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# ILLINOIS

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## REGISTER

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September 3, 2021 Volume 45, Issue 36

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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

### ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2021

<b>Issue#</b>	<b>Rules Due Date</b>	<b>Date of Issue</b>
1	December 21, 2020	January 4, 2021
2	December 28, 2020	January 8, 2021
3	January 4, 2021	January 15, 2021
4	January 11, 2021	January 22, 2021
5	January 19, 2021	January 29, 2021
6	January 25, 2021	February 5, 2021
7	February 1, 2021	February 16, 2021
8	February 8, 2021	February 19, 2021
9	February 16, 2021	February 26, 2021
10	February 22, 2021	March 5, 2021
11	March 1, 2021	March 12, 2021
12	March 8, 2021	March 19, 2021
13	March 15, 2021	March 26, 2021
14	March 22, 2021	April 2, 2021
15	March 29, 2021	April 9, 2021
16	April 5, 2021	April 16, 2021
17	April 12, 2021	April 23, 2021
18	April 19, 2021	April 30, 2021
19	April 26, 2021	May 7, 2021
20	May 3, 2021	May 14, 2021
21	May 10, 2021	May 21, 2021

22	May 17, 2021	May 28, 2021
23	May 24, 2021	June 4, 2021
24	June 1, 2021	June 11, 2021
25	June 7, 2021	June 18, 2021
26	June 14, 2021	June 25, 2021
27	June 21, 2021	July 2, 2021
28	June 28, 2021	July 9, 2021
29	July 6, 2021	July 16, 2021
30	July 12, 2021	July 23, 2021
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32	July 26, 2021	August 6, 2021
33	August 2, 2021	August 13, 2021
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50	November 29, 2021	December 10, 2021
51	December 6, 2021	December 17, 2021
52	December 13, 2021	December 27, 2021
53	December 20, 2021	December 31, 2021

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Special Programs
- 2) Code Citation: 56 Ill. Adm. Code 2870
- 3) 

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
2870.1	New Section
2870.5	New Section
2870.10	New Section
2870.15	New Section
2870.20	New Section
2870.25	New Section
2870.30	New Section
2870.35	New Section
2870.40	New Section
2870.45	New Section
2870.50	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 239, 401, 402, 409, 500, 502, 900, 901, 1700, and 1701 of the Unemployment Insurance Act [820 ILCS 405].
- 5) Effective Date of Rules: August 23, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules is on file in the Department of Employment Security's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 6472; May 21, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes

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- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Under the authority of Section 502 of the Illinois Unemployment Insurance Act, 820 ILCS 405/502 (Act), the Director of Employment Security may establish a short-time compensation (STC) program. The STC program, known as "WorkShare IL", was implemented on April 30, 2021 under emergency rulemaking filed on April 29, 2021. These rules make permanent the operation of WorkShare IL and correct typographical errors in the emergency rules at Section 2870.25(c) and at Section 2870.35(a)(4)(EXAMPLE 2). The underlying purpose of an STC program is to avoid temporary and permanent layoffs. The STC program is a voluntary program that employers may elect to participate in. When an STC plan is approved, an employer will be able to reduce the hours of work of employees in the identified affected unit, in accordance with the plan, and to provide to the affected employees unemployment insurance benefits in a percentage that reflects the reduction of hours.
- 16) Information and questions regarding these adopted rules shall be directed to:

Kevin Lovellette, Chief Legal Counsel  
Illinois Department of Employment Security  
33 South State Street – Room 910  
Chicago IL 60603

312/793-1224  
fax: 312/793-5645  
Kevin.Lovellette@illinois.gov

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

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED RULES

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER f: ELIGIBILITY FOR BENEFITSPART 2870  
SPECIAL PROGRAMS

## SUBPART A: SHORT-TIME COMPENSATION PROGRAM

Section	
2870.1	Definitions
2870.5	Application for Approval of Short-Time Compensation Plan
2870.10	Withdrawal of Application for Approval of Short-Time Compensation Plan
2870.15	Approval or Disapproval of a Short-Time Compensation Plan
2870.20	Effective Dates of a Short-Time Compensation Plan
2870.25	Revocation of a Short-Time Compensation Plan
2870.30	Modification of a Short-Time Compensation Plan
2870.35	Employee's Eligibility for Short-Time Compensation Benefits
2870.40	Short-Time Compensation Benefits' Formulas
2870.45	Overpayments of Short-Time Compensation Benefits
2870.50	Coordination of Short-Time Compensation Benefits with Extended Benefits

AUTHORITY: Implementing and authorized by Sections 239, 401, 402, 409, 500, 502, 900, 901, 1700, and 1701 of the Unemployment Insurance Act [820 ILCS 405].

SOURCE: Emergency rules adopted at 45 Ill. Reg. 6310, effective April 29, 2021, for a maximum of 150 days; adopted at 45 Ill. Reg. 10813, effective August 23, 2021.

## SUBPART A: SHORT-TIME COMPENSATION PROGRAM

**Section 2870.1 Definitions**

All other terms used in this Part shall have the meanings ascribed in Sections 200 through 247 and Section 502 of the Unemployment Insurance Act [820 ILCS 405], unless the context requires otherwise.

"Act" means the Unemployment Insurance Act [820 ILCS 405].

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"Benefit Payment Amount" means the actual unemployment insurance benefits, including any dependent allowance provided in Section 401 of the Act, paid to an employee in the affected unit.

"Claimant" means a person who applies for benefits under the Act.

"Department" means the Illinois Department of Employment Security.

"DA = Dependent Allowance" means the amount of any dependent child or dependent spouse allowance which an individual may be eligible to receive under Section 401 of the Act.

"Director" means the Director of the Illinois Department of Employment Security.

"Employing unit" has the same meaning ascribed in Section 204 of the Act.

"Full-time work" is the number of hours a class of workers would customarily work if the employing unit had all of the work it could handle without working overtime. Except when the contrary is provided by a collective bargaining agreement or company policy, full-time work is customarily 40 hours per week. For example, 37.5 hours per week is the normal, full-time work for Illinois State employees under gubernatorial authority by State personnel policy.

"NH = Normal Hours" means the normal hours employees in the affected unit work each week. The maximum value allowed is 40 hours per week.

"OH = Other Hours" means the total number of hours the employee in the affected unit worked for an employing unit or units other than hours worked under the short-time compensation (STC) plan.

"PH = Plan Hours" means the reduced hours that employees in the affected unit will work each week during the duration of the STC plan.

"STC Deduction" means the percentage value calculated using the claimant's WBA (defined below) and the WBAPA (defined below).

"TH = Total Hours" means the total sum of plan hours (PH) and other hours (OH).



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"WBA = Weekly Benefit Amount" means an employee in the affected unit's weekly Unemployment Insurance Benefit Amount as specified on their Finding as provided in Section 701 of the Act.

"WBAPA = Weekly Benefit Amount Percentage Allowed" means the percentage of the WBA that will be paid to a claimant under the STC plan. This value cannot be less than 20% nor more than 60%.

"WorkShare IL" is the name of the STC program in Illinois under Section 502 of the Act. Notwithstanding this designation, hereafter in this Part, the STC program established by Section 502 of the Act is referred to as "Short-Time Compensation" or "STC".

**Section 2870.5 Application for Approval of Short-Time Compensation Plan**

- a) In order to participate in the STC program, an employer must submit an STC plan application to the Department, and the Director must approve the plan. Employers are strongly encouraged to submit the application electronically via the Department's STC e-service portal located at [WorkShare.ides.illinois.gov](http://WorkShare.ides.illinois.gov). Filing an application can also be accomplished by calling 217-558-8150. Assistance in filing an application is also available at that number. The application will require the employer to provide information and make the certifications set forth in Section 502(C) of the Act.
- b) A third-party administrator with a proper and fully executed IDES Power of Attorney on file with the Department may file an STC plan application and conduct all STC certifications and other STC business on behalf of an employer.
- c) An STC plan application will not be accepted by the Department if an employer fails to affirm the certifications as required by Section 502 of Act and contained in the application.
- d) An electronic submission of the STC plan application must be signed using an electronic signature in lieu of a written signature by clicking the "I Agree" check box beneath the certification statements prior to submission of the STC application. Electronic submission of the STC plan application has the same legal effect as a signature on a paper document.

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- e) When the employer's STC plan application containing the required information and employer certifications is complete, signed, and submitted, the Director must either approve or disapprove the employer's STC plan application. Approval of the STC plan application establishes the terms of the employer's STC plan.

**Section 2870.10 Withdrawal of Application for Approval of Short-Time Compensation Plan**

- a) At any point prior to the Director issuing a letter either approving or disapproving an STC plan, the employer may withdraw its application. The notice of withdrawal of the STC application must be sent to the Department via email to DES.WorkShare@illinois.gov.
- b) Once an employer has withdrawn its STC application, it may file a new application for approval of an STC plan by complying with the provisions of Section 2870.5.

**Section 2870.15 Approval or Disapproval of a Short-Time Compensation Plan**

- a) The Director will have 45 days from the date of receipt of the STC plan application to approve or disapprove the employer's STC plan application. The Director's decision will be in writing and promptly communicated to the employer by sending the decision approving or disapproving the plan to the employer at its address or email account of record with the Department for purposes of STC. The Director's failure to issue a written decision within 45 days after the date of receipt of the STC plan application shall constitute a decision disapproving the plan.
- b) If an employer's STC plan application provides all the required information and certifications and otherwise meets the requirements of Section 502 of the Act, the Director must approve the application.
- c) If an employer's STC plan application fails to provide all the required information and certifications, the Director, through an authorized Department employee, will contact the employer to explain how the STC plan application is deficient and to allow the employer the opportunity to correct the deficiency or withdraw the STC plan application.

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- d) A decision disapproving the STC plan application will clearly identify the reason or reasons for the disapproval of the plan application. A decision disapproving an STC plan application is final.
- e) An employer whose STC plan application for a particular affected unit has been disapproved must wait 30 days from the date of the decision of disapproval before submitting another STC plan application for that affected unit.
- f) An STC plan shall not be approved if the employer is delinquent in the filing of any reports required under the Act or in the payment of contributions, payments in lieu of contributions, interest, or penalties due under this Act as of the date of the employer's STC plan application. An employer that has appealed its delinquency is still considered to be delinquent for the purposes of this Part.

**Section 2870.20 Effective Dates of a Short-Time Compensation Plan**

- a) All STC plans must begin on a Sunday and must end on a Saturday.
- b) The decision approving the STC plan shall specify the plan's start date and expiration date.
- c) The expiration date of the STC plan can be no later than the last Saturday of the 12<sup>th</sup> full calendar month after the month in which the start date of the plan occurs.

EXAMPLE: Company B's STC plan is approved with a start date of Sunday, June 6, 2021. For purposes of Company B's STC plan, June 2021 is not a full calendar month, therefore, June 2022 is the 12<sup>th</sup> full calendar month that follows the month in which the start date of the plan occurs. Company B's STC plan can expire no later than Saturday, June 25, 2022, which is the last Saturday in the 12<sup>th</sup> full calendar month after the month in which the start date of the plan occurs.

- d) If an STC plan is revoked, the STC plan shall terminate on the date specified in the Director's written order of revocation.
- e) An employer may terminate a STC plan at any time upon written notice to the Director, with the plan ending on the Saturday of the week that the employer designates the plan is to terminate. The Director shall promptly notify each member of the affected unit of the termination date of the plan.

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- f) At any time after an STC plan for a particular affected unit has expired or terminated prior to its initially established expiration date, an employer may submit an application under the provisions of Section 2870.5 to participate in another STC plan for that affected unit.

**Section 2870.25 Revocation of a Short-Time Compensation Plan**

- a) At any time during the duration of an approved plan, the Director may revoke approval of the plan for good cause.
- b) Good cause to revoke approval of an STC plan includes the following:
- 1) Failure of the employer to comply with the assurances given in the plan;

EXAMPLE 1: In its application for approval of its STC plan, Company C provides assurances that it will continue to provide health and retirement benefits to its employees in the affected unit under the same terms and conditions it would have if the employees' usual hours of work had not been reduced. Despite these assurances, Company C reduces health benefits to its employees in the affected unit in proportion to its reduction of their hours of work and Company C reduces the retirement benefits that it was providing to the employees in the affected unit. Both the reduction in the health benefits and the reduction of the retirement benefits constitute a failure of the employer to comply with assurances given in the STC plan. Either of these failures to comply with an assurance given in the plan constitutes good cause for the Director to revoke approval of the plan.

EXAMPLE 2: In its application for approval of its STC plan for its sales unit, Company D provides assurances that while the STC plan is in operation, it will not hire additional full-time or part-time employees for the affected unit, and that while the STC plan is in operation, it will not transfer employees to the affected unit. Despite these assurances, while the STC plan is in operation Company D hires one full-time employee and two part-time employees for its sales unit and transfers an employee to its sales unit who was working in its telemarketing department at the time of the transfer. Both the hiring of the new employees and the transfer into the unit of another employee constitute a failure of the employer to comply with an assurance given in the STC plan. Any of these failures to

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comply with an assurance given in the plan constitutes good cause for the Director to revoke approval of the plan.

- 2) Termination of the approval of the STC plan by the collective bargaining representative of employees in the affected unit as set forth in Section 502(F) of the Act;
- 3) Unreasonable revision of productivity standards for the affected unit as set forth in Section 502(F) of the Act. An unreasonable revision of productivity standards for the affected unit is a revision that is not proportional to the percentage of work hours reduced under the approved STC plan.

EXAMPLE: Company E has an approved STC plan in place for its assembly unit. The plan calls for a 20% reduction in hours for the workers in the affected unit. At some point after the plan has been approved, Company E announces to the workers in its assembly unit that even though their hours of work had been reduced by 20%, the employer is setting production standards at a 10% reduction from the standards that were in place before the approval of the STC plan. In this case, with a revision of productivity standards that is not in proportion with the reduction of hours, the revision of the employer's productivity standards for the affected unit is unreasonable and shall constitute good cause for the Director to revoke approval of the STC plan.

- 4) *Conduct or occurrences tending to defeat the intent and effective operation of the short-time compensation plan* as set forth in Section 502(F) of the Act. The intent and effective operation of the short-time compensation plan are to reduce unemployment, avoid layoffs, and provide employees unemployment benefits at a reduced rate.

EXAMPLE: Company F has in operation an approved STC plan for its affected warehouse unit. The plan calls for a 25% reduction in hours for the workers in the affected unit. The plan also calls for a temporary one-week shutdown between the Christmas and New Year holidays. After the workers in the affected unit return to work following the one-week shutdown, Company F lays off the two workers in the unit with the least seniority. The layoff of workers in the affected unit outside the temporary shutdown provided for in the plan defeats the intent and effective

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operation of the STC plan by failing to avoid layoffs, and constitutes good cause for the Director to revoke approval of the STC plan.

- 5) *Violation of any criteria on which approval of the plan was based* as set forth in Section 502 of the Act and certified to by the employer in the plan application (Sec. 502(F) of the Act);

EXAMPLE: Company G has in operation an approved STC plan for its affected transportation unit. The plan calls for a 25% reduction in hours for the workers in the affected unit. However, Company G reduces the workers' hours by 27%. The reduction of the workers' hours by a percentage other than that stated in the plan is a violation of a criterion on which approval of the plan was based and constitutes good cause for the Director to revoke approval of the STC plan.

- 6) The employer's failure to make timely filings of its wage reports while the plan is in operation;
- 7) The employer's failure to make timely and full payment of contributions or payments in lieu of contributions while the plan is in operation;
- 8) The employer's failure to provide the Department with required reports; or
- 9) The employer's failure to allow the Director or an authorized Department employee to monitor and evaluate the plan.
- c) If the Director finds that good cause to revoke an STC plan exists, the Director, through an authorized Department employee, will contact the employer of the affected unit, and send it written notice informing it of the finding or findings of good cause to revoke the plan. The employer has seven calendar days from the issuance of such notice to contact the Department, in writing, in order to address and/or correct, the finding or findings of good cause to revoke the plan.
- d) Upon receipt and consideration of the employer's timely written correspondence set forth in subsection (c), if any, the Director may issue a decision revoking the plan. The decision of the Director to revoke an STC plan shall:
- 1) be in writing;

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- 2) specify the reason or reasons for the revocation and the date the revocation is effective;
- 3) be served upon the employer and all employees in the affected unit by sending the decision revoking the plan to the addresses or email accounts of record with the Department for purposes of STC; and
- 4) be final.

**Section 2870.30 Modification of a Short-Time Compensation Plan**

- a) When an employer seeks to modify an approved STC plan, the employer must promptly submit the request to modify the plan by sending an email to the Department at DES.WorkShare@illinois.gov. The request for modification must identify the provisions of the plan to be modified and explain why the modifications are necessary and consistent with the purposes for which the plan was approved and the certifications that the employer made in its application. The Director or authorized Department employee may request further information from the employer before a request to modify a plan is approved.

EXAMPLE 1: Company H has in operation an approved STC plan for its affected design unit. The plan calls for a 50% reduction in hours for the workers in the affected unit. While the STC plan is in operation, economic conditions for Company H improve. Company H seeks to modify its plan to provide for a 20% reduction in hours for the workers in the affected unit. This proposed change in the percentage of reduction of hours worked falls within the parameters of permitted work reduction set forth in Section 502 of the Act. Such a proposed modification to the plan requires the employer to make a request to the Director for approval of the modification of the STC plan.

EXAMPLE 2: Company J has in operation an approved STC plan for its affected packing unit. The plan calls for a 20% reduction in hours for the workers in the affected unit. While the STC plan is in operation, economic conditions for Company J get worse. Company J seeks to modify its plan to provide for a 50% reduction in hours for the workers in the affected unit. This proposed change in the percentage of reduction of hours worked falls within the parameters of permitted work reduction set forth in Section 502 of the Act. Such a proposed modification to the plan requires the employer to make a request to the Director for approval of the modification of the STC plan.

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EXAMPLE 3: Company N has in operation an approved STC plan for its affected parts unit. The plan provides for a 25% reduction in hours worked for the employees in the affected unit. Due to a snowstorm in western states, there is a delay in the shipment of parts to Company N. Company N is informed by its supplier that the delay will last one week. With this information, for the one week of the delay, Company N wishes to reduce the hours of work of its employees in the affected unit by 60%, but by no more than 60%. In this situation, Company N must make a request to the Director for approval to modify the STC plan prior to the change in hours worked.

EXAMPLE 4: Company K has an approved STC plan in operation for its affected factory unit. While the plan is in operation, Company L succeeds to substantially all of the employing enterprises of Company K, which includes the factory at which all of the employees in the affected unit work. The Director receives a request to modify the approved STC plan. Under these circumstances, the Director will require the new employer (Company L) to submit a new application for approval of a plan instead of treating the correspondence as a request to modify an approved plan.

- b) The voluntary separation of an affected employee from employment with the employer does not require a modification of the plan, but this separation must be reported to the Department at [DES.WorkShare@illinois.gov](mailto:DES.WorkShare@illinois.gov) on or before the week the departure is effective. A non-voluntary separation of an affected employee requires the employer to request a modification of the plan under this Section.

EXAMPLE 1: Company M has in operation an approved STC plan for its affected ironwork unit. Mr. A is a worker in the affected unit. While the STC plan is in operation, Mr. A finds a new job and separates from Company M. The affected unit now has one fewer worker in it than it had at the time of the STC plan approval. Mr. A's departure from Company M does not require the employer to make a request to the Director for approval to modify the STC plan so long as the affected unit has no fewer than 2 workers, and so long as the plan proceeds in operation as it was approved. Nonetheless, the employer shall promptly notify the Director that Mr. A is no longer a participant in the plan.

EXAMPLE 2: Company M has in operation an approved STC plan for its affected ironwork unit. Ms. B is a worker in the affected unit. Company M



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discharges Ms. B from its employment, alleging that the discharge was for misconduct. Ms. B's discharge is a non-voluntary separation of an affected employee from the affected unit and requires a modification of the plan.

- c) A modification of an STC plan may change the start date of a plan, may shorten the duration of a plan, but it may not extend the expiration date of the plan as it was approved.
- d) When an employer requests a modification of an approved plan, the Director will have 30 days from the date of receipt of the request for modification of the STC plan to approve the proposed modification in whole or in part, or to disapprove the proposed modification. The Director's decision shall be final, and promptly communicated in writing to the employer to the address or email account of record with the Department for purposes of STC. The Director's failure to issue a written decision within 30 days after the date of receipt of the request to modify the plan constitutes a decision disapproving the request for modification.

**Section 2870.35 Employee's Eligibility for Short-Time Compensation Benefits**

- a) An individual who is an employee of an affected unit under an approved STC plan is eligible to receive STC benefits with respect to any week only if that individual:
  - 1) Has filed a claim for STC unemployment insurance benefits, or has an existing claim for unemployment insurance benefits with a benefit year in effect at the time of the approved STC plan and has reopened that claim;
  - 2) Has completed a one-time certification process at WorkShare.ides@illinois.gov or by calling 217-558-8150;
  - 3) Is eligible for unemployment insurance benefits pursuant to Section 500(E) of the Act;
  - 4) Is available for all the individual's STC plan hours or is compensated for time off of work;

EXAMPLE 1: Company P has an approved STC plan in operation for its affected factory unit. The STC plan calls for a 20% reduction in hours for the workers in the affected unit. The employer does not have paid sick

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leave or paid vacation leave policies. Bob, an employee in the affected factory unit, is scheduled to work 32 hours Monday through Thursday under the approved STC plan. Bob calls off work on Monday. Bob then works the remainder of his scheduled hours. Since Bob did not work all his scheduled hours or receive compensation for the 8 hours he did not work on Monday, Bob is not eligible for STC benefits that week.

EXAMPLE 2: Same facts as EXAMPLE 1, except the employer has paid sick leave and paid vacation leave policies. When Bob calls off work that Monday he requests and receives 8 hours of sick leave pay. Bob would be eligible for STC benefits that week because the 8 hours of sick leave compensation is considered hours worked.

EXAMPLE 3: Company Q has an approved STC plan in operation for its affected billing unit. The STC plan calls for a 20% reduction in hours for the workers in the affected unit. The employer's policies provide for paid holidays. Jennifer, an employee in the affected unit, is scheduled to work 32 hours Monday through Thursday under the approved STC plan. Friday is a paid holiday and Jennifer receives 8 hours' holiday pay. Since compensated hours are considered hours worked, Jennifer would not be eligible for STC benefits that week because the paid holiday puts the reduction in Jennifer's regular work hours below 20% provided for in the STC plan.

EXAMPLE 4: Company R has an approved STC plan in operation for its affected shipping unit. The STC plan calls for a 20% reduction in hours for the workers in the affected unit. The employer's policies do not provide for paid holidays. John, an employee in the affected unit, is scheduled to work 32 hours Monday through Thursday under the approved STC plan. Friday is a holiday and John is not scheduled to work. John would be eligible for the STC benefits that week because the holiday does not affect the reduction in John's regular work hours below 20% provided for in the STC plan.

EXAMPLE 5: Company S has an approved STC plan in operation for its affected factory unit. The STC plan calls for a 40% reduction in hours for the workers in the affected unit. The employer's policies provide for paid holidays. Elizabeth, an employee in the affected factory unit, is scheduled to work 24 hours Monday through Wednesday under the approved STC

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plan. Thursday is a holiday and Elizabeth is not scheduled to work but is paid 8 hours of holiday pay. Elizabeth would be eligible for the STC benefits that week because the combination of reduced hours and holiday pay (32 hours) would amount to a 20% reduction in her regular hours and is within the parameters provided in Section 502 of the Act. However, for that week, Elizabeth's STC benefit amount would be calculated on a 20% reduction in hours, rather than on a 40% reduction in hours (see Section 2870.40).

- 5) Works hours during the week that fall within the reduction of hours of work provided under the STC plan; and
  - 6) Is not otherwise disqualified for unemployment insurance benefits under the Act.
- b) An employee in an affected unit under an approved STC plan whose usual weekly hours of work have been reduced is deemed unemployed in any week for which the employee works less than the normal weekly hours of work in accordance with an approved STC plan.

**Section 2870.40 Short-Time Compensation Benefits' Formulas**

- a) Consistent with the provisions of Section 401 of the Act pertaining to rounding both an individual's weekly benefit amount and any dependent allowance to the next higher dollar if calculations result in a weekly benefit amount or a dependent allowance in an amount that is not already a multiple of one dollar, the STC weekly benefit amount will be the product of:
  - 1) the percentage of reduction in the individual's usual weekly hours of work; and
  - 2) the sum of the regular weekly benefit amount for a week of total unemployment plus any applicable dependent allowance which the individual may be eligible to receive under Section 401 of the Act.
- b) A week for which benefits are paid under this Part will be reported as a week of STC benefits. The formulas used to calculate an individual's STC benefit payment for a week are as follows.

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- 1) For an individual who is not eligible for any dependent allowance under Section 401 of the Act:

$$\text{Total Hours (TH)} = (\text{PH}) + (\text{OH})$$

$$\text{WBAPA} = 1 - ((\text{TH}) \div (\text{NH}))$$

$$\text{STC Deduction} = (\text{WBA}) \times (1 - (\text{WBAPA}))$$

$$\text{Benefit Payment Amount} = ((\text{WBA}) - (\text{STC Deduction})) \text{ or}$$

$$\text{Benefit Payment Amount} = (\text{WBA} \times \text{WBAPA})$$

EXAMPLE 1: Bob is an employee of an affected unit under an approved STC plan, which provides for a 20% reduction in Bob's normal hours. Bob normally works 40 hours a week. Bob's hours were reduced to 32 when the employer's STC plan was approved effective June 6, 2021. Bob filed a new claim for benefits. Bob's regular unemployment weekly benefit amount is \$500. Bob worked all his scheduled hours during the week ending June 12, 2021. Bob does not have a second job. Bob's STC benefit payment amount for the week ending June 12, 2021 is \$100, using the formulas as shown below.

Using the formulas:

$$32 + 0 = 32 \text{ (TH)}$$

$$1 - (32 / 40) = 1 - (.80) = .20 \text{ (WBAPA)}$$

$$500 \times (1 - .20) = 500 \times .80 = 400 \text{ (STC Deduction)}$$

$$500 - 400 = 100 \text{ (Benefit Payment Amount) or}$$

$$500 \times .20 = 100 \text{ (Benefit Payment Amount)}$$

$$\text{\$100 (Benefit Payment Amount)}$$

EXAMPLE 2: Mary is an employee of an affected unit under an approved STC plan, which provides for a 20% reduction in Mary's normal hours. Mary normally works 40 hours a week. Mary's hours were reduced to 32 when the employer's STC plan was approved effective June 6, 2021. Mary filed a new claim for benefits. Mary's regular unemployment weekly benefit amount is \$484. Mary worked all scheduled hours during the week ending June 12, 2021. Mary does not have a second job. Mary's STC benefit payment amount for the week ending June 12, 2021 is \$97, using the formulas as shown below.

Using the formulas:

## DEPARTMENT OF EMPLOYMENT SECURITY

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$32 + 0 = 32$  (TH)  
 $1 - (32 / 40) = 1 - (.80) = .20$  (WBAPA)  
 $484 \times (1 - .20) = 484 \times .80 = 387.20$  (STC Deduction)  
 $484 - 387.20 = 96.80$  (Benefit Payment Amount) or  
 $484 \times .20 = 96.80$  (Benefit Payment Amount)  
 \$97 (Benefit Payment Amount due to rounding)

- 2) For an individual who is eligible for a dependent allowance under Section 401 of the Act:

Total Hours (TH) = (PH) + (OH)  
 WBAPA =  $1 - ((TH) \div (NH))$   
 STC Deduction =  $[(WBA) + (DA)] \times (1 - (WBAPA))$   
 Benefit Payment Amount =  $([(WBA) + (DA)] - (STC Deduction))$  or  
 Benefit Payment Amount =  $([(WBA) + (DA)] \times WBAPA)$

EXAMPLE 1: Same facts as in EXAMPLE 1 in subsection (b)(1), except Bob is eligible for \$188 in dependent child allowance. Bob's STC benefit payment amount, including dependent allowance, for the week ending June 12, 2021 is \$138, using the formulas as shown below.

Using the formulas:

$32 + 0 = 32$  (TH)  
 $1 - (32 / 40) = 1 - (.80) = .20$  (WBAPA)  
 $(500 + 188) \times (1 - .20) = 688 \times .80 = 550.40$  (STC Deduction)  
 $688 - 550.40 = 137.60$  (Benefit Payment Amount) or  
 $688 \times .20 = 137.60$   
 (Of the 137.60, 100.00 constitutes Benefit Payment Amount and 37.60 constitutes Dependent Allowance)  
 100 (Benefit Payment Amount due to rounding) +  
 38 (Dependent Allowance due to rounding) =  
 \$138 (Benefit Payment Amount Plus Dependent Allowance)

EXAMPLE 2: Same facts as in EXAMPLE 2 in subsection (b)(1), except Mary is eligible for \$181 in dependent child allowance. Mary's STC benefit payment amount, including dependent allowance, for the week ending June 12, 2021 is \$134, using the formulas as shown below.

## DEPARTMENT OF EMPLOYMENT SECURITY

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Using the formulas:

$$32 + 0 = 32 \text{ (TH)}$$

$$1 - (32 / 40) = 1 - (.80) = .20 \text{ (WBAPA)}$$

$$(484 + 181) \times (1 - .20) = 665 \times .80 = 532 \text{ (STC Deduction)}$$

$$665 - 532 = 133 \text{ (Benefit Payment Amount) or}$$

$$665 \times .20 = 133$$

(Of the 133, 96.80 constitutes Benefit Payment Amount and 36.20 constitutes Dependent Allowance)

$$97 \text{ (Benefit Payment Amount due to rounding) +}$$

$$37 \text{ (Dependent Allowance due to rounding) =}$$

$$\text{\$134 (Benefit Payment Amount Plus Dependent Allowance)}$$

- c) An individual may be eligible for STC benefits or unemployment insurance benefits, as appropriate, except that:
- 1) no individual shall be eligible for both STC benefits and unemployment insurance benefits for the same week;
  - 2) no individual shall be eligible for combined benefits (excluding any payments attributable to a dependent allowance under Section 401 of the Act) in any benefit year in an amount more than the individual's maximum benefit amount; and
  - 3) no individual shall be paid STC benefits for more than 52 weeks under a STC plan.
- d) The STC benefits paid to an individual in an affected unit (excluding any payments attributable to a dependent allowance under Section 401 of the Act) will be deducted from the maximum benefit amount established for that individual in the benefit year.
- e) The following provisions apply to individuals who work for both a STC employer and another employer during weeks covered by the approved STC plan:
- 1) If combined hours of work in a week for both employers do not result in a reduction of at least 20% of the usual weekly hours of work with the STC employer, the individual is not eligible for benefits.

## DEPARTMENT OF EMPLOYMENT SECURITY

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EXAMPLE: Same facts as in EXAMPLE 1 in subsection (b)(1), except Bob has a second job. In the week ending June 12, 2021, Bob worked all regular plan hours and an additional 4 hours for the second employer. For the week, Bob worked a total of 36 hours, consisting of 32 hours worked for the STC employer and 4 hours worked for a second employer. In total, Bob's reduction of hours worked for the week, as compared to a normal 40 hours of work for the STC employer, is 4 hours, which is a 10% reduction in the normal hours of work for the STC employer. Since Bob's reduction in total hours worked amounts to only 10% of the normal STC hours, Bob's short-time weekly benefit amount would be \$0, as the employer's STC plan only allows for a 20% reduction. Bob's weekly benefit amount percentage amount (WBAPA) equaling only 10% of the normal weekly hours is lower than the 20% under the STC plan (20% is also the lowest percentage of reduction of hours worked allowed for a STC plan under Section 502 of the Act). Therefore, Bob is not eligible for STC benefits that week. See formulas below:

$$32 + 4 = 36 \text{ (TH)}$$

$$1 - (36 / 40) = 1 - (.90) = .10 \text{ (WBAPA)}$$

$$500 \times (1 - .10) = 500 \times .90 = 450 \text{ (STC Deduction)}$$

- 2) If combined hours of work for both employers results in a reduction equal to or greater than 20% of the usual weekly hours of work for the STC employer, the STC benefit amount payable to the individual is reduced for that week and is determined by multiplying the percentage by which the combined hours of work have been reduced by the weekly benefit amount for a week of total unemployment.

EXAMPLE: Same facts as in EXAMPLE 1 in subsection (b)(1), except the employer's STC plan provides for a 50% reduction in Bob's normal hours. Bob works his 20 plan hours and an additional 4 hours for a second employer. Bob's weekly benefit payment amount would be \$200. See formulas below.

$$20 + 4 = 24 \text{ (TH)}$$

$$1 - (24 / 40) = 1 - (.60) = .40 \text{ (WBAPA)}$$

$$500 \times (1 - .40) = 500 \times .60 = 300 \text{ (STC Deduction)}$$

$$500 - 300 = 200 \text{ (Benefit Payment Amount) or}$$

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED RULES

$$500 \times .40 = 200 \text{ (Benefit Payment Amount)}$$

- 3) If an individual worked the reduced percentage of the usual weekly hours of work for the STC employer, is available for all usual hours of work with the STC employer, and did not work any hours for the other employer either because of the lack of work with that employer or because the individual is excused from work with the other employer, the individual is eligible for STC benefits for that week.

EXAMPLE: With the same facts as in EXAMPLE 1 in subsection (b)(1), Bob's weekly benefit payment amount would be \$100.

$$32 + 0 = 32 \text{ (TH)}$$

$$1 - (32 / 40) = 1 - (.80) = .20 \text{ (WBAPA)}$$

$$500 \times (1 - .20) = 500 \times .80 = 400 \text{ (STC Deduction)}$$

$$500 - 400 = 100 \text{ (Benefit Payment Amount) or}$$

$$500 \times .20 = 100 \text{ (Benefit Payment Amount)}$$

- 4) An individual who is not provided any work during a week by the STC employer, or any other employer, and who is otherwise eligible for unemployment insurance, is eligible for the amount of regular unemployment insurance benefits plus any dependent allowance for which that individual may be eligible.

EXAMPLE: Same facts as in EXAMPLE 1 in subsection (b)(1), except that the STC employer shut down for a week of inventory and maintenance and Bob did not work any STC plan hours, nor did Bob work for another employer. Since the reduction in Bob's hours is more than the 60% allowed under Section 502 of the Act, Bob would not be eligible for any STC benefits. However, Bob would be entitled to regular unemployment insurance benefits, provided he is otherwise eligible.

- 5) An individual who is not provided any work by the STC employer during a week, but who works for another employer and is otherwise eligible may be paid unemployment insurance for that week subject to the disqualifying income and other provisions applicable to claims for regular unemployment insurance.



## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED RULES

EXAMPLE: Same facts as in EXAMPLE 1 in subsection (b)(1), except that the STC employer shut down for a week of inventory and maintenance and Bob did not work any STC plan hours. Bob did, however, work 10 hours for another employer and earned \$400 in gross income in the week ending June 12, 2021. Since the reduction in Bob's STC plan hours is more than the 60% allowed under Section 502 of the Act, Bob would not be eligible for any STC benefits. However, Bob could be eligible for reduced regular unemployment insurance benefits under the provisions of Section 402 of the Act.

**Section 2870.45 Overpayments of Short-Time Compensation Benefits**

- a) Overpayments of unemployment insurance benefits under the Act may be recovered from an individual receiving STC benefits in the manner provided under Sections 900 and 901 of the Act (see Section 2835.TABLE A).
- b) Overpayments of benefits paid under an STC plan may be recovered from an individual receiving unemployment insurance benefits under the Act in the manner provided under Sections 900 and 901 of the Act (see Section 2835.TABLE A).

**Section 2870.50 Coordination of Short-Time Compensation Benefits with Extended Benefits**

- a) Any STC benefit received by an individual is considered to be "regular compensation" as the term is used under Federal-State Extended Unemployment Compensation Act of 1970 (PL 91-373; codified in note to 26 USC 3304).
- b) An individual who has received all of the STC or combined STC and regular unemployment insurance benefits that are available in a benefit year shall be an "exhaustee" for purposes of extended benefits under the provisions of Section 409 of the Act.
- c) Extended benefits paid to a participant in a STC plan are to be charged or noncharged to an employer who is subject to the payment of contributions, and attributed or non-attributed to an employer making payments in lieu of contributions, in the same manner and to the same extent as extended benefits paid to an exhaustee of regular unemployment insurance.

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Disqualifying Income and Reduced Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2920
- 3) Section Number: 2920.80                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 500.1, 600, 605, 606, 610, 611, 1300, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405].
- 5) Effective Date of Rule: August 23, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule is on file in the Department of Employment Security's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 6494; May 21, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This amendment corrects a typographical error.
- 16) Information and questions regarding this adopted rule shall be directed to:

Kevin Lovellette, Chief Legal Counsel  
Illinois Department of Employment Security

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DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

33 South State Street – Room 930  
Chicago IL 60603

312/793-1224  
fax: 312/793-5645  
Kevin.Lovellette@illinois.gov

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

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER g: INELIGIBILITY FOR BENEFITSPART 2920  
DISQUALIFYING INCOME AND REDUCED BENEFITS

Section	
2920.1	Definitions
2920.5	Ineligibility To Receive Benefits Due To Performing Full-Time Work Or Due To The Receipt Of Various Income Whose Sum Is Equal To Or Greater Than The Individual's Weekly Benefit Amount
2920.10	Reduction in Benefits Due to Receipt of Vacation Pay, Holiday Pay, Retirement Pay, and Workers' Compensation Whose Sum is Less Than the Individual's Weekly Benefit Amount
2920.15	Reduction In Benefits Due To Receipt Of Wages For Less Than Full-Time Work
2920.18	Voluntary Withholding for Federal and/or State of Illinois Income Tax
2920.20	Reduced Benefits: Payment Of Dependents' Allowance Or Spouse's Allowance
2920.25	Payments Made During Shutdown For Inventory Or Vacation Purposes
2920.30	Payments Made in Connection with Separation or Layoff as, or in the Nature of Vacation Pay, Vacation Pay Allowance or as Pay in Lieu of Vacation
2920.35	Holiday Pay
2920.40	Payments In Lieu Of Notice Of Separation Or Layoff
2920.45	Severance Pay
2920.48	Residual Payments
2920.50	Back Pay Awards
2920.55	Receipt Of Or Filing For Unemployment Insurance Benefits Under The Laws Of Another State, Canada, Or The United States
2920.60	Supplemental Unemployment Benefits (SUB Pay)
2920.65	Retirement Pay
2920.66	Payments To An Election Judge
2920.68	Payments by a Labor Union
2920.69	Jury Service
2920.70	Retirement Pay Considered Disqualifying Income
2920.75	Allocation Of Retirement Pay
2920.80	Miscellaneous Forms of Retirement Pay
2920.85	Conformity With Federal Unemployment Tax Act

AUTHORITY: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 500.1,

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENT

600, 605, 606, 610, 611, 1300, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405].

SOURCE: Adopted at 11 Ill. Reg. 1853, effective January 7, 1987; amended at 12 Ill. Reg. 16066, effective September 23, 1988; amended at 13 Ill. Reg. 1773, effective January 27, 1989; amended at 13 Ill. Reg. 5936, effective April 18, 1989; emergency amendments at 13 Ill. Reg. 11899, effective July 1, 1989, for a maximum of 150 days; emergency amendments to 56 Ill. Adm. Code 2920.5 and 2920.75, expired November 28, 1989; amended at 13 Ill. Reg. 17402, effective October 30, 1989; amended at 15 Ill. Reg. 180, effective December 28, 1990; amended at 15 Ill. Reg. 11416, effective July 30, 1991; amended at 18 Ill. Reg. 4166, effective March 3, 1994; amended at 21 Ill. Reg. 567, effective January 1, 1997; emergency amendment at 25 Ill. Reg. 10226, effective August 7, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 15415, effective November 15, 2001; amended at 29 Ill. Reg. 1935, effective January 24, 2005; amended at 30 Ill. Reg. 2357, effective January 31, 2006; emergency amendment at 35 Ill. Reg. 2801, effective January 30, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 8467, effective May 20, 2011; amended at 43 Ill. Reg. 6563, effective May 14, 2019; amended at 45 Ill. Reg. 10834, effective August 23, 2021.

## SUBPART A: GENERAL PROVISIONS

**Section 2920.80 Miscellaneous Forms of Retirement Pay**

- a) On the basis of the definitions and principles concerning retirement pay set out in Sections ~~2920.65~~~~2920.55~~ and 2920.70, an individual's receipt of payments from the following sources shall be considered 100% disqualifying income:
  - 1) All profit sharing plans funded entirely by the individual or organization for whom the individual performed services that constitute retirement pay under Section 2920.65;
  - 2) All federal military service pensions if the United States military service paid wages to the individual during his or her base period;
  - 3) All pensions under the Railroad Retirement Act of 1974 (45 USC 231-231t) if an organization covered under that Act paid wages to the individual during his or her base period.
- b) On the basis of the definitions and principles relating to retirement pay set out in Sections 2920.65 and 2920.70, an individual's receipt of payments from the

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED AMENDMENT

following sources shall be considered 50% disqualifying income:

- 1) Federal civilian employment pensions if the individual was paid for federal civilian services during his base period;
  - 2) All State or local government retirement or disability pensions if the individual performed services during his or her base period for the State or the local governmental entity that funded the pension, or if the State or the local governmental entity is chargeable under Section 1502.1 of the Act, including an entity that has elected to make payments, in lieu of paying contributions, for any benefit payments made to the individual.
- c) On the basis of the definitions and principles concerning retirement pay set out in Sections 2920.65 and 2920.70, an individual's receipt of payments from the following sources shall not be considered disqualifying income:
- 1) An independent pension or retirement plan that was fully paid for by the individual;
  - 2) Social Security benefits payable to a surviving spouse or dependent, not attributable to the previous work of the surviving spouse or dependent;
  - 3) Veterans Administration compensation payments that are not federal military service pensions;
  - 4) Any federal (military service or civilian employment) disability payments if they are not part of a retirement plan;
  - 5) Payments from IRA and Keough Accounts;
  - 6) A pension or retirement plan funded by an individual or organization, including one that has elected to make payments in lieu of contributions, that is neither chargeable, pursuant to Section 1502.1 of the Act, for any benefits paid to the individual nor for which the individual performed services during his or her base period.
  - 7) Social Security retirement pensions and disability payments based on the individual's employment, including those based on self-employment.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 45 Ill. Reg. 10834, effective August 23, 2021)

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED RULE

- 1) Heading of the Part: Periods of Extended Benefits
- 2) Code Citation: 56 Ill. Adm. Code 2970
- 3) Section Number: 2970.1                      Adopted Action:  
New Section
- 4) Statutory Authority: Implementing and authorized by Sections 409, 1700, and 1701 of the Unemployment Insurance Act [820 ILCS 405].
- 5) Effective Date of Rule: August 23, 2021
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the Department of Employment Security's principal office and is available for public inspection.
- 9) Notice of Proposal published in the *Illinois Register*: 45 Ill. Reg. 6500; May 21, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any other rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rule addresses a technical issue raised by the U.S. Department of Labor (USDOL) arising from the time frame in which the former White House administration signed the Continued Assistance Act (PL 116-260). This rule avoids the appearance of a one-day gap in federal funding of Extended Benefits (EB) between the end of the CARES Act (PL 116-136) and the beginning of the Continued Assistance Act. The rule confirms that there was no gap, and the EB period continued



DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED RULE

uninterrupted for Illinois unemployment insurance claimants who were eligible to receive EB.

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

Kevin Lovellette, Chief Legal Counsel  
Illinois Department of Employment Security  
33 South State Street – Room 910  
Chicago IL 60603

312/793-1224  
fax: 312/793-5645  
Kevin.Lovellette@illinois.gov

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

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF ADOPTED RULE

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER i: EXTENDED BENEFITSPART 2970  
PERIODS OF EXTENDED BENEFITS

## Section

2970.1 Extended Benefit Period and High Unemployment Period During COVID-19  
Pandemic

**AUTHORITY:** Implementing and authorized by Sections 409, 1700, and 1701 of the Unemployment Insurance Act [820 ILCS 405].

**SOURCE:** Emergency rules adopted at 45 Ill. Reg. 6332, effective April 29, 2021, for a maximum of 150 days; adopted at 45 Ill. Reg. 10840, effective August 23, 2021.

**Section 2970.1 Extended Benefit Period and High Unemployment Period During COVID-19 Pandemic**

As of the week beginning December 27, 2020, notwithstanding Section 409(A)(1) of the Act, the extended benefit period beginning May 24, 2020 by virtue of the trigger specified in Section 409(A)(2)(b) of the Act being met remained in effect without lapse, and the high unemployment period beginning July 5, 2020 by virtue of the trigger specified in Section 409(F)(2) of the Act being met remained in effect without lapse. Thereafter, the extended benefit period as described above shall remain in effect through the third week after the first week for which the trigger specified in Section 409(A)(2)(b) of the Act is not met, and benefits payable under the high unemployment period remained in effect until February 20, 2021 under the trigger specified in Section 409(F)(2) of the Act.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Commercial Driver's License Standards; Requirements and Penalties
- 2) Code Citation: 92 Ill. Adm. Code 383
- 3) Section Number: 383.1010                      Adopted Action: Amendment
- 4) Statutory Authority: Sections 18b-102 and 18b-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B]
- 5) Effective Date of Rule: August 23, 2021
- 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 rule, including any materials incorporated by reference, is on file at the Department of Transportation 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*: 45 Ill. Reg. 4884; April 16, 2021
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: None
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: In response to the federal No Human Trafficking on Our Roads Act, the Federal Motor Carrier Safety Administration (FMCSA) added offenses related to human trafficking to its list of offenses which permanently disqualify an individual from operating a commercial motor vehicle. This amendment to 49 CFR 383 was published at 84 FR 35335 and requires the State to be in substantial compliance

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENT

by September 23, 2022. The purpose of this rulemaking is to adopt the change to 49 CFR 383 by updating the Department's incorporation date of the CFR.

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

Greg Stucka, Rules Manager  
Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Springfield IL 62764

217/524-2638

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

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION  
 CHAPTER I: DEPARTMENT OF TRANSPORTATION  
 SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 383  
 COMMERCIAL DRIVER'S LICENSE STANDARDS;  
 REQUIREMENTS AND PENALTIES

## Section

- 383.1000 Purpose and Applicability  
 383.1010 Incorporation by Reference of 49 CFR 383

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 32 Ill. Reg. 10370, effective June 25, 2008; amended at 40 Ill. Reg. 1987, effective January 8, 2016; amended at 45 Ill. Reg. 10843, effective August 23, 2021.

**Section 383.1010 Incorporation by Reference of 49 CFR 383**

- a) The Department incorporates by reference the following sections of 49 CFR 383 as those sections of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR ~~Subchapter B~~)~~380, 382, 383, 385, appendix B of 386, 387, 390, 391, 392, 393, 395, 396 and 397~~) were in effect on October 1, ~~2020~~2014, ~~as amended at 80 FR 18146, April 3, 2015~~, subject only to the exceptions in subsection (c) of this Section. No later amendments to or editions of those sections of 49 CFR 383 are incorporated. Copies of the ~~incorporated~~~~appropriate~~ material are available ~~for inspection at 2300 South Dirksen Parkway, Springfield, Illinois 62764. from the Division of Traffic Safety, 1340 N. 9<sup>th</sup> Street, Springfield, Illinois 62702 or by calling 217/785-1181.~~ The FMCSR are ~~also~~ available on the ~~U.S. Government Publishing Office's Website~~~~National Archives and Records Administration's website~~ at ~~http://www.ecfr.gov~~ ~~http://ecfr.gpoaccess.gov.~~ ~~The Division of Traffic Safety's rules are available on the Department's website at~~ ~~http://www.dot.il.gov/safety.html.~~

383.1	Purpose and scope
383.3	Applicability
383.5	Definitions
383.23	Commercial driver's license

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT

383.35	Notification of previous employment
383.37	Employer responsibilities
383.51	Disqualification of drivers
383.53	Penalties

- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) As provided in 49 CFR 383.3(d), the following applies for purposes of this Part:

The Uniform Commercial Driver's License Act provides exceptions under 625 ILCS 5/6-507(c) for operators of certain vehicles in Illinois (i.e., farmers). Those exceptions apply for purposes of this Part.

(Source: Amended at 45 Ill. Reg. 10843, effective August 23, 2021.)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) 

<u>Section Numbers:</u>	<u>Emergency Actions:</u>
300.340	Amendment
300.696	Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) Effective Date of Rules: August 19, 2021
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: These emergency amendments will expire at the end of the 150-day period or upon adoption of proposed rules currently pending with the Long-Term Care Facility Advisory Board.
- 7) Date Filed with the Index Department: August 17, 2021
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is adopted in response to Governor JB Pritzker's Gubernatorial Disaster Proclamations issued related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45] defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 outbreak in Illinois is a significant public health crisis that warrants these emergency rules.
- 10) A Complete Description of the Subject and Issues Involved: This rule amends requirements for long term care facilities' infection control policies and procedures, including updated COVID-19 testing requirements and updated incorporated materials from the CDC that address COVID-19 infection control. The rule also requires certified facilities to comply with recently updated federal requirements for COVID-19 testing under 42 CFR 483.80(h).
- 11) Are there any other rulemakings pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
  
- 13) Information and questions regarding these emergency rules shall be directed to:

Department of Public Health  
Attention: Tracey Trigillo, Rules Coordinator  
Lincoln Plaza  
524 South 2nd Street, 6th Floor  
Springfield IL 62701

217/782-1159  
dph.rules@illinois.gov

The full text of these Emergency Amendments begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 300  
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

## SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public by the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties (Repealed)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 300.286 Notice of Penalty Assessment; Response by Facility
- 300.287 Consideration of Factors for Assessing Penalties
- 300.288 Reduction or Waiver of Penalties
- 300.290 Quarterly List of Violators (Repealed)
- 300.300 Alcoholism Treatment Programs In Long-Term Care Facilities
- 300.310 Department May Survey Facilities Formerly Licensed
- 300.315 Supported Congregate Living Arrangement Demonstration
- 300.320 Waivers
- 300.330 Definitions
- 300.340 Incorporated and Referenced Materials

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## SUBPART B: ADMINISTRATION

- Section
- 300.510 Administrator

## SUBPART C: POLICIES

- Section
- 300.610 Resident Care Policies
- 300.615 Determination of Need Screening and Request for Resident Criminal History Record Information
- 300.620 Admission, Retention and Discharge Policies
- 300.624 Criminal History Background Checks for Persons Who Were Residents on May 10, 2006 (Repealed)
- 300.625 Identified Offenders
- 300.626 Discharge Planning for Identified Offenders
- 300.627 Transfer of an Identified Offender
- 300.630 Contract Between Resident and Facility
- 300.640 Residents' Advisory Council
- 300.650 Personnel Policies
- 300.651 Whistleblower Protection
- 300.655 Initial Health Evaluation for Employees
- 300.660 Nursing Assistants
- 300.661 Health Care Worker Background Check
- 300.662 Resident Attendants
- 300.663 Registry of Certified Nursing Assistants
- 300.665 Student Interns
- 300.670 Disaster Preparedness

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

- 300.680 Restraints
- 300.682 Nonemergency Use of Physical Restraints
- 300.684 Emergency Use of Physical Restraints
- 300.686 Unnecessary, Psychotropic, and Antipsychotic Medications
- 300.690 Incidents and Accidents
- 300.695 Contacting Local Law Enforcement
- 300.696 Infection Control

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## SUBPART D: PERSONNEL

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- 300.810 General
- 300.820 Categories of Personnel
- 300.830 Consultation Services
- 300.840 Personnel Policies

## SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

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- 300.1010 Medical Care Policies
- 300.1020 Communicable Disease Policies
- 300.1025 Tuberculin Skin Test Procedures
- 300.1030 Medical Emergencies
- 300.1035 Life-Sustaining Treatments
- 300.1040 Care and Treatment of Sexual Assault Survivors
- 300.1050 Dental Standards
- 300.1060 Vaccinations

## SUBPART F: NURSING AND PERSONAL CARE

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- 300.1210 General Requirements for Nursing and Personal Care
- 300.1220 Supervision of Nursing Services
- 300.1230 Direct Care Staffing
- 300.1231 Calculation of Direct Care Staffing During Inspections, Surveys and Evaluations
- 300.1232 Waiver of Registered Professional Nurse Staffing Requirements
- 300.1233 Quarterly Administrative Staffing Compliance Review
- 300.1234 Penalties and Notice of Violation
- 300.1240 Additional Requirements

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART G: RESIDENT CARE SERVICES

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- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs
- 300.1440 Volunteer Program
- 300.1450 Language Assistance Services

## SUBPART H: MEDICATIONS

## Section

- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

## SUBPART I: RESIDENT AND FACILITY RECORDS

## Section

- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

## SUBPART J: FOOD SERVICE

## Section

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Meal Planning

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

300.2060	Therapeutic Diets (Repealed)
300.2070	Scheduling Meals
300.2080	Menus and Food Records
300.2090	Food Preparation and Service
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## SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

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300.2210	Maintenance
300.2220	Housekeeping
300.2230	Laundry Services

## SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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300.2410	Furnishings
300.2420	Equipment and Supplies
300.2430	Sterilization of Equipment and Supplies

## SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section	
300.2610	Codes
300.2620	Water Supply
300.2630	Sewage Disposal
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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS  
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section	
300.2810	Applicability of these Standards
300.2820	Codes and Standards
300.2830	Preparation of Drawings and Specifications
300.2840	Site
300.2850	Administration and Public Areas
300.2860	Nursing Unit

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

300.2870	Dining, Living, Activities Rooms
300.2880	Therapy and Personal Care
300.2890	Service Departments
300.2900	General Building Requirements
300.2910	Structural
300.2920	Mechanical Systems
300.2930	Plumbing Systems
300.2940	Electrical Systems

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FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section	
300.3010	Applicability
300.3020	Codes and Standards
300.3030	Preparation of Drawings and Specifications
300.3040	Site
300.3050	Administration and Public Areas
300.3060	Nursing Unit
300.3070	Living, Dining, Activities Rooms
300.3080	Treatment and Personal Care
300.3090	Service Departments
300.3100	General Building Requirements
300.3110	Structural
300.3120	Mechanical Systems
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300.3140	Electrical Requirements

## SUBPART P: RESIDENT'S RIGHTS

Section	
300.3210	General
300.3220	Medical Care
300.3230	Restraints (Repealed)
300.3240	Abuse and Neglect
300.3250	Communication and Visitation
300.3260	Resident's Funds
300.3270	Residents' Advisory Council
300.3280	Contract With Facility

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300.3290	Private Right of Action
300.3300	Transfer or Discharge
300.3310	Complaint Procedures
300.3320	Confidentiality
300.3330	Facility Implementation

## SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

## Section

300.3410	Application of Other Sections of These Minimum Standards (Repealed)
300.3420	Administrator (Repealed)
300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
300.3450	Resident Living Services Medical and Dental Care (Repealed)
300.3460	Resident Services Program (Repealed)
300.3470	Psychological Services (Repealed)
300.3480	Social Services (Repealed)
300.3490	Recreational and Activities Services (Repealed)
300.3500	Individual Treatment Plan (Repealed)
300.3510	Health Services (Repealed)
300.3520	Medical Services (Repealed)
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300.3540	Optometric Services (Repealed)
300.3550	Audiometric Services (Repealed)
300.3560	Podiatric Services (Repealed)
300.3570	Occupational Therapy Services (Repealed)
300.3580	Nursing and Personal Care (Repealed)
300.3590	Resident Care Services (Repealed)
300.3600	Record Keeping (Repealed)
300.3610	Food Service (Repealed)
300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630	Design and Construction Standards (New and Existing Facilities) (Repealed)

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## SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

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- 300.4000 Applicability of Subpart S
- 300.4010 Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4020 Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4040 General Requirements for Facilities Subject to Subpart S
- 300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
- 300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4070 Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF  
HEALTHCARE AND FAMILY SERVICES'  
DEMONSTRATION PROGRAM FOR PROVIDING  
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

## Section

- 300.6000 Applicability of Subpart T (Repealed)
- 300.6005 Quality Assessment and Improvement for Facilities Subject to Subpart T (Repealed)
- 300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6020 Reassessments for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6030 Individualized Treatment Plan for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6040 General Requirements for Facilities Subject to Subpart T (Repealed)
- 300.6045 Serious Incidents and Accidents in Facilities Subject to Subpart T (Repealed)
- 300.6047 Medical Care Policies for Facilities Subject to Subpart T (Repealed)
- 300.6049 Emergency Use of Restraints for Facilities Subject to Subpart T (Repealed)
- 300.6050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart T (Repealed)



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- 300.6060 Discharge Plans for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6070 Work Programs for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6080 Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T (Repealed)
- 300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T (Repealed)
- 300.6095 Training and Continuing Education for Facilities Subject to Subpart T (Repealed)

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- 300.7000 Applicability
  - 300.7010 Admission Criteria
  - 300.7020 Assessment and Care Planning
  - 300.7030 Ability-Centered Care
  - 300.7040 Activities
  - 300.7050 Staffing
  - 300.7060 Environment
  - 300.7070 Quality Assessment and Improvement
  - 300.7080 Variances to Enhance Residents' Quality of Life
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- 300.APPENDIX A Example of Staffing Calculations from Section 300.1230
  - 300.APPENDIX B Crosswalk of Nursing Home Care Act Job Descriptions and Payroll Based Journal Job Titles
  - 300.APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
  - 300.APPENDIX D Forms for Day Care in Long-Term Care Facilities
  - 300.APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
  - 300.APPENDIX F Guidelines for the Use of Various Drugs
  - 300.APPENDIX G Facility Report
  - 300.TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
  - 300.TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
  - 300.TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
  - 300.TABLE D Heat Index Table/Apparent Temperature

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## NOTICE OF EMERGENCY AMENDMENTS

**AUTHORITY:** Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15,

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 33 Ill. Reg. 9356, effective June 17, 2009; amended at 34 Ill. Reg. 19182, effective November 23, 2010; amended at 35 Ill. Reg. 3378, effective February 14, 2011; amended at 35 Ill. Reg. 11419, effective June 29, 2011; expedited correction at 35 Ill. Reg. 17468, effective June 29, 2011; amended at 36 Ill. Reg. 14090, effective August 30, 2012; amended at 37 Ill. Reg. 2298, effective February 4, 2013; amended at 37 Ill. Reg. 4954, effective March 29, 2013; amended at 38 Ill. Reg. 22851, effective November 21, 2014; amended at 39 Ill. Reg. 5456, effective March 25, 2015; amended at 41 Ill. Reg. 14811, effective November 15, 2017; amended at 43 Ill. Reg. 3536, effective February 28, 2019; emergency amendment at 44 Ill. Reg. 8521, effective May 5, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 16264, effective September 15, 2020, for the remainder of the 150 days; emergency rule as amended expired October 1, 2020; emergency amendment at 44 Ill. Reg. 10217, effective May 28, 2020, for a maximum of 150 days; amended by emergency amendment to emergency rule at 44 Ill. Reg. 12931, effective July 14, 2020, for the remainder of the 150 days; emergency rule as amended repealed at 44 Ill. Reg. 17790, effective October 23, 2020; emergency amendment at 44 Ill. Reg. 16894, effective October 2, 2020, for a maximum of 150 days; emergency rule expired February 28, 2021; emergency amendment at 44 Ill. Reg. 18462, effective October 23, 2020, for a maximum of 150 days; emergency rule expired March 21, 2021; emergency amendment at 44 Ill. Reg. 19551, effective December 2, 2020, for a

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 393, effective December 18, 2020, for the remainder of the 150 days; emergency rule as amended expired April 30, 2021; amended at 45 Ill. Reg. 1134, effective January 8, 2021; emergency amendment at 45 Ill. Reg. 3046, effective March 1, 2021, for a maximum of 150 days; emergency amendment repealed by emergency rulemaking at 45 Ill. Reg. 10087, effective July 25, 2021; emergency amendment at 45 Ill. Reg. 4285, effective March 22, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 6354, effective May 1, 2021, for a maximum of 150 days; emergency amendment at 45 Ill. Reg. 10847, effective August 19, 2021, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 300.340 Incorporated and Referenced Materials****EMERGENCY**

- a) The following regulations and standards are incorporated in this Part:
  - 1) Private and professional association standards:
    - A) ANSI/ASME Standard No. A17.1-2000, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers (ASME) International, 22 Law Drive, Box 2900, Fairfield, New Jersey 07007-2900.
    - B) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2001), and Handbook of Applications (1999), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329.
    - C) American Society for Testing and Materials (ASTM) International Standard No. E90-02 (1996): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, and Standard No. E84-08a, Standard Test Method for Surface Burning Characteristics of Building Materials (2006), which may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959.

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- D) International Building Code (IBC) (2000), which may be obtained from the International Code Council (ICC), 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795.
- E) For existing facilities (see Subpart O), National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Appendix B (1981) and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:
- i) No. 10 (1978): Standards for Portable Extinguishers
  - ii) No. 13 (1980): Standards for the Installation of Sprinkler Systems
  - iii) No. 54 (1999): National Fuel Gas Code
  - iv) No. 56F (1977): Standards for Non-Flammable Medical Gas Systems
  - v) No. 70 (1981): National Electric Code
  - vi) No. 90A (1999): Standard for the Installation of Air Conditioning and Ventilating Systems
  - vii) No. 96 (1998): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
  - viii) No. 220 (1979): Standard Types of Building Construction
  - ix) No. 253 (1978): Flooring Radiant Heat Energy Test
  - x) No. 255 (1972): Test of Surface Burning Characteristics of Building Materials
  - xi) Appendix C (1981): Fire Safety Evaluation System for Health Occupancies
- F) For new facilities (see Subpart N), the following standards of the

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF EMERGENCY AMENDMENTS

National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:

- i) NFPA 17A, Standard for Wet Chemical Extinguishing Systems – 2002 Edition
- ii) NFPA 20, Standard for the Installation of Stationary Pumps for Fire Protection – 1999 Edition
- iii) NFPA 22, Standard for Water Tanks for Private Fire Protection – 1998 Edition
- iv) NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances – 2002 Edition
- v) NFPA 50, Standard for Bulk Oxygen Systems at Consumer Sites – 2001 Edition
- vi) NFPA 54, National Fuel Gas Code – 1999 Edition
- vii) NFPA 70B, Recommended Practice for Electrical Equipment Maintenance – 2002 Edition
- viii) NFPA 70E, Standard for Electrical Safety Requirements for Employee Workplaces – 2000 Edition
- ix) NFPA 80A, Recommended Practice for Protection of Buildings from Exterior Fire Exposures – 2001 Edition
- x) NFPA 90A, Standard for the Installation of Air Conditioning and Ventilating Systems – 1999 Edition
- xi) NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations – 1998 Edition
- xii) NFPA 101, Life Safety Code – 2000 Edition

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- xiii) NFPA 105, Recommended Practice for the Installation of Smoke-Control Door Assemblies – 1999 Edition
  - G) For new and existing facilities (see Section 300.1610), NFPA 99: Standard for Health Care Facilities – 2003 Edition.
  - H) The following standards, which may be obtained from Underwriters Laboratories (UL), Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:
    - i) Fire Resistance Directory (2003 Edition)
    - ii) Building Material Directory (2003 Edition)
  - I) American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) (1994), which may be obtained from the American Psychiatric Association, 1000 Wilson Blvd., Suite 1825, Arlington, Virginia, 22209-3901.
  - J) American College of Obstetricians and Gynecologists, Guidelines for Women's Health Care, Third Edition (2007), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264). (See Section 300.3220.)
- 2) Federal guidelines:  
The following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services, which may be obtained from the National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.
- A) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (~~2009~~~~October 1981~~) which can be found at <https://www.cdc.gov/infectioncontrol/guidelines/cauti/index.html>
  - B) Guideline for Hand Hygiene in Health-Care Settings (October 2002) which can be found at

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<https://www.cdc.gov/mmwr/pdf/rr/rr5116.pdf>

- C) [Guidelines for Prevention of Intravascular Catheter-Related Infections \(2011~~2002~~\)](https://www.cdc.gov/hai/pdfs/bsi-guidelines-2011.pdf) which can be found at <https://www.cdc.gov/hai/pdfs/bsi-guidelines-2011.pdf>
- D) [Guideline for Prevention of Surgical Site Infection \(2017~~1999~~\)](https://jamanetwork.com/journals/jamasurgery/fullarticle/2623725) which can be found at <https://jamanetwork.com/journals/jamasurgery/fullarticle/2623725>
- E) [Guidelines for Preventing Healthcare-Associated Pneumonia \(2003\)](https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5303a1.htm) which can be found at <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5303a1.htm>  
~~Guideline for Prevention of Nosocomial Pneumonia (February 1994)~~
- F) [2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings \(July 2019\)](https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf) available at <https://www.cdc.gov/infectioncontrol/pdf/guidelines/isolation-guidelines-H.pdf> ~~in Hospitals (February 18, 1997)~~
- G) [Infection Control in Healthcare Personnel: Infrastructure and Routine Practices for Occupational Infection Prevention and Control Services \(October 25, 2019\)](https://www.cdc.gov/infectioncontrol/pdf/guidelines/infection-control-HCP-H.pdf) available in two parts at <https://www.cdc.gov/infectioncontrol/pdf/guidelines/infection-control-HCP-H.pdf> and <https://www.cdc.gov/infectioncontrol/guidelines/healthcare-personnel/index.html> ~~Guidelines for Infection Control in Health Care Personnel (1998)~~
- H) [Interim Infection Prevention and Control Recommendations to Prevent SARS-CoV-2 Spread in Nursing Homes, \(March 29, 2021\)](https://www.cdc.gov/coronavirus/2019-ncov/hcp/long-term-care.html) available at: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/long-term-care.html>
- 3) Federal regulations:
- A) 21 CFR 1306, Prescriptions (April 1, 2002)



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- B) 42 CFR 483.151-156, Requirements for States and Long-Term Care Facilities (October 1, 2002)
  - C) [42 CFR 483.80; Infection Control \(May 13, 2021\)](#)
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any amendments or editions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) Federal statutes:
    - A) Civil Rights Act of 1964 (42 USC 2000e et seq.)
    - B) Social Security Act (42 USC 301 et seq., 1395 et seq. and 1396 et seq.)
    - C) Controlled Substances Act (21 USC 802)
  - 2) State of Illinois statutes:
    - A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305]
    - B) Boiler and Pressure Vessel Safety Act [430 ILCS 75]
    - C) Child Care Act of 1969 [225 ILCS 10]
    - D) Court of Claims Act [705 ILCS 505]
    - E) Illinois Dental Practice Act [225 ILCS 25]
    - F) Election Code [10 ILCS 5]
    - G) Freedom of Information Act [5 ILCS 140]
    - H) General Not For Profit Corporation Act of 1986 [805 ILCS 105]

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- I) Hospital Licensing Act [210 ILCS 85]
- J) Illinois Controlled Substances Act [720 ILCS 570]
- K) Illinois Health Facilities Planning Act [20 ILCS 3960]
- L) Illinois Municipal Code [65 ILCS 5]
- M) Nurse Practice Act [225 ILCS 65]
- N) Illinois Occupational Therapy Practice Act [225 ILCS 75]
- O) Illinois Physical Therapy Act [225 ILCS 90]
- P) Life Care Facilities Act [210 ILCS 40]
- Q) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10]
- R) Medical Practice Act of 1987 [225 ILCS 60]
- S) Mental Health and Developmental Disabilities Code [405 ILCS 5]
- T) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
- U) Nursing Home Care Act [210 ILCS 45]
- V) Pharmacy Practice Act [225 ILCS 85]
- W) Private Sewage Disposal Licensing Act [225 ILCS 225]
- X) Probate Act of 1975 [775 ILCS 5]
- Y) Illinois Public Aid Code [305 ILCS 5]
- Z) Safety Glazing Materials Act [430 ILCS 60]

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- AA) Illinois Administrative Procedure Act [5 ILCS 100]
- BB) Clinical Psychologist Licensing Act [225 ILCS 15]
- CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- DD) Health Care Worker Background Check Act [225 ILCS 46]
- EE) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- FF) Living Will Act [755 ILCS 35]
- GG) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- HH) Health Care Surrogate Act [755 ILCS 45]
- II) Right of Conscience Act [745 ILCS 70]
- JJ) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
- KK) Supportive Residences Licensing Act [210 ILCS 65]
- LL) Community Residential Alternatives Licensing Act [210 ILCS 40]
- MM) Community Living Facilities Licensing Act [210 ILCS 35]
- NN) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- OO) Counties Code [55 ILCS 5]
- PP) Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]
- QQ) Podiatric Medical Practice Act of 1987 [225 ILCS 100]
- RR) Illinois Optometric Practice Act of 1987 [225 ILCS 80]

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- SS) Physician Assistant Practice Act of 1987 [225 ILCS 95]
  - TT) Alzheimer's Special Care Disclosure Act [210 ILCS 4]
  - UU) Illinois Act on the Aging [20 ILCS 105]
  - VV) Alternative Health Care Delivery Act [210 ILCS 3]
  - WW) Assisted Living and Shared Housing Act [210 ILCS 9]
  - XX) Language Assistance Services Act [210 ILCS 87]
- 3) State of Illinois rules:
- A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
  - B) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
  - C) Department of Public Health:
    - i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
    - ii) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
    - iii) Food Service Sanitation Code (77 Ill. Adm. Code 750)
    - iv) Illinois Plumbing Code (77 Ill. Adm. Code 890)
    - v) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
    - vi) Drinking Water Systems Code (77 Ill. Adm. Code 900)
    - vii) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)

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- viii) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
  - ix) Access to Public Records of the Department of Public Health (2 Ill. Adm. Code 1127)
  - x) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
  - xi) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
  - xii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
  - xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
  - xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
  - xv) Control of Tuberculosis Code (77 Ill. Adm. Code 696)
  - xvi) Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
  - xvii) Language Assistance Services Code (77 Ill. Adm. Code 940)
- D) Department of Financial and Professional Regulation:
- i) Controlled Substances Act (68 Ill. Adm. Code 3100)
  - ii) Pharmacy Practice Act (68 Ill. Adm. Code 1330)
- E) Department of Human Services, Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)
- F) Department of Natural Resources, Regulation of Construction within Flood Plains (17 Ill. Adm. Code 2706)

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- G) Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 10847, effective August 19, 2021, for a maximum of 150 days)

## SUBPART C: POLICIES

**Section 300.696 Infection Control****EMERGENCY**

- a) Policies and procedures for investigating, controlling, ~~and~~ preventing, and testing for infections in the facility shall be established and followed. The policies and procedures shall be consistent with and include the requirements of the Control of Communicable Diseases Code (77 Ill. Adm. Code 690) and Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693). All staff shall be trained on the policies and procedures, and training records maintained for three years Activities shall be monitored to ensure that these policies and procedures are followed. Infection control policies and procedures shall be maintained in the facility and made available upon request to facility staff, the resident and the resident's family or resident's representative, the Department, and the certified local health department.
- b) A group, i.e., an infection control committee, quality assurance committee, or other facility entity, shall periodically, but no less than annually, review the results of investigations and activities to control infections. Upon request, the facility shall provide the Department with the group's recommendations to control infections within the facility.
- c) Each facility shall adhere to the following guidelines of the Center for Infectious Diseases, Centers for Disease Control and Prevention, United States Public Health Service, Department of Health and Human Services (see Section 300.340):
- 1) Guideline for Prevention of Catheter-Associated Urinary Tract Infections
  - 2) Guideline for Hand Hygiene in Health-Care Settings
  - 3) Guidelines for Prevention of Intravascular Catheter-Related Infections

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- 4) Guideline for Prevention of Surgical Site Infection
  - 5) Guidelines for Preventing Healthcare Associated Pneumonia~~Guideline for Prevention of Nosocomial Pneumonia~~
  - 6) Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings~~in Hospitals~~
  - 7) Infection Control in Healthcare Personnel: Infrastructure and Routine Practices for Occupational Infection Prevention and Control Services~~Guidelines for Infection Control in Health Care Personnel~~
  - 8) Interim Infection Prevention and Control Recommendations to Prevent SARS-CoV-2 Spread in Nursing Homes
- d) Each facility shall conduct testing of residents and staff, including individuals providing services under arrangement and volunteers, for the control or detection of communicable diseases when:
- 1) The facility is experiencing an outbreak; or
  - 2) Directed by the Department or the certified local health department where the chance of transmission is high, including, but not limited to, regional outbreaks, epidemics, or pandemics
- e) COVID-19 Testing  
The facility shall test residents and facility staff, including individuals providing services under arrangement and volunteers as provided in Section 300.1440, for COVID-19. At a minimum, the facility shall:
- 1) Conduct facility-wide initial testing for all residents and facility staff, including individuals providing services under arrangements and volunteers;
  - 2) Prioritize and conduct immediate testing of residents or staff with symptoms of COVID-19;

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- 3) If a resident, employee or volunteer in the facility tests positive for SARS-CoV-2 CO all residents and staff who have not tested positive in the past 90 days shall be retested every three to seven days until no new cases are identified;
- 4) Conduct testing of facility staff, including individuals providing services under arrangements and volunteers, when the facility is not experiencing an outbreak. The frequency of testing shall be based on the spread of the virus in the community in which the facility is located. Facilities shall use their county positivity rate from the prior week, as listed on the CMS website, <https://data.cms.gov/stories/s/COVID-19-Nursing-Home-Data/bkwz-xpvg>, as the trigger for staff testing frequency as follows:
  - A) If county positivity rate is below 5%, staff, including individuals providing services under arrangement and volunteers, shall be tested once per month, at a minimum;
  - B) If county positivity rate is between 5% and 10%, staff, including individuals providing services under arrangement and volunteers, shall be tested once a week, at a minimum;
  - C) If county positivity rate is greater than 10%, staff, including individuals providing services under arrangement and volunteers, shall be tested at least twice per week; and
- 5) Conduct testing of residents who are asymptomatic and who leave the facility for medical treatment and then return (e.g. residents who receive regular hemodialysis, including those who are dialyzed at an onsite facility that treats nursing home and community patients) according to the frequency specified in subsections (e)(4)(A) through (e)(4)(C);
- 6) Documentation
  - A) For residents, document in each resident's record any time a test was completed, including the result of the test, or whether testing was refused or contraindicated;
  - B) For staff members, document in each staff member's confidential medical file (as distinct from the staff member's personnel file) any



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time a test was completed, including the result of the test, or whether testing was refused or contraindicated;

- C) For volunteers and individuals providing services under an arrangement, document in each individual's confidential medical file any time a test was completed, including the result of the test or whether testing was contraindicated (in the event that no confidential medical file is maintained, the agreement for the services that are being provided under arrangement as well as the program for volunteers shall include a process for documenting these results);
- 7) Upon confirmation that a resident or staff member tests positive with COVID-19, or if a resident or staff member displays symptoms consistent with COVID-19, take immediate steps to prevent the transmission of COVID-19, including but not limited to cohorting, isolation and quarantine, environmental cleaning and disinfecting, hand hygiene, and use of appropriate personal protective equipment;
- 8) Have written procedures for addressing residents and staff, including individuals providing services under arrangement and volunteers, who refuse testing or are unable to be tested, including a requirement that all volunteers shall agree to testing;
- f) Each facility shall make arrangements with a testing laboratory to process any specimens collected under subsections (d) and (e) and ensure that complete information is submitted with each specimen, including name, address, date of birth, sex, race, and ethnicity.
- g) For testing done under subsections (d) and (e), each facility shall report weekly to the Department, on a form and manner as prescribed by the Department, the number of residents and staff tested, and the number of positive, negative and indeterminate cases.
- h) Certified facilities shall comply with 42 CFR 483.80(h)

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 10847, effective August 19, 2021, for a maximum of 150 days)

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- 1) Heading of the Part: Immunization Registry Code
- 2) Code Citation: 77 Ill. Adm. Code 689
- 3) Section Number: 689.70                      Emergency Action:  
Amendment
- 4) Statutory Authority: Immunization Data Registry Act [410 ILCS 527]
- 5) Effective Date of Rule: August 19, 2021
- 6) If this emergency rulemaking is to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency rulemaking will expire at the end of the 150-day period, upon repeal of the emergency rulemaking, or upon adoption of permanent rulemaking.
- 7) Date Filed with the Index Department: August 19, 2021
- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency amendment to the emergency rule is adopted in response to the Governor JB Pritzker's Gubernatorial Disaster Proclamations issued related to COVID-19.  
  
Section 5-45 of the Illinois Administrative Procedure Act (IAPA) defines "emergency" as "the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare." The COVID-19 vaccine has created strong public interest in accessing data contained in the Department's Immunization Registry. Immediate clarity is needed as to the purpose of the Registry and who can access the Registry and for what purpose. Public confidence in the purpose of the Registry and protection of the data contained in the Registry is important to protect the integrity of the Registry and promote use of the Registry. Without a robust Immunization Registry, the Department will be unable to track immunization coverage needed to protect the welfare and health of the citizens of Illinois.
- 10) A Complete Description of the Subject and Issues Involved: This rule amends Section 689.70 of the Part to clarify the purpose of the Department's Immunization Registry,

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including the who may access the Registry and the purposes under which Registry data may be accessed.

- 11) Are there any other rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objective: This rulemaking will not create or expand a State mandate.
- 13) Information and questions regarding this emergency rulemaking shall be directed to:

Department of Public Health  
Attention: Tracey Trigillo, Rules Coordinator  
Lincoln Plaza  
524 South 2nd Street, 6th Floor  
Springfield IL 62701

217/782-1159  
dph.rules@illinois.gov

The full text of the Emergency Amendment to Emergency Rule begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 689  
IMMUNIZATION REGISTRY CODE

## Section

689.10 Definitions

EMERGENCY

689.20 Incorporated and Referenced Materials

EMERGENCY

689.30 Registry Development and Purposes

EMERGENCY

689.40 Immunization Data Provided to the Registry

EMERGENCY

689.50 Enrollment of Provider Sites

689.60 Individual User Agreement

EMERGENCY

689.70 Confidentiality and Access of Information

EMERGENCY

689.80 Opt-Out Option

EMERGENCY

689.90 Use of Registry for Public Health Emergency Purposes

EMERGENCY

689.100 Registry Digital Platform

EMERGENCY

689.APPENDIX A Registry Access Allowed for Each User Group Type

AUTHORITY: Implementing and authorized by the Immunization Data Registry Act [410 ILCS 527].

SOURCE: Adopted at 39 Ill. Reg. 8012, effective May 22, 2015; emergency amendment at 45 Ill. Reg. 9607, effective July 16, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 10874, effective August 19, 2021, for the remainder of the 150 days.

**Section 689.70 Confidentiality and Access of Information**

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- a) *Records maintained as part of the Registry are confidential.* (Section 20(a) of the Act) The Department will maintain the confidentiality of information within the Registry that would identify individual patients.
- b) *The Department may release an individual's confidential information to the individual or the individual's parent or guardian if the individual is less than 18 years of age.* (Section 20(b) of the Act)
- c) *Subject to subsection (f), the Department may release information in the Registry concerning an individual to the following entities if the entity has a provider site or authorized user agreement with the Department:*
  - 1) *The immunization data registry of another state;*
  - 2) *A health care provider or a health care provider's designee;*
  - 3) *A certified local health department;*
  - 4) *An elementary or secondary school that is attended by the individual;*
  - 5) *A licensed child care center in which the individual is enrolled;*
  - 6) *A licensed child placing agency;*
  - 7) *A college or university that is attended by the individual;*
  - 8) *The Department of Healthcare and Family Services or a managed care entity contracted with the Department of Healthcare and Family Services to coordinate the provision of medical care to enrollees of the medical assistance program;* (Section 20(c) of the Act) and
  - 9) *Health insurance plans not under contract with the Department of Healthcare and Family Services to coordinate the provision of medical care to enrollees of the health insurance plan.*

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- ~~10)~~ ~~The Illinois Department of the Lottery and the Office of the Illinois State Treasurer or their designees to verify immunization status in relation to any Illinois statewide lottery game, raffle, or incentive.~~
- ~~1011)~~ Department employees and authorized agents or designees of the Department, including, but not limited to, Registry staff and; Department vendors, ~~and State agencies and partners.~~
- d) By July 1 of each year, the Department of Healthcare and Family Services shall provide to the Department a list of managed care entities under contract with the Department of Healthcare and Family Services to coordinate the provision of medical care to enrollees of the medical assistance program. The Department of Healthcare and Family Services will provide updates regarding the list of managed care entities to the Department as needed throughout the year.
- e) Health care providers, schools, child care centers, colleges, universities, and health plans provided access to the Registry in subsection (c) will be granted access to information in the Registry for the purposes of verification of immunization status, the coordination of medical care or the provision of medical care to patients, residents, attendees, or enrollees of the institutions. Access to the Registry will not be granted for the verification of immunization status of employees, contractors, or volunteers.
- f) *Before immunization data may be released to an entity listed in subsection (c), the entity must enter into a Confidentiality Agreement with the Department that provides that information that identifies a patient will not be released to any other person without the written consent of the patient.* (Section 20(d) of the Act) The Confidentiality Agreement provides that:
- 1) Only personnel whose assigned duties include functions associated with the immunization of clients can be given access to Registry information.
  - 2) Users who willfully misuse information contained in the Registry will have their access immediately restricted by the Department.
  - 3) Any non-health use of Registry data is prohibited, and no user shall attempt to copy the database or software used to access the Registry without written consent from the Department.

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- 4) Site administrators may enroll users who have been trained in the use of the Registry at the appropriate access level and have signed the Individual User Agreement.
- 5) Identifying information contained in the Registry will be accessible only to Department personnel, their authorized agents and authorized users. Requests for data for research purposes that go beyond the scope of the individual provider's patients or the certified local health department area of jurisdiction shall be forwarded to the Department.
- 6) Registry data identifying clients will not be disclosed to unauthorized individuals, including law enforcement, without the approval of the Department.
- g) All enrolled sites shall maintain reasonable and appropriate administrative, technical and physical safeguards to ensure the integrity and confidentiality of the Registry information. The Department will conduct periodic assessments on privacy and security policies.
- h) No person or automated system may access or attempt to access the Registry without approval from the Department.
- i) *A person who knowingly, intentionally, or recklessly discloses confidential information contained in the Registry in violation of the Act and this Part commits a Class A Misdemeanor. (Section 25 of the Act)*
- j) *The Department may release summary statistics regarding information in the immunization data registry if the summary statistics do not reveal the identity of an individual. (Section 20(e) of the Act)* Aggregate data from which personal identifying data has been removed may be released for the purposes of statistical analysis, research or reporting only after approval by the Department. Release of data, including requests by medical or epidemiologic researchers, will be done in accordance with the Illinois Health Statistics Act upon submission of a written request to the Department.
- k) Identifiable data may be released to the extent necessary for the treatment, control, investigation or prevention of diseases and conditions dangerous to the public health. Identifiable data can be shared for conditions of public health significance, e.g., as permitted by HIPAA regulations, the Medical Studies Act,

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and the Health Statistics Act. As described in the Health Statistics Act, a Department-approved Institutional Review Board, or its equivalent on the protection of human subjects in research, will review and approve requests from researchers for individually identifiable data.

- 1) The Department will share identifiable immunization data with the Illinois Department of the Lottery and the Office of the Illinois State Treasurer or their designees in relation to any statewide lottery game, raffle or incentive in which immunization status is a requirement for participation in the lottery game, raffle or incentive. Upon submission of the signed Authorization Form, IDPH will release to the Department of the Lottery or to the Treasurer the Authorization Form that includes the individual's name, address, e-mail address, telephone numbers, immunization status, and the individual's public disclosure preference as set out in the Authorization Form (see 11 Ill. Adm. Code 1775.135(c)).~~The Department's release of identifiable immunization data may include, but is not limited to, confirmation of immunization status of lottery game, raffle or incentive participants, the creation of lists of eligible participants in the lottery game, raffle or incentive, and the notification of any awards from the lottery game, raffle, or incentive. The Department will share similar identifiable immunization data related with any game, raffle or incentive sponsored by a local government entity in which immunization status is a requirement to participate.~~ Only the minimum information necessary for the intended purpose will be disclosed. The Department will share the information in a manner that protects the confidentiality of the winner's protected health information. A person or institution to whom information is furnished or to whom access to records has been given shall not divulge any part of the records so as to disclose the identity of the person to whom the information or record relates except as it relates to the award of the game, raffle or incentive subject to the public disclosure preference of the winner or the winner's guardian.

(Source: Amended by emergency rulemaking at 45 Ill. Reg. 9607, effective July 16, 2021, for a maximum of 150 days; amended by emergency amendment to emergency rule at 45 Ill. Reg. 10874, effective August 19, 2021, for the remainder of the 150 days)



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYOBJECTION TO AND SUSPENSION OF EMERGENCY RULE

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

Heading of the Part: Cannabis Regulation and Tax Act

Code Citation: 68 Ill. Adm. Code 1291

Section Numbers: 1291.10      1291.130  
1291.95      1291.140  
1291.100      1291.150  
1291.110      1291.160  
1291.120

Date Related Proposed Rulemaking Published in *Illinois Register*: 7/30/21  
45 Ill. Reg. 9527

Date Emergency Rule Published in the *Illinois Register*: 7/30/21  
45 Ill. Reg. 9586

At its meeting on August 18, 2021, the Joint Committee on Administrative Rules voted to object to and suspend Subpart B of the above-referenced emergency rule titled Cannabis Regulation and Tax Act (68 Ill Adm Code 1291; 45 Ill. Reg. 9586) and to notify the Secretary of State of the Suspension of the emergency rule. The reasons for the Suspension are as follows:

The emergency rule does not meet the criteria of 1 Ill. Adm. Code 230.400 and meets one or more of the criteria in 1 Ill. Adm. Code 230.550. DFPR implemented a Responsible Vendor Program outside of rule in 2019 and is now placing and changing Program requirements via emergency rule without adequately explaining in writing the emergency situation that warranted immediate adoption of the rule without public comment and review and that the emergency situation arose through no fault of the agency. While JCAR appreciates that DFPR is working to place these policies of general applicability into rule, the general rulemaking procedures of Section 5-40 of the IAPA should have been used. JCAR finds that Subpart B does not address a valid emergency and that any emergency situation which may exist has been created solely by failure of the agency to act in a timely fashion and therefore constitutes a serious threat to the public interest and welfare.

The suspended Subpart of this emergency rule may not be enforced by the Department of Financial and Professional Regulation for any reason, nor may the Department file with the Secretary of State any rule having substantially the same purpose and effect as the suspended rule, for as long

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

as the Suspension remains in effect.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

OBJECTION TO AND SUSPENSION OF EMERGENCY RULE

DEPARTMENT OF REVENUE

Heading of the Part: Leveling the Playing Field for Illinois Retail Act

Code Citation: 86 Ill. Adm. Code 131

<u>Section Numbers:</u>	131.105	131.130	131.155
	131.107	131.135	131.160
	131.110	131.140	131.170
	131.120	131.145	131.175
	131.125	131.150	131.III.A

Date Emergency Rule Published in the *Illinois Register*: 7/30/21  
45 Ill. Reg. 9625

At its meeting on August 18, 2021, the Joint Committee on Administrative Rules voted to object to and suspend the above-referenced emergency rule titled Leveling the Playing Field for Illinois Retail Act (86 Ill Adm Code 131; 45 Ill. Reg. 9625) and to notify the Secretary of State of the Suspension of the emergency rule. The reasons for the Suspension are as follows:

The emergency rule does not meet the criteria of 1 Ill. Adm. Code 230.400 and meets one or more of the criteria in 1 Ill. Adm. Code 230.550. DOR implemented many changes to the rules that implemented the Leveling the Playing Field for Illinois Retail Act and SB 2066 of the 102nd General Assembly via emergency rulemaking on July 13, 2021. These changes are occurring in the middle of a tax year, do not specify whether the changes apply to the entire tax year or only prospectively, and did not permit affected entities adequate time to implement required changes to their tax systems. Additionally, DOR has employed "anticipatory rulemaking" in advance of the enactment of SB 2066, which contains the necessary statutory authorization for changes contained in this rulemaking. While JCAR appreciates that DOR is working to place these policies of general applicability into rule in a timely manner, the general rulemaking procedures of Section 5-40 of the IAPA should have been used. JCAR finds the adoption of this emergency rule constitutes a serious threat to the public interest and welfare because DOR has failed to: provide an adequate explanation in writing of the emergency situation that warranted immediate adoption of this rule without public comment; limit the rule to matters that are required to meet the emergency situation; produce a rulemaking that complies the statutory authority upon which it is based; and consider the economic effects of the rules upon those regulated.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

The suspended emergency rule may not be enforced by the Department of Revenue for any reason, nor may the Department file with the Secretary of State any rule having substantially the same purpose and effect as the suspended rule, for as long as the Suspension remains in effect.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## SECOND NOTICES RECEIVED

The following second notices were received during the period of August 9, 2021 through August 23, 2021. These rulemakings are scheduled for the September 14, 2021 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>
9/14/21	<u>Secretary of State, Procedures and Standards</u> (92 Ill. Adm. Code 1001)	11/13/20 44 Ill. Reg. 17902	9/14/21
9/29/21	<u>Human Services, Temporary Assistance for Needy Families</u> (89 Ill. Adm. Code 112)	6/25/21 45 Ill. Reg. 7574	9/14/21

## EXECUTIVE ORDER

**2021-19**  
**EXECUTIVE ORDER 2021-19**  
**(COVID-19 EXECUTIVE ORDER NO. 86)**

**WHEREAS**, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 1,480,000, and taking the lives of more than 23,700 residents; and,

**WHEREAS**, as Illinois continues to respond to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions, the burden on residents, healthcare providers, first responders, and governments throughout the State has been unprecedented; and,

**WHEREAS**, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

**WHEREAS**, the Delta variant of the coronavirus is more aggressive and more transmissible than previously circulating strains, and poses new risks in the ongoing effort to stop and slow spread of the virus; and,

**WHEREAS**, the Delta variant may cause more severe disease than prior strains of the virus; and,

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) estimates that the Delta variant now accounts for more than 90 percent of all sequenced coronavirus in the U.S.; and,

**WHEREAS**, social distancing, face coverings, and other public health precautions have proven to be critical in slowing and stopping the spread of COVID-19; and,

**WHEREAS**, public health guidance advises that minimizing physical interactions between people who are not fully vaccinated and who do not reside in the same household is critical to slowing the spread of COVID-19; and,

**WHEREAS**, the CDC continues to advise that cloth face coverings or masks protect persons who are not fully vaccinated from COVID-19; and,

**WHEREAS**, the CDC advises that schools follow the CDC's guidance for COVID-19 Prevention in K-12 Schools, which recommends universal indoor masking and working with local public health officials to determine the layered prevention strategies needed in their area; and,

## EXECUTIVE ORDER

**WHEREAS**, the CDC continues to advise that day care providers use COVID-19 prevention strategies, including masking and physical distancing, even after day care providers and their staff are vaccinated; and,

**WHEREAS**, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

**WHEREAS**, in addition to causing the tragic loss of more than 23,700 Illinoisans and negatively impacting the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

**WHEREAS**, many executive agencies in the State continue to focus their limited resources on the ongoing response to the COVID-19 pandemic; and,

**WHEREAS**, the COVID-19 pandemic has required the Illinois Department of Agriculture (IDOA) to address the outbreak's impact on the State's food supply chain through regulation and oversight of meat and poultry facilities and livestock management facilities; and,

**WHEREAS**, the COVID-19 pandemic's disruption to the livestock market has required IDOA to concentrate its resources on working with livestock owners and producers in addressing safe and environmental animal disposal concerns through its oversight and regulation of the Dead Animal Disposal Act; and,

**WHEREAS**, IDOA regulates and investigates many other industries that have been directly impacted by the COVID-19 pandemic including, but not limited to, pesticide applicators, animal shelters, pet shops, and gas stations, and the continued, proper regulation of these industries requires IDOA to commit additional time and resources into creating new procedures for conducting remote investigations and trainings; and,

**WHEREAS**, the COVID-19 pandemic's detrimental impact to IDOA's regulated industries has required IDOA to place additional time and resources into organizing and managing the timely implementation of the Business Interruption Grant Program; and,

**WHEREAS**, on August 20, 2021, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I declared all counties in the State of Illinois as a disaster area; and,

## EXECUTIVE ORDER

**WHEREAS**, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-04, 2020-09, 2020-11, 2020-12, 2020-15, 2020-20, 2020-21, 2020-23, 2020-24, 2020-27, 2020-30, 2020-36, 2020-40, 2020-45, 2020-50, 2020-68, 2021-03, 2021-12, 2021-13, and 2021-18 and hereby incorporate the WHEREAS clauses of those Executive Orders;

**THEREFORE**, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective August 20, 2021:

**Part 1: Re-Issue of Executive Orders.**

Executive Orders 2020-04, 2020-09, 2020-11, 2020-12, 2020-15, 2020-20, 2020-21, 2020-23, 2020-24, 2020-27, 2020-30, 2020-36, 2020-40, 2020-45, 2020-50, 2020-68, 2021-03, 2021-12, 2021-13, and 2021-18 are hereby re-issued as follows:

**Executive Order 2020-04 (Waiver of sick leave requirement for State employees):**

Section 3 of Executive Order 2020-04 is re-issued and extended through September 18, 2021.

**Executive Order 2020-09 (Telehealth):**

Sections 9 and 10 of Executive Order 2020-09, as amended by Executive Order 2021-15, are re-issued and extended through **September 18, 2021**.

**Executive Order 2020-11 (Illinois Department of Corrections notification period):**

Section 4 of Executive Order 2020-11 is re-issued and extended through **September 18, 2021**.

**Executive Order 2020-12 (Health care worker background checks; Illinois Department of Juvenile Justice notification period):**

Section 3 of Executive Order 2020-12 is re-issued and extended through **September 18, 2021**.

**Executive Order 2020-15 (Suspending provisions of the Illinois School Code):**



## EXECUTIVE ORDER

Sections 5, 6, 7, 8, and 9 of Executive Order 2020-15 are re-issued and extended through **September 18, 2021**.

**Executive Order 2020-20 (Public assistance requirements):**

Executive Order 2020-20 is re-issued in its entirety and extended through **September 18, 2021**.

**Executive Order 2020-21 (Furlough of Illinois Department of Corrections inmates):**

Executive Order 2020-21 is re-issued in its entirety and extended through **September 18, 2021**.

**Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):**

Executive Order 2020-23 is re-issued in its entirety and extended through **September 18, 2021**.

**Executive Order 2020-24 (Illinois Department of Human Services Forensic Treatment Program; investigations of Illinois Department of Human Services employees):**

Executive Order 2020-24 is re-issued in its entirety and extended through **September 18, 2021**.

**Executive Order 2020-27 (Cadavers testing positive for COVID-19):**

Executive Order 2020-27 is re-issued in its entirety and extended through **September 18, 2021**.

**Executive Order 2020-30 (Expired consular identification documents; electronic filings for the Illinois Human Rights Commission):**

Sections, 1, 4, 5, and 6 of Executive Order 2020-30 are re-issued and extended through **September 18, 2021**.

**Executive Order 2020-36 (Marriage licenses):**

Executive Order 2020-36 is re-issued in its entirety and extended through **September 18, 2021**.

## EXECUTIVE ORDER

**Executive Order 2020-40 (Child Labor Law):**

Sections 2 and 4 of Executive Order 2020-40 are re-issued and extended through **September 18, 2021**.

**Executive Order 2020-45 (Cannabis licenses):**

Executive Order 2020-45 is re-issued in its entirety and shall remain in effect as specified by Executive Order 2020-45.

**Executive Order 2020-50 (Resuming transfers from county jails to Illinois Department of Corrections):**

Executive Order 2020-50 is re-issued in its entirety and extended through **September 18, 2021**.

**Executive Order 2020-68 (Cannabis registry identification card renewals):**

Executive Order 2020-68, as amended by Executive Order 2021-05, is re-issued in its entirety and extended through **September 18, 2021**.

**Executive Order 2021-03 (Regional mitigation metrics):**

Executive Order 2021-03 is re-issued in its entirety and extended through **September 18, 2021**.

**Executive Order 2021-12 (Phase 5 reopening):**

Executive Order 2021-12, as amended by Executive Order 2021-15, is re-issued in its entirety and extended through **September 18, 2021**.

**Executive Order 2021-13 (Residential eviction moratorium):**

Sections 1, 4, 5, 7, and 8 Executive Order 2021-13, as amended by Executive Order 2021-14, are re-issued and extended through **September 18, 2021**.

**Executive Order 2021-13 is further amended and revised as follows:**

Section 9. Nothing in this Executive Order shall preclude a person or entity with a legal right to pursue an eviction or possessory action from challenging the truthfulness of a

## EXECUTIVE ORDER

tenant's, lessee's, sub-lessee's, or resident's Declaration in court, as permitted by law and the applicable Court's rules.

**Executive Order 2021-18 (Mitigation measures):**

Executive Order 2021-18, as amended and revised below, is re-issued in its entirety and extended through **September 18, 2021**.

**Section 5: Prior Executive Orders.** This Executive Order supersedes any contrary provision of any other prior Executive Order. Any provisions that are not contrary to those in this Executive Order shall remain in full force and effect.

**Part 2: Savings Clause.** If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by the Governor August 20, 2021

Filed by the Secretary of State August 20, 2021

## PROCLAMATIONS

**2021-142****Flag Lowering LODD Ella French**

**WHEREAS**, Chicago Police Officer Ella French tragically died in the line of duty on Saturday, August 7, 2021, when she was shot during a traffic stop in West Englewood; and,

**WHEREAS**, Officer Ella French is survived by her mother, Elizabeth French, and four brothers; and,

**WHEREAS**, Officer Ella French began her police career with the Chicago Police Department in April 2018, working in the 10th District on the West Side before moving to the department's Community Safety Team – a unit designed to forge stronger ties with people on the South Side and West Side of Chicago; and,

**WHEREAS**, during her short but courageous career, Officer French earned a Department Commendation, a Physical Fitness Award and 14 Honorable Mentions; and,

**WHEREAS**, Officer Ella French was a kind, outgoing officer who took the time to sit and talk with people from the community she served, and felt she was called to serve because she wanted to make the world a better place if she could; and,

**THEREFORE**, I, JB Pritzker, Governor of the State of Illinois, do hereby order all persons or entities governed by the Illinois Flag Display Act to lower flags from sunrise Wednesday, August 18 to sunset Thursday, August 19, in honor and remembrance of Officer Ella French, and express my everlasting gratitude for the sacrifice Officer Ella French's loved ones have made on behalf of the safety and security of all Illinoisans, and assure you that both I and the people of Illinois stand with you, not only in this difficult time, but every day going forward.

Issued by the Governor: August 17, 2021

Filed by the Secretary of State: August 17, 2021

**2021-143****STATE OF ILLINOIS 102nd GENERAL ASSEMBLY  
JOINT PROCLAMATION**

**WHEREAS**, Article IV, Section 5(b) of the Illinois Constitution of 1970 empowers the President of the Senate and the Speaker of the House to convene special sessions of the General Assembly;

## PROCLAMATIONS

**WHEREAS**, Under Article IV, Section 3(b) of the Illinois Constitution of 1970, in the year following each federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts and the Representative Districts, and a redistricting plan shall be enacted and become effective by June 30;

**WHEREAS**, in early 2020 the United States Census Bureau confirmed it would not release the 2020 Census Public Law 94-171 population data prior to June 30, 2021; and

**WHEREAS**, While the 2020 Census Public Law 94-171 population data was not available as required by federal law, the General Assembly remained constitutionally mandated to enact a redistricting plan prior to June 30, 2021; and

**WHEREAS**, House Bill 2777 of the 102nd General Assembly was amended with legislative language creating the General Assembly Redistricting Act of 2021, which established the boundaries of all 59 Legislative Districts and 118 Representative Districts; and

**WHEREAS**, The General Assembly passed House Bill 2777, in compliance with the requirements of Article VI, Section 8 of the Illinois Constitution of 1970, on May 28, 2021; and

**WHEREAS**, the redistricting plan set forth in House Bill 2777 was signed into law by the Governor as Public Act 102-0010, becoming effective on June 4, 2021 and fulfilling the General Assembly's mandate under Article IV, Section 3(b) of the Illinois Constitution of 1970; and

**WHEREAS**, On August 12, 2021, the United States Census Bureau released the 2020 Census Public Law 94-171 population data to the States, including Illinois; and

**WHEREAS**, Article IV, Section 1 of the Illinois Constitution of 1970 vests legislative power in the General Assembly, and the General Assembly may pass legislation, as provided in Article IV, Section 8, to amend the redistricting plan enacted in Public Act 102-0010, or adopt a new redistricting plan; and

**NOW, THEREFORE**, pursuant to Article IV, Section 5(b) of the Illinois Constitution of 1970, and in conformity with the Special Session Act, 25 ILCS 15, A SPECIAL SESSION OF THE 102nd GENERAL ASSEMBLY IS HEREBY PROCLAIMED AND CALLED AS FOLLOWS:

1. The Special Session shall convene on August 31, 2021 at 12:00 p.m. The House of Representatives and the Senate shall convene at the State Capitol Building in Springfield, Illinois.

## PROCLAMATIONS

2. The purpose of the Special Session shall be to consider legislative measures related to the legislative redistricting plan, including amending Public Act 102-0010 to incorporate the 2020 Census Public Law 94-171 population data.
3. The Secretary of State, the Secretary of the Senate, and the Clerk of the House shall take whatever reasonable steps necessary to notify the members of the purpose and the date and time set for convening this Special Session.

ISSUED August 20, 2021

Filed by the Secretary of State August 20, 2021

**2021-144****Gubernatorial Disaster Proclamation**

**WHEREAS**, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 1,480,000, and taking the lives of more than 23,700 residents; and,

**WHEREAS**, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

**WHEREAS**, as Illinois continues to respond to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions, the burden on residents, healthcare providers, first responders, and governments throughout the State has been unprecedented; and,

**WHEREAS**, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

**WHEREAS**, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic, and has now reported more than 209 million confirmed cases of COVID-19 and more than 4.4 million deaths attributable to COVID-19 globally; and,

**WHEREAS**, despite efforts to contain COVID-19, the virus has continued to spread rapidly, resulting in the need for federal and State governments to take significant steps; and,

## PROCLAMATIONS

**WHEREAS**, COVID-19 vaccines are effective at preventing COVID-19 disease, especially severe illness and death, but a proportion of the population remains unvaccinated and some residents, including younger children, cannot yet receive the vaccine; and,

**WHEREAS**, on March 9, 2020, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area in response to the outbreak of COVID-19; and,

**WHEREAS**, on March 13, 2020, the President declared a nationwide emergency pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"), covering all states and territories, including Illinois; and,

**WHEREAS**, on March 26, 2020, the President declared a major disaster in Illinois pursuant to Section 401 of the Stafford Act; and,

**WHEREAS**, on April 1, 2020, due to the exponential spread of COVID-19 in Illinois, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on April 30, 2020, due to the continued spread of COVID-19 in Illinois, the threatened shortages of hospital beds, ER beds, and ventilators, and the inadequate testing capacity, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on May 29, 2020, due to the continued spread of COVID-19 in Illinois, and the resulting health and economic impacts of the virus, and the need to increase testing capacity, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on June 26, 2020, due to the further spread of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on July 24, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on August 21, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

## PROCLAMATIONS

**WHEREAS**, on September 18, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on October 16, 2020, due to the resurgence of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on November 13, 2020, due to the increased spread of COVID-19 in Illinois, the continuing health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on December 11, 2020, due to the continued rapid spread of COVID-19 in Illinois, the health and economic impacts of the virus, and the need to continue to increase testing capacity and preserve our progress against the disease, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on January 8, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on February 5, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on March 5, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on April 2, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on April 30, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,



## PROCLAMATIONS

**WHEREAS**, on May 28, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on June 25, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, on July 23, 2021, due to the continued rapid spread of COVID-19 in Illinois, and the ongoing health and economic impacts of the virus, I declared all counties in the State of Illinois as a disaster area; and,

**WHEREAS**, as circumstances surrounding COVID-19 have evolved and new evidence emerges, there have been frequent changes in information and public health guidance; and,

**WHEREAS**, the unprecedented nature of COVID-19, including the health consequences it has on not just the respiratory system but the heart, brain, kidneys, and the body's immune response, has made the virus's effects and its path difficult to predict; and,

**WHEREAS**, the Delta variant of the coronavirus is more aggressive and more transmissible than previously circulating strains, and poses new risks in the ongoing effort to stop and slow spread of the virus; and,

**WHEREAS**, the Delta variant may cause more severe disease than prior strains of the virus; and,

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) estimates that the Delta variant now accounts for more than 90 percent of all sequenced coronavirus in the U.S.; and,

**WHEREAS**, social distancing, face coverings, and other public health precautions have proven to be critical in slowing and stopping the spread of COVID-19; and,

**WHEREAS**, the Centers for Disease Control and Prevention ("CDC") has issued guidance for fully vaccinated people, indicating that they can resume numerous activities outdoors without wearing a mask or staying 6 feet apart, while recommending wearing a mask indoors in public in areas of substantial or high transmission, as well as where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance; and,

**WHEREAS**, the CDC continues to advise that cloth face coverings or masks protect persons who are not fully vaccinated from COVID-19; and,

## PROCLAMATIONS

**WHEREAS**, the CDC advises that schools follow the CDC's guidance for COVID-19 Prevention in K-12 Schools which recommends universal masking and working with local public health officials to determine the layered prevention strategies needed in their area; and,

**WHEREAS**, the CDC continues to advise that day care providers continue to use COVID-19 prevention strategies, including masking and physical distancing, even after day care providers and their staff are vaccinated; and

**WHEREAS**, some people infected by the virus remain asymptomatic but nonetheless may spread it to others; and,

**WHEREAS**, public health guidance advises that minimizing physical interactions between people who are not fully vaccinated and who do not reside in the same household is critical to slowing the spread of COVID-19; and,

**WHEREAS**, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

**WHEREAS**, at the time I issued the first Gubernatorial Disaster Proclamation, there were 11 confirmed cases of COVID-19 in one Illinois county; and,

**WHEREAS**, as of today, there have been over 1,480,000 confirmed cases of COVID-19 in all 102 Illinois counties; and,

**WHEREAS**, the first death attributed to COVID-19 in Illinois was announced on March 17, 2020; and,

**WHEREAS**, as of today, more than 23,700 residents of Illinois have died due to COVID-19; and,

**WHEREAS**, from the outset, studies have suggested that for every confirmed case there are many more unknown cases, some of which are asymptomatic individuals who can pass the virus to others without knowing; and,

**WHEREAS**, the number of new COVID-19 cases in Illinois has increased recently because of the Delta variant, and the virus continues to infect too many individuals and claim the lives of too many Illinoisans each day; and,

## PROCLAMATIONS

**WHEREAS**, the COVID-19 pandemic is not limited to the most populous counties, and all regions of the State continue to face significant COVID-19 risk; and,

**WHEREAS**, without precautions COVID-19 can spread exponentially, even in less populous areas; and,

**WHEREAS**, the State and the Illinois Department of Public Health have developed and continued to update a detailed mitigation plan to trigger additional precautions when regions meet certain risk levels; and,

**WHEREAS**, the U.S. has surpassed 37.2 million total cases and 620,000 deaths; and,

**WHEREAS**, COVID-19 has claimed the lives of and continues to impact the health of Black and Hispanic Illinoisans at a disproportionately high rate – magnifying significant health disparities and inequities; and,

**WHEREAS**, the Illinois Department of Public Health activated its Illinois Emergency Operations Plan and its Emergency Support Function 8 Plan to coordinate emergency response efforts by hospitals, local health departments, and emergency management systems in order to avoid a surge in the use of hospital resources and capacity; and,

**WHEREAS**, as the virus has progressed through Illinois, the crisis facing the State continues to develop and requires an evolving response to ensure hospitals, health care professionals and first responders are able to meet the health care needs of all Illinoisans and in a manner consistent with CDC guidance that continues to be updated; and,

**WHEREAS**, in order to ensure that health care professionals, first responders, hospitals and other facilities are able to meet the health care needs of all residents of Illinois, the State must have critical supplies, including PPE, such as masks, face shields, gowns, and gloves; and,

**WHEREAS**, the State of Illinois maintains a stockpile that supports the existing PPE supply chains and stocks at various healthcare facilities; and,

**WHEREAS**, while the State continues to make every effort to ensure an adequate supply of PPE, if those procurement efforts are disrupted or Illinois experiences a surge in COVID-19 cases, the State may face a life-threatening shortage of critical supplies for health care workers and first responders; and,

**WHEREAS**, Illinois continues to use a significant number of hospital beds and ICU beds; and, if COVID-19 cases surge, the State could face a shortage of critical health care resources; and,

## PROCLAMATIONS

**WHEREAS**, there are parts of the country in which there are few if any available ICU beds as a result of the Delta variant, and many parts of Illinois have a diminishing number of available ICU beds as a result of the Delta variant; and,

**WHEREAS**, Illinois now has tested more than 28 million total specimens for COVID-19; and,

**WHEREAS**, in addition to causing the tragic loss of more than 23,800 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

**WHEREAS**, nationwide, more than 80 million people have filed unemployment claims since the start of the pandemic; and,

**WHEREAS**, the Illinois Department of Employment Security announced that the State's unemployment rate continues to be high; and,

**WHEREAS**, the Illinois Department of Employment Security is responding to the economic crisis in a number of ways, including through the Pandemic Unemployment Assistance program; and,

**WHEREAS**, the Department of Commerce and Economic Opportunity is working to address the economic crisis, including through assistance programs such as the Business Interruption Grants Program for businesses that experienced a limited ability to operate due to COVID-19 related closures; and,

**WHEREAS**, many executive agencies in the State continue to focus significant resources on the ongoing response to the COVID-19 pandemic; and,

**WHEREAS**, many State agencies will have a role in administering American Rescue Plan and Coronavirus State and Local Fiscal Recovery Funds over the coming months; and,

**WHEREAS**, the COVID-19 pandemic has required the Illinois Department of Agriculture (IDOA) to address the outbreak's impact on the State's food supply chain through regulation and oversight of meat and poultry facilities and livestock management facilities; and

**WHEREAS**, the COVID-19 pandemic's disruption to the livestock market has required IDOA to concentrate its resources on working with livestock owners and producers in addressing safe and environmental animal disposal concerns through its oversight and regulation of the Dead Animal Disposal Act; and

## PROCLAMATIONS

**WHEREAS**, IDOA regulates and investigates many other industries that have been directly impacted by the COVID-19 pandemic including, but not limited to, pesticide applicators, animal shelters, pet shops, and gas stations, and the continued, proper regulation of these industries requires IDOA to commit additional time and resources into creating new procedures for conducting remote investigations and trainings; and

**WHEREAS**, the COVID-19 pandemic's detrimental impact to IDOA's regulated industries has required IDOA to place additional time and resources into organizing and managing the timely implementation of the Business Interruption Grant Program; and

**WHEREAS**, the economic loss and insecurity caused by COVID-19 threatens the viability of business and the access to housing, medical care, food, and other critical resources that directly impact the health and safety of residents; and,

**WHEREAS**, access to housing helps prevent spread of COVID-19 because individuals with housing are able to minimize physical contact with those outside their households; and,

**WHEREAS**, temporarily halting eviction proceedings avoids numerous interactions associated with being evicted, including with law enforcement officers, courtroom personnel, landlords, movers, and friends and family who agree to provide temporary housing, as well as, for those who are forced into homelessness, the interactions associated with taking refuge in a shelter; and,

**WHEREAS**, preventing spread by temporarily halting eviction proceedings thus also continues to help prevent spread of COVID-19 in the broader community; and,

**WHEREAS**, COVID-19 also has been extraordinarily disruptive to schools, and it is among the highest priorities of the State to ensure that students are able to obtain a quality education and that schools are able to provide an environment that is safe for students, teachers, and the community; and,

**WHEREAS**, based on the foregoing facts, and considering the rapid spread of COVID-19 and the ongoing health and economic impacts that will be felt over the coming month by people across the State, the current circumstances in Illinois surrounding the spread of COVID-19 constitute an epidemic emergency and a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

**WHEREAS**, based on the foregoing, the continuing burden on hospital resources, the ongoing potential that the State could face shortages of these resources in the event of a surge in infections, and the critical need to increase the purchase and distribution of PPE as well as to continue to expand COVID-19 testing capacity constitute a public health emergency under Section 4 of the Illinois Emergency Management Agency Act; and,

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**WHEREAS**, it is the policy of the State of Illinois to be prepared to address any disasters and, therefore, it is necessary and appropriate to make additional State resources available to ensure that that our healthcare delivery system is capable of serving those who are sick and that Illinoisans remain safe and secure and able to obtain medical care; and,

**WHEREAS**, this proclamation will assist the State in facilitating economic recovery for individuals and businesses in an effort to prevent further devastating consequences from the economic instability COVID-19 has caused; and,

**WHEREAS**, this proclamation will assist Illinois agencies in coordinating State and Federal resources, including materials needed to test for COVID-19, personal protective equipment, and medicines, in an effort to support the State responses as well as the responses of local governments to the present public health emergency; and,

**WHEREAS**, this proclamation will assist Illinois agencies in coordinating State and Federal recovery funds; and,

**WHEREAS**, these conditions provide legal justification under Section 7 of the Illinois Emergency Management Agency Act for the new issuance of a proclamation of disaster; and,

**WHEREAS**, the Illinois Constitution, in Article V, Section 8, provides that "the Governor shall have the supreme executive power, and shall be responsible for the faithful execution of the laws," and states, in the Preamble, that a central purpose of the Illinois Constitution is "provide for the health, safety, and welfare of the people";

**NOW, THEREFORE**, in the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety, I, JB Pritzker, Governor of the State of Illinois, hereby proclaim as follows:

**Section 1.** Pursuant to the provisions of Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, I find that a disaster exists within the State of Illinois and specifically declare all counties in the State of Illinois as a disaster area. The proclamation authorizes the exercise of all of the emergency powers provided in Section 7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7, including but not limited to those specific emergency powers set forth below.

**Section 2.** The Illinois Department of Public Health and the Illinois Emergency Management Agency are directed to coordinate with each other with respect to planning for and responding to the present public health emergency.

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**Section 3.** The Illinois Department of Public Health is further directed to cooperate with the Governor, other State agencies and local authorities, including local public health authorities, in the development and implementation of strategies and plans to protect the public health in connection with the present public health emergency.

**Section 4.** The Illinois Emergency Management Agency is directed to implement the State Emergency Operations Plan to coordinate State resources to support local governments in disaster response and recovery operations.

**Section 5.** To aid with emergency purchases necessary for response and other emergency powers as authorized by the Illinois Emergency Management Agency Act, the provisions of the Illinois Procurement Code that would in any way prevent, hinder or delay necessary action in coping with the disaster are suspended to the extent they are not required by federal law. If necessary, and in accordance with Section 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(1), the Governor may take appropriate executive action to suspend additional statutes, orders, rules, and regulations.

**Section 6.** Pursuant to Section 7(3) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(3), this proclamation activates the Governor's authority, as necessary, to transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating emergency response programs.

**Section 7.** The Illinois Department of Public Health, Illinois Department of Insurance and the Illinois Department of Healthcare and Family Services are directed to recommend, and, as appropriate, take necessary actions to ensure expanded access to testing for COVID-19 and that consumers do not face financial barriers in accessing diagnostic testing and treatment services for COVID-19.

**Section 8.** The Illinois State Board of Education is directed to recommend, and, as appropriate, take necessary actions to address any impact to learning associated with the present public health emergency and to continue to alleviate any barriers to the use of remote learning during the effect of this proclamation that exist in the Illinois School Code, 105 ILCS 5/1-1 et. seq.

**Section 9.** All State agencies are directed to cooperate with the Governor, other State agencies and local authorities in the development and implementation of strategies and plans to cope with and recover from the economic impact of the present public health emergency.

**Section 10.** Pursuant to Section 7(14) of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(14), increases in the selling price of goods or services, including medical supplies, protective equipment, medications and other commodities intended to assist in the prevention of

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or treatment and recovery of COVID-19, shall be prohibited in the State of Illinois while this proclamation is in effect.

**Section 11.** This proclamation can facilitate requests for federal emergency and/or disaster assistance if a complete and comprehensive assessment of damage indicates that effective recovery is beyond the capabilities of the State and affected local governments.

**Section 12.** This proclamation shall be effective immediately and remain in effect for 30 days.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.

Done at the Capitol in the City of Springfield, this 20th day of August, in the Year of Our Lord, two thousand and twenty, one and of the State of Illinois two hundred and third.

Issued by the Governor August 20, 2021

Filed by the Secretary of State August 20, 2021



**ILLINOIS ADMINISTRATIVE CODE**  
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