meetings of the Board of Directors of UTAC.

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

Section 757.250 LEC Filing Requirements

Each LEC shall complete Exhibit A and file an original of this report with the Chief Clerk of the Illinois Commerce Commission within 30 days after the end of each calendar quarter. Any LEC seeking administrative cost reimbursement shall complete Exhibit B and file an original of this report with the Chief Clerk of the Illinois Commerce Commission within 30 days after the end of each calendar year.

(Source: Added at 42 Ill. Reg. 16417, effective August 15, 2018)

SUBPART E: LIFELINE SERVICE

Section 757.400 Lifeline Service Requirements

- a) Each eligible telecommunications carrier shall participate in the Lifeline Program adopted by the FCC in 47 CFR 54.Subpart E, as amended through the FCC's

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Third Report and Order, Further Report and Order and Order on Reconsideration, FCC 16-38, WC Docket Nos. 11-42, 09-197 and 10-90 (released April 27, 2016) as of February 6, 2013. This incorporation does not include any later amendments or editions.

- b) Each eligible telecommunications carrier shall comply with all Lifeline Program requirements adopted by the FCC in 47 CFR 54.Subpart E, as amended through the FCC's Third Report and Order, Further Report and Order and Order on Reconsideration, FCC 16-38, WC Docket Nos. 11-42, 09-197 and 10-90 (released April 27, 2016) as of February 6, 2013. This incorporation does not include any later amendments or editions.
- c) Each eligible telecommunications carrier shall meet additional Lifeline service requirements, if any, established by Commission Order.
- d) Each eligible telecommunications carrier shall complete Exhibit A and file an original of this report with the Chief Clerk of the Illinois Commerce Commission within 30 days after the end of each calendar quarter. Carriers that have eligible telecommunications carrier designations for both wireline and wireless operations shall report separately for wireline and wireless operations. Any LEC seeking administrative cost reimbursement shall complete Exhibit B and file an original of this report with the Chief Clerk of the Illinois Commerce Commission within 30 days after the end of each calendar year.

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

Section 757.425 Lifeline Eligibility

In order to be eligible to receive benefits under the Lifeline Program described in this Subpart E an individual must:

- a) Meet Lifeline Program eligibility criteria adopted by the FCC in 47 CFR 54.Subpart E, as amended through the FCC's Third Report and Order, Further Report and Order and Order on Reconsideration, FCC 16-38, WC Docket Nos. 11-42, 09-197 and 10-90 (released April 27, 2016) as of February 6, 2012. This incorporation does not include any later amendments or editions.
- b) Meet additional eligibility criteria, if any, established by the Commission pursuant to Section 757.200(d)~~757.100(d)~~.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

SUBPART F: BIAS ASSISTANCESection 757.500 BIAS Program Administration

- a) Notwithstanding any other provision of this Part, UTAC may develop a recommendation for UTAC to administer a program to provide assistance to eligible customers and/or eligible new customers of BIAS offered by BIAS providers that voluntarily participate in that program. If UTAC elects to develop such a recommendation, UTAC shall file with the Commission a petition requesting the Commission to approve the recommended program and determine the amount of assistance UTAC shall provide each eligible new subscriber or eligible subscriber under the program. The petition shall contain recommendations of the UTSAP Administrator as to the amount of the assistance. The Commission may enter an order adopting UTAC's recommendation without a hearing; however, a hearing shall be held if requested by a party or by Staff within 30 days after the date the petition is filed, and a hearing may also be held on the Commission's own motion.
- b) On July 1 of each year thereafter, UTAC shall file with the Commission a petition requesting the Commission to redetermine the amount, if any, UTAC shall provide each eligible new subscriber or eligible subscriber under the programs set forth in this subsection (b). The petition shall contain recommendations of the UTSAP Administrator of the amount of that assistance. The Commission may enter an order without a hearing; however, a hearing shall be held if requested by a party or by Staff within 30 days after the date the petition is filed, and a hearing may also be held on the Commission's own motion. The Commission shall determine, subject to the availability of funds, the amount of supplemental assistance, if any, the providers shall provide each eligible new subscriber or eligible subscriber. The petition filed pursuant to this subsection (b) shall be filed together with the petition filed pursuant to Section 757.200(b).
- c) The Commission, on its own motion, or based upon a petition filed by the UTSAP Administrator, may order the suspension of payments or temporarily reduce the amount of the supplemental assistance provided under the programs set forth in this Section if the total program costs, in combination with the costs of any other programs administered by UTAC subject to this Part, exceed, or will exceed, the

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

funds available from contributions specified in Section 757.205. If the Commission suspends or reduces the amount of payments under this Section, the Commission shall determine, subject to the availability of funds, the amount of supplemental assistance, if any, the providers shall provide each eligible new subscriber or eligible subscriber.

- d) Whenever UTAC elects or is obligated to make a filing under this Section or any other provision of this Part, UTAC may address BIAS and local exchange service in the same filing, provided that any discussion of programs, supplemental assistance or recommendations shall clearly identify whether the discussion pertains to BIAS, local exchange service, or both.

- e) If and when UTAC develops a recommendation for UTAC to administer a program to provide assistance to eligible customers and/or eligible new customers of BIAS offered by BIAS providers that voluntarily participate in that program, UTAC may propose to extend the BIAS program to include assistance to eligible customers and/or eligible new customers of Voice Telephony Service (as that term is defined in 47 CFR 54.400 (July 1, 2017)) other than local exchange service offered by Voice Telephony Service providers that voluntarily participate in the BIAS program.

(Source: Added at 42 Ill. Reg. 16417, effective August 15, 2018)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 757.EXHIBIT A LEC and ETC Quarterly Report to Commission

LIFELINE AND
UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAMS
QUARTERLY REPORT TO THE ILLINOIS COMMERCE COMMISSION

Company _____ Mailing _____ Address _____ Contact Name _____ Telephone _____	Date of Submission _____ Data Period: Year _____ Quarter: <input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> 3 rd <input type="checkbox"/> 4 th Type of Filing: <input type="checkbox"/> Original <input type="checkbox"/> Correction Service Type: <input type="checkbox"/> Wireline <input type="checkbox"/> Wireless				
Program	(a) Month: _____	(b) Month: _____	(c) Month: _____	(d) Quarter Totals _____	(e) Year-to- Date Totals: _____
1.0 UTSAP INSTALLATION WAIVER 1.1 Number of applications approved during the month 1.2 Number of customers for whom supplemental local exchange service installation charges were waived during the month 1.3 Supplemental local exchange service installation charges waived	_____ _____ \$ _____	_____ _____ \$ _____	_____ _____ \$ _____	_____ _____ \$ _____	_____ _____ \$ _____
2.0 LIFELINE – FEDERAL 2.1 Number of Federal Lifeline customers at end of month 2.2 Number of Illinois Federal Lifeline applications approved during the month 2.3 Number of Illinois Federal Lifeline customers added during the month 2.4 Number of Illinois Federal Lifeline customers lost during the month 2.5 Total Illinois Federal Lifeline Assistance	_____ _____ _____ _____ \$ _____	_____ _____ _____ _____ \$ _____	_____ _____ _____ _____ \$ _____	_____ _____ _____ _____ \$ _____	_____ _____ _____ _____ \$ _____

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

3.0 LIFELINE – UTSAP SUPPLEMENTAL MONTHLY ASSISTANCE					
3.1 Number of UTSAP funded Lifeline customers at end of month	** _____	_____	_____		
3.2 Number of UTSAP funded Lifeline applications approved during the month	_____	_____	_____	_____	_____
3.3 Number of UTSAP funded Lifeline customers added during the month	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
3.4 Number of UTSAP funded Lifeline customers lost during the month	_____	_____	_____	_____	_____
3.5 UTSAP funded total Lifeline Supplemental Assistance	_____	_____	_____	_____	_____

NOTES:

- a) ~~NOTE: Each LEC Local Telecommunications Carrier must file the original of this Exhibit A with the Chief Clerk of Illinois Commerce Commission and forward a copy to the UTSAP Administrator and the Staff Liaison within 30 days after the end of each calendar quarter. Each ETC eligible telecommunications carrier, if not otherwise required by this Part, shall complete the "LIFELINE AND UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAMS QUARTERLY REPORT TO THE ILLINOIS COMMERCE COMMISSION" portion of this Exhibit A and file an original of this report with the Chief Clerk of the Illinois Commerce Commission within 30 days after the end of each calendar quarter unless the ETC participates solely in BIAS programs subject to this Part.~~
- b) A Lifeline customer should be counted as approved during the month if the LEC accepts the customer for participation in the Lifeline Program during the month. A Lifeline customer should be counted as added during a month if the LEC provided an initial Lifeline subsidy to the customer during the month and claimed reimbursement for the subsidy. Please note that counts of approved and added customers will differ to the extent that customers approved in a month are not added (i.e., provided service and Lifeline subsidies) until subsequent months. A Lifeline customer should be counted as lost during a month if the LEC ceased providing the Lifeline subsidy to the customer during the month and did not claim reimbursement for the subsidy.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

QUARTERLY REPORT TO THE ILLINOIS COMMERCE COMMISSION

STATUS OF UTSAP EXPENDITURES

LOCAL EXCHANGE COMPANY: _____

FOR CALENDAR QUARTER ENDING: _____

UTSAP EXPENDITURE REPORT

	Current Quarter	Year to Date*
1. Telecommunications Expenses		
a. Billing and Data Processing	\$ _____	\$ _____
b. Customer Notification and Bill Inserts	_____	_____
c. Certification Administration (LEC) and Contact Time	_____	_____
(Total of Lines 1-6 below)		
1. Salaries & Fringe Benefits	_____	_____
2. Materials	_____	_____
3. Postage	_____	_____
4. Transportation Expenses	_____	_____
5. Preprinted Forms	_____	_____
6. Other	_____	_____
d. Certification Administration (IDPA/SSI)	_____	_____
e. Service Representative Training	_____	_____
f. Other, please specify	_____	_____

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TOTALS	\$ _____	\$ _____
Less UTSAP Reimbursement Received	\$ _____	\$ _____
BALANCES	\$ _____	\$ _____

* Includes Current Quarter

NOTES: Each Local Exchange Company must file the original of this Exhibit A with the Chief Clerk of the Illinois Commerce Commission and forward a copy to the UTSAP Administrator and the Staff Liaison within 30 days after the end of each calendar quarter. Expenses associated with the Federal Lifeline Program should not be reported on this form.

LECs shall maintain supporting documentation in such a manner as to be able to readily identify the above expenses in appropriate subaccounts.

Quarterly "Totals" reported on this page should correspond to the sum of the monthly "Administrative Costs" reported on Exhibit B by LECs with over 35,000 access lines.

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 757.EXHIBIT C ~~Monthly~~ LEC Supplemental Assistance Charge and Contributions Report

Monthly/Quarterly LEC Supplemental Assistance Charge and Contribution Report

LEC _____

Month/Quarter _____

Contributions:

- a) Total Contribution Billed _____
- b) Less Uncollectible Contributions from previous months _____
- c) Total Contributions _____

Supplemental Assistance:

- a) Total Supplemental Local Exchange Service Installation Charges (Exhibit A, line 1.3) _____
- b) Total Monthly Supplemental Assistance (Exhibit A, line 3.53-45) _____
- c) Total Supplemental Assistance _____

Amount Due from UTSAP Administrator (Supplemental Assistance exceeds Contributions) _____

or

Amount to be Remitted to UTSAP Administrative (Contributions exceed Supplemental Assistance) _____

Administrative Costs _____

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Note: Exhibit [CB](#) is to be forwarded monthly to the UTSAP Administrator by LECs with more than 35,000 access lines and quarterly by LECs with fewer than 35,000 access lines.

(Source: Amended at 42 Ill. Reg. 16417, effective August 15, 2018)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Construction Standards for School Buses Used in Special Transportation
- 2) Code Citation: 92 Ill. Adm. Code 444
- 3)

<u>Section Numbers</u> :	<u>Adopted Actions</u> :
444.5	Amendment
444.10	Amendment
444.15	Amendment
444.20	Amendment
444.30	Repealed
- 4) Statutory Authority: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-Art. VIII].
- 5) Effective Date of Rules: August 17, 2018
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of these adopted rules, including any material incorporated, is on file at the Agency's principal office at 2300 S. Dirksen Parkway, Springfield IL 62764 and will be made available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 42 Ill. Reg. 7753; May 4, 2018
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: At the suggestion of JCAR, the cross reference at subsection (a) of Section 444.10 was changed to refer to both 92 Ill. Adm. Code 440 and 442.
- 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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: The Department proposed this rulemaking to adopt the most recent edition of the applicable federal regulations. Other minor changes were made to promote clarity and reduce redundancies.
- 16) Information and questions regarding these adopted rules shall be directed to:

Greg Stucka, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield IL 62764

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER e: TRAFFIC SAFETY (EXCEPT HAZARDOUS MATERIALS)

PART 444

~~MINIMUM SAFETY STANDARDS FOR CONSTRUCTION~~ STANDARDS FOR
 SCHOOL BUSES USED IN SPECIAL ~~EDUCATION~~ TRANSPORTATION

Section

- 444.5 Definitions
 444.10 General Requirements
 444.15 Incorporation by Reference of Federal Motor Vehicle Safety Standards
 444.20 Special Equipment ~~for Children who are Physically and/or Orthopedically Challenged~~
 444.30 Exception (Repealed)

AUTHORITY: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/12-Art. VIII].

SOURCE: Adopted at 2 Ill. Reg. 45, p. 108, effective November 10, 1978; codified at 7 Ill. Reg. 2743; amended at 18 Ill. Reg. 14800, effective September 20, 1994; amended at 42 Ill. Reg. 16443, effective August 17, 2018.

Section 444.5 Definitions

"Gross Vehicle Weight Rating" or "(GVWR)" means the value specified by the manufacturer as the loaded weight of a single vehicle. (IVC Section 1-124.5) ~~the school bus. (Section 12-800 of the Illinois Vehicle Code) [625 ILCS 5/12-800]~~

"Individualized Education Program" or "(IEP)" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 34 CFR 300.320 (Definition of individualized education program) through 34 CFR 300.324 (Development, review, and revision of IEP). (34 CFR 300.20) an exceptional child that provides at least a statement of the child's present levels of educational performance; annual goals and short term instructional objectives; specific special education and related services (includes transportation); the extent of participation in the regular education program; the projected dates for initiation of services; anticipated duration of services; appropriate objective criteria and evaluation procedures; and a schedule for annual determination of short term

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

~~objectives. The following participants develop the child's IEP:~~

~~A representative of the local district, other than the child's teacher, who is authorized to commit services and who is qualified to provide or supervise the provision of special education.~~

~~The child's teacher.~~

~~One or both of the child's parents or guardians (if possible).~~

~~The child, where appropriate.~~

~~Other individuals at the discretion of the parent or local district.~~

"Special Transportation" means ~~those~~ transportation services ~~that~~ which are required ~~in accordance with~~ ~~a~~ because of the child's ~~IEP~~ exceptional characteristics or ~~because of~~ the location of the special education program or related services, and ~~that~~ which are in addition to the regular transportation services provided by ~~or for~~ ~~a~~ the local school district.

"Type I School Bus" means a school bus with a Gross Vehicle Weight RatingGVWR of more than 10,000 poundslbs. (IVC Section 1-213.4Section 12-800 of the Illinois Vehicle Code) [625 ILCS 5/12-800]

"Type II School Bus" means a school bus with a Gross Vehicle Weight RatingGVWR of 10,000 poundslbs. or less. (IVC Section 1-213.5Section 12-800 of the Illinois Vehicle Code) [625 ILCS 5/12-800]

"Wheelchair" means a wheeled seat frame for the support and conveyance of a physically disabled person, comprised of at least a frame, seat, and wheels. (49 CFR 571.222)

Wheelchair Occupant Restraints" means any strap, webbing or similar device designed to secure a person in a wheelchair in order to mitigate the results of any accident, including all necessary buckles and other fasteners, and all hardware designed for installing such restraint in a school bus.

"Wheelchair Securement Anchorages" means the provision for transferring wheelchair securement loads to the vehicle structure. Commonly referred to as

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

~~fastening devices. (58 FR 4586, January 15, 1993)~~

~~"Wheelchair Securement Device" means a strap, webbing or other device used for securing a wheelchair to the school bus, including all necessary buckles and other fasteners. (58 FR 4586, January 15, 1993)~~

(Source: Amended at 42 Ill. Reg. 16443, effective August 17, 2018)

Section 444.10 General Requirements

- a) ~~Generally, a~~ school bus used for transporting children declared eligible for special transportation services shall comply with the applicable minimum safety standards for either a Type I ~~or Type II~~ school bus. ~~(See 92 Ill. Adm. Code 440 and 442.) or a Type II school bus (92 Ill. Adm. Code 442).~~
- b) Due to the nature of certain challenging conditions, vehicles utilized for special transportation shall be adapted to the specific needs of the children receiving this service. These needs may require modification of the minimum standards.
- c) Equipment (e.g., additional restraints, harnesses) necessary for the transportation of special education students must be resolved in the student's ~~IEP~~Individualized Education Program.
- d) ~~In all buses manufactured on or after January 17, 1994 and having one or more locations designed for carrying a person seated in a wheelchair, the bus must comply with all applicable standards established in 49 CFR 571.222 (S5.4 through S5.4.4) (October 1, 1992; as amended by 58 FR 4586, January 15, 1993 and 58 FR 46873, September 3, 1993).~~ Certain children may be better transported in a manner not required by 49 CFR 571.222 ~~or this Part. (S5.4 through S5.4.4).~~ In those instances, the ~~child's IEP~~student's Individualized Education Program must dictate what is necessary for the child and may override any existing regulation, provided the safety of other passengers is not jeopardized.

(Source: Amended at 42 Ill. Reg. 16443, effective August 17, 2018)

Section 444.15 Incorporation by Reference of Federal Motor Vehicle Safety Standards

- a) Buses that transport persons in wheelchairs shall comply with the applicable standards established in 49 CFR 571.222 (October 1, 2017).

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- b) If equipped, power lifts shall meet the public use lift requirements set forth in 49 CFR 571.403 (October 1, 2017), Platform Lift Systems for Motor Vehicles, and 49 CFR 571.404 (October 1, 2017), Platform Lift Installations in Motor Vehicles. (See Section 444.20 for additional requirements.)
- c) All materials incorporated by reference in this Section are incorporated as of the date specified and do not include any later amendments or editions.
- d) Copies of the above materials incorporated by reference are available for inspection at the Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield IL 62764 or by calling (217)785-1181. The federal standards are also available on the U.S. Government Publishing Office's website at <http://www.ecfr.gov>.

~~Each bus body which is utilized to transport persons in wheelchairs must conform to those applicable provisions of the Federal Motor Vehicle Safety Standards (FMVSS) (49 CFR 571.222) (S5.4 through S5.4.4). Those applicable provisions of the FMVSS are incorporated by reference as that Part of the FMVSS was in effect on October 1, 1992; as amended at 58 FR 4586, January 15, 1993 and as amended at 58 FR 46873, September 3, 1993. No later amendments to or editions of 49 CFR 571.222 are incorporated.~~

(Source: Amended at 42 Ill. Reg. 16443, effective August 17, 2018)

Section 444.20 Special Equipment ~~for Children who are Physically and/or Orthopedically Challenged~~

- a) ~~Wheelchair Occupant Restraints: 1) For buses manufactured prior to January 17, 1994, appropriate and adequate wheelchair occupant restraints must be installed at each wheelchair location which transports a student in a wheelchair. The restraints must be securely anchored to the wheelchair or the floor of the vehicle. 2) For buses manufactured on or after January 17, 1994, each wheelchair location which transports a student in a wheelchair must comply with all wheelchair occupant restraint requirements established in 49 CFR 571.222 (S5.4 through S5.4.4) (October 1, 1992; as amended at 58 FR 4586, January 15, 1993 and as amended at 58 FR 46873, September 3, 1993).~~
- ab) Special ~~Right Side~~ Service Door ~~Opening~~: A special service door opening may be located on the right side (i.e., passenger side) of the bus.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The door or doors~~Door~~, when open, shall not obstruct the passenger's side front~~front right~~ service entrance door. The door~~Door~~ opening shall be adequate to accommodate a wheelchair~~wheel chairs~~.
- 2) A device or devices~~Device(s)~~ shall be installed that will actuate an audible or visible signal (i.e., alarm or lamp); located in the driver's compartment, when the door opening is not securely closed.
- 3) Each door shall contain a fixed ~~or movable~~ window as nearly as practical aligned with and of the same size as the other windows~~window(s)~~ on the right side of the bus.
- 4) A positive fastening device shall be installed to hold the door or doors~~door(s)~~ in an open position. Each hinged door shall open outwards and not extend past the rear bumper when in the fully open position. When the special service door ~~or doors are~~ completely open for loading and unloading a passenger in a wheelchair~~passengers with special needs~~ and being held by the fastening device, the audible alarm ~~may~~ be deactivated.
- 5) Door panels~~panel(s)~~ shall be constructed to be equivalent in strength and materials to other doors in the school bus.
- 6) Door opening posts and headers shall be reinforced sufficiently to provide support and strength equivalent to the driver's side of the bus~~area of side of bus not used for service doors~~. Outriggers from the chassis shall be installed at the front and/or rear of the door opening as necessary to support the floor so that it will carry the same passenger and/or cargo loads~~load(s)~~ as other floor portions.
- 7) Requirements for Bi-Parting Doors only:
 - A) The door~~Door~~ shall ~~consist~~be made of two panels of approximately equal width, ~~equipped with hinges~~, hinged to the side of the bus and each panel shall open outward. Forward panels shall be provided with an overlapping flange to close the space where the door panels meet. Weatherstripping~~Weather seal(s)~~ shall be provided to close all door edges.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- B) The rear door panel~~Door~~ shall be equipped with at least one manually operated-point fastening device connecting the rear panel to the floor or header~~and~~. The forward door panel shall be equipped with at least two manually operated-point fastening devices, one to connect the panel to the floor and one to connect the panel to the header~~device to floor and header on forward door panel, both manually operated~~.
- 8) Special Lamp: A lamp shall be placed inside the bus above the over special service door opening, ~~or at other location if shielded to prevent glare~~. The lamp shall illuminate the floor inside the opening and shall be operated from the lift door area or by the lift door latch.
- be) Ramps and Lifts: If a ramp is installed it shall be:
- 1) Of sufficient strength and rigidity to support the service load;
 - 2) Covered with non-skid material and equipped with a protective flange on each longitudinal side;
 - 3) Equipped with a handle or handles and of a weight to permit one person to put the ramp in place and to return it to storage; and
 - 4) Of a length sufficient to allow for easy ingress and egress.
- c) Power Lift: In addition to the public use lift requirements of 49 CFR 571.403 and 49 CFR 571.404, lifts shall be:
- 1) Equipped with a device that will prevent operation of the lift until the special service door is opened; and
 - 2) Operable from both the interior and exterior of the vehicle.
 - 1) ~~Floor of ramp or lift shall be covered with nonskid material.~~
 - 2) ~~Protection against dust and water sufficient to ensure reliable operation shall be provided.~~

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 3) ~~Power Lift:~~
- A) ~~If power lift is used, it shall be of sufficient capacity and dimension to lift maximum service load. When lift is at top or bottom of the service travel limits it shall provide easy egress and ingress from the lift.~~
 - B) ~~If electricity is used, the alternator or generator and the battery must be of ample capacity.~~
 - C) ~~Controls shall be operable from both interior and exterior of vehicle.~~
 - D) ~~Device(s) shall be installed which will prevent operation of lift until doors are opened.~~
 - E) ~~In travel position the lift must be securely fastened as necessary to prevent its falling or swinging against any person.~~
- 4) ~~Ramp:~~
- A) ~~Ramp shall be of sufficient strength and rigidity to support the service load. Ramp shall be equipped with protective flange on each longitudinal side to keep wheelchair on ramp.~~
 - B) ~~Ramp shall be equipped with handle, or handles, and be of such weight or construction as to permit one person to put ramp in place and to return it to travel position.~~
 - C) ~~Ramp shall be connected to bus in such manner as to permit easy movement of wheelchair to floor of bus.~~
 - D) ~~Ramp length shall be sufficient for easy ingress and egress.~~
- d) ~~Wheelchair Securement Anchorages:~~
- 1) ~~In buses manufactured prior to January 17, 1994, positive wheelchair securement anchorages shall be provided, attached to the floor or wall, or both, that will securely hold wheelchair in position in bus.~~

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

2) ~~In buses manufactured on or after January 17, 1994, each wheelchair location must be equipped with forward-facing wheelchair securement anchorages. Additional securement anchorages which allow other than forward-facing orientation can be added to a wheelchair location provided the forward-facing anchorages are not altered and the additional anchorages meet all other standards established in 49 CFR 571.222 (S5.4 through S5.4.4) (October 1, 1992; as amended at 58 FR 4586, January 15, 1993 and as amended at 58 FR 46873, September 3, 1993).~~

de) ~~Handrails~~Grab Handles: ~~Steel handrails that measure not less than 10"~~Grab Handles shall be firmly attached ~~provided~~ on each side of ~~front right the~~ service door ~~entranceway~~entrance when this entrance is used for ingress or egress of ~~physically-challenged children who need such handle(s) on either side.~~

(Source: Amended at 42 Ill. Reg. 16443, effective August 17, 2018)

Section 444.30 Exception (Repealed)

~~Service Door Control: An over-center control, or equivalent device, is not required when the front right service door will NOT be used for ingress or egress of ambulatory children.~~

(Source: Repealed at 42 Ill. Reg. 16443, effective August 17, 2018)

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Surplus Line Business Requirements
- 2) Code Citation: 50 Ill. Adm. Code 2801
- 3) Date of Index Department Review: August 20, 2018
- 4) Reason for Recodification: The Index Department requested the re-codification of Part 2801 which is found in Subchapter gg: Final Provisions. Part 2801 is being recodified to Part 2701 to update the codification format.

5) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
2801.10	Policies or Contracts of Insurance
2801.20	License Expiration
2801.30	Unauthorized Insurers
2801.40	Maintenance of Funds in Illinois
2801.50	Procurement of Policies or Contracts
2801.60	Record of Efforts to Procure Policies or Contracts
2801.70	Declinations of Artificial Coverage not Acceptable
2801.80	Surplus Line Association of Illinois
2801.90	Separate Records and Accounts
2801.100	License Rejection or Renewal Refusal
2801.110	Service of Process
2801.120	Required Surplus Line Policy Notice
2801.130	Taxes
2801.140	Classes not Subject to Surplus Line Law
2801.ILLUSTRATION A	Written Warning to Insureds

6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
2701.10	Policies or Contracts of Insurance
2701.20	License Expiration
2701.30	Unauthorized Insurers
2701.40	Maintenance of Funds in Illinois
2701.50	Procurement of Policies or Contracts
2701.60	Record of Efforts to Procure Policies or Contracts
2701.70	Declinations of Artificial Coverage not Acceptable

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

2701.80	Surplus Line Association of Illinois
2701.90	Separate Records and Accounts
2701.100	License Rejection or Renewal Refusal
2701.110	Service of Process
2701.120	Required Surplus Line Policy Notice
2701.130	Taxes
2701.140	Classes not Subject to Surplus Line Law
2701.ILLUSTRATION A	Written Warning to Insureds

7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
2801.10	2701.10
2801.20	2701.20
2801.30	2701.30
2801.40	2701.40
2801.50	2701.50
2801.60	2701.60
2801.70	2701.70
2801.80	2701.80
2801.90	2701.90
2801.100	2701.100
2801.110	2701.110
2801.120	2701.120
2801.130	2701.130
2801.140	2701.140
2801.ILLUSTRATION A	2701.ILLUSTRATION A

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Requirements
- 2) Code Citation: 50 Ill. Adm. Code 5601
- 3) Date of Index Department Review: August 20, 2018
- 4) Reason for Recodification: The Index Department requested the re-codification of Part 5601 which is found in Subchapter mmm: Religious and Charitable Risk Pooling Trusts. Part 5601 is being recodified to Part 3601 in Subchapter nn: Religious and Charitable Risk Pooling Trusts to update the codification format.
- 5) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
5601.10	Authority and Scope
5601.20	Applications for Approval
5601.30	Examinations
5601.40	Benefit Schedules
5601.50	Solicitation and Advertising
5601.60	Investments
5601.70	Financial Statements
5601.75	Loss Reserve Discounting
5601.80	Liquidation
5601.90	Amendments to the Trust Instrument
5601.100	Pooling Among Several Trusts
5601.110	Administrators
5601.120	Severability
5601.130	Effective Date

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
3601.10	Authority and Scope
3601.20	Applications for Approval
3601.30	Examinations
3601.40	Benefit Schedules
3601.50	Solicitation and Advertising
3601.60	Investments
3601.70	Financial Statements

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

3601.75	Loss Reserve Discounting
3601.80	Liquidation
3601.90	Amendments to the Trust Instrument
3601.100	Pooling Among Several Trusts
3601.110	Administrators
3601.120	Severability
3601.130	Effective Date

7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
5601.10	3601.10
5601.20	3601.20
5601.30	3601.30
5601.40	3601.40
5601.50	3601.50
5601.60	3601.60
5601.70	3601.70
5601.75	3601.75
5601.80	3601.80
5601.90	3601.90
5601.100	3601.100
5601.110	3601.110
5601.120	3601.120
5601.130	3601.130

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Viatical Settlement Provider and Broker Requirements
- 2) Code Citation: 50 Ill. Adm. Code 5701
- 3) Date of Index Department Review: August 20, 2018
- 4) Reason for Recodification: The Index Department requested the re-codification of Part 5701 which is found in Subchapter nnn: Viatical Settlements. Part 5701 is being recodified to Part 3701 in Subchapter oo: Viatical Settlements to update the codification format.
- 5) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
5701.10	Purpose
5701.20	Definitions
5701.30	Filing Procedures for Viatical Settlement Providers
5701.40	Filing Procedures for Viatical Settlement Brokers
5701.50	Standards for Evaluation of Reasonable Payments for Terminally or Chronically Ill Insureds
5701.60	General Rules
5701.70	Prohibited Practices
5701.80	Insurance Company Practices
5701.100	Reporting Requirements
5701.EXHIBIT A	Viatical Settlement Provider Report and Instructions – All States and Territories (Form VSP-001)
5701.EXHIBIT B	Viatical Settlement Broker Report and Instructions – All States and Territories (Form VSP-001)
5701.EXHIBIT C	Viatical Settlement Provider Report and Instructions – Illinois Transactions Only (Form VSB-002)
5701.EXHIBIT D	Viatical Settlement Broker Report and Instructions – Illinois Transactions Only (Form VSB-002)
5701.EXHIBIT E	Individual Mortality Report and Instructions – Illinois Transactions Only (Form VSP-003)
5701.EXHIBIT F	Viatical Settlement Provider Certification (Form VSP-004)
5701.EXHIBIT G	Viatical Settlement Broker Certification (Form VSP-004)
5701.EXHIBIT H	Verification of Coverage for Life Insurance Policies

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

<u>Section Numbers:</u>	<u>Headings:</u>
3701.10	Purpose
3701.20	Definitions
3701.30	Filing Procedures for Viatical Settlement Providers
3701.40	Filing Procedures for Viatical Settlement Brokers
3701.50	Standards for Evaluation of Reasonable Payments for Terminally or Chronically Ill Insureds
3701.60	General Rules
3701.70	Prohibited Practices
3701.80	Insurance Company Practices
3701.100	Reporting Requirements
3701.EXHIBIT A	Viatical Settlement Provider Report and Instructions – All States and Territories (Form VSP-001)
3701.EXHIBIT B	Viatical Settlement Broker Report and Instructions – All States and Territories (Form VSP-001)
3701.EXHIBIT C	Viatical Settlement Provider Report and Instructions – Illinois Transactions Only (Form VSB-002)
3701.EXHIBIT D	Viatical Settlement Broker Report and Instructions – Illinois Transactions Only (Form VSB-002)
3701.EXHIBIT E	Individual Mortality Report and Instructions – Illinois Transactions Only (Form VSP-003)
3701.EXHIBIT F	Viatical Settlement Provider Certification (Form VSP-004)
3701.EXHIBIT G	Viatical Settlement Broker Certification (Form VSP-004)
3701.EXHIBIT H	Verification of Coverage for Life Insurance Policies

7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
5701.10	3701.10
5701.20	3701.20
5701.30	3701.30
5701.40	3701.40
5701.50	3701.50
5701.60	3701.60
5701.70	3701.70
5701.80	3701.80
5701.100	3701.100
5701.EXHIBIT A	3701.EXHIBIT A

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

5701.EXHIBIT B	3701.EXHIBIT B
5701.EXHIBIT C	3701.EXHIBIT C
5701.EXHIBIT D	3701.EXHIBIT D
5701.EXHIBIT E	3701.EXHIBIT E
5701.EXHIBIT F	3701.EXHIBIT F
5701.EXHIBIT G	3701.EXHIBIT G
5701.EXHIBIT H	3701.EXHIBIT H

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of August 14, 2018 through August 20, 2018. The rulemakings are scheduled for the September 18, 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>
9/27/18	<u>Environmental Protection Agency</u> , Guidelines for Determination of Construct Only Status Pursuant to 35 Ill. Adm. Code 309.202 (Repealer) (35 Ill. Adm. Code 393)	3/16/18 42 Ill. Reg. 4617	9/19/18
9/29/18	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	6/8/18 42 Ill. Reg. 9177	9/19/18
9/29/18	<u>State Board of Education</u> , Determining Special Education Per Capita Tuition Charge (23 Ill. Adm. Code 130)	5/18/18 42 Ill. Reg. 8183	9/19/18
9/29/18	<u>Board of Higher Education</u> , Engineering Grant Program (Repealer) (23 Ill. Adm. Code 1025)	6/29/18 42 Ill. Reg. 11587	9/19/18
9/30/18	<u>Department of Human Services</u> , Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill. Adm. Code 553)	6/15/18 42 Ill. Reg. 9620	9/19/18
9/30/18	<u>Department of Human Services</u> , Individualized Plan for Employment (IPE) (89 Ill. Adm. Code 572)	6/15/18 42 Ill. Reg. 9627	9/19/18

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF WITHDRAWAL OF PROPOSED REPEALER

- 1) Heading of the Part: Combined Sewer Overflow Exception Criteria and First Flush Determination
- 2) Code Citation: 35 Ill. Adm. Code 375
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
375.101	Repealed
375.102	Repealed
375.103	Repealed
375.201	Repealed
375.202	Repealed
375.203	Repealed
375.204	Repealed
375.205	Repealed
375.206	Repealed
375.301	Repealed
375.302	Repealed
375.303	Repealed
375.401	Repealed
375.402	Repealed
375.403	Repealed
375.404	Repealed
375.APPENDIX A	Repealed
- 4) Date Notice of Proposed Repealer published in the *Illinois Register*: 41 Ill. Reg. 11129, September 8, 2017
- 5) Reason for the Withdrawal: Illinois EPA's proposal to repeal this Part was premature.

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 42, Issue 35 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

89 - 140	.....	16364
35 - 375	.....	16461

ADOPTED RULES

80 - 1	9/1/2018	16395
83 - 757	8/15/2018	16417
92 - 444	8/17/2018	16443

NOTICE OF CODIFICATION CHANGES

50 - 2701	.....	16453
50 - 2801	.....	16453
50 - 3601	.....	16455
50 - 5601	.....	16455
50 - 3701	.....	16457
50 - 5701	.....	16457