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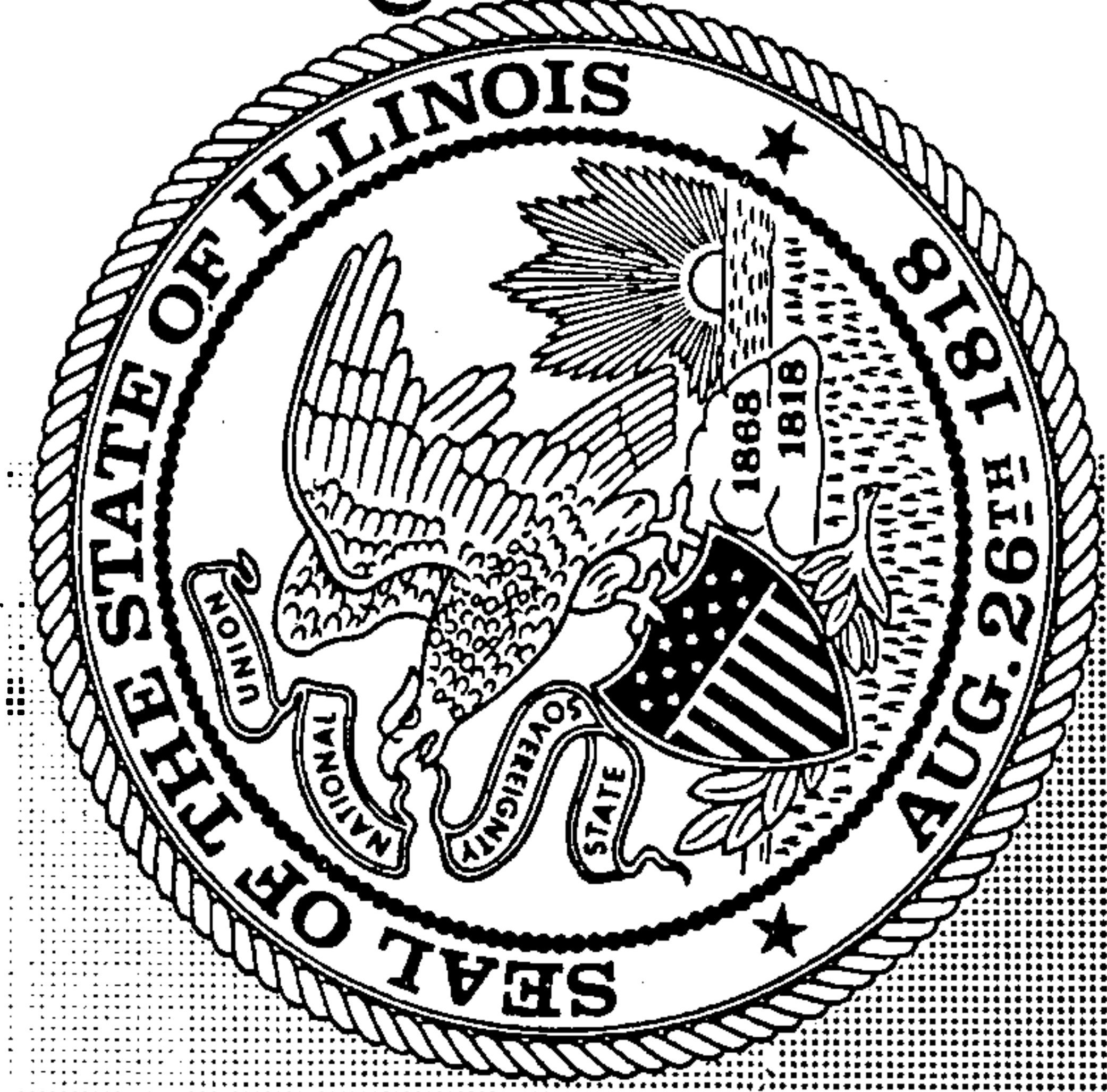
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OFFICE OF THE  
ATTORNEY GENERAL

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1993

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Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Publish on:
Dec. 16, 1992	Dec. 23, 1992	1	(Mon.) Jan. 4, 1993	June 22, 1993	June 29, 1993	28	July 9, 1993
Dec. 23, 1992	Dec. 30, 1992	2	Jan. 8, 1993	June 29, 1993	July 6, 1993	29	July 16, 1993
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Apr. 27, 1993	May 4, 1993	20	May 14, 1993	Nov. 2, 1993	Nov. 9, 1993	47	Nov. 19, 1993
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May 11, 1993	May 18, 1993	22	May 28, 1993	Nov. 16, 1993	Nov. 23, 1993	49	Dec. 3, 1993
May 18, 1993	May 25, 1993	23	June 4, 1993	Nov. 23, 1993	Nov. 30, 1993	50	Dec. 10, 1993
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June 15, 1993	June 22, 1993	27	July 2, 1993	Dec. 21, 1993	Dec. 28, 1993	2	Jan. 7, 1994

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

IN CHARGE

1) Heading of the Part: Special Education

2) Code Citation: 23 Ill. Adm. Code 226

3) Section Numbers: Proposed Action: 226.525 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 122, pars. 14-1.01 et seq. and 2-3.6.

5) A Complete Description of the Subjects and Issues Involved:  
This amendment to Section 226.525 restores an earlier requirement for parental consent for any evaluation of a child in connection with special education, including the triennial reevaluation school districts are obligated to conduct under federal regulations. This action reverses amendments promulgated in late 1990 which would have permitted districts to proceed without parental consent under certain circumstances but whose implementation was enjoined.

6) Will this proposed rule replace an emergency rule currently in effect? Yes.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Jon X. Healy  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777

Ken

(217) 782-3950

12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The text of the proposed amendments is identical to that of the emergency amendments beginning on page 13624.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED RULES

- 1) Heading of Part: Complaint Reviews
- 2) Code Citation: 1 Ill Adm Code 260
- 3) Section Numbers:        Proposed Action
  - 260.100                    Amended
  - 260.200                    Amended
  - 260.300                    Amended
  - 260.350                    Amended
  - 260.400                    Amended
  - 260.600                    Amended
  - 260.650                    Amended
  - 260.700                    Amended
  - 260.900                    Amended
  - 260.950                    Amended
  - 260.1000                   Amended
  - 260.1100                   Amended
  - 260.1200                   Amended
  - 260.1300                   Amended
  - 260.Exhibit A            Amended
  - 260.Exhibit B            Repealed
  - 260.Exhibit C            Amended
  - 260.Exhibit D            Amended
- 4) Statutory Authority: Implementing Sections 5-100 and 5-120 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-100, 1005-120 and 1005-135) [5 ILCS 100/5-100, 5-120 and 5-135].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes editorial and revisions in the Committee's policies regarding rulemaking review. It makes changes in text to mirror changes in the IAPA made by PA 87-823, effective 7/1/92. Citations to the Illinois Compiled Statutes are added. Makes hearing policies consistent with other JCAR hearing policies.
- 6) Will this proposed rules replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Local governments are not

13234

required to establish, expand or modify their activities because of this rulemaking.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Kelly Williams  
 Joint Committee on Administrative Rules  
 700 Stratton Building  
 Springfield, Illinois 62706  
 (217)785-2254

- 12) Initial Regulatory Flexibility Analysis: This rulemaking will not economically affect small business as that term is defined by Ill. Rev. Stat. 1991, ch. 127, par. 1001-75 [5 ILCS 100/1-75].

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



JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

a) The Joint Committee on Administrative Rules (Joint Committee) will review policies and rules of state agencies when it receives a written complaint concerning such policies or rules as provided in this part. This review is authorized by Sections 7-04 5-100 and 7-07 5-120 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, part 4, 1005-100 and 1007-07 1005-120) [5 ICS 100/5-100 and 5-120] and is intended to facilitate the promotion of adequate and proper rules by agencies and the understanding on the part of the public respecting such rules.

b) The review conducted pursuant to this part shall be considered to be a legislative investigation and is not intended as a prerequisite in any way to judicial relief.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 260.200 Definitions

a) The terms and definitions found in 1 Ill. Adm. Code 210.100 are incorporated into this part.

b) For the purposes of this part, a complaint consists of any written communication received by the Joint Committee which that raises questions which are related to the criteria in Section 260.700 of this part. Complaints may address one or more of the following:

- 1) An existing rule of an agency.
- 2) The failure of an agency to fully or properly enforce its rules.
- 3) The absence of rules which are required by statute or are necessary for the proper conduct of an agency program or function.
- 4) An agency rule which that is applied, generally, but is not embodied in the rules of the agency promulgated pursuant to the Illinois Administrative Procedure Act.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 260.300 Items to be Included in Complaints

a) Complaints should be sent to the Executive Director at the following address:  
 Joint Committee on Administrative Rules  
 509-South-Sixth-Street-Room-500 700 Stratton Building  
 Springfield, Illinois 62701 62706

b) Each complaint must include, at a minimum, the following items, if applicable to the particular complaint:

- 1) A discussion of the issues involved.
- 2) The names and addresses of the persons or groups making the complaint.
- 3) The agency whose rules, policies, or practices are being

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE I: RULES AND RULEMAKING  
 CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES

PART 260

COMPLAINT REVIEWS

Section 260.100 Authority and Purpose

260.200 Definitions

260.300 Items to be Included in Complaints

260.350 Complaints Concerning Agency Rules Not Adopted Pursuant to the Illinois Administrative Procedure Act

260.400 Staff Review

260.500 Complaints About Policies Not in Rules (Repealed)

260.600 Staff Report

260.650 Joint Committee Hearing

260.700 Criteria for Review

260.800 Hearing by the Committee (Repealed)

260.900 Objection; Recommendation

260.950 Failure to Object or Issue Recommendation

260.1000 Agency Response to Objection

260.1100 Agency Response to Recommendation

260.1200 Analysis of Agency Response

260.1300 Notice to Persons Making Complaint

ILLUSTRATION H Certification of Objection to Existing Rules (Repealed)

ILLUSTRATION I Agency Response to Joint Committee Objection to Existing Rules (Repealed)

ILLUSTRATION J Certification of Recommendation (Repealed)

EXHIBIT A Certification of Objection to Existing Rules or Policies

EXHIBIT B Certification of Recommendation to Existing Rules or Policies (Repealed)

EXHIBIT C Agency Response to Joint Committee Objection to Existing Rules or Policies

EXHIBIT D Agency Response to Joint Committee Recommendation to Existing Rules or Policies

AUTHORITY: Implementing Sections 5-100 and 5-120 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-100, 1005-120 and 1005-135) [5 ICS 100/5-100, 5-120 and 5-135].

SOURCE: Adopted at 3 Ill. Reg. 34, p. 219, effective August 24, 1979; rules repealed, new rules adopted and codified at 4 Ill. Reg. 49, p. 166, effective December 1, 1980; amended at 6 Ill. Reg. 9314, effective August 1, 1982; amended at 10 Ill. Reg. 21687, effective May 1, 1987; amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 260.100 Authority and Purpose

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## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PROPOSED AMENDMENT(S)

- questioned.
- 4) The specific rule or set of rules involved.
  - 5) ~~A--description--of--the~~The effect of the rules, policies or practices on the persons or groups making the complaint.
  - 6) ~~A--discussion--of--any~~Any additional facts necessary to understand the issues.
  - 7) ~~A--discussion--of--how--the~~The relationship between the issues relate to and the criteria in Section 260.700 of this Part.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 260.350 Complaints Concerning Agency Rules Not Adopted Pursuant to the Illinois Administrative Procedure Act

- a) Agency rules which that are not adopted in accordance with the procedures set forth in the Act are invalid and unenforceable. When the Joint Committee receives a complaint which that alleges the enforcement of a rule which that is not embodied in any a properly promulgated rule, the Joint Committee will undertake an investigation pursuant to this Part.
- b) When a complaint is received which ~~alleges~~ alleging that an agency has a rule which that is not embodied in properly promulgated rules, the Joint Committee will encourage the persons making the complaint to petition the agency as provided in Section 8 5-145 of the Act.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 260.400 Staff Review

The staff of the Joint Committee will review each complaint. The staff may raise questions or problems as a result of its review and will discuss these questions or problems with the agency. ~~Such~~ The staff review will be based on the criteria in Section 260.700 of this Part. The staff will attempt to inform the agency of the substance of the complaint and any recommendations proposals for Joint Committee action prior to the Joint Committee hearing.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 260.600 Staff Report

The staff shall report the results of its review to the Joint Committee at the next monthly meeting, provided there are at least 60 days between receipt of the complaint and the meeting. If there are ~~less~~ fewer than 60 days, the rulemaking ~~shall~~ may be scheduled for the following meeting. The staff report will present evidence of possible problems with the rules in relation to the criteria in Section 260.700 of this Part. The report may include

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PROPOSED AMENDMENT(S)

recommendations proposals for action by the Joint Committee. Such recommendations proposals shall be advisory only and ~~shall~~ do not limit the Joint Committee's power to take some other action.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 260.650 Joint Committee Hearing

A complaint may be placed on the agenda of the Joint Committee for consideration by any member of the Committee or by the Executive Director. Such action will be based upon evidence of possible problems with the rules in relation to the criteria in Section 260.700 of this Part. A complaint will not be placed on the agenda if the same issues have been previously considered by the Joint Committee, unless the complaint reveals information ~~which--was~~ not available to the Joint Committee at the time the issue was considered and which, if available at that time, would have altered the outcome. ~~At--the hearing,--the--Joint--Committee--staff,--the--complainant,--and--agency--representatives will--be--allowed--to--testify.~~

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 260.700 Criteria for Review

- a) The Joint Committee will ~~use~~ consider the following criteria in its review of a complaint based upon existing rules:
  - 1) Substantive
    - A) Does the agency have legal authority for ~~each--Part--of~~ the rules?
    - B) Does the agency have rulemaking authority?
    - C) ~~Does--each--Part--of~~ Do the rules comply with the statutory authority and legislative intent on which ~~it--is~~ they are based, or ~~which--it--is~~ that they are implementing or interpreting?
    - D) ~~Does--each--Part--of~~ Do the rules comply with state State and federal constitutions, state State and federal law, federal rules and regulations, and case law?
    - E) ~~Does--each--Part--of~~ Do the rules include standards for the exercise of discretionary authority? Are the standards defined as clearly as practicable under the conditions?
  - 2) Propriety
    - A) Is there an adequate justification and rationale for the rules and for any regulation of the public embodied in the rules?
    - B) Has the agency considered the economic effects of the rules upon those regulated, including small businesses, not for profit corporations, and units of local government, school districts, and community college districts?

C) Has the agency considered less costly alternatives to the rules?

D) Has the agency considered the budgetary effects of the rules upon itself, other state agencies, and state revenue in general?

E) Is the language of the rules simple and clear, so that the rules can be understood by the persons and groups which they will affect?

F) Are the rules free of serious technical errors, redundancies and grammatical or typographical errors--which that could affect the meaning of the rules?

3) Procedural

A) Were the rules adopted in compliance with the Act?

B) Were the rules adopted in compliance with the requirements of the Administrative Code Division (1 Ill. Adm. Code 100)?

C) Were the rules adopted in compliance with any additional requirements which have been imposed on the agency by state or federal law?

D) Were the rules adopted in compliance with the agency's own rules for the promulgation of rules?

E) Was the agency responsible to public comments which have been made to the rules and to related requests for rulemaking?

4) Additional

A) Has the agency shown that the rules are necessary? Has the agency shown that there is a public need for the regulation embodied in the rules?

B) Are the rules accurate and current in relation to agency operations and programs?

C) Are the rules free of overlaps and conflicts between among requirements and between among regulatory jurisdictions?

b) The Joint Committee will use the following criteria for its review of agency rules or policy not promulgated pursuant to the Illinois Administrative Procedure Act:

1) Is the entity enforcing the policy in question an agency as defined in the Act?

2) Does the agency have the statutory authority for the policy?

3) Does the agency have rulemaking authority?

4) Does the policy comply with the statutory authority and legislative intent upon which it is based?

5) Does the policy comply with state, state and federal constitutions, state State and federal law, federal rules and regulations, and case law?

6) Is the policy included in any agency rule? Is the policy included in an internal agency document?

7) Does the policy meet the definition of a rule found in the Act? If the Joint Committee determines that one or more of the criteria enumerated in subsection (a) or (b) of this Section are not met, the Committee shall issue an objection or recommendation pursuant to Section 260.900 of this Part.

(Source: Amended at 17 Ill. Reg. effective

Section 260.900 Objection; Recommendation

a) Objection or Recommendation to Existing Rule

1) Objection

A) If the Joint Committee finds that the rule does not meet one or more of the criteria in Section 260.700(a) of this Part, the Joint Committee shall object to the rule pursuant to Section 7-07 5-120 of the Act.

B) If the Joint Committee objects to the rule, it shall certify that fact to the agency. Such certification will be sent to the agency in the form shown in Exhibit A of this Part within 5 working days after the objection is issued. The certification shall include a statement of the specific objection of the Joint Committee to the rules.

C) Each statement of specific objections shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

2) Recommendation

A) If the Joint Committee determines that the rule is incomplete or inconsistent or does not meet one or more of the criteria in Section 260.700(a) of this Part, the Joint Committee shall recommend further action. Recommended actions include the promulgation of additional rules, the clarification of statutory authority through legislation to be introduced by the agency or the Joint Committee, and a recommendation to curtail an unauthorized practice.

B) If the Joint Committee issues a recommendation concerning the rule, it shall certify that fact to so notify the agency--such certification will be sent to the agency--in the form shown in Exhibit B of this Part within 5 working days after the recommendation is issued. The certification shall include a statement of the specific recommendation of the Joint Committee to the rule.

C) Each statement of specific recommendation shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

b) Objection or Recommendation to Agency Rule or Policy Not Promulgated Pursuant to the Illinois Administrative Procedure Act

The Joint Committee shall issue an objection or recommendation to an agency rule or policy not promulgated pursuant to the Illinois Administrative Procedure Act if the rule or policy does not meet one or more of the criteria in Section 260.700(b) of this Part. Such objections or recommendations will be issued on the same bases as objections or recommendations issued to rules pursuant to subsection

Ken

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PROPOSED AMENDMENT(S)

subsection (a) of this Section. The same procedures will be applied to such actions.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.950 Failure to Object or Issue Recommendation

The failure of the Joint Committee to issue an objection or recommendation to an existing rule or agency rule not promulgated pursuant to the ~~Illinois~~ Administrative-Procedure Act shall not be construed to imply approval of the rule or policy by the Joint Committee or the General Assembly. (Ill. Rev. Stat. 1985 1991, ch. 127, par. 1007-04 1005-100) [5 ILCS 100/5-100]

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.1000 Agency Response to Objection

- a) The agency shall respond to an objection ~~which-is~~ issued by the Joint Committee within 90 days after receipt of the statement of specific objections. (Section 5-120 of the Act) The agency response shall address each of the specific objections stated by the Joint Committee. The agency response shall clearly state the nature of the response (agreement to amend, agreement to repeal, refusal to amend or repeal) and the rationale for the response. The response should be made in the manner shown in Exhibit C of this Part.
- b) The agency must respond to each objection of the Joint Committee in one of the following ways ~~as-required-by--Section--7-07--of--the--Act. Responses--to--a--single--objection--cannot--be--combined--(e.g.--modify--in--part--refuse--in--part)--~~:
- 1) ~~Amend-the~~Propose a rulemaking rule to meet the Joint Committee's objection.
  - 2) ~~Repeat--the--rule--or--discontinue~~Discontinue the policy not in rules.
  - 3) Refuse to amend or repeal the rule or policy or to propose a new rule. A notice of refusal must also be submitted to the Administrative Code Division for publication in the Illinois Register if the agency responds in this manner.
- c) Responses shall be submitted to the Joint Committee, in writing, and shall be signed by the agency head.
- d) If the agency elects to ~~amend--or--repeal--the--rule~~ rulemaking in response to an objection, it shall initiate the rulemaking pursuant to Section 5-40, 5-45 or 5-50 of the Act. The agency shall complete the rulemaking process within 180 days after the rulemaking is proposed in the Illinois Register.
- e) An amendment to meet the Joint Committee's objection must be limited to the issues raised in the Certification and Statement of Objection. A suggestion or comment made by a member of the Joint Committee does

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PROPOSED AMENDMENT(S)

not authorize a substantive change unless the suggestion or comment is ratified by the Joint Committee through the issuance of a Certification and Statement of Objection to the rule.

- f) The failure of an agency to respond to an objection of the Joint Committee within 90 days of after receipt of the objection shall be deemed ~~to-be~~ a refusal to initiate rulemaking amend-or-repeal-the-rule pursuant-to-Section-7-07(g)-of-the-Act.
- g) The failure of an agency to complete rulemaking ~~which-was~~ proposed in response to an objection within 180 days after the publication of the notice of the rulemaking shall be deemed ~~to-be~~ a refusal to initiate rulemaking to-amend-or-repeal-the-rule.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.1100 Agency Response to Recommendation

- a) The agency should respond to a recommendation ~~which-is~~ issued by the Joint Committee within 90 days after receipt of the statement of specific recommendations. The agency response should address each of the specific recommendations stated by the Joint Committee and should clearly state the nature of (agreement ~~to-amend--agreement-to-repeal--or~~ refusal ~~to-amend-or-repeal~~) and rationale for the response. The response should be made in the manner shown in Exhibit D of this Part.
- b) ~~The--agency--should-respond-to-each-Joint-Committee-recommendation-for-action-in-one-of-the-following-ways:~~
- 1) ~~Agree-to-pursue-the-action-recommended-by-the-Joint-Committee-~~
  - 2) ~~Refuse-to-pursue-the-action-recommended-by-the-Joint-Committee-~~
- c) Responses should be submitted to the Joint Committee, in writing, and shall be signed by the agency head.
- d) The failure of an agency to respond to a recommendation of the Joint Committee within 90 days of after receipt of the recommendation shall be deemed to be a refusal.
- e) The failure of an agency to complete rulemaking ~~which-was~~ proposed in response to a recommendation within 180 days after the publication of the rulemaking shall be deemed ~~to-be~~ a refusal to initiate rulemaking amend-or-repeal-the-rule.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.1200 Analysis of Agency Response

- a) If the Joint Committee finds that the agency's actions do not remedy the adequately respond to an objection or recommendation, the Committee will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the next available issue of the Illinois Register ~~pursuant-to--Section 7-07--of-the-Act~~. The notice will include a specific statement of the

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

reasons the Joint Committee has determined that the response to the objection or recommendation is not adequate has not been remedied.

b) If the Joint Committee finds that the agency's actions do not remedy the recommendation, the Committee will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the next available issue of the Illinois Register. The notice will include a specific statement of the reasons the Joint Committee has determined the recommendation has not been remedied.

c) If the agency fails to remedy adequately respond to an objection or recommendation, the Joint Committee may draft legislation to address the problems. Such a proposal for legislation must be approved by a majority vote and may be introduced in either house of the General Assembly.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

Section 260.1300 Notice to Persons Making Complaint

The Executive Director will notify the complainants persons or groups making the complaint, in writing, of the results of the Joint Committee review and the agency response.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 260.EXHIBIT A Certification of Objection to Existing Rules or Policies

JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF OBJECTION  
TO EXISTING RULES OR POLICIES

County of Sangamon )  
State of Illinois )

I, (Director's name), Executive Director of the Joint Committee on Administrative Rules, being first duly sworn on oath, depose and state that, pursuant to Sections 7-04 5-100 and 7-07 5-120 of the Illinois Administrative Procedure Act (Act), as amended, the Joint Committee on Administrative Rules, at its meeting on (meeting date), objected voted an objection to the (agency name) [rule(s)] rules entitled or concerning (Heading of the Part, Code Citation) published in the (publication date) Illinois Register or policy administered in the absence of rules adopted in accordance with the Act].

A statement of the Joint Committee's specific objection(s) accompanies this certification.

Please take notice that failure of Section 5-120 of the Act requires the agency to respond to the Joint Committee's objection(s) within 90 days of after receipt of this Certification of Objection. The agency's response will be placed on the Committee's agenda for further consideration. Failure to respond shall constitute a refusal to amend or repeal the rule. adopt appropriate rules; or refrain from inappropriate activities].

(Typewritten name)  
Executive Director  
Joint Committee on Administrative  
Rules

Subscribed and sworn to before me this (date) day of (month), 19(year).

Notary Public

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 260.EXHIBIT B Certification of Recommendation to Existing Rules or Policies (Repealed)

County-of-Sangamon)  
                  )  
State-of-Illinois)

I, (Director's name), Executive Director of the Joint Committee on Administrative Rules, being first duly sworn on oath, depose and state that pursuant to Sections 5-100 and 5-120 of the Illinois Administrative Procedure Act, as amended, the Joint Committee on Administrative Rules, at its meeting on (meeting date), issued a recommendation concerning the (agency name) rule(s) entitled or concerning (Heading of the Part Code Citation), published in the (publication date) Illinois Register.

A statement of the Joint Committee's specific recommendation(s) accompanies this certification.

Please take notice that failure of the agency to respond to the Joint Committee's recommendation(s) to a rule within 90 days of receipt of this Certification of Recommendation shall constitute a refusal to amend or repeat the rule.

=====  
{Typewritten name}  
Executive Director  
Joint Committee on Administrative  
Rules

Subscribed and sworn to before me this (date) day of (month), 19(year).

=====  
Notary Public

(Source: Repealed at 17 Ill. Reg. \_\_\_\_\_, effective

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 260.EXHIBIT C Agency Response to Joint Committee Objection to Existing Rules or Policies

Date: \_\_\_\_\_

Agency: \_\_\_\_\_

[Heading of the Part] [Description of the Policy]: \_\_\_\_\_

Code Citation: \_\_\_\_\_

- Response (check one):
===== Initiate rulemaking to repeat the rules to meet the Joint Committee's objection
===== Initiate rulemaking to amend the rules to meet the Joint Committee's objection
===== Refusal to initiate rulemaking to remedy the Joint Committee's objection

If rulemaking will be initiated, date notice of proposed rulemaking was, or is expected to be, published in the Illinois Register \_\_\_\_\_.

Agency Response to Specific Joint Committee Objections:

(Respond to each of the specific objections Objection raised by the Joint Committee, indicating clearly the intended action of the agency in response to each recommendation Objection and the rationale for such response. Use additional pages as necessary.)

\_\_\_\_\_  
Signature of Agency Head

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Expedited Corrections

2) Code Citation: 1 III Adm Code 245

3) Section Numbers: Proposed Action

245.100 Amended

245.110 Amended

245.120 Amended

245.130 Amended

245.140 Amended

245.Exhibit A Amended

245.Exhibit B Amended

4) Statutory Authority: Implementing and authorized by Section 5-85 and Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-85 and 1005-135) [5 ILCS 100/5-85 and 5-135].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes editorial revisions in the Committee's policies regarding rulemaking review. It makes changes in text to mirror changes in the IAPA made by PA 87-823, effective 7/1/92. Citations to the Illinois Compiled Statutes are added. Because Expedited Corrections are to be handled quickly, agencies are required to provide a telefax number, if available.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Local governments are not required to establish, expand or modify their activities because of this rulemaking.

to Ken

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 260.EXHIBIT D Agency Response to Joint Committee Recommendation to Existing Rules or Policies

Date: \_\_\_\_\_

Agency: \_\_\_\_\_

[Heading of the Part] [Description of the Policy]: \_\_\_\_\_

Code Citation: \_\_\_\_\_

==== Response-(check-one):

==== Agree-to-pursue-the-action--recommended

==== by-the-dotnt-committee

==== Refuse-to-pursue-the-action-recommended

==== by-the-dotnt-committee

If rulemaking will be initiated, date notice of proposed rulemaking was, or is expected to be, published in the Illinois Register: \_\_\_\_\_

Agency Response to Specific Joint Committee Recommendations:

(Respond to each of the specific objections-rated Recommendation issued by the Joint Committee, indicating clearly the intended action of the agency in response to each recommendation Recommendation and the rationale for such response. Use additional pages as necessary.)

\_\_\_\_\_  
Signature of Agency Head

(Source: Amended at 17 ILL. Reg. \_\_\_\_\_ effective

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Kelly Williams  
 Joint Committee on Administrative Rules  
 700 Stratton Building  
 Springfield, Illinois 62706  
 217/785-2254

- 12) Initial Regulatory Flexibility Analysis: This rulemaking will not economically affect small businesses as that term is defined by Ill. Rev. Stat. 1991, ch. 127, par. 1001-75 [5 ILCS 100/1-75].

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

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PROPOSED AMENDMENT(S)

## TITLE 1: RULES AND RULEMAKING

## CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES

## PART 245

## EXPEDITED CORRECTIONS

## Section

245.100 Definitions

245.110 Expedited Corrections - Submission to Committee

245.120 Committee Review

245.130 Committee Certification

245.140 Public Notice

EXHIBIT A Certificate of Correction

EXHIBIT B Certificate of Failure to Meet the Requirements of Section 7-01(b) 5-85(b) of the Illinois Administrative Procedure Act

AUTHORITY: Implementing and authorized by Section 5-85 and Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-85 and 1005-135)[5 ILCS 100/5-85 and 5-135].

SOURCE: Adopted at 16 Ill. Reg. 8509, effective May 26, 1992; amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 245.100 Definitions

"Act" means the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100].

"Administrative Code Division" or "Code Division" means the unit of the Office of the Secretary of State that publishes the Illinois Administrative Code and the Illinois Register and with which rules are filed.

"Agency" means each type of entity enumerated in Section 3-01 1-20 of the Act that is authorized by law to make rules or to determine contested cases.

"Committee" means the Joint Committee on Administrative Rules, created by Section 7-02(a) 5-90(a) of the Act.

"Director" means the Executive Director of the Joint Committee.

"Expedited Correction" means a correction of the text of a rule adopted by an agency and filed with the Secretary of State, effectuated pursuant to Section 7-01(b) 5-85(b) of the Act and this Part.

"Illinois Administrative Code" means the complete text of all rules adopted by State agencies and filed with the Administrative Code



Division.

"Illinois Register" means the weekly publication of the Administrative Code Division authorized by Section 6-70 of the Act.

"Rule" means each agency statement of general applicability that implements, interprets, or prescribes law or policy and that affects the private rights of or procedures available to persons or entities outside the agency, but does not include statements concerning only the internal management of an agency and not affecting private rights of or procedures available to persons or entities outside the agency, informal advisory rulings issued pursuant to under Section 9-5-150 of the Act, intra-agency memoranda or the procedures of standardized forms that affect the private rights or procedures available to persons or entities outside the agency (Ill. Rev. Stat. 1991, ch. 127, par. 1001-70) [5 ILCS 100/1-70].

"Rulemaking" means the process by which agencies propose, adopt, amend or repeal rules pursuant to Section 5-35 of the Act.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 245.110 Expedited Corrections - Submission to Committee

- a) An agency may request the Committee to issue a Certificate of Correction with respect to an adopted rule filed with the Secretary of State. The certificate shall authorize changes in rule text to address:
  - 1) nonsubstantive errors, such as typographical, clerical, grammatical, printing, copying, or other inadvertent errors, such as omission of existing or inclusion of previously repealed Illinois Administrative Code text;
  - 2) any omissions or errors that create unintentional discrepancies between adopted rule text and text previously published in the Illinois Register or second notice rule text; or
  - 3) any discrepancies between adopted rule text and agreements certified by the Committee during the second notice period.
- (Section 7-01(b) 5-85(b) of the Act)
- b) Agency requests for a Certificate of Correction shall be in writing and shall be clearly identified as a Request for Correction. Requests shall be submitted to the Executive Director at the following address: Joint Committee on Administrative Rules  
509-South-Streets-Room-500 700 Stratton Building  
Springfield, Illinois 62704 62706
- c) Agency requests for a Certificate of Correction shall include the following information:
  - 1) the name of the agency;
  - 2) the title and Illinois Administrative Code citation of the

in Ken

affected rule;

- 3) the date, page number and volume number of the Illinois Register in which the first notice of the rulemaking that gave rise to the agency request for Certificate of Correction was published and of the Illinois Register in which the rulemaking was adopted;
- 4) the full text of the affected Section(s), indicating both the incorrect text and the agency's proposal for correction, in accordance with 1 Ill. Adm. Code 100.420(c);
- 5) an explanation of the reasons listed in subsection (a) that apply;
- 6) an explanation of how the public interest will be served and no hardship created by correction of the error cited by the agency, information verifying that the public notice considerations of the Act are not unduly circumvented, the agency's rationale for requesting expedited rulemaking as opposed to adhering to the time constraints of the regular rulemaking process, and a description of the measures taken and to be taken by the agency to make the Request for Correction and Certificate of Correction known to persons affected by the rule;
- 7) the name, address and telephone and telefax number of the agency representative who will respond to Committee questions regarding the Request for Correction and to whom the public may comment; and
- 8) in the event an effective date of the correction is sought by the agency that differs from the effective date of the rulemaking that is being corrected, the proposed effective date of Correction and the rationale for the different effective date.
- d) If a Request for Correction does not meet the requirements of subsection (c) above, no action shall be taken to certify the correction until the agency has, pursuant to a request from the Committee, provided the additional or clarified information.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 245.120 Committee Review

- a) Upon receipt of a Request for Correction that meets the requirements of Section 245.110(c), the Committee shall:
  - 1) notify the agency and Administrative Code Division that the Request for Correction meets the requirements of Section 245.110(c), and provide a copy of the Request for Correction to the Administrative Code Division for publication in the Illinois Register;
  - 2) review the Request;
  - 3) question the agency if necessary; and
  - 4) recommend modifications to the specific corrective language proposed by the agency, if necessary.
- b) The Committee shall consider the Request for Correction at its next

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Section 245. EXHIBIT A Certificate of Correction

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
Joint-Committee-on-Administrative-Rules

CERTIFICATE OF CORRECTION  
TO ADOPTED RULEMAKING

This is to certify that the Joint Committee on Administrative Rules, at its (meeting date) meeting, considered the (agency's) request for correction of errors in (Heading of the Part; Code Citation) created by the adoption of rules at (Illinois Register citation). After consideration, the Joint Committee certifies that the corrective language, effective (agreed effective date), attached to this document meets the requirements and serves the purposes of Section 7-01(b) of the Illinois Administrative Procedure Act.

Certified (Date) (Meeting-Date)

(Typewritten name)  
Executive Director

Subscribed and sworn to before me this (Date) day of (Month), (Year).

Notary Public

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Ken

Section 245. EXHIBIT B Certificate of Failure to Meet the Requirements of Section 7-01(b) of the Illinois Administrative Procedure Act

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
Joint-Committee-on-Administrative-Rules

CERTIFICATE OF FAILURE TO MEET THE REQUIREMENTS OF SECTION 7-01(b) OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT

This is to certify that the Joint Committee on Administrative Rules, at its (meeting date) meeting, considered the (agency's) request for correction of errors in (Heading of the Part; Code Citation) created by the adoption of rules at (Illinois Register citation). After consideration, the Joint Committee certifies that the proposed corrective language fails to meet the requirements of Section 7-01(b) of the Illinois Administrative Procedure Act.

Certified (Date) (Meeting-Date)

(Typewritten name)  
Executive Director

Subscribed and sworn to before me this (Date) day of (Month), (Year).

Notary Public

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

100-110-111

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Five Year Evaluation of All Existing Rules

2) Code Citation: 1 Ill Adm Code 250

3) Section Numbers: Proposed Action

250.100	Amended
250.200	Amended
250.300	Amended
250.400	Amended
250.500	Amended
250.600	Amended
250.700	Amended
250.800	Amended
250.900	Amended
250.1000	Amended
250.1200	Amended
250.1300	Amended
250.1400	Amended
250.1500	Amended
250.1600	Amended
250.1700	Amended
250.1800	Amended
250.1900	Amended
250.2000	Amended
250.2100	Amended
250.2200	Amended

4) Statutory Authority: Implementing Section 5-130 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-130 and 1005-135) [5 ILCS 100/5-130 and 5-135].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes editorial revisions in the Committee's policies regarding rulemaking review. It makes changes in text to mirror changes in the IAPA made by PA 87-823, effective 7/1/92. Citations to the Illinois Compiled Statutes are added. Requires agencies to submit to JCAR their policy manuals, guidelines, etc., as part of a 5-year review.

6) Will this proposed rules replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Local governments are not required to establish, expand or modify their activities because of this rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Kelly Williams  
Joint Committee on Administrative Rules  
700 Stratton Building  
Springfield, Illinois 62706  
217/785-2254

12) Initial Regulatory Flexibility Analysis: This rulemaking will not economically affect small businesses as that term is defined by Ill. Rev. Stat. 1991, ch. 127, par. 1001-75 [5 ILCS 100/1-75].

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

NOTICE OF PROPOSED AMENDMENT(S)

Section 250.200 Relation to Other Reviews

The five-year review of all agency rules discussed in this part is in addition to the review of proposed rules of state agencies and other reviews of agency rules authorized by other provisions of the Act.

(Source: Amended at 17 Ill. Reg. effective

Section 250.300 Subject Categories

To insure that the Committee reviews similar rules at the same time (Ill. Rev. Stat. 1991, ch. 127, par. 1005-130) [5 ILCS 100/5-130], it will assign each set of rules in one of the categories listed in Section 250.400 through 250.800. As new sets of rules are adopted, they will be assigned to these subjects categories and the Committee will maintain a current listing of all of the rules under each subject category.

(Source: Amended at 17 Ill. Reg. effective

Section 250.400 Schedule: First Year

In the first year of each five-year review cycle the Committee will review all of the rules assigned to the category of Industry and Labor, including:

- a) Agricultural Regulation
- b) Business Regulation
- c) Consumer Protection
- d) Labor Laws
- e) Regulation of Occupations

(Source: Amended at 17 Ill. Reg. effective

Section 250.500 Schedule: Second Year

In the second year of each five-year review cycle, the Committee will review all of the rules assigned to the following categories:

- a) Education and Cultural Resources
- 1) Special Education
- 2) Vocational and Professional Education
- b) Financial Institutions
- c) Government Management
- 1) State Buildings, Construction and Maintenance
- 2) State Travel
- d) Human Resources

in Reg.

NOTICE OF PROPOSED AMENDMENT(S)

TITLE I: GENERAL PROVISIONS

CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES

PART 250

FIVE-YEAR EVALUATION OF ALL EXISTING RULES

Section 250.100 Authority

250.200 Relation to Other Reviews

250.300 Subject Categories

250.400 Schedule: First Year

250.500 Schedule: Second Year

250.600 Schedule: Third Year

250.700 Schedule: Fourth Year

250.800 Schedule: Fifth Year

250.900 Notice to Agencies

250.1000 Initial Questions

250.1100 Staff Review

250.1200 Public Hearings

250.1300 Grouping of Rules

250.1400 Criteria for Review

250.1500 Staff Report; Agency Response

250.1600 Hearing on Staff Report

250.1700 Actions as Results of Resulting from Review

250.1800 Actions and Objections

250.1900 Agency Response to Objection

250.2000 Failure to Respond

250.2100 Actions-Recommend-Agency-Action Recommendations

250.2200 Recommend Legislation

AUTHORITY: Implementing Section 5-130 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-130 and 1005-135) [5 ILCS 100/5-130 and 5-135].

SOURCE: Adopted at 3 Ill. Reg. 34, p. 204, effective September 1, 1979; rules repealed, new rules adopted and codified at 4 Ill. Reg. 49, p. 166, effective December 1, 1980; amended at 17 Ill. Reg. effective

Section 250.100 Authority

The Committee will review all agency rules on a periodic basis by the subject of the rules. Each set of rules of each agency will be evaluated during the course of this review at least once every five years. This review is mandated by Section 7-08 5-130 of the Act.

(Source: Amended at 17 Ill. Reg. effective

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Grants for Medical Services
- 2) Public Health
- 3) State Adult Institutions
- e) Natural Resources
  - 1) Land Pollution Control
  - 2) Wildlife Management
- f) Public Utilities

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 250.600 Schedule: Third Year

In the third year of each five-year review cycle, the Committee will review all of the rules ~~classified-in-these-subjects~~ assigned to the following categories:

- a) Education and Cultural Resources
  - 1) Educational Grants and Scholarship Programs
  - 2) Cultural Resources
- b) Emergency Services
- c) Government Management
  - 1) Elections
  - 2) Records and Information Management
  - 3) State Financial Management
- d) Human Resources
  - 1) Food Handling and Services
  - 2) Regulation of Social Services
- e) Natural Resources
  - 1) Parks and Recreation Management
  - 2) Public Water Supplies
- f) Transportation ~~=~~  $\rightarrow$  Railroad Regulation

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 250.700 Schedule: Fourth Year

In the fourth year of each five-year review cycle, the Committee will review all of the rules ~~classified--in--these--subjects~~ assigned to the following categories:

- a) Education and Cultural Resources
  - 1) Higher Education
  - 2) Elementary and Secondary Education
- b) Government Management
  - 1) Government Purchasing
  - 2) Personnel and Merit Systems
  - 3) Retirement Systems
- c) Human Resources
  - 1) Grants for Social Services
  - 2) Regulation of Health Facilities

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

- d) Natural Resources
  - 1) Air Pollution Control
  - 2) Energy
- e) Transportation
  - 1) Airplane and Airport Regulation
  - 2) Traffic Safety

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 250.800 Schedule: Fifth Year

In the fifth year of each five-year review cycle, the Committee will review all of the rules ~~classified-in-these-subjects~~ assigned to the following categories:

- a) Education and Cultural Resources ~~=~~  $\rightarrow$  Educational Facilities and Safety
- b) Government Management
  - 1) Organizational and Rulemaking Rules
  - 2) State Revenue
- c) Human Resources
  - 1) Regulation of Health Professions
  - 2) Regulation of Medical Services
  - 3) State Juvenile Institutions
- d) Law Enforcement
- e) Natural Resources ~~=~~  $\rightarrow$  Water Resources and Pollution Control
- f) Transportation
  - 1) Highway Planning, Construction and Maintenance
  - 2) Trucking Industry Regulation

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 250.900 Notice to Agencies

At the beginning of each year of the review, the Committee will notify each agency whose rules will be reviewed during that year. Such notification will include the following information:

- a) The specific sets of rules ~~which-are-classified-in-the--subject--which-are-assigned-to-the-categories-that~~ will be reviewed.
- b) ~~The--location--of--such--rules--in--the--collection--of--the--agency's--rules--which-are-on-file-with-the-Rules-Division--c)~~ The time period during which the Committee will be reviewing such rules.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 250.1000 Initial Questions

The Committee will request the agency to submit the following information on

each set of rules being reviewed. The agency will be allowed at least 60 days to submit this information.

a) A citation to the specific statute which authorizes each set of rules and the specific statute which that set of rules is implementing or interpreting.

b) A list of the programs and organizational units of the agency which that are related to each set of rules.

c) An estimate of the cost to the State for operation of the agency programs related to each set of rules and for enforcement or monitoring of compliance with the rules. An estimate of the effect of each set of rules on State revenue.

d) An estimate of the extent of compliance and non-compliance by the affected public with each set of rules, and the number and extent of variances permitted by the agency to each set of rules.

e) An estimate of the effect of each set of rules, guidelines or any non-rule materials followed by the agency in executing its programs or activities. Copies of any related forms used by the agency.

f) An estimate of the economic effect on the persons and groups which are regulated by each set of rules.

g) A discussion of the public need for the regulation provided by each set of rules. This discussion should include evidence of any harm that would result to the public health, welfare or safety if the rules were repealed.

(Source: Amended at 17 Ill. Reg. effective

Section 250.1200 Public Hearings

The Committee will hold one or more public hearings during the review of the rules in each subject to gather information and views from interested persons and groups, when it finds that such a hearing is necessary for a complete review of the rules. The Chairman of the Committee may designate a subcommittee for the purpose of holding such public hearings. The agenda of such hearings shall be published in the Illinois Register as provided in Section 7-02(e) 5-90(a) of the Act. Each agency whose rules are the subject of a public hearing will be notified of the hearing. Testimony which is presented at such hearings will be considered by the Committee in its review of the rules as it relates to utilizing the criteria in Section 250.1400.

(Source: Amended at 17 Ill. Reg. effective

Section 250.1300 Grouping of Rules

The Committee may further group rules together by agency or by subject category to facilitate the conduct of the review or to report the findings to the Committee.

(Source: Amended at 17 Ill. Reg. effective

Section 250.1400 Criteria for Review

The Committee will consider these criteria in its review of each set of rules:

a) Substantive

1) Is there legal authority for each part of the rules?

2) Does each part of the rules comply with the statutory authority and legislative intent on which it is based, or which it is implementing or interpreting?

3) Does each part of the rules comply with State and federal constitutions, State and federal law, and case law? Do they include adequate standards for the exercise of each discretionary power which is discussed in the rules?

b) Propriety

1) Is there an adequate justification and rationale for the rules and for any regulation of the public embodied in the rules?

2) Has the agency reasonably considered the economic and budgetary effects of the rules as well as less costly alternatives?

3) Is the language of the rules simple and clear, so that the rules can be understood by the persons and groups which they will affect?

4) Are the rules free of serious technical errors, redundancies and grammatical or typographical errors which could affect the meaning of the rules?

c) Procedural

1) Were the rules adopted in compliance with the Act?

2) Were the rules adopted in compliance with the requirements of the Rules Administrative Code Division (see 1 Ill. Adm. Code 601.00)?

3) Were the rules adopted in compliance with any additional requirements which have been imposed on the agency by State or Federal law?

4) Were the rules adopted in compliance with the agency's own rules for its rulemaking process?

5) Has the agency been responsive to public comments which have been made comment on the rules and to related requests for rulemaking?

d) Additional

1) Has the agency shown that the rules are necessary? Has the agency shown that there is a public need for the regulation embodied in the rules?

2) Are the rules accurate and current in relation to agency operations and programs?

3) Are the rules free of overlaps and conflicts between requirements and between regulatory jurisdictions?

4) Is the agency consistently and uniformly administering its programs and activities in accordance with its rules.

(Source: Amended at 17 Ill. Reg. effective

Ken

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

\_\_\_\_\_ )

Section 250.1500 Staff Report; Agency Response

The staff will report the results of its review to the Committee. The staff report may include ~~recommendations~~ proposals for any of the types of action listed in Section 250.1700. ~~Such recommendations~~ Staff proposals shall be only advisory to the Committee and shall not limit the Committee's power to take some other action. Each agency whose rules are being reviewed shall be given an opportunity to submit its views and comments on the staff report in writing prior to the hearing by the Committee.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 250.1600 Hearing on Staff Report

The Joint Committee shall hold a hearing on each staff report ~~in its review of rules in a subject~~. Such a hearing may be conducted as part of other hearings of the Committee. The agenda of ~~such a~~ the hearing will be published in the Register as provided in Section ~~7-02(e)~~ 5-90(a) of the Act. At the hearing the Committee will consider the rules and the staff report in relation to the criteria in Section 250.1400. Written or oral testimony by the agencies and testimony received at public hearings held as provided in Section 250.1200 will also be considered.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 250.1700 Actions ~~as Results of~~ Resulting from Review

In response to problems ~~which are discovered~~ in the rules discovered as a result of its review, the Committee may take any of these types of actions:

- a) Object to specific rules ~~which that~~ were reviewed. Such objections to rules shall be made as discussed in Section 250.1800.
- b) Recommend rulemaking or ~~some other type of~~ action by agencies. This ~~type of~~ action may include recommending changes in the rulemaking process ~~which is~~ followed by agencies or coordination of rulemaking ~~between among~~ agencies. Such action Recommendations shall be taken issued as discussed in Section 250.2100.
- c) Recommend further study of the problems by a legislative committee, commission or other unit.
- d) Draft specific legislation to correct the problem problems. The Such proposal for legislation ~~will must~~ be approved by a majority vote. It will then be introduced in either house of the General Assembly.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

10-14-11

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 250.1800 ~~Actions:~~ Objections

If the Committee finds that a rule or a set of rules does not meet one or more of the criteria in Section 250.1400, it ~~will~~ may object to the rule as provided in Section ~~7-07~~ 5-120 of the Act. In five working days after the day of the hearing, the Committee will certify the ~~fact of the~~ objection to the agency. ~~The form used for this purpose is shown in illustration H.~~ A statement of specific objections to the rule and the reason for the objection shall be included.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 250.1900 Agency Response to Objection

- a) The agency should respond to an objection ~~which is~~ issued by the Committee within 90 days after it receives the statement of specific objections. The agency response should address each of the specific objections ~~which are~~ stated by the Committee. The agency response should be concise, but complete, and should clearly state the nature of ~~the response~~ and the rationale for the response. ~~The response should be made on the form shown in illustration I.~~
- b) The agency ~~must~~ should respond to an objection by the Committee in one of the following ways:
  - 1) Amend the rule to meet ~~all of~~ the specific objections stated by the Committee. The agency should take action to begin any the rulemaking that is part of the response which is necessary to respond in this way.
  - 2) Repeal the rule. The agency should state the specific objections of the Committee or other reasons ~~which that~~ are the basis of the repeal. The agency should take action to begin any the rulemaking that is part of the response which is necessary to respond in this way.
  - 3) Refuse to amend or repeal the rule. The agency should address present in its response its reasons for refusing to amend or repeal the rule.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 250.2000 Failure to Respond

- a) Failure of an agency to respond to an objection to a rule within 90 days of after the receipt of the objection shall be deemed to be a refusal to amend or repeal the rule.
- b) Failure of an agency to complete rulemaking ~~which was~~ started in response to an objection within 180 days of after the notice of the rulemaking shall be deemed to be a refusal to amend or repeal the rule.



NOTICE OF PROPOSED AMENDMENT(S)

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 250.2100 Actions--Recommend--Agency--Action Recommendations

If the Committee finds that a set of rules raises problems which that require new rulemaking or some other type of action by an agency, the Committee will recommend such action to the agency. In five working days after the day of the hearing, the Committee will certify the fact of such recommendation to the agency. The form used for this purpose is shown in Attachment A. The statement of the specific recommended actions, the reasons for the recommendation and the date by which the agency should respond shall be included. The Committee will monitor whether agencies take the actions which it recommends as a result of its review. Agencies should inform the Committee of actions which are being taken in response to such recommendations.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 250.2200 Recommend Legislation

If an agency refuses to remedy an objection to a rule or set of rules, or fails to take recommended action, the Committee may draft legislation to address the problems. Such legislation will be approved by a majority vote. It will then be introduced in either house of the General Assembly.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: General Policies

2) Code Citation: 1 Ill Adm Code 210

3) Section Numbers: \_\_\_\_\_  
Proposed Action

Amended	210.100
Amended	210.200
Amended	210.300
Amended	210.400
Amended	210.450
Amended	210.500

4) Statutory Authority: Implementing Sections 5-40 through 5-50 and 5-90 through 5-140 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-40 through 1005-50, 1005-90 through 1005-140 and 1005-135) [5 ILCS 100/5-40 through 5-50, 5-90 through 5-140 and 5-135].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes editorial revisions in the Committee's policies regarding rulemaking review. It makes changes in text to mirror changes in the IAPA made by PA 87-823, effective 7/1/92. Citations to the Illinois Compiled Statutes are added.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Local governments are not required to establish, expand or modify their activities because of this rulemaking.

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NOTICE OF PROPOSED AMENDMENT(S)

"Illinois Administrative Code" means the complete text of all rules of all state agencies filed with the Administrative Code Division and published by the Administrative Code Division as required by Section 7-0 of the Act.

"Illinois Register" means the weekly publication of the Administrative Code Division authorized by Section 6-0 5-70 of the Act.

"Joint Committee" or Committee means the Joint Committee on Administrative Rules created by Section 7-0 5-90(a) of the Act.

"Nonsubstantive" means procedural or non-procedural matters which that do not have an impact upon the meaning, effect or interpretation of a rule or rulemaking.

"Rule" means each agency statement of general applicability that affects the private rights of or procedures available to persons or entities outside the agency, but does not include statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency, informal advisory rulings issued pursuant to under Section 9 5-150 of the Act, intra-agency memoranda or the prescription of standardized forms which affects the private rights or procedures available to persons or entities outside the agency pursuant to Section 3-09 of the Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-70).

"Rulemaking" means the process by which agencies propose, amend or repeal rules pursuant to Section 5 5-35 of the Act.

"Substantive" means non-procedural matters which that have an impact upon the meaning, effect or interpretation of a rule or rulemaking.

(Source: Amended at 17 Ill. Reg. effective )

Section 210.200 Joint Committee Function

The Joint Committee will fulfill its function of promoting adequate and proper rules by agencies and understanding on the part of the public respecting such those rules and its responsibility to review rules and rulemaking. (Ill. Rev. Stat. 1991, ch. 127, par. 1001-04 5-100) [5 ILCS 100/5-100] It will cooperate with agencies and conduct hearings to promote full and open discussion of rules and rulemaking.

(Source: Amended at 17 Ill. Reg. effective )

Ken

NOTICE OF PROPOSED AMENDMENT(S)

Section 210.300 Consultation with Agencies

Some agencies may have some problems implementing or complying with the rulemaking procedures of the Act. The Joint Committee and its staff will discuss these types of problems with agencies. Such consultation will be used to advise agencies about form, statutory authority, or other matters which are considered by the Joint Committee in its review of rules and rulemaking. The Joint Committee and its staff will not issue advisory opinions.

(Source: Amended at 17 Ill. Reg. effective )

Section 210.400 Coordination with the Administrative Code Division

a) The Administrative Code Division has the responsibility under the Act to keep on file rules promulgated by agencies and to publish the Illinois Register and the Illinois Administrative Code. The Joint Committee's procedures are coordinated with the Secretary of State's rules entitled "Rulemaking" (1 Ill. Adm. Code 100). Pursuant to Section 7-0 5-65(a) of the Act, whenever a rulemaking rule or modification or repeal of any rule is filed with the Secretary of State, the Secretary of State shall send a certified copy of such the rulemaking adopted or emergency or temporary rule modification or repeal to the Joint Committee within three working days after such the filing.

c) The Administrative Code Division is authorized, pursuant to Section 7-0 5-80(b) of the Act, to make changes in the numbering and location of rules in the codification scheme, to recommend changes in the sectioning and headings of rules, and to make suggestions concerning the correction of grammatical and technical errors. During the first notice period, the Administrative Code Division shall notify the agency and the Joint Committee of the changes, suggestions and recommendations made. An agency cannot make any substantive changes in response to comments of the Administrative Code Division if those comments are received after the commencement of the second notice period. The Administrative Code Division's authority with respect to such suggestions, recommendations and changes is limited to non-substantive matters.

d) Section 7-0 5-80(a) of the Act provides that the Administrative Code Division shall not adopt any codification system or schedule without the approval of the Joint Committee. Approval shall be conditioned solely upon establishing that the proposal is compatible with existing electronic data processing equipment and programs maintained by and for the General Assembly. Prior to the adoption, amendment or repeal of rules relating to the codification system, the Administrative Code Division and the Legislative Information System must certify that the system or schedule meets the requirements of this subsection.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 210.450 Publication of Notice and Hearing Dates

Each week the Committee shall will submit for publication in the Illinois Register a list of the second notices received and accepted during the preceding week. The list will include the date on which the notice was received and the date of the hearing at which the Joint Committee intends to consider the proposed rulemaking. (Ill. Rev. Stat. 1985 1991, ch. 127, par. 1007-02 5-90) [5 ILCS 100/5-90] The list is intended only to inform the public and shall not preclude the Joint Committee from considering or acting on the rule-or rulemaking at a different hearing. The Joint Committee shall will attempt to notify an agency of any change in the date of its intended consideration of the agency's rules-or rulemaking.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 210.500 Use of Subpoenas

- a) The Joint Committee may issue a subpoena pursuant to Section 7-03(b) 5-95(b) of the Act. The Joint Committee will issue a subpoena for reasons such as the following:
  - 1) the agency refuses to appear before a Joint Committee hearing;
  - 2) the agency refuses to provide information requested by the Joint Committee; or
  - 3) the agency refuses to produce any records or documents requested by the Joint Committee.
- b) Prior to the issuance of a subpoena, the Joint Committee or the Director will:
  - 1) notify the agency (in writing if sufficient time exists) of the refusal and the fact that the Co-Chairmen or the Director intend to issue a subpoena; and
  - 2) allow the agency to present its reasons for the refusal.
- c) The Co-Chairmen may issue a subpoena. In addition, the Director may issue a subpoena when approved by a majority vote of the members of the Joint Committee.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

13274

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Review of Emergency Rulemaking
- 2) Code Citation: 1 Ill Adm Code 230
- 3) Section Numbers:

<u>Section Numbers:</u>	<u>Proposed Action</u>
230.100	Amended
230.200	Amended
230.300	Amended
230.350	Amended
230.375	Amended
230.400	Amended
230.550	Amended
230.600	Amended
230.700	Amended
230.800	Amended
230.900	Amended
230.1000	Amended
230.Exhibit A	Amended
230.Exhibit B	Repealed
230.Exhibit C	Amended
230.Exhibit D	Amended
230.Exhibit E	Amended
230.Exhibit F	Amended
- 4) Statutory Authority: Implementing Sections 5-45 and 5-120 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-45, 1005-120 and 1005-135 [5 ILCS 100/5-45, 5-120 and 5-135]).
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes editorial revisions in the Committee's policies regarding emergency rulemaking review. It makes changes in text to mirror changes in the IAPA made by PA 87-823, effective 7/1/92. Citations to the Illinois Compiled Statutes are added. Allows agencies to submit a rulemaking at a later date than currently required for that rulemaking to be placed on the next JCAR agenda. Clarifies that an agency can repeal or modify an emergency rule in response to JCAR action via emergency rulemaking.
- 6) Will this proposed rules replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE I: RULES AND RULEMAKING

CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES

PART 230

REVIEW OF EMERGENCY RULEMAKING

Section

230.1	Basic Policy (Renumbered)
230.2	Definition (Renumbered)
230.3	Staff Review (Renumbered)
230.4	Primary Criteria for Review (Renumbered)
230.5	Secondary Criteria for Review (Renumbered)
230.6	Objection (Renumbered)
230.7	Certification of Objection; Statement of Specific Objections (Renumbered)
230.8	Response to Objection: Format (Renumbered)
230.9	Response to Objection: Manner (Renumbered)
230.10	Failure to Respond (Renumbered)
230.100	Basic Policy
230.200	Definitions
230.250	State Mandates Act Requirements
230.300	Staff Review
230.350	Staff Report
230.375	Joint Committee Hearing
230.400	Criteria for Review
230.500	Secondary Criteria for Review (Repealed)
230.550	Suspension Criteria
230.600	Objection; Recommendation; Suspension
230.700	Failure to Object or Issue Recommendation
230.800	Agency Response to Objection
230.900	Agency Response to Recommendation
230.1000	Analysis of Agency Response
230.1100	Certification of Suspension; Statement of Specific Objections (Repealed)

EXHIBIT A	Certification of Objection to Emergency or Peremptory Rules (Repealed)
EXHIBIT B	Certification of Recommendation to Emergency or Peremptory Rules (Repealed)
EXHIBIT C	Certification of Suspension of Emergency or Peremptory Rules (Repealed)
EXHIBIT D	Agency Response to Joint Committee Objection to Emergency or Peremptory Rules
EXHIBIT E	Agency Response to Joint Committee Recommendation to Emergency or Peremptory Rules
EXHIBIT F	Agency Response to Joint Committee Recommendation to Emergency or Peremptory Rules
EXHIBIT G	Certification of Withdrawal of Filing-Prohibition Suspension of Emergency or Peremptory Rules
EXHIBIT H	Agency Response to Joint Committee Objection to Emergency or Peremptory Rules
EXHIBIT I	Agency Response to Joint Committee Recommendation to Emergency or Peremptory Rules
EXHIBIT J	Agency Response to Joint Committee Recommendation to Emergency or Peremptory Rules

AUTHORITY: Implementing Sections 5-45 and 5-120 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-45, 1005-120 and 1005-135) [5 ILCS 100/5-45, 5-120 and 5-135].

Statement of Statewide Policy Objectives: Local governments are not required to establish, expand or modify their activities because of this rulemaking.

Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Kelly Williams  
 Joint Committee on Administrative Rules  
 700 Stratton Building  
 Springfield, Illinois 62706  
 217/785-2254

12) Initial Regulatory Flexibility Analysis: This rulemaking implements the regulatory flexibility analysis requirements of Section 5-30 of the IAPA. It has no regulatory effect over small businesses, small municipalities or not for profit corporations, although it does implement the Committee's policies regarding implementation of Section 5-30 of the Act.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

SOURCE: Adopted at 3 Ill. Reg. 49, p. 230, effective December 10, 1979; rules repealed, new rules adopted and codified at 4 Ill. Reg. 49, p. 166, effective December 1, 1980; amended at 5 Ill. Reg. 5164, effective May 15, 1981; amended at 9 Ill. Reg. 20691, effective January 1, 1986; amended at 10 Ill. Reg. 21717, effective May 1, 1987; amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 230.100 Basic Policy

- a) The fact that situations occur in which agencies must take prompt action to adopt rules is recognized by the Joint Committee on Administrative Rules (Joint Committee) and the Illinois Administrative Procedure Act (Act) (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100]. In some of these instances, emergency rules must be adopted under the process provided for this purpose by Section 5-45 5-02 of the Act. However, the Joint Committee believes that public notice and comment is an essential part of the rulemaking process, which should only be by-passed for very serious reasons. The use of the emergency rulemaking process must be limited to situations which that reasonably constitute a threat to the public interest, safety or welfare, and which that require the adoption of rules upon fewer days' notice than is required by Section 5-01 5-40 of the Illinois Administrative--Procedure Act (Act)--(Ill--Rev--Stat--1985--ch--127--par--1005-01).
- b) The Joint Committee is empowered by Section 7-07 5-120 of the Act to examine any rule. The Joint Committee will review each rule adopted through the use of emergency rulemaking under this power. The purpose of this review is to ensure insure that the use of the process is limited only to those situations which that meet the requirements of Section 5-02 5-45 of the Act. The criteria which--are used in this review are stated in Sections 230.400 and 230.550 of this Part.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 230.200 Definitions

- a) The terms and definitions found in 1 Ill. Adm. Code 210.100 are incorporated into this Part.
- b) "Emergency rule" means a rule adopted pursuant to the rulemaking process provided in Section 5-02 5-45 of the Act.
- c) "Emergency rulemaking" means the process of adopting a rule as provided in Section 5-02 5-45 of the Act.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 230.300 Staff Review

10040 11

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

The Joint Committee staff will review each emergency rule and rulemaking, including both the notice and the text of the rule and rulemaking. This review will be based on the criteria in Sections 230.400 and 230.550 of this Part. The Joint Committee staff may raise questions or problems as a result of its review and will discuss these questions or problems with the agency.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 230.350 Staff Report

The staff will report the results of its review of emergency rules and rulemakings to the Joint Committee at the next monthly Joint Committee meeting, provided there are at least 30 20 days between the publication of the rulemaking emergency rule and the meeting. If there are less fewer than 30 20 days, the rulemaking shall may be scheduled for the following meeting. Staff may develop recommendations proposals for consideration by the Joint Committee. Staff recommendations proposals are advisory only and shall do not limit the Joint Committee's power to take some other action. The staff will attempt to inform the agency of the substance of the recommendations proposals prior to the Joint Committee's consideration of the emergency rule or rulemaking at a public hearing.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 230.375 Joint Committee Hearing

- a) The Joint Committee will hold full and open hearings on emergency rules and rulemakings. The agenda for such hearings will be submitted for publication in the Illinois Register prior to the hearing. Items not included in the published agenda may also be considered by the Joint Committee. Joint Committee staff and agency representatives will be allowed to testify at such hearings. Written comments from members of the public will be considered in lieu of oral testimony. Written comments should be submitted to the attention of the Executive Director of the Joint Committee at the following address:

Joint Committee on Administrative Rules  
509-South-Sixth-Street--Room-500 700 Stratton Building  
Springfield, Illinois 62701 62706

- b) Comments should be received at least 10 working days prior to the hearing in order to insure their consideration. If requested by the agency, the Joint Committee will provide a copy of such comments to the agency, unless the person or group requests that a copy of the comments not be provided, or unless the comments were provided as part of the complaint review process (1 Ill. Adm. Code 260) and disclosure was not authorized by the complainant.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 230.400 Criteria for Review

a) The Joint Committee will first consider the following criteria in its review of emergency rules and rulemakings:

1) Emergency

a) Does a situation exist which that reasonably constitutes a threat to the public interest, safety or welfare and which that requires adoption of the rule upon fewer days' notice than is required by Section 5-02 5-40 of the Act?

b) Has the agency stated clearly and completely, in writing, its reasons for finding that such a situation exists?

c) Has the emergency situation arisen through no fault of the agency?

d) Is the emergency rule limited to those matters which that are required to meet the emergency situation?

e) Has the agency taken steps to make the emergency rule known to those persons who may be affected by it? Has the agency stated those steps in writing?

f) Has the agency not adopted the same emergency rule, or an emergency rule having substantially the same purpose and effect, in the past 24 months? (This provision does not apply to additions to or deletions from the Department of Public Aid's Drug Manual, which are exempt from this limitation pursuant to Section 5-02 5-45 of the Act.)

g) Does the agency have legal authority for each Part portion of the emergency rule?

h) Does each Part portion of the emergency rule comply with the statutory authority and legislative intent upon which it is based, or which it is implementing or interpreting?

i) Does the agency have rulemaking authority?

j) Does the agency not propose rulemaking to implement the emergency rule pursuant to Section 5-01 of the Act in the same issue within 30 days of the effective date of the emergency rule appears the Joint Committee will also consider the following criteria in its review of the emergency rule and rulemaking?

k) Substantive

1) Does each Part portion of the emergency rule and rulemaking comply with state and federal constitutions, state and federal law, and case law?

2) Does each Part portion of the emergency rule and rulemaking include standards for the exercise of discretionary authority? Are the standards defined as clearly as practicable under the conditions?

3) Propriety

a) Is there an adequate justification and rationale for the emergency rules and rulemaking and for any regulation of the public embodied in the rules?

b) Has the agency considered the economic effects of the rules upon those regulated, including small businesses, not for profit corporations and units of local government, school districts, and community college districts?

c) Has the agency considered less costly alternatives to these emergency rules?

d) Has the agency considered the budgetary effects of the emergency rules upon itself, other state agencies, and state State revenue in general?

e) Is the language of the emergency rules simple and clear, so that the rules can be understood by the persons and groups which they will affect?

f) Are the emergency rules free of serious technical errors, redundancies and grammatical or typographical errors which that would affect the meaning of the rules?

g) Procedural

a) Does the emergency rulemaking comply with the requirements of the Administrative Code Division (1 Ill. Adm. Code 100)?

b) Do the emergency rules and rulemaking comply with any additional requirements which have been imposed on the agency by state or federal law?

c) Do the emergency rules and rulemaking comply with the agency's own rules for the promulgation of rules?

d) If the Joint Committee determines that one or more of the criteria enumerated in this Section are not met, the Committee shall issue an objection or recommendation pursuant to Section 230.600(a) or (b) of this part.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 230.550 Suspension Criteria

a) If the Joint Committee finds that the emergency rule or rulemaking does not meet one or more of the criteria in Section 230.400, the Joint Committee will then consider the emergency rule and rulemaking in relation to the following criteria pursuant to Section 7-07a 5-125 of the Act:

1) Does the emergency rule represent a serious threat to the public interest?

a) Does the emergency rule contain policies which that have been previously considered and rejected by the General Assembly?

b) Does the emergency rule unconstitutionally or unlawfully discriminate against any citizen of this state?

c) Does the emergency rule unconstitutionally or unlawfully inhibit the free exercise of the rights of any citizen of the state?

2) Does the emergency rule represent a serious threat to the public interest?

Ken

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## NOTICE OF PROPOSED AMENDMENT(S)

safety?

- A) Could the emergency rule result in a decrease in the protection provided against threats to the safety of any citizen of the state State?
- B) Could the emergency rule result in an increase in the threat of physical harm to any citizen of the state State?
- 3) Does the emergency rule represent a serious threat to the public welfare?
  - A) Does the emergency rule impose unreasonable or unnecessary economic costs on any citizen of the state State?
  - B) Does the emergency rule adversely affect the health or well-being of any citizen of the state State?
  - C) Does the emergency rule adversely affect the quality of life of any citizen of the state State?
- b) If the Joint Committee determines that one or more of the criteria enumerated in this Section are met, the Joint Committee shall suspend the emergency rule or portion thereof pursuant to Section 230.600(c) of this Part.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 230.600 Objection; Recommendation; Suspension**

## a) Objection

- 1) If the Joint Committee finds that the emergency rule or rulemaking does not meet one or more of the criteria in Section 230.400 of this Part, the Joint Committee shall object to the rulemaking pursuant to Section 7-07 5-120 of the Act.
- 2) If the Joint Committee objects to the emergency rule or rulemaking, it shall certify that fact to the agency. Such certification will be sent to the agency in the form shown in Exhibit A of this Part within 5 working days after the Joint Committee hearing. The certification shall include a statement of the specific objection of the Joint Committee to the emergency rulemaking.
- 3) Each statement of specific objection shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

## b) Recommendation

- 1) If the Joint Committee finds that the emergency rule or rulemaking is incomplete or inconsistent, or does not meet one or more of the criteria in Section 230.400 of this Part, the Joint Committee shall recommend further action. Recommended actions include additional rulemaking or the introduction of legislation by the agency or the Joint Committee.
- 2) If the Joint Committee issues a recommendation to the emergency rule or rulemaking, it shall ~~certify that fact to so notify~~ the agency. ~~Such certification will be sent to the agency in the~~

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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~~form-shown-in-Exhibit-B-of-this-Part~~, within 5 working days after the Joint Committee hearing. The ~~certification notification~~ shall include a statement of the specific recommendation of the Joint Committee to the emergency rulemaking.

- 3) Each statement of specific recommendations shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.
- c) Suspension
  - 1) If the Joint Committee finds that the emergency rule or rulemaking, or portion thereof, is objectionable under one or more of the criteria in Section 230.400 of this Part, and that the rulemaking rule meets any of the criteria in Section 230.550 of this Part, the Joint Committee shall suspend the rule or rulemaking or portion thereof pursuant to Section 7-07a 5-125 of the Act. Such action can only be taken upon the affirmative vote of three-fifths of the members appointed to the Joint Committee.
  - 2) If the Joint Committee suspends the emergency rule or rulemaking or portion thereof, it shall certify that fact to the agency and the Administrative Code Division. Such certification will be sent to the agency and the Administrative Code Division in the form shown in Exhibit C of this Part within 5 working days after the Joint Committee hearing. The certification shall include a statement of the reasons for the Joint Committee's suspension of the emergency rule or rulemaking or portion thereof.
  - 3) Each statement of suspension shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.
  - 4) ~~The effectiveness of the emergency rule or rulemaking or portion thereof shall be suspended immediately for at least 180 days upon receipt of the certified statement by the Administrative Code Division. The suspension shall be indicated prominently and clearly on the face of the emergency rule or portion thereof by the Administrative Code Division. An emergency rule or portion thereof which that is suspended cannot be enforced, or invoked for any reason, by the Agency. (Ill. Rev. Stat. 1985 1991, ch. 127, par. 1007-07a(b) 1005-125(b)) [5 ILCS 100/5-125(b)]~~
  - 5) ~~The Joint Committee shall introduce a joint resolution in either house of the General Assembly to continue the suspension. Passage of the Joint Resolution by the General Assembly within 180 days after the certification is received by the Administrative Code Division will have the effect of repealing the emergency rule or portion thereof. Such The rule or portion thereof shall be immediately removed from the compilation of effective rules by the Administrative Code Division. (Ill. Rev. Stat. 1985 1991, ch. 127, par. 1007-07a(c) 1005-125(c)) [5 ILCS 100/5-125(c)]~~
  - 6) Upon the affirmative vote of the majority of the members of the Joint Committee voting, a ~~prohibition--against--the--filing~~ suspension of a an emergency rule may be withdrawn. Withdrawal



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of a prohibition-against-adding suspension must be done prior to the passage of the Joint Resolution in either House of the General Assembly. The Joint Committee shall issue a Certification of Withdrawal of Pitting-Prohibiting Suspension of Emergency or Peremptory-Rulemaking Rules to the agency in the manner shown in Exhibit F of this Part and shall certify that Part action to the Administrative Code Division within 5 working days after the Joint Committee hearing.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 230.700 Failure to Object or Issue Recommendation

The failure of the Joint Committee to issue an objection or recommendation to an emergency rule or rulemaking shall not be construed to imply approval of the rule or rulemaking by the Joint Committee or the General Assembly. (Ill. Rev. Stat. §905 1991, ch. 127, par. 1007-04 1005-100) [5 ILCS 100/5-100]

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 230.800 Agency Response to Objection

a) The agency shall respond to an objection which is issued by the Joint Committee within 90 days after receipt of the statement of specific objections pursuant to Section 7-07 5-120 of the Act. The response should be made, in writing, in the manner shown in Exhibit D of this Part, and shall be signed by the agency head. Responses to a-stingte objection-cannot-be-combined-(e-g-modify-in-part-reuse-in-part)- The agency shall respond to each objection of the Joint Committee by one of the methods enumerated in this subsection, as required by Section 7-07 5-120 of the Act.

1) Amend the emergency rule to meet the Joint Committee's objection. 2) Repeal the emergency rule. 3) Refuse to amend or repeal the emergency rule. A notice of refusal must also be submitted to the Administrative Code Division for publication in the Illinois Register if the agency responds in this manner.

c) If the agency elects to amend or repeal the emergency rule in response to an objection, it may repeal the emergency rule in its entirety or file a notice of modification of emergency rule in response to an objection of the Joint Committee with the Administrative Code Division shall initiate rulemaking pursuant to Section 5-01 of the Act. The agency shall complete the rulemaking process within 100 days after the rulemaking is proposed in the Illinois Register. An agency may elect to amend or repeal the emergency rule by use of emergency Amendment Modification of an emergency rule by use of emergency rulemaking in response to Joint Committee objection shall not be

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d) An amendment to meet the Joint Committee's objection must be limited to the issues raised in the Certification and Statement of Objection. A suggestion or comment made by a member of the Joint Committee does not authorize a substantive change unless the suggestion or comment is ratified by the Joint Committee through the issuance of a Certification and Statement of Objection to the emergency rule or rulemaking. The failure of an agency to respond to an objection of the Joint Committee within 90 days after receipt of the objection shall be deemed to be a refusal to amend or repeal the rule pursuant to Section 7-07(g) 5-120(g) of the Act.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 230.900 Agency Response to Recommendation

a) The agency should respond to a recommendation which is issued by the Joint Committee within 90 days after receipt of the statement of specific recommendations. The agency response should address each of the specific recommendations stated by the Joint Committee and should clearly state the nature of (agreement to amend, agreement to repeal, refusal to amend or repeal) and rationale for the response. The response should be made in the manner shown in Exhibit E of this Part. The agency should respond to each Joint Committee recommendation for action in one of the following ways:

1) Agree to pursue the action recommended by the Joint Committee. 2) Refuse to pursue the action recommended by the Joint Committee. Responses should be submitted to the Joint Committee, in writing, and shall be signed by the agency head. The failure of an agency to respond to a recommendation of the Joint Committee within 90 days after receipt of the recommendation shall be deemed to be a refusal.

e) The failure of an agency to complete rulemaking which was proposed in response to a recommendation within 180 days after the rulemaking commenced shall be deemed to be a refusal to amend or repeal the rule.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 230.1000 Analysis of Agency Response

a) If the Joint Committee finds that the agency's response does not remedy the objection or recommendation is not adequate, the Committee will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the Illinois Register pursuant to Section 7-07 of the Act. The notice

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NOTICE OF PROPOSED AMENDMENT(S)

Section 230, EXHIBIT B Certification of Recommendation to Emergency or  
Peremptory Rules (Repealed)

County-of-Sangamon) +  
State-of-Illinois +

If (Director's name) Executive Director of the Joint Committee on  
Administrative Rules being first duly sworn on oath depose and state that  
pursuant to Sections 7-04 and 7-07 of the Illinois Administrative Procedure  
Act as amended the Joint Committee on Administrative Rules at its meeting on  
(meeting date) issued a recommendation concerning the (agency name) (emergency  
or peremptory rule(s)) entitled or concerning (Heading of the Part Code  
Citation) published in the (publication date) Illinois Register:

A statement of the Joint Committee's specific recommendations accompanies  
this certification:  
Please take notice that the agency to respond to the Joint  
Committee's recommendations to a rule within 90 days of receipt of this  
certification shall constitute a refusal to amend or repeat  
the rule:

=====  
{Typewritten name}  
Executive Director  
Joint Committee on Administrative Rules

Subscribed and sworn to before me this (Date) day of (Month) 19(Year):

=====  
Notary Public  
(Source: Repealed at 17 Ill. Reg. effective

NOTICE OF PROPOSED AMENDMENT(S)

Section 230, EXHIBIT C Certification of Suspension of Emergency or Peremptory  
Rules

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
CERTIFICATION OF SUSPENSION  
OF [EMERGENCY OR PEREMPTORY] RULES

County-of-Sangamon) +  
State-of-Illinois +

The Joint Committee on Administrative Rules hereby certifies that, pursuant to  
Section 7-07a 5-125 of the Illinois Administrative Procedure Act, as amended,  
the Joint Committee on Administrative Rules, at its meeting on (Meeting Date  
meeting date), suspended the (agency name) rules entitled (Heading of the Part,  
Code Citation), which were published in the (publication date) Illinois  
Register.  
A statement of the Joint Committee's specific reasons for suspension  
accompanies this certification.

Please take notice that the agency is prohibited from enforcing, or  
invoking for any reason, these rules which have been suspended and from filing  
with the Secretary of State any rule having substantially the same purpose and  
effect as these suspended rules for at least 180 days from the date this  
certification and statement are received by the Secretary of State.

Certified (Date):

\_\_\_\_\_  
{Signature} (Typewritten name)  
Executive Director  
By:  
{Signature}  
{Typewritten name}

=====  
{Typewritten name}  
{Typewritten name}  
Chairman  
Joint Committee on Administrative Rules

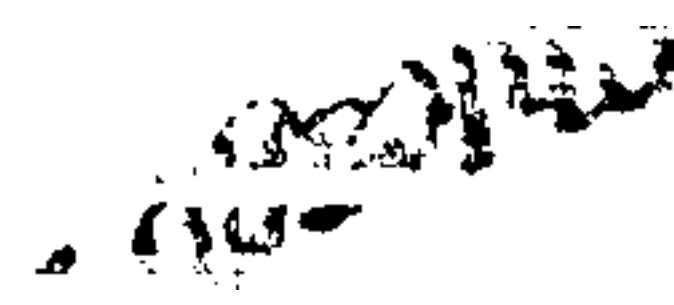
Subscribed and sworn to before me this (Date) day of (Month) 19(Year).

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

\_\_\_\_\_  
Notary Public

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 230. EXHIBIT D Agency Response to Joint Committee Objection to Emergency or Peremptory Rules

Date: \_\_\_\_\_

Agency: \_\_\_\_\_

Heading of the Part: \_\_\_\_\_

Code Citation: \_\_\_\_\_

Register Citation: \_\_\_\_\_

- Response-(check-one): .===== Initiate rulemaking to repeal the rules to meet the Joint Committee's objection
- ===== Initiate rulemaking to amend the rules to meet the Joint Committee's objection
- ===== Refusal to initiate rulemaking to remedy the Joint Committee's

If rulemaking will be initiated, date notice of proposed rulemaking was, or is expected to be, published in the Illinois Register: \_\_\_\_\_

Agency Response to Specific Joint Committee Objections:

(Respond to each of the specific objections Objection raised by the Joint Committee, indicating clearly the intended action of the agency in response to each recommendation Objection and the rationale for such response. Use additional pages as necessary.)

\_\_\_\_\_  
Signature of Agency Head

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 230, EXHIBIT B Agency Response to Joint Committee Recommendation to  
Emergency or Peremptory Rules

Date: \_\_\_\_\_

Agency: \_\_\_\_\_

Heading of the Part: \_\_\_\_\_

Code Citation: \_\_\_\_\_

Register Citation: \_\_\_\_\_

Response-(check-one):  
==== Agree-to-pursue-the-action--recommended  
by-the-joint-committee

==== Refuse-to-pursue-the-action--recommended  
by-the-joint-committee

If rulemaking will be initiated, date notice of proposed rulemaking was, or is  
expected to be, published in the Illinois Register: \_\_\_\_\_

Agency Response to Specific Joint Committee Recommendations:

(Respond to each of the specific objections-rated Recommendation issued by the  
Joint Committee, indicating clearly the intended action of the agency in  
response to each recommendation Recommendation and the rationale for such  
response. Use additional pages as necessary.)

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

Signature of Agency Head

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 230, EXHIBIT B Certification of Withdrawal of Filing--prohibition  
Suspension of Emergency or Peremptory Rulemaking Rules

JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF WITHDRAWAL OF  
FILING--PROHIBITION SUSPENSION OF [EMERGENCY OR PEREMPTORY]

RALEMAKING RULES

County-of-Sangamon) \_\_\_\_\_

State-of-Illinois \_\_\_\_\_

The Joint Committee on Administrative Rules hereby certifies that, pursuant to  
Section 7-06a 5-125 of the Illinois Administrative Procedure Act, as amended,  
the Joint Committee, on Administrative Rules, at its meeting of on (meeting  
date) has withdrawn the prohibition-against-the-filing-of suspension of rules  
entitled (Heading of the Part, Code Citation) proposed by the (agency name).  
The Joint Committee originally issued this prohibition suspension at its  
(meeting date) meeting.

Please-take-notice-that-the-agency The rule is no longer suspended and the  
agency is no longer prohibited from enforcing or evoking the rule prohibited  
from-filing-the-rulemaking-with-the-Secretary-of-State-and-from-enforcing-or  
invoking-the-rulemaking.

Certified (date)

(Type-written-name)  
(Type-written-name)  
Joint-Committee-on-Administrative-Rules

By:

(Type-written name)  
Executive Director

Subscribed and sworn to before me this (date) day of (month), 19(year).

Notary Public

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

NOTICE OF PROPOSED AMENDMENT(S)

\_\_\_\_\_)

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Review of Peremptory Rulemaking
- 2) Code Citation: 1 Ill Adm Code 240
- 3) Section Numbers:            Proposed Action

240.100	Amended
240.200	Amended
240.300	Amended
240.400	Amended
240.450	Amended
240.500	Amended
240.650	Amended
240.700	Amended
240.800	Amended
240.900	Amended
240.1000	Amended
240.1100	Amended
- 4) Statutory Authority: Implementing Sections 1-5, 5-50, 5-100, and 5-120 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-5, 1005-50 1005-100, 1005-120 and 1005-135) [ 5 ILCS 100/1-5, 5-50, 5-100, 5-120 and 5-135].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking makes editorial revisions in the Committee's policies regarding rulemaking review. It makes changes in text to mirror changes in the IAPA made by PA 87-823, effective 7/1/92. Citations to the Illinois Compiled Statutes are added. Allows agencies to submit a rulemaking at a later date than currently required for that rulemaking to be placed on the next JCAR agenda. Recognizes an agency's authority to use peremptory rulemaking to implement a collective bargaining agreement.
- 6) Will this proposed rules replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Local governments are not required to establish, expand or modify their activities because of this rulemaking.

Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Kelly Williams  
Joint Committee on Administrative Rules  
700 Stratton Building  
Springfield, Illinois 62706  
217/785-2254

12)

Initial Regulatory Flexibility Analysis: This rulemaking implements the regulatory flexibility analysis requirements of Section 5-30 of the IAPA. It has no regulatory effect over small businesses, small municipalities or not for profit corporations, although it does implement the Committee's policies regarding implementation of Section 5-30 of the Act.

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

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 1: RULES AND RULEMAKING

CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES

PART 240

REVIEW OF PEREMPTORY RULEMAKING

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Response to Recommendation	240.1000
Analysis of Agency Response	240.1100
Failure to Respond (Repealed)	240.1200
Certification of Suspension; Statement of Specific Objections (Repealed)	240.1300

ILLUSTRATION A	Agency Analysis of Economic and Budgetary Effects of Proposed Rulemaking (Repealed)
ILLUSTRATION B	Certification of Objections to Proposed Rulemaking (Repealed)
ILLUSTRATION C	Agency Response to Joint Committee Objection to Proposed Rulemaking (Repealed)
ILLUSTRATION D	Certification of Filing Prohibition of Proposed Rulemaking (Repealed)
ILLUSTRATION E	Certification of Objection to Emergency or Peremptory Rules (Repealed)
ILLUSTRATION F	Certification of Suspension of Emergency or Peremptory Rules (Repealed)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

ILLUSTRATION G Agency Response to Joint Committee Objection to Emergency or Peremptory Rules (Repealed)

AUTHORITY: Implementing Sections 1-5, 5-50, 5-100, and 5-120 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-5, 1005-50, 1005-100, 1005-120 and 1005-135) [5 ILCS 100/1-5, 5-50, 5-100, 5-120 and 5-135].

SOURCE: Adopted at 3 Ill. Reg. 49, p. 230, effective December 10, 1979; rules repealed, new rules adopted and codified at 4 Ill. Reg. 49, p. 166, effective December 1, 1980; amended at 5 Ill. Reg. 5164, effective May 15, 1981; amended at 9 Ill. Reg. 20695, effective January 1, 1986; amended at 10 Ill. Reg. 21742, effective May 1, 1987; amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 240.100 Basic Policy

- a) The fact that situations occur in which agencies are required by a federal law, federal rules and regulations, collective bargaining agreements, or a court orders to take a prompt action to adopt rules is recognized by the Joint Committee on Administrative Rules (Joint Committee) and the Illinois Administrative Procedure Act (Act) (Ill. Rev. Stat. ~~1985~~ 1991, ch. 127, par. ~~1001~~ 1001-1 et seq.) [5 ILCS 100/1-1 et seq.]. In some of these instances, peremptory rules must be adopted under the process provided for this purpose by Section ~~5-03~~ 5-50 of the Act. However, the Joint Committee believes that public notice and comment is an essential part of the rulemaking process, which should only be bypassed for very serious reasons. The peremptory process may be used only in situations where in which the agency has no discretion as to the content of the rule or ~~rulemaking~~ and ~~where--it~~ when the agency is precluded from complying with the general rulemaking requirements of the Act.
- b) The Joint Committee is empowered by Section ~~7-07~~ 5-120 of the Act to examine any rule. The Joint Committee will review each rule adopted through the use of peremptory rulemaking under this power. The purpose of this review is to insure that use of the process is limited to only those situations which that meet the requirements of Section ~~5-03~~ 5-50 of the Act. The criteria ~~which-are~~ used in this review are stated in Sections 240.500 and 240.650 of this Part.
- c) *The use of the peremptory rulemaking process to implement consent decrees and other court orders which--reflect adopting settlements negotiated by an agency is prohibited pursuant to Section ~~5-03~~ 5-50 of the Act.*

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.200 Definitions

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

- a) The terms and definitions found in 1 Ill. Adm. Code 210.100 are incorporated into this Part.
- b) "Conditions ~~which~~ that preclude compliance with the general rulemaking requirements imposed by Section ~~5-01~~ 5-40 of the Act" include only those conditions which that make it impossible to comply with the notice or hearing requirements of the Act. A federal law, federal rule or regulation, or court order which that merely makes it more difficult to comply or which prescribes the content of such rulemaking does not make it impossible to comply.
- c) "Federal rules and regulations" means those rules ~~which-are~~ published in the Code of Federal Regulations or those rules published as adopted rules in the Federal Register.
- d) "Peremptory rule" means a rule adopted pursuant to the rulemaking process provided in Section ~~5-03~~ 5-50 of the Act.
- e) "Peremptory rulemaking" means the process of adopting a rule as provided in Section ~~5-03~~ 5-50 of the Act.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.300 Submission; Staff Review

The agency shall submit a copy of the court order or collective bargaining agreement, or the specific citation to the federal law or federal rules or regulations which that require the peremptory rulemaking to the Joint Committee within 30 days after the rule is required or necessary, or on or before the rulemaking is filed with the Administrative Code Division, whichever comes first. ~~Unless-the-Joint-Committee-receives-a-copy-of-the-order-or-agreement-on-or-before-the-date-the-peremptory-rule-is-published-in-the-Illinois-Register-the-Joint-Committee-will-request-a-copy-which-must-be-immediately-provided-by-the-agency-~~ The Joint Committee staff will review the peremptory rule or rulemaking, including the notice and the text pursuant to the criteria specified in Sections 240.500 and 240.650 of this Part. The staff may raise questions or problems as a result of its review of the rule or rulemaking and will discuss these questions or problems with the agency.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.400 Staff Report

The staff will report the results of its review to the Joint Committee at the next monthly Joint Committee meeting, provided there are at least ~~30~~ 20 days between the publication of the rulemaking peremptory rule and the meeting. If there are ~~less~~ fewer than ~~30~~ 20 days, the rulemaking ~~shall~~ be scheduled for the following meeting. Staff may develop recommendations proposals for consideration by the Joint Committee. Staff recommendations proposals are advisory only and ~~shall~~ do not limit the Joint Committee's power to take some other action. The staff will attempt to inform the agency of the substance of



the recommendations proposals prior to the joint committee's consideration of the peremptory rule or rulemaking at a public hearing.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.450 Joint Committee Hearing

a) The joint committee will hold full and open hearings on peremptory rules and rulemakings. The agenda for such hearings will be submitted for publication in the Illinois Register prior to the hearing. Items not included in the published agenda may also be considered by the joint committee. Joint committee staff and agency representatives will be allowed to testify at such hearings. Written comments from members of the public will be considered in lieu of oral testimony. Written comments should be submitted to the attention of the Executive Director of the joint committee at the following address: Joint Committee on Administrative Rules 509-South-St-7-Room-508 700 Stratton Building Springfield, Illinois 62762 62706

b) Comments should be received at least 10 working days prior to the hearing in order to insure their consideration. If requested by the agency, the joint committee will provide a copy of such comments to the agency, unless the person or group requests that a copy of the comments not be provided, or unless the comments were provided as part of the complaint review process (1 Ill. Adm. Code 260) and disclosure was not authorized by the complainant.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.500 Criteria for Review

a) The joint committee will first consider these criteria in its review of peremptory rules and rulemakings: 1) Peremptory Rulemaking

A) Were conditions present which that precluded the agency from complying with the general rulemaking requirements of Section 5-04 of the Act?

B) Was the agency required to adopt the rules as a direct result of federal law, federal rules and regulations, court orders, or a collective bargaining agreement?

C) Is the peremptory rule limited to what is required by the federal law, federal rules or regulations, court order or collective bargaining agreement?

D) Was the agency precluded from the exercise of discretion concerning the content of the peremptory rule?

E) Has the agency given an adequate reason for not complying with the notice and hearing requirements of Section 5-04

5-40 of the Act?

E) Did the agency file the notice of peremptory rulemaking with the Administrative Code Division within 30 days after the change in the rules was required or necessary? Does the notice refer to the federal law, federal rules or regulations that required the peremptory rulemaking?

G) Did the agency submit to the joint committee a copy of the court order or collective bargaining agreement or the specific citation to the federal law or federal rules or regulations which that required the peremptory rulemaking to the Administrative Code Division?

H) Does each part portion of the peremptory rule comply with the statutory authority and legislative intent on which it is based, or which it is implementing or interpreting?

I) Does each part portion of the peremptory rule include standards for the exercise of discretionary authority? Are the standards defined as clearly as practicable under the conditions?

J) Does the agency have rulemaking authority? Properly

A) Is there an adequate justification and rationale for the peremptory rules and rulemaking and for any regulation of the public embodied in the rules?

B) Has the agency considered the economic effects of the rules upon those regulated, including small businesses, not for profit corporations and units of local government, school districts, and community college districts?

C) Has the agency considered less costly alternatives to the peremptory rules?

D) Has the agency considered the budgetary effects of the peremptory rules upon itself, other state agencies, and state revenue in general?

E) Is the language of the peremptory rules simple and clear, so that the rules can be understood by the persons and groups which they will affect?

F) Are the peremptory rules free of serious technical errors, redundancies and grammatical or typographical errors which that could affect the meaning of the rules?

G) Does the peremptory rulemaking comply with the requirements procedural

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or--rulemaking or portion thereof pursuant to Section 7-07a 5-125 of the Act. Such action can only be taken upon the affirmative vote of three-fifths of the members appointed to the joint committee.

2) If the joint committee suspends the peremptory rule or--rulemaking or portion thereof, it shall certify that fact to the agency and sent to the agency and the Administrative Code Division in the form shown in Exhibit C of part 230 of the joint committee's rules (1 ILL. Adm. Code 230. Exhibit C) within 5 working days after the joint committee hearing. The certification shall include a statement of the reasons for the joint committee's suspension of the peremptory rule or--rulemaking or portion thereof.

3) Each statement of suspension shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

4) The effectiveness of the peremptory rule or--rulemaking or portion thereof shall be suspended immediately for at least 180 days upon receipt of the certified statement by the Administrative Code Division: The suspension shall be indicated prominently and clearly on the face of the peremptory rule or portion thereof by the Administrative Code Division. A peremptory rule or portion thereof which is suspended cannot be enforced, or invoked for any reason, by the Agency. (111. Rev. Stat. 1985 1991, ch. 127, par. 1007-07a(b) 1005-125(b)) [5 ILCS 100/5-125(b)]

5) The joint committee shall introduce a joint resolution in either these house of the general assembly to continue the suspension. Passage of the joint resolution by the general assembly within 180 days after the certification is received by the Administrative Code Division will have the effect of repealing the peremptory rule or portion thereof. Such the rule or portion thereof shall be immediately removed from the compilation of effective rules by the Administrative Code Division. (111. Rev. Stat. 1985 1991, ch. 127, par. 1007-07a(c) 1005-125(c)) [5 ILCS 100/5-125(c)]

6) Upon the affirmative vote of the majority of the members of the joint committee voting, a prohibition--against--the--filing suspension of a peremptory rule may be withdrawn. Withdrawal of a prohibition--against--filing suspension must be done prior to the passage of the joint resolution by in either house of the general assembly. The joint committee shall issue a certification of withdrawal of filing--prohibition--of--proposed suspension of peremptory rulemaking to the agency in the manner shown in Exhibit F of part 230 (1 ILL. Adm. Code 230. Exhibit F) and shall certify--that--part--to--the--Administrative--Code--Division within 5 working days after the joint committee hearing.

(Source: Amended at 17 ILL. Reg. \_\_\_\_\_, effective

Section 240.800 Failure to Object or Issue Recommendation

The failure of the joint committee to issue an objection or recommendation to a peremptory rule or rulemaking shall not be construed to imply approval of the rule or rulemaking by the joint committee or the general assembly. (111. Rev. Stat. 1985 1991, ch. 127, par. 1007-07 1005-100) [5 ILCS 100/5-100]

(Source: Amended at 17 ILL. Reg. \_\_\_\_\_, effective

Section 240.900 Response to Objection

a) The Agency shall respond to an objection which--is issued by the joint committee within 90 days after receipt of the statement of specific objections pursuant to Section 7-07 5-120 of the Act. The agency response shall address each of the specific objections stated by the joint committee and shall clearly state the nature (agreement to amend, agreement to repeal, refusal to amend or repeal) and the rationale for the response. The response should be made, in the manner shown in Exhibit D of part 230 of the joint committee's rules (1 ILL. Adm. Code 230. Exhibit D) and shall be signed by the agency head. Responses--to--a--single--objection--cannot--be--combined--to--a--single--in--part--refuse--in--part--mode. The agency must respond to each objection of the joint committee by one of the methods enumerated as follows:

- 1) Amend the peremptory rule to meet the joint committee's objection.
- 2) Repeal the peremptory rulemaking rule.
- 3) Refuse to amend or repeal the peremptory rule. A notice of refusal must be submitted to the Administrative Code Division for publication in the Illinois Register if the agency responds in this manner.

c) If the agency elects to amend or repeal the peremptory rule in response to an objection, it shall initiate rulemaking pursuant to Section 5-07 5-40, 5-45 or 5-50 of the Act. The agency shall complete the rulemaking process within 180 days after the rulemaking is proposed in the Illinois Register.

d) An amendment to meet the joint committee's objection must be limited to the issues raised in the certification and statement of objection. A suggestion or comment made by a member of the joint committee does not authorize a substantive change unless the suggestion or comment is drafted ratified by the joint committee through the issuance of a certification and statement of objection to the peremptory rule or rulemaking.

e) The failure of an agency to respond to an objection of the joint committee within 90 days of after receipt of the objection shall be deemed to be a refusal to amend or repeal the rule pursuant to Section

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7-07(g) 5-120(g) of the Act.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.1000 Response to Recommendation

- a) The agency should respond to a recommendation ~~which-is~~ issued by the Joint Committee within 90 days after receipt of the statement of specific recommendations. The agency response should address each of the specific recommendations stated by the Joint Committee and should clearly state the nature of (agreement to amend, agreement to repeal, refusal to amend or repeal) and rationale for the response. The response should be made in the manner shown in Exhibit E of Part 230 of the Joint Committee's rules (1 Ill. Adm. Code 230.Exhibit E).
- b) The agency should respond to each Joint Committee recommendation for action in one of the following ways:
  - 1) Agree to pursue the action recommended by the Joint Committee.
  - 2) Refuse to pursue the action recommended by the Joint Committee.
- c) Responses should be submitted to the Joint Committee, in writing, and shall be signed by the agency head.
- d) The failure of an agency to respond to a recommendation of the Joint Committee within 90 days of after receipt of the recommendation shall be deemed to be a refusal.
- e) The failure of an agency to complete rulemaking ~~which-was~~ proposed in response to a recommendation within 180 days after the rulemaking commenced shall be deemed to be a refusal to amend or repeal the rule.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.1100 Analysis of Agency Response

- a) If the Joint Committee finds that the agency's response does not remedy the objection, the Committee will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the Illinois Register ~~pursuant-to-Section-7-07-of-the-Act~~. The notice will include a specific statement of the reasons the Joint Committee has determined that the objection has not been remedied. Failure of the agency to respond to a Joint Committee objection shall be deemed to be a refusal.
- b) If the Joint Committee finds that the agency's response does not remedy the recommendation, it will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the next available issue of the Illinois Register ~~pursuant-to-Section-7-07-of-the-Act~~. The notice will include a specific statement of the reasons the Joint Committee has determined the agency has not adequately responded to the recommendation has-not been-remedied. Failure of the agency to respond to a Joint Committee

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recommendation shall be deemed a refusal to pursue the recommended action.

- c) *If the agency fails to remedy an objection or adequately respond to a recommendation, the Joint Committee may draft legislation to address the problems.. Such legislation must be approved by a majority vote and may be introduced in either house of the General Assembly. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-120) [5 ILCS 100/5-120]*

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of Part: Review of Proposed Rulemaking
- 2) Code Citation: 1 III Adm Code 220
- 3) Section Numbers: Proposed Action

rulemaking makes editorial revisions in the Committee's policies regarding IAPA made by PA 87-823, effective 7/1/92. Illinois Compiled Statutes citations are added. Clarifies that the Second Notice period commences on the date the agency submission is accepted by JCAR. Requires agencies to indicate changes made in a rulemaking, after initial proposal, in a standardized-manner. Requires agencies to specify an individual who can respond to inquiries regarding a rulemaking and to list a phone number for that person.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Local governments are not required to establish, expand or modify their activities because of this rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Kelly Williams  
 Joint Committee on Administrative Rules  
 700 Stratton Building  
 Springfield, Illinois 62706  
 217/785-2254

12) Initial Regulatory Flexibility Analysis: This rulemaking implements the regulatory flexibility analysis requirements of Section 5-30 of the IAPA. It has no regulatory effect over small businesses, small municipalities or not for profit corporations, although it does implement the Committee's policies regarding implementation of Section 5-30 of the Act.

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

- 220.100 Amended
- 220.150 Amended
- 220.200 Amended
- 220.250 Amended
- 220.275 Amended
- 220.285 Amended
- 220.300 Amended
- 220.450 Amended
- 220.500 Amended
- 220.600 Amended
- 220.700 Amended
- 220.760 Amended
- 220.780 Repealed
- 220.800 Amended
- 220.900 Amended
- 220.950 Amended
- 220.1000 Amended
- 220.1100 Amended
- 220.1150 Amended
- 220.1200 Amended
- 220.1250 Amended
- 220.1300 Amended
- 220.Exhibit A Amended
- 220.Exhibit B Amended
- 220.Exhibit C Repealed
- 220.Exhibit D Repealed
- 220.Exhibit E Amended
- 220.Exhibit F Amended
- 220.Exhibit G Amended
- 220.Exhibit H Amended
- 220.Exhibit I Amended
- 220.Exhibit J Amended
- 220.Exhibit K Added

- 4) Statutory Authority: Implementing Sections 5-30, 5-40, 5-110 and 5-115 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (III. Rev. Stat. 1991, ch. 127, pars. 1005-30, 1005-40, 1005-110 and 1005-135) [5 ILCS 100/5-30, 5-40, 5-110, 5-115 and 5-135].
- 5) A Complete Description of the Subjects and Issues Involved: This

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TITLE 1: RULES AND RULEMAKING  
CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULES

PART 220  
REVIEW OF PROPOSED RULEMAKING

Section

- 220.1 Definitions (Renumbered)
- 220.2 Preliminary Review (Renumbered)
- 220.3 Request for Economic Analysis (Renumbered)
- 220.4 Format of Economic Analysis (Renumbered)
- 220.5 Second Notice: Required Information (Renumbered)
- 220.6 Second Notice: Additional Information (Renumbered)
- 220.7 Staff Review (Renumbered)
- 220.8 Committee Hearing (Renumbered)
- 220.9 Criteria for Review (Renumbered)
- 220.10 Objection: Notice of No Objection (Renumbered)
- 220.11 Certification of Objection: Statement of Specific Objections (Renumbered)
- 220.12 Response to Objection: Deadline, Format (Renumbered)
- 220.13 Response to Objection: Manner (Renumbered)
- 220.14 Review of Response to Objection (Renumbered)
- 220.15 Failure to Respond (Renumbered)
- 220.16 Limit of Substantive Changes (Renumbered)
- 220.17 Recommend Legislation (Renumbered)
- 220.100 Definitions
- 220.150 Effect of Publication in the Illinois Register
- 220.200 Preliminary Review
- 220.250 Joint Committee Request for Agency Hearing
- 220.275 State Mandates Act Requirements
- 220.285 Small Business, Not for Profit Corporation and Small Municipality Flexibility Requirements
- 220.300 Economic and Budgetary Effects Analysis
- 220.400 Format of Economic Analysis (Repealed)
- 220.450 Small Business Impact Analysis
- 220.500 Second Notice Procedures
- 220.600 Required Contents of Second Notice
- 220.700 Staff Review
- 220.760 Incorporation by Reference Pursuant to Section ~~6.02(a)~~ 5-75 of the Act
- 220.780 Incorporation by Reference Pursuant to Section 6.02(b) of the Act (Repealed)
- 220.800 Joint Committee Hearing
- 220.900 Criteria for Review
- 220.950 Filing Prohibition Criteria
- 220.1000 Joint Committee Action
- 220.1100 Adoption of Rules
- 220.1150 Failure to Object or Issue a Recommendation
- 220.1200 Agency Response to Objection

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- 220.1250 Agency Response to Recommendation
- 220.1300 Analysis of Agency Response
- 220.1350 Certification of Filing Prohibition; Statement of Specific Objections (Repealed)
- 220.1400 Review of Response to Objection (Repealed)
- 220.1500 Failure to Respond (Repealed)
- 220.1600 Limit of Substantive Changes (Repealed)
- 220.1700 Recommend Legislation (Repealed)
- EXHIBIT A State Mandates Act Questionnaire
- EXHIBIT B Agency Analysis of Economic and Budgetary Effects of Proposed Rulemaking
- EXHIBIT C Department of Commerce and Community Affairs' Impact Analysis (Repealed)
- EXHIBIT D Certification of Approval of Incorporation by Reference (Repealed)
- EXHIBIT E Certification of Objection to Proposed Rulemaking
- EXHIBIT F Certification of Filing Prohibition of Proposed Rulemaking
- EXHIBIT G Certification of Withdrawal of Filing Prohibition of Proposed Rulemaking
- EXHIBIT H Certification of No Objection to Proposed Rulemaking
- EXHIBIT I Agency Response to Joint Committee Objection to Proposed Rulemaking
- EXHIBIT J Agency Response to Joint Committee Recommendation to Proposed Rulemaking
- EXHIBIT K First and Second Notice Changes

AUTHORITY: Implementing Sections 5-30, 5-40, 5-110 and 5-115 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-30, 1005-40, 1005-110, 1005-115 and 1005-135) [5 ILCS 100/5-30, 5-40, 5-110, 5-115 and 5-135].

SOURCE: Adopted at 3 Ill. Reg. 8, p. 18, effective April 1, 1979; amended at 3 Ill. Reg. 49, p. 230, effective December 10, 1979; rules repealed, new rules adopted and codified at 4 Ill. Reg. 49, p. 166, effective December 1, 1980; amended at 5 Ill. Reg. 5164, effective May 15, 1981; amended at 6 Ill. Reg. 9314, effective August 1, 1982; amended at 9 Ill. Reg. 20699, effective January 1, 1986; amended at 10 Ill. Reg. 21769, effective May 1, 1987; amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 220.100 Definitions

- a) The terms and definitions found in 1 Ill. Adm. Code 210.100 are incorporated into this Part.
- b) ~~As-used-in-this-Part~~
- i) "Final Regulatory Flexibility Analysis" means the statement prepared by the agency pursuant to Section ~~5.02(b)~~ 5-40(c) of the Illinois Administrative Procedure Act (Act) (Ill. Rev. Stat. ~~1985~~ 1991, ch. 127, par. ~~1005.02(b)~~ 1005-40(c)) [5 ILCS 100/5-40(c)] as part of the

second notice, which includes a summary of issues raised by small businesses during the first notice period and a description of actions taken on any alternatives to the proposed rulemaking suggested by small businesses during the first notice period, including reasons for rejecting any alternatives not utilized.

2) "First Notice" means the notice of proposed rulemaking published in the Illinois Register pursuant to Section 5-40(b) of the Act.

3) "First Notice Period" means the period of time allowed for public notice and comment pursuant to Section 5-40(b) of the Act.

The period commences on the date the first notice is published in the Illinois Register and must be at least 45 days in length. The organization that is terminated by an agency submits to the Administrative Code Division for publication in the Illinois Register a Notice of Correction to the new Register a Notice of Correction to the proposed rulemaking. The first notice period shall begin on the date the Notice is published in the Illinois Register.

4) "Initial Regulatory Flexibility Analysis" means the statement prepared by the agency pursuant to Section 5-40(b) of the Act as part of the first notice which includes a brief description of the types of small businesses, not for profit corporations or small municipalities subject to the proposed rulemaking, a description of the proposed reporting, bookkeeping, and other procedures required for compliance with the proposed rulemaking; a description of the types of professional skills necessary for compliance; and the time, place, and manner in which interested persons may present their views and comments concerning the proposed rulemaking.

Not for profit corporation means a corporation organized under the General Not for Profit Corporation Act of 1986 (Ill. Rev. Stat., 1991, ch. 32, par. 101.01 et seq.) [805 ILCS 105] that is not dominant in its field and employs fewer than 50 full-time employees or has gross annual sales of less than \$4,000,000. For purposes of a specific rule, an agency may define a not for profit corporation to include employment of 50 or more persons if it finds that such a definition is necessary to adapt the rule to the needs and problems of not for profit corporations. (Ill. Rev. Stat., 1991, ch. 127, par. 1001-85) [5 ILCS 100/1-85]

5) "Second Notice" means written notification to the Joint Committee on Administrative Rules (Joint Committee) that the agency wishes the Committee to begin its review process pursuant to Section 5-40(b) of the Act. Receipt by the Joint Committee of a complete second notice (see Section 220.600) will commence the Committee's review. Incomplete second notices will be returned to the agency. Each week, the Joint Committee will submit a list of second notices which are that have been received and accepted and accepted complete to the

Administrative Code Division for publication in the Illinois Register.

6) "Second Notice Period" means the period of time provided for Joint Committee review of the proposed rulemaking pursuant to Section 5-40(b) of the Act. The second notice period shall expire 45 days from the date of receipt of a complete second notice (see Section 220.600) by the Joint Committee unless prior to that time the agency is in receipt of a certification and statement of objection or a certification of no objection from the Committee or unless the agency and the Joint Committee have agreed to extend the second notice period.

7) "Small Business" means a concern, including its affiliates, which that is independently owned and operated, is not dominant in its field, and which employs fewer than 50 full-time employees or which has gross annual sales of less than \$4,000,000. An agency may define small business to include employment of 50 or more persons if it finds that such a definition is necessary to adapt a rule to the needs and problems of small municipalities. (Ill. Rev. Stat., 1991, ch. 127, par. 1001-80) [5 ILCS 100/1-80]

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 220.150 Effect of publication in the Illinois Register

Every proposed rulemaking, modification or repeal which is published in the Illinois Register shall be subject to review by the Joint Committee pursuant to Section 5-40 of the Act regardless of any assertion by the agency to the contrary.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 220.200 Preliminary Review

a) Prior to or during but not after the first 5 days after the publication of the first notice in the Illinois Register, the agency may submit to the Joint Committee a written request for a preliminary review of the proposed rulemaking.  
b) The written request for a preliminary review shall substantiate the

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reasons why the agency believes such a review is necessary, including the reasons why the review pursuant to Section 5-01(b) 5-40(c) of the Act and Section 220.700 of this Part is not sufficient.

- c) In determining whether to grant a preliminary review, the Executive Director of the Joint Committee (Director) will consider whether the Joint Committee's workload permits such a review and whether the review is necessary.
  - 1) Circumstances under which the Director may consider a preliminary review to be necessary include the following: agency internal rulemaking, procedures which that necessitate the review, including the use of an advisory committee which that must review and approve the proposed rulemaking; an the agency or its representative which is totally unfamiliar with the rulemaking process; or the rules which are completely new or the rulemaking represents an extensive revision to existing rules.
  - 2) During--the--first--notice--period--the The Director shall will notify the agency in writing of the grant or denial of a preliminary review.
- d) The preliminary review will consist-of consider both the notice and text of the proposed rulemaking. The criteria found in Sections 220.900 and 220.950 of this Part will be applied to the preliminary review.
- e) The preliminary review is in addition to the review pursuant to Section 5-01(b) 5-40(c) of the Act and Section 220.700 of this Part. An-agency-shall-not-rely-upon-the-issues Issues raised or not raised during the course of the preliminary review do not to preclude objections on those issues or upon other bases during the review pursuant to Section 5-01(b) 5-40(c) of the Act and Section 220.700 of this Part.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 220.250 Joint Committee Request for Agency Hearing

- a) Within the first 14 days after the publication of the first notice in the Illinois Register, the Co-Chairmen or the Director may request, in writing, the agency proposing the rulemaking to hold a public hearing pursuant to Section 5-01(a) 5-40(b) of the Act. This-request-will-be-made-in-writing-by-the-Co-Chairmen-or-Director.
- b) Circumstances under which the Co-Chairmen or Director may make such a request include the following:
  - 1) the hearing will facilitate the submission of public comment by making it easier for certain members of the public to submit views and comments regarding the rulemaking that might not otherwise be submitted;
  - 2) the Joint Committee has received public comment concerning the rulemaking which--indicates indicating the need for such a hearing; or

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3) the rulemaking concerns an area of regulation of such importance as to warrant a hearing.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 220.275 State Mandates Act Requirements

- a) Rulemaking which that creates or expands a state State mandate on units of local government, school districts, or community college districts is subject to the State Mandates Act (Ill. Rev. Stat. 1985 1991, ch. 85, par. 2201 et seq.) [30 ILCS 805] and a Statement of Statewide Policy Objectives shall be prepared by the agency and published at the same time the first notice is published. (Ill. Rev. Stat. 1985 1991, ch. 127, par. 1004(d) 1005-10(d)) [5 ILCS 100/5-10(d)]
- b) If it--appears the Joint Committee believes that a proposed rule or rulemaking may create or expand creates--or-expands a state State mandate on units of local government, school districts or community college districts, the Joint Committee shall, within the first 30 days after the publication of the first notice, take--the--following--actions:
  - 1) Request may request that the agency proposing the rule complete the form shown in Exhibit A of this Part. This form shall be submitted to the Joint Committee as part of the agency's second notice--and.
  - 2) Additionally, the Joint Committee may Request request that the Department of Commerce and Community Affairs complete and submit to the Joint Committee and the agency an analysis of the following, pursuant to Section 4(b) of the State Mandates Act--prior-to-the agency's-submission-of-second-notice:
    - 1) A) the type of local government and local government agency or official to whom the mandate is directed;
    - 2) B) whether an identifiable local direct cost is necessitated by the mandate and the estimated annual amount;
    - 3) E) the extent of State financial participation in meeting such identifiable costs; and
    - 4) B) whether the rule or rulemaking creates a new mandate or expands an existing mandate.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 220.285 Small Business, Not For Profit Corporation and Small Municipality Flexibility Requirements

- a) When an agency proposes a new rule, or an amendment to an existing rule which that may have an impact on small businesses, not for profit corporations or small municipalities, the agency shall consider each of the following as they affect those entities pursuant-to-Section



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4-03(a)-of-the-Act:

1) Establishing less stringent compliance or reporting requirements in the rule for small-businesses.

2) Establishing less stringent schedules or deadlines in the rule for compliance or reporting requirements of small-businesses.

3) Consolidating or simplifying the rule's compliance or reporting requirements for small-businesses.

4) Establishing performance standards to replace design or operational standards in the rule for small-businesses.

5) Exempting small businesses, not for profit corporations and small municipalities from any or all requirements of the rule. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-30) [5 ILCS 100/5-30]

b) The agency shall also provide pursuant to Section 4-03(b)-of-the-Act, during the first notice period, an opportunity for small businesses, not for profit corporations and small municipalities to participate in the rulemaking process by utilizing one or more of the following techniques:

1) Inclusion in any advance notice of possible rulemaking a statement that the rule may have an impact on small businesses, not for profit corporations or small municipalities.

2) Publication of a notice of rulemaking in publications likely to be obtained by small businesses, not for profit corporations or small municipalities.

3) Direct notification of interested small businesses, not for profit corporations or small municipalities.

4) Public hearings concerning the impact of the rule on small businesses, not for profit corporations or small municipalities.

5) Special hearing or comment procedures to reduce the cost or complexity of participation in the rulemaking by small businesses, not for profit corporations or small municipalities. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-30) [5 ILCS 100/5-30]

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

a) Within the first 30 days after the publication of the first notice, the joint committee shall request from the agency an analysis of the economic and budgetary effects on of the proposed rulemaking pursuant to Section 5-04(b) 5-40(c) of the Act if the economic and budgetary impact of the proposed rule is clear on its face, or if it is alleged to have an impact in information received by the joint committee from the Bureau of the Budget, the Department of Commerce and Community Affairs, the Auditor General, another State agency, or an organization, association or individual. This request will be made in writing by the Director. The joint committee will consider the information in the first notice and any other available information in deciding whether to make the request.

Section 220.300 Economic and Budgetary Effects Analysis

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

1) Projected reporting, recordkeeping and other compliance requirements of the proposed rule;

2) Types of, and estimated number of, small businesses which that will be affected by the proposed rule;

3) An estimate of the economic impact the regulation will have upon small businesses; and

4) Alternatives to the proposed rule which that would minimize the economic impact of the rule upon small businesses. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-30(c) [5 ILCS 100/5-30(c)]

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b) The analysis shall be in the form shown in Exhibit B of this part and shall be submitted to the joint committee in writing before or as part of the agency's second notice. The analysis shall include:

1) A summary of any direct economic effect on the persons who will be regulated by the rule, including a discussion of whether the regulation is a cost-benefit alternative upon those persons regulated;

2) A description of the anticipated cost of the regulation as reflected in the agency's budget;

3) A description of or a listing of the anticipated cost of the regulation to other State agencies; and as reflected in their budgets; and

4) The anticipated cost of the total program of regulation on State revenue.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

a) Within the first 45 days after the publication of the first notice period, in the first 45 days after the publication of the first notice period, the Department of Commerce and Community Affairs (DCCA) shall prepare and submit to the joint committee pursuant to Section 4-03(c) 4-04 of the Act, an impact analysis of the proposed rule describing its effect on small businesses, whenever the agency notifies the Department that the rates affect businesses whenever DCCA believes that an analysis is warranted or whenever requested to do so by 25 interested persons, an association representing at least 100 interested persons, the Governor, a unit of local government, or the joint committee. The second notice period cannot be commenced and the second notice will not be accepted by the joint committee until such analysis is submitted by the Department of Commerce and Community Affairs to the joint committee.

b) Effective October 1, 1997, the impact analysis prepared by the Department of Commerce and Community Affairs shall contain a discussion of the following factors:

1) Projected reporting, recordkeeping and other compliance requirements of the proposed rule;

2) Types of, and estimated number of, small businesses which that will be affected by the proposed rule;

3) An estimate of the economic impact the regulation will have upon small businesses; and

4) Alternatives to the proposed rule which that would minimize the economic impact of the rule upon small businesses. (Ill. Rev. Stat. 1991, ch. 127, par. 1005-30(c) [5 ILCS 100/5-30(c)]

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statement--specifying--that--the--incorporation--will--be--deleted--or that--the--rule--will--include--the--incorporated--material-- following?
7) A final regulatory flexibility analysis, which shall include the

(A) A summary of the issues raised by small businesses during the first notice period; and
(B) A description of actions taken on any alternatives to the proposed rulemaking suggested by small businesses during the first notice period, including reasons for rejecting any alternatives not utilized- (Ill. Rev. Stat. 1991, ch. 127, par. 105-0.3(b) 1005-40(c)) [5 ILCS 100/5-40(c)].
8) A statement of the methods used by the agency to comply with Section 4-03 5-30 of the Act and Section 220.285 of this part.

9) An evaluation of all comments received by the agency concerning the proposed rulemaking during the first notice period pursuant to Section 7-04(5)(b) 5-100(e)(2) of the Act. This evaluation shall need not include an evaluation of the any questions raised by the joint committee, during--a--preliminary--review--granted pursuant--to--section--220-280--of--this--part. The failure of an agency to evaluate, pursuant to this section, the comments received will be deemed to be an incomplete second notice. The evaluation must include the following information:

(A) A list of all persons or organizations making comments on the proposed rulemaking?
(B) A list of specific criticisms, suggestions, and comments raised by interested persons, and the agency's analysis of each of these criticisms, suggestions, and comments?
(C) Any changes made to the rules by the agency as a result of criticisms, suggestions, and comments made by interested persons; and
(D) The names of all the persons or organizations requesting a public hearing and the date of any public hearings held on the proposed rulemaking.

10) The justification and rationale for the rulemaking required by Section 7-04(5)(d) 5-100(e)(4) of the Act. The justification and rationale shall include the following:
(A) Estimations of changes in Illinois laws which that require the rulemaking?
(B) Explanation of changes in agency policies and procedures which require the rulemaking?
(C) Estimations of federal laws, rules or regulations, or to funding requirements which require the rulemaking?

(D) Estimations and copies of court orders or decisions which require the rulemaking? and
(E) A complete explanation of any other reasons for the proposed rulemaking.
11) The name, address and telephone and teletax numbers of the agency's representative who will respond to the joint committee

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questions regarding the proposed rulemaking.

12) If requested by the joint committee pursuant to Section 220.275 of this part, completion of the State Mandates Act Questionnaire (Exhibit A).

13) If requested by the joint committee as provided in Section 220.300 of this part and Section 7-04(5) 5-100(e) of the Act, a completed analysis of the economic and budgetary effects of the proposed rulemaking- (Ill. Rev. Stat. 1991, ch. 127, par. 105-0.3(b) 1005-40(c)) [5 ILCS 100/5-40(c)]. The analysis shall be in the form shown in Exhibit B of this part. If the agency is unable to provide any information required for the analysis, the specific reasons and justification for not completing the analysis shall be included.

14) If requested by the agency pursuant to section 220-450(a)-of this part--the--date--the--impact--statement--(Exhibit--E)--was--requested--to--be--submitted--to--the--joint--committee--by--the--Department--of--Commerce and--community--affairs: Any new or revised form referenced in a proposed rulemaking if those forms are not included within that ILCS 100/5-110(1)).
b) A second notice--does--not--include--the--information--requested--by this--section--will--not--be--accepted--and--will--be--returned--to--the--agency within--2--working--days--with--an--explanation--of--the--reason--for--the return--

Text Changes

1) During the first notice period, JCAR will send to the agency a copy of the rulemaking, produced on the Administrative Code database, that includes line numbers. When giving second notice, the agency shall submit, in accordance with subsection (a)(4) of this section, a detailed list of changes made in the rule during the first notice period, in the form shown in Exhibit K, including changes made in response to the Secretary of State's comments pursuant to Section 5-80 of the Act. The location of all changes shall be identified by line number. The language change shall be designated by reference, enclosed within quotation marks, to the words being changed, added or deleted. Replacement language, also within quotation marks, shall be shown as underlined (new language) or struck (language being deleted), only if that language is being added to or deleted from existing Code text.

2) Only those changes indicated in the first Notice Changes submission will be recognized.
3) Upon acceptance of a second notice, JCAR will produce a line numbered copy of the rulemaking that integrates the changes indicated on the first Notice Changes submission. Any changes made in the rulemaking during the second notice period will be indicated in the same format described in Exhibit K, except that the document will be entitled Second Notice Changes. At the end of the second notice period, JCAR will forward a copy of both the

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First Notice Changes and the Second Notice Changes, if any, to the Administrative Code Division.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 220.700 Staff Review

- a) Subsequent to the acceptance of a second notice pursuant to Section 220.500 and 220.600 of this Part, the Joint Committee staff will review the proposed rulemaking, including the notice and the text, pursuant to the criteria in Section 220.900 and Section 220.950 of this Part. If requested by the Joint Committee in order to do a thorough review of the rules, the agency shall be required to submit any ~~forms, or amendments to forms, or manuals, brochures, handbooks or other printed materials,~~ or amendments to ~~manuals, those materials,~~ used by the agency to implement the rules. ~~(see Section 220.600(a)(4) of this Part).~~
- b) The staff may raise questions or problems as a result of its review and will discuss these questions or problems with the agency.
- c) The staff will report the results of its review to the Joint Committee, and may develop recommendations proposals for Joint Committee action for consideration by the Joint Committee. The staff may recommend propose that the Joint Committee issue an objection or recommendation, prohibit filing of or suspend the rulemaking, develop legislation, take some other action, or take no action. Staff recommendations proposals are advisory only and shall not limit the Joint Committee's power to take some other action. The staff will attempt to inform the agency of the substance of ~~the recommendations any staff proposals or potential concerns of any Joint Committee member~~ prior to the Joint Committee's consideration of the proposed rulemaking at a public hearing.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 220.760 Incorporation by Reference Pursuant to Section 6-02(a) 5-75 of the Act

- a) An agency may incorporate by reference the ~~rules and regulations of an agency of the United States and~~ rules, regulations, standards or guidelines of an agency of the United States or a nationally or state recognized organization or association without publishing the incorporated material in full, provided the material is made readily available for public inspection by the agency, organization or association originally issuing such material pursuant to Section 6-02(a) of the Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-75) [5 ILCS 100/5-75].
- b) The following requirements must be met in order to incorporate

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material by reference pursuant to this Section:

- 1) ~~The the~~ incorporated material must be fully identified in the rule by location publisher address and date in the rule in order to specify how a copy of the material may be obtained;
- 2) ~~The the~~ rule must state that the incorporation does not include any subsequent amendments or editions;
- 3) ~~The the~~ agency must maintain a copy of the incorporated material and make such material available in at least one of its principal offices for public inspection or copying upon request at no more than cost (Ill. Rev. Stat. 1991, ch. 127, par. 1005-75 [5 ILCS 100/5-75]).
- c) The Joint Committee will review material incorporated by reference pursuant to Section 5-75 of the Act for compliance with Section 5-75 of the Act, Section 220.600(a)(6) of this Part and this Section.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 220.780 Incorporation by Reference Pursuant to Section 6.02(b) of the Act (Repealed)

- a) ~~In rulemaking proposed pursuant to Section 5-01 of the Act, an agency may incorporate by reference, without publishing the incorporated material in full, standards or guidelines of an agency of the United States pursuant to Section 6-02(b) of the Act provided the following requirements are met:~~
  - 1) ~~The requirements enumerated in Section 220.760(a-c) of this Part, and~~
  - 2) ~~The agency has applied to the Joint Committee in writing and obtained written approval from the Joint Committee, as shown in Exhibit B of this Part, prior to the submission of the second notice required by Section 5-01(b) of the Act. The agency must submit the following information in its application for approval:~~
    - A) ~~The Part heading, Illinois Administrative Code Part and Section Number, and Illinois Register citation or the date on which the proposed rulemaking will appear in the Illinois Register for the rulemaking in which the agency is seeking to incorporate material by reference;~~
    - B) ~~A complete copy of the material the agency wishes to incorporate by reference (after approval is granted or denied, such material will be returned to the agency upon request); and~~
    - E) ~~The name and address of the agency of the United States issuing the material and, if applicable, the name and address of the agency, organization, association or entity distributing the material;~~
- b) ~~After receipt of a completed application, the Joint Committee shall schedule the agency's request for consideration at the next monthly Joint Committee meeting, provided there are at least 30 days between~~

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the receipt of the completed application and the meeting. If there are fees--than--30--days--the request shall be scheduled for the following meeting:

c) The joint committee shall use the following standard in determining whether to approve an incorporation by reference pursuant to this section: Whether or not the material sought to be incorporated is readily available for public inspection. The joint committee shall readily available for inspection and copying at no more than cost requested for inspection and copying in this part means immediately available upon request.

f) The agency shall issue a copy of the referenced guidelines or standards and make it available to the public and readily available for inspection and copying in this part means immediately available upon request.

e) The agency must include a part of the date of the joint committee approval of the incorporation by reference. A second notice submitted without the approval by this section will be deemed deficient pursuant to section 220-50(c) of this part.

Section 220.800 Joint Committee Hearing

a) The joint committee will hold full and open hearings on proposed rulemakings. The agenda for such hearings will be submitted for publication in the Illinois Register prior to the hearing. Items not included in the published agenda may also be considered by the joint committee. Joint committee staff and agency representatives will be allowed to testify at such hearings. Written comments from members of the public will be considered in lieu of oral testimony. Written comments should be submitted to:

Joint Committee on Administrative Rules  
509-South-Streets-Room-500 700 Stratton Building  
Springfield, Illinois 62702 62706

b) Comments should be received at least 10 working days prior to the hearing to insure their consideration. If requested by the agency, the joint committee will provide a copy of such comments to the agency, unless the person or group requests that a copy of the comments not be provided, or unless the comments were provided as part of the complaint review process (1 Ill. Adm. Code 260) and disclosure was not authorized by the complainant.

c) Representatives of those agencies that have a rulemaking on the meeting agenda are encouraged to attend in the event a member of the joint committee has concerns or questions regarding a rulemaking.

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(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

Section 220.900 Criteria for Review

a) The joint committee will first consider these criteria in its review of proposed rulemakings:

- 1) Substantive
A) Does the agency have legal authority for each part of the proposed rulemaking?
B) Does each part of the proposed rulemaking comply with the statutory authority and legislative intent on which it is based or which it is implementing or interpreting?
C) Does each part of the proposed rulemaking comply with state and federal constitutions, state and federal law, federal rules and regulations, and case law?
D) Does each part of the proposed rulemaking include standards for the exercise of discretionary authority?
E) Are the standards defined as clearly and as practicable under the conditions?
F) Does the agency have rulemaking authority?
2) Property
A) Is there an adequate justification and rationale for the proposed rulemaking and for any regulation of the public embodied in the rules?
B) Has the agency considered the economic effects of the rulemaking upon those regulated, including small businesses, not for profit corporations, units of local government, school districts and community college districts?
C) Has the agency considered less costly alternatives to this proposed rulemaking?
D) Has the agency considered the budgetary effects of the proposed rulemaking upon itself, other state agencies, and state revenue in general?
E) Is the language of the rules simple and clear, so that the rules can be understood by the persons and groups which they will affect?
F) Are the rules free of serious technical errors, redundancies and grammatical or typographical errors which that could affect the meaning of the rules?

3) Procedural

- A) Does the proposed rulemaking comply with section 5-40 of the Act?
B) Does the proposed rulemaking comply with the requirements of the Administrative Code Division (see 1 Ill. Adm. Code 100)?
C) Does the proposed rulemaking comply with any additional requirements which have been imposed on the agency by state or federal law?
D) Does the proposed rulemaking comply with the agency's own

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rules for the promulgation of rules?

E) Was the agency responsive to public comments ~~which were made~~ concerning the rulemaking?

F) Did the agency comply with Section ~~4-03~~ 5-30 of the Act, if applicable, in connection with the rulemaking?

b) If the Joint Committee determines that one or more of the criteria enumerated in subsection (a) of this Section are not met, the Committee shall issue an objection or recommendation pursuant to Section 5-110 of the Act and Section 220.1000 of this Part.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 220.950 Filing Prohibition Criteria

a) If the Joint Committee finds that the proposed rulemaking does not meet one or more of the criteria in Section 220.900, the Joint Committee will then consider the proposed rulemaking in relation to the following criteria pursuant to Section ~~7-06(a)~~ 5-115(a) of the Act:

1) Does the proposed rulemaking constitute a serious threat to the public interest?

A) Does the proposed rulemaking contain policies which that have been previously considered and rejected by the General Assembly?

B) Does the proposed rulemaking unconstitutionally or unlawfully discriminate against any citizen of the state State?

C) Does the proposed rulemaking unconstitutionally or unlawfully inhibit the free exercise of the rights of any citizen of the state State?

2) Does the proposed rulemaking constitute a serious threat to the public safety?

A) Could the proposed rulemaking result in a decrease in the protection provided against threats to the safety of any citizen of the state State?

B) Could the proposed rulemaking result in an increase in the threat of physical harm to any citizen of the state State?

3) Does the proposed rulemaking constitute a serious threat to the public welfare?

A) Does the proposed rulemaking impose unreasonable or unnecessary economic costs on any citizen of the state State?

B) Does the proposed rulemaking adversely affect the health or well-being of any citizen of the state State?

C) Does the rulemaking adversely affect the quality of life of any citizen of the state State?

b) If the Joint Committee determines that one or more of the criteria enumerated in this Section are met, the Joint Committee shall prohibit

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the filing of the rule rulemaking pursuant to Section 5-115 of the Act and Section 220.1000(c) of this Part.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 220.1000 Joint Committee Action

a) Objection

1) If the Joint Committee finds that the proposed rule or rulemaking does not meet one or more of the criteria in Section 220.900 of this Part, the Joint Committee shall object to the rulemaking pursuant to Section ~~7-06~~ 5-110 of the Act.

2) If the Joint Committee objects to the proposed rule or rulemaking, it shall certify that fact to the agency. Such certification will be sent to the agency in the form shown in Exhibit E of this Part within 5 working days after the Joint Committee hearing. The certification shall include a statement of the specific objections of the Joint Committee to the proposed rule or rulemaking. The Joint Committee ~~will~~ shall also send to the agency a list of the agreements reached between the agency and the Joint Committee staff concerning changes to the proposed rule.

3) Each statement of specific objection ~~shall~~ will also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

b) Recommendation

1) If the Joint Committee determines that the proposed rule or rulemaking is incomplete or inconsistent, or does not meet one or more of the criteria in Section 220.900 of this Part, the Joint Committee shall recommend further action. Recommended actions include the promulgation of additional rules, the clarification of statutory authority through legislation to be introduced by the agency or the Joint Committee, a request of federal or State agencies in clarifying and assisting in the promulgation of accurate rules and a recommendation to curtail an unauthorized practice.

2) If the Joint Committee issues a recommendation to the proposed rule or rulemaking, it ~~shall~~ will send a copy of the recommendation to the agency within 5 working days after the Committee hearing. The Joint Committee ~~shall~~ will also send to the agency a list of the agreements reached between the agency and the Joint Committee staff concerning changes to the proposed rule.

3) Each statement of specific recommendation ~~shall~~ will also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

c) Prohibition Against Filing

1) If the Joint Committee finds that the proposed rule or

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rulemaking, or a portion thereof, is objectionable under one or more of the criteria in Section 220.900 of this Part, and that the rulemaking meets any of the criteria in Section 220.950 of this Part, the Joint Committee shall prohibit filing of the rulemaking or portion thereof pursuant to Section 7-66a 5-115 of the Act. Such action can only be taken upon the affirmative vote of three-fifths of the members appointed to the Joint Committee.

2) If the Joint Committee prohibits the filing of the proposed rule or portion thereof, the Joint Committee shall certify that fact to the agency and the Administrative Code Division. Such certification will be sent to the agency and the Administrative Code Division in the form shown in Exhibit F of this Part within 5 working days after the Joint Committee hearing. The certification shall include a statement of the reasons for the Joint Committee's prohibition against filing of a proposed rule or rulemaking or portion thereof.

3) Each certification of prohibition against filing of a proposed rule or rulemaking shall also be submitted to the Administrative Code Division for publication in the next available issue of the Illinois Register.

4) The proposed rule or rulemaking or portion thereof shall not be accepted for filing by the Administrative Code Unit and shall not take effect for at least 180 days from after receipt of the certification of prohibition by the Administrative Code Unit. A proposed rule or rulemaking or portion thereof which that is prohibited from being filed cannot be enforced or invoked for any reason by the Agency. (Ill. Rev. Stat. 1991, ch. 127, par. 7-66a(b) 5-115(b)) [5 ILCS 100/5-115(b)]

5) The Joint Committee shall introduce a Joint Resolution in either house of the General Assembly to continue the prohibition of rulemaking. If such a Joint Resolution is passed by the General Assembly within 180 days from after receipt of certification by the Administrative Code Division, the proposed rule or rulemaking or portion thereof shall not take effect. Such rule or portion thereof shall not be accepted for filing by the Administrative Code Division. If a Joint Resolution is not passed within 180 days from after receipt of certification of prohibition by the Administrative Code Division, the Agency may file the proposed rule or rulemaking or portion thereof as adopted and it shall take effect. (Ill. Rev. Stat. 1991, ch. 127, par. 5-115(c)) [5 ILCS 100/5-115(c)]

6) Upon the affirmative vote of the majority of the members of the Joint Committee voting, a prohibition against the filing of a rule may be withdrawn. Withdrawal of a prohibition against filing must be done prior to the passage of the Joint Resolution by the General Assembly. The Joint Committee shall issue a Certification of Withdrawal of Filing Prohibition of Proposed Rulemaking to the agency in the manner shown in Exhibit G of this Part and shall certify that Part action to the Administrative

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Code Division within 5 working days after the Joint Committee hearing.

d) Ratification of Agreements and Certification of No Objection

1) If the Joint Committee finds that the proposed rule or rulemaking is not objectionable, and no objection was recommended by the Joint Committee shall issue a Certification of No Objection to the rule or rulemaking in the manner shown in Exhibit H of this Part. Such Certification shall be mailed to the agency within 5 working days following the Joint Committee hearing.

2) A Certification of No Objection shall not be issued if the Joint Committee finds at its hearing that additional information is necessary in order to complete the review of the proposed rule or rulemaking.

3) The Joint Committee shall consider all staff level agreements regarding the proposed rules when it takes its official action with respect to that rulemaking in the form of a vote to ratify the agreements.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 220.1100 Adoption of Rules

a) The agency may adopt a proposed rulemaking pursuant to Section 5-65 of the Act in the following circumstances:

1) The 45 day or agreed upon notice period subsequent to the filing of second notice has expired; or

2) The agency has received a Certification of No Objection; or

3) The agency has responded to a statement of objection issued by the Joint Committee as required by Section 220.1200 of this Part.

b) The agency must file a certified copy of the rulemaking with the Administrative Code Division in the form prescribed in, and the accompanying documentation required by, the Code Division's rules. (1 Ill. Adm. Code 100) The rulemaking must be accompanied by a certified statement signed by the agency head, which states that no changes were made to the rule since the commencement of the second notice period other than those stated in the document entitled "Agreements which has been ratified by the Joint Committee and those changes made in response to an objection or recommendation issued by the Committee in the form of the certification is shown in the Administrative Code 7-66a Appendix-B-115(c) [5 ILCS 100/5-115(c)]

c) All proposed rulemakings must be adopted within one year of the first notice published pursuant to Section 5-40(b) of the Act. No rulemaking may be adopted or filed with the Administrative Code Division after the expiration of this period.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 220.1150 Failure to Object or Issue a Recommendation**

*The failure of the Joint Committee to issue an objection or recommendation to a proposed rulemaking shall not be construed to imply approval of the proposed rulemaking by the Joint Committee or the General Assembly.* (Ill. Rev. Stat. 1985 1991, ch. 127, par. 1007-04 5-100) [5 ILCS 100/5-100].

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 220.1200 Agency Response to Objection**

- a) *The Agency shall respond to an objection which is issued by the Joint Committee within 90 days after receipt of the statement of objection. The response shall be made in writing, in the manner shown in Exhibit I of this Part, and shall be signed by the agency head. Responses to a single objection cannot be combined (e.g., modify in part, refuse in part) pursuant to Section 7-06 of the Act.*
- b) *The agency shall respond to each objection of the Joint Committee by one of the methods enumerated in this subsection, as required by Section 7-06 5-110 of the Act.*
  - 1) *Modify the proposed rulemaking to meet the Joint Committee's objections to objection;*
  - 2) *Withdraw the proposed rulemaking in its entirety; or*
  - 3) *Refuse to modify or withdraw the proposed rulemaking.*
- c) *Responses must be submitted directly to the Joint Committee, which shall in turn notify to the Administrative Code Division, in writing, within two working days, that such response has been received. The Administrative Code Division is prohibited from accepting for filing and adoption any rulemaking to which the Joint Committee has objected without first receiving a notification of agency response from the Committee.*
- d) *Responses which do not meet the requirements of this Section will be rejected. Rejected responses will be returned to the agency within two working days of after receipt by the Joint Committee with a written explanation for the rejection, and the Administrative Code Division will be notified not to accept the rule for filing and adoption. The agency can resubmit the response to the Joint Committee within the 90 day response period. The 90 day response period will continue to run when a response is rejected.*
- e) *The agency shall submit a notice of the response to the Administrative Code Division for publication in the next available issue of the Illinois Register.*
- f) *A modification to meet the Joint Committee's objection must be limited to the issues raised in the Certification and Statement of Objection. A suggestion or comment made by a member of the Joint Committee does not authorize a substantive change unless the suggestion or comment is ratified by the Joint Committee through the issuance of a Certification and Statement of Objection to the proposed rulemaking.*

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- g) *The failure of an agency to respond to an objection of the Joint Committee within 90 days of after the receipt of the objection shall be deemed to be a withdrawal of the proposed rule in its entirety (or the portions thereof for which a second notice was submitted if the procedures outlined in Section 220.500(e) of this Part were met), pursuant to Section 7-06(f) 5-110(f) of the Act. A response is required when the second notice period has been extended beyond the 45 day period by mutual agreement of the agency and the Joint Committee. If the Joint Committee issues an objection beyond the 45 day second notice period, and no mutual agreement to extend the period was made, response by the agency is optional.*

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 220.1250 Agency Response to Recommendation**

- a) *The agency should respond to a recommendation which that is issued by the Joint Committee within 90 days after receipt of the statement of specific recommendations. The agency response should address each of the specific recommendations stated by the Joint Committee and should clearly state the nature (agreement to modify, agreement to withdraw, refusal to modify or withdraw) and rationale for the response. The response should be made in the manner shown in Exhibit J of this Part.*
- b) *The agency should respond to each Joint Committee recommendation for action in one of the following ways:*
  - 1) *Agree to pursue the action recommended by the Joint Committee.*
  - 2) *Refuse to pursue the action recommended by the Joint Committee.*
- c) *Responses should be submitted to the Joint Committee, in writing, and signed by the agency head.*
- d) *The failure to of an agency to respond to a recommendation of the Joint Committee within 90 days of after receipt of the recommendation shall be deemed to be a refusal.*

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 220.1300 Analysis of Agency Response**

- a) *If the Joint Committee finds that the agency's response does not remedy an to an objection or recommendation is not adequate, the Committee will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the Illinois Register pursuant to Section 7-06 of the Act. The notice will include a specific statement of the reasons the Joint Committee has determined that the response to the objection or recommendation is not adequate has not been remedied. Failure of the agency to respond to an objection within 90 days after receipt of the objection shall constitute withdrawal (5-120(g)).*



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Section 220. EXHIBIT A State Mandates Act Questionnaire

State Mandates Act Questionnaire

Agency: \_\_\_\_\_

Part/Title: \_\_\_\_\_ ( Ill. Adm. Code )

Illinois Register Citation: \_\_\_\_\_

1. Does this rulemaking affect a municipality, county, township, or other unit of local government, school district, or community college district? any of the following:

Municipality	_____	Other Unit of Local Govt.	_____
County	_____	School District	_____
Township	_____	Community College Dist.	_____
Other Unit of	_____		
Local Government	=====		
School District	=====		
Community College District	=====		
	=====		

2. Does this rule require a unit of local government, a school district, or a community college district any of the above entities to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues?

Yes \_\_\_\_\_ No \_\_\_\_\_

Total Number of units affected \_\_\_\_\_

If yes, please estimate the amount of additional expenditures necessitated by this rulemaking per unit of government: \$ \_\_\_\_\_

Note: If the dollar amount, or total number of units affected is unknown, please outline and attach to this form a separate and detailed explanation of the steps taken by the agency to determine the approximate expense of the rulemaking, and the number of units affected.

If no, please explain why the rule does not necessitate such additional expenditures.

3. Were any alternatives to the rule which did not necessitate additional expenditures considered? Yes \_\_\_\_\_ No \_\_\_\_\_

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b) If the joint committee finds that the agency's response does not remedy a recommendation, it will notify the agency and submit a copy of such notification to the Administrative Code Division for publication in the next available issue of the Illinois Register pursuant to Section 7-06 of the Act. The notice will include a specific statement of the reasons the joint committee has determined the recommendation has not been remedied. Failure of the agency to respond to a joint committee recommendation shall be deemed to be a refusal to pursue the recommended action.

c) If the agency fails to remedy an objection or recommendation, the joint committee may draft legislation to address the problems. Such legislation must be approved by a majority vote and may be introduced in either house of the General Assembly. (Ill. Rev. Stat. §985 1991, ch. 127, par. 707-06 1005-110) [5 ILCS 100/5-110]

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Note:--if the dollar amount is unknown please outline and attach to this form a specific and detailed explanation of the steps taken by the agency to determine the approximate impact of the rulemaking.

(c) Will the rulemaking impact any existing grants or contracts within the current contract period?

(1) Please check:--Yes----- No-----

(2) If so, please explain:

2- Will there be any new reporting requirements as a result of this rulemaking?

(a) Please check:--Yes----- No-----

(b) If yes, please specify:

(c) Specify the approximate number of person-hours needed annually to complete the new proposed reporting requirements

Please check: 1--4-hours  
5--12-hours  
13--25-hours  
25-or-more

3- Does the proposed rulemaking change any current reporting requirements?

(a) Please check:--Yes----- No-----

(b) If yes, please specify:

(c) Specify the approximate number of person-hours needed annually to complete the current reporting requirements

4- What is the schedule for completing the reporting requirements?

Please check: Daily  
Weekly  
Monthly  
Quarterly  
Semi-Annually  
Annually  
Other (Please specify)

5- Please circle the number of employees that will be needed to complete the required reporting requirements:

1--2--3--4--5--More than 5 (Please specify)

6- Reporting requirements will best be handled by:

Please check: Typist  
Bookkeeper  
Word Processor  
Computer Input Operator  
Executive Secretary  
College Graduate  
Accountant  
Attorney  
Supervisor/Personnel  
Private Consultant  
Other (Please specify)

7- Does the proposed rulemaking require the completion of any forms?

(a) If yes, how many forms?

(b) Specify the number of pages of the form or forms:

(c) Will the proposed rulemaking require forms to be submitted to the agency?

Yes----- No-----

8- Please circle the business sector or sectors that will be affected by the proposed rulemaking:--Indicate the total number of individuals

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firms--the--total--number--of--employees--and--the--number--of--individual  
firms--in--the--business--sector--or--sectors--affected--in--Illinois:

Business Sectors	Total-Number of-Individual Firms-in-the Business Sector	Total-Number of-Employees in-the Business Sector	Number-of Individual Firms in-the Business Sector Affected-in Illinois
Agriculture	=====	=====	=====
Construction	=====	=====	=====
Finance	=====	=====	=====
Fishing	=====	=====	=====
Forestry	=====	=====	=====
Insurance	=====	=====	=====
Manufacturing	=====	=====	=====
Mining	=====	=====	=====
Professional --Services	=====	=====	=====
Real-Estate	=====	=====	=====
Retail-Trade Services	=====	=====	=====
Transportation	=====	=====	=====
Wholesale-Trade	=====	=====	=====
*All-Sectors-of --Business	=====	=====	=====
*Other-(please specify-below)	=====	=====	=====

9- Please-circle-the-number-of-regulatory-alternatives-considered-by--the agency:

0---1---2---3---4---5---6---7---8---9---10

If-more-than-10-please-specify-the-number: \_\_\_\_\_

(a) Were--any-alternatives-considered-to-minimize-the-burden-on-small businesses?

Yes ----- No -----

If-yes-please-specify-the-alternatives-considered--and--why they-were-rejected:

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(b) Were-any-other-alternatives-considered?

Yes ----- No -----

If--yes-please-specify-the-alternatives-considered-and-why they-were-rejected:

Note--if-additional--space--is--needed--please--provide--an attachment:

B- Anticipated-Cost-of-the-Regulation-on-the-Proposing-Agency's-Budget

1- Will-the-proposed-rulemaking-implement-a-new-program?

(a) Yes ----- No -----

(b) If-yes-please-provide-the-program-title:

2- Will-the-proposed-rulemaking-change-an-existing-program?

(a) Yes ----- No -----

(b) If-yes-please-provide-the-program-title:

3- What--is--the--anticipated--effect--of--the-proposed-rulemaking-on-the agency's-budget?

(a) Please-check:--Increase ---- Decrease ---- No-change ----

(b) If-an-increase-or-decrease-is-anticipated,--specify--the--fiscal year-in-which-this-change-will-first-occur:--FY -----.

(c) For--the--fiscal--year--specified--above,--please-provide-the-fund allocations-earmarked-for-this-program:

Fund-Name -----  
Organizational-Unit -----

Personal-Services \$-----  
Retirement-Contributions -----  
Social-Security -----

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5: Will the proposed rulemaking require any forms to be submitted to the agency? Yes No

(a) If yes, how many forms? \_\_\_\_\_

(b) Specify number of pages of the form or forms: \_\_\_\_\_

(c) Please circle the number of agency employees needed to review the forms: \_\_\_\_\_

If less than 57 please specify: \_\_\_\_\_

6: Will the proposed rulemaking require that forms be reviewed and analyzed by the agency on a periodic basis? Yes No

(a) If yes, how many forms? \_\_\_\_\_

(b) Specify the number of pages of the form or forms: \_\_\_\_\_

(c) Please circle the number of times the forms will be analyzed annually: \_\_\_\_\_

If less than 57 please specify: \_\_\_\_\_

7: Will the proposed rulemaking require that reports be reviewed and analyzed by the agency on a periodic basis? Yes No

(a) If yes, how many reports? \_\_\_\_\_

(b) Specify the number of pages of the report or reports: \_\_\_\_\_

(c) Please circle the number of times the reports will be analyzed annually: \_\_\_\_\_

If less than 57 please specify: \_\_\_\_\_

8: Which of the following best describes how these forms and reports are so indicated and provide a total amount: \_\_\_\_\_

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4: Has the agency received any federal grants to implement the proposed rulemaking? Yes No

(a) Please specify: Yes No

(b) If yes, please specify the fiscal year in which the federal grants will first be received: \_\_\_\_\_

(c) Please provide the federal fund number as reported to the Bureau of the Budget: \_\_\_\_\_

(d) For the fiscal year specified above, please provide the budget allocations earmarked for this program: \_\_\_\_\_

Note: If the agency has not broken down its allocation for this particular program by the above items, it should so indicate and provide a total amount: \_\_\_\_\_

Group-Insurance	=====
Contractual-Services	=====
Travel	=====
Commodities	=====
Printing	=====
Equipment	=====
Electronic-Data-Processing	=====
Telecommunications-Services	=====
Operation-Auto-Equipment	=====
-----Total	=====

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maintained-by-the-agency?--Please-check-all-that-apply:

- Computerized            =====
- Analyzed-in-Detail    =====
- Reviewed-Occasionally  =====
- Manually-Filed        =====
- Filed-for-Future       =====
- Reference            =====
- Never-Booked-At       =====
- Discarded              =====

6. Anticipated-Cost-of-the-Regulation-on-Other-State-Agencies

1. What--is--the--anticipated--effect--of--the-proposed-rulemaking-on-the budgets-of-other-state-agencies?

(a) Increase ---- Decrease ---- No-change ---- No-effect ----

(b) If-an-increase-or-decrease-is--anticipated,--specify--the--fiscal year-in-which-this-change-will-first-occur,--FY -----

(c) For--the--fiscal--year-specified-above,--please-provide-the-budget allocations-earmarked-for-this-program:

Federal-Fund-Name        =====

Organizational-Unit      =====

Personal-Services	\$=====
Retirement-Contributions	=====
Social-Security	=====
Group-Insurance	=====
Contractual-Services	=====
Travel	=====
Commodities	=====
Printing	=====
Equipment	=====
Electronic-Data-Processing	=====
Telecommunications-Services	=====
Operation-Auto-Equipment	=====
-----Total	\$=====

Note:--If-the-agency-has-not-broken-down-its-allocation--for this--particular--program-by-the-above-line-items,--it-should so-indicate,--and-provide-a-total-amount.

2. Other-than-budgetary-effects,--will-the-proposed-rulemaking-in-any--way effect-another-state-agency's-policies?

(a) Yes ----- No -----

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(b) if-yes,--please-specify:

B. Anticipated-Cost-of-the-Regulation-and-its-Programs-on-State-Revenue

1. What--is--the--anticipated--effect-of-the-proposed-rulemaking-on-State revenue?

(a) Increase ---- Decrease ---- No-change ----

(b) If-an-increase-or-decrease-is--anticipated,--specify--the--fiscal year-in-which-this-change-will-first-occur,--FY -----

(c) If--an--increase--or--decrease-is-anticipated,--for-the-fiscal-year specified-above,--please-provide-the-following:

(a) Dollar-amount-\$-----

(b) Fund-name -----

2. If-the-rulemaking-has-a-positive-effect-on--State--revenue,--will--the money-be-deposited-in-the-State-Treasury?

Yes ----- No -----

3. Will--it--be--necessary--for--the--General-Assembly-to-appropriate-any monies--generated--from--this--rulemaking--proposal--prior--to--its expenditure?

(a) Yes ----- No -----

(b) If--yes,--please--specify--the--month-and-year-when-final-General Assembly-action-will-be-necessary.

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NOTICE OF PROPOSED AMENDMENT(S)

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AGENCY ANALYSIS OF ECONOMIC AND BUDGETARY EFFECTS OF PROPOSED RULEMAKING

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

Agency: \_\_\_\_\_

Part/Title: \_\_\_\_\_

( Ill Adm Code )

Illinois Register Citation: \_\_\_\_\_

Please attempt to provide as dollar-specific responses as possible and feel free to add any relevant narrative explanation.

1. Anticipated effect on State expenditures and revenues.

(a) Current cost to the agency for this program/activity. \$ \_\_\_\_\_

(b) If this rulemaking will result in an increase or decrease in cost, specify the fiscal year in which this change will first occur and the dollar amount of the effect. FY \_\_\_\_\_ \$ \_\_\_\_\_

(c) Indicate the funding source, including Fund and appropriation lines, for this program/activity.

(d) If an increase or decrease in the costs of another State agency is anticipated, specify the fiscal year in which this change will first occur and the estimated dollar amount of the effect. FY \_\_\_\_\_ \$ \_\_\_\_\_ Agency \_\_\_\_\_

(e) Will this rulemaking have any effect on State revenues or expenditures not already indicated above? Specify effects and amounts.

2. Economic effect on persons affected by the rulemaking.

(a) Indicate the economic effect and specify the persons affected:

Positive \_\_\_\_\_ Negative \_\_\_\_\_ No effect \_\_\_\_\_  
persons affected  
Dollar amount per person \_\_\_\_\_  
Total statewide cost \_\_\_\_\_

b) If an economic effect is predicted, please briefly describe how the effect will occur. (Example: Additional continuing education courses will require an expenditure of approximately \$100 per year for course fees by 10,000 licensed professionals.)

(c) Will the rulemaking have an indirect effect that may result in increased administrative costs? Will there be any change in requirements such as filing, documentation, reporting or completion of forms? Compare to current requirements.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 220. EXHIBIT C Department of Commerce and Community Affairs' Impact Analysis (Repealed)

Agency: =====

Heading-of-the-Part: =====

=====

=====

Administrative-Code-Citation: =====

Date-Agency-Notification-Received-by-BCCA: =====

Director's-signature: =====

A: Estimate-of-the-economic-impact-which-the-regulations-will-have-on various-types-of-small-businesses-affected-by-the-rulemaking

1: What-will-the-economic-effect-be-on-small-businesses-who-will-be regulated-by-the-proposed-rulemaking?--Please-complete-the-following: The-economic-effect-on-small-businesses-regulated-will-be:

Please-check:--Positive ---- Negative ---- No-effect ----

2: The-approximate-economic-impact-upon-small-businesses-in-dollars-will be-\$ \_\_\_\_\_:

Note:--If-the-dollar-amount-is-unknown, please-outline-and-attach-to this-form-a-specific-and-detailed-explanation-of-the-steps-taken-by the-agency-to-determine-the-approximate-impact-of-the-rulemaking:

B: Summary-of-the-projected-reporting, recordkeeping-and-other-compliance requirements-of-the-proposed-rules

1: Will-there-be-any-new-reporting-requirements-as-a-result-of-this rulemaking?

(a) Please-check:--Yes ----- No -----

(b) If-yes, please-specify:

2: Specify-the-approximate-number-of-person-hours-needed-annually-for small-businesses-to-complete-the-new-proposed-reporting-requirements:

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Please-check: 1---4-hours =====  
5---12-hours =====  
13---25-hours =====  
25-or-more =====

3: Does-the-proposed-rulemaking-change-any-current-reporting requirements?

(a) Please-check:--Yes ----- No -----

(b) If-yes, please-specify:

(c) Specify-the-approximate-number-of-person-hours-needed-annually for-small-businesses-to-complete-the-current-reporting requirements:

Please-check: 1---4-hours =====  
5---12-hours =====  
13---25-hours =====  
25-or-more =====

4: What-is-the-schedule-for-completing-the-reporting-requirements?

Please-check: Daily =====  
Weekly =====  
Monthly =====  
Quarterly =====  
Semi-Annually =====  
Annually =====  
Other-(Please-specify) =====

5: Please-circle-the-number-of-employees-that-will-be-needed-to-complete the-required-reporting-requirements:

1---2---3---4---5---More-than-5 ----- (Please-specify)

6: Reporting-requirements-will-best-be-handled-by:

Please-check: Typist =====  
Bookkeeper =====  
Word-Processor =====  
Computer-Input-Operator =====  
Executive-Secretary =====  
College-Graduate =====  
Accountant =====



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Attorney  
 Supervisory Personnel  
 Private Consultant  
 other (Please specify)

7- Does the proposed rulemaking require the completion of any forms?

Yes \_\_\_\_\_ No \_\_\_\_\_

(a) If yes, how many forms?

(b) Specify the number of pages of the form or forms: \_\_\_\_\_

(c) Will the proposed rulemaking require forms to be submitted to the agency?

Yes \_\_\_\_\_ No \_\_\_\_\_

8- Description of the types and an estimate of the number of small businesses to which the proposed rule will apply

9- Please circle the business sector or sectors that will be affected by the proposed rulemaking. Indicate the total number of individuals and the number of individual small businesses, the total number of employees and the number of individual small businesses in the business sector or sectors affected in Illinois.

Business Sectors	Small Business Firms in the Business Sector	Small Number of Individual Firms	Total Number of Employees in the Business Sector	Businesses Affected in Illinois
Business				
Manufacturing				
Construction				
Finance				
Insurance				
Transportation				
Wholesale Trade				
Retail Trade				
Services				
Other (Please specify)				

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Real Estate  
 Retail Trade  
 Services  
 Transportation  
 Wholesale Trade  
 All Sectors of Business  
 Other (Please specify below)

B- Description of or a listing of alternatives to the proposed rule which would minimize the economic impact of the rule. Such alternative must be consistent with the stated objectives of the applicable statutes and regulations

1- Were any alternatives to the proposed rule which would minimize the economic impact of the rule upon small businesses suggested by BECA to the proposing agency?

Yes \_\_\_\_\_ No \_\_\_\_\_

2- If yes, please specify the alternatives considered and explain how these alternatives would minimize the impact of the rule upon small businesses. Also, provide documentation which substantiates any alternatives suggested by BECA to the proposing agency.

(Source: Repealed at 17 Ill. Reg. effective

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 220, EXHIBIT F Certification of Filing Prohibition of Proposed Rulemaking

JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF FILING PROHIBITION OF PROPOSED RULEMAKING

County of Sangamon  
State of Illinois

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 7-06a 5-115 of the Illinois Administrative Procedure Act, as amended, the Joint Committee on Administrative Rules, at its meeting on (meeting date), prohibited the filing of (agency name) rules entitled (Heading of the Part, Code Citation), published in the (publication date) Illinois Register. Proposed by the (agency name):

A statement of the Joint Committee's specific objections reasons for the filing prohibition accompanies this certification.

Please take notice that the agency is prohibited from filing the rulemaking with the Secretary of State and from enforcing or invoking, for any reason, the rulemaking for at least 180 days from the date this certification and statement are received by the Secretary of State.

Certified (date):

(Type name)  
(Type name)  
Chairman  
Joint Committee on Administrative Rules

By

(Type name)  
Executive Director

Subscribed and sworn to before me this (date) day of (month), (year).

Notary Public

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 220.EXHIBIT G Certification of Withdrawal of Filing Prohibition of Proposed Rulemaking

JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF WITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

County-of-Sangamon)

)

State-of-Illinois

----->

The Joint Committee on Administrative Rules hereby certifies that, pursuant to Section 7-06a 5-115 of the Illinois Administrative Procedure Act, as amended, the Joint Committee on Administrative Rules, at its meeting of on (meeting date), has withdrawn the prohibition against the filing of rules entitled (Heading of the Part, Code Citation) proposed by the (agency name). The Joint Committee originally issued this prohibition at its (meeting date) meeting.

Please--take-notice-that-the The agency is no longer prohibited from filing the rulemaking, as modified in accordance with agreements between the agency and the Joint Committee on Administrative Rules, with the Secretary of State and from enforcing or invoking the rulemaking.

Certified (date)

By

(Typewritten name)
{Typewritten-name}
Co-Chairmen
Joint-Committee-on-Administrative
Rules
=====
{Typewritten-name}
Executive Director

Subscribed and sworn to before me this (date) day of (month), 19(year).

Notary Public

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 220.EXHIBIT H Certification of No Objection to Proposed Rulemaking

JOINT COMMITTEE ON ADMINISTRATIVE RULES

CERTIFICATION OF NO OBJECTION TO PROPOSED RULEMAKING

This is to certify that the Joint Committee on Administrative Rules, at its (meeting date) meeting, considered (Heading of the Part, Code Citation), proposed by the (agency name) and published in the (Illinois--Register publication date) issue of the Illinois Register. After consideration, and based upon the agreements, if any, for modification of the rulemaking made by the agency and attached to this document, it-was-determined-by the Joint Committee determined that no objection Objection will be issued to the above-mentioned rulemaking.

(Meeting Date)

(Typewritten name)
Executive Director

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF PROPOSED AMENDMENT(S)

Section 220, EXHIBIT J Agency Response to Joint Committee Recommendation to Proposed Rulemaking

Section 220, EXHIBIT I Agency Response to Joint Committee Objection to Proposed Rulemaking

Agency: \_\_\_\_\_

Agency: \_\_\_\_\_

Heading of the Part: \_\_\_\_\_

Heading of the Part: \_\_\_\_\_

Code Citation: \_\_\_\_\_

Code Citation: \_\_\_\_\_

Register Citation: \_\_\_\_\_

Register Citation: \_\_\_\_\_

Response (check one):  
 Agree  
 Disagree

Response (check one):  
 Modification of Rulemaking to Meet  
 Withdrawal of Rulemaking  
 Refusal to Modify or Withdraw

Agency Response to Joint Committee Recommendations:  
(Respond to each recommendation--made specific Recommendation issued by the Joint Committee, indicating clearly the intended action of the agency in response to each recommendation and the rationale for such response. Use additional pages as necessary.)

Agency Response to Specific Joint Committee Objections:  
(Respond to each objection specific Objection raised by the Joint Committee, indicating clearly the intended action of the agency in response to each objection and the rationale for such response. Use additional pages as necessary.)

Signature of Agency Official Head

Signature of Agency Official Head

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PROPOSED AMENDMENT(S)

Section 220. EXHIBIT K First and Second Notice Changes

The following is an example of the form in which first and second notice changes shall be indicated:

FIRST [SECOND] NOTICE CHANGES

Agency: Joint Committee on Administrative Rules  
Rulemaking: 1 Ill. Adm. Code 220 (17 Ill. Reg. 111111)  
Changes:

- 1) At line 74, change "and page number" to "~~and page number~~ or chapter reference".
- 2) At lines 76-82, change "If the only changes made in the rulemaking were those requested by the Administrative Code Division, a copy of the memorandum issued by the Administrative Code Division" to "~~If the only changes made in the rulemaking were those requested by the Administrative Code Division, a copy of the memorandum issued by the Administrative Code Division~~".
- 3) At line 84, add "1" after "criticisms" and strike the comma after "suggestions".

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Definitions and General Prov
  - 2) Code Citation: 35 Ill. Adm. Code: 211
  - 3) Section Numbers:                    Proposed Action:  
211.5500                                    Added
  - 4) Statutory Authority:  
The Environmental Protection Act (Ill. Rev. Stat 111½, pars. 1010, 1027, 1039, and 39.5 as amended 87-1213 effective September 26, 1992) [415 ILCS and 39.5].
  - 5) A Complete Description of the Subject +    +    +
  - 6)
  - 7)
  - 8) incorporations by reference?  
\_\_\_\_\_ Yes    X No
  - 9) Part?    X Yes    \_\_\_\_\_ No
- | <u>Section Number</u><br><u>Citation</u> | <u>Proposed Action</u> | <u>Illino</u> |
|------------------------------------------|------------------------|---------------|
| 211.102                                  | Amended                | 17 Ill.       |
| 211.121                                  | Amended                | 17 Ill.       |
| 211.122                                  | Repealed               | 17 Ill.       |
| 211.130                                  | New                    | 17 Ill.       |
| 211.150                                  | New                    | 17 Ill.       |
| 211.170                                  | New                    | 17 Ill.       |
| 211.210                                  | New                    | 17 Ill.       |
| 211.230                                  | New                    | 17 Ill.       |
| 211.250                                  | New                    | 17 Ill.       |
| 211.270                                  | New                    | 17 Ill.       |

211.290	New	17	111.	Reg.	4782
211.310	New	17	111.	Reg.	4782
211.330	New	17	111.	Reg.	4782
211.350	New	17	111.	Reg.	4782
211.370	New	17	111.	Reg.	4782
211.390	New	17	111.	Reg.	4782
211.410	New	17	111.	Reg.	4782
211.430	New	17	111.	Reg.	4782
211.450	New	17	111.	Reg.	4782
211.470	New	17	111.	Reg.	4782
211.490	New	17	111.	Reg.	4782
211.510	New	17	111.	Reg.	4782
211.530	New	17	111.	Reg.	4782
211.550	New	17	111.	Reg.	4782
211.570	New	17	111.	Reg.	4782
211.590	New	17	111.	Reg.	4782
211.610	New	17	111.	Reg.	4782
211.630	New	17	111.	Reg.	4782
211.650	New	17	111.	Reg.	4782
211.670	New	17	111.	Reg.	4782
211.690	New	17	111.	Reg.	4782
211.710	New	17	111.	Reg.	4782
211.730	New	17	111.	Reg.	4782
211.750	New	17	111.	Reg.	4782
211.770	New	17	111.	Reg.	4782
211.790	New	17	111.	Reg.	4782
211.810	New	17	111.	Reg.	4782
211.830	New	17	111.	Reg.	4782
211.850	New	17	111.	Reg.	4782
211.870	New	17	111.	Reg.	4782
211.890	New	17	111.	Reg.	4782
211.910	New	17	111.	Reg.	4782
211.930	New	17	111.	Reg.	4782
211.950	New	17	111.	Reg.	4782
211.970	New	17	111.	Reg.	4782
211.990	New	17	111.	Reg.	4782
211.1010	New	17	111.	Reg.	4782
211.1050	New	17	111.	Reg.	4782
211.1070	New	17	111.	Reg.	12491
211.1090	New	17	111.	Reg.	4782
211.1110	New	17	111.	Reg.	4782
211.1130	New	17	111.	Reg.	4782
211.1150	New	17	111.	Reg.	4782
211.1170	New	17	111.	Reg.	4782
211.1190	New	17	111.	Reg.	4782
211.1210	New	17	111.	Reg.	4782
211.1230	New	17	111.	Reg.	4782
211.1250	New	17	111.	Reg.	4782

211.1270	New	17	111.	Reg.	4782
211.1290	New	17	111.	Reg.	4782
211.1310	New	17	111.	Reg.	4782
211.1330	New	17	111.	Reg.	4782
211.1350	New	17	111.	Reg.	4782
211.1370	New	17	111.	Reg.	4782
211.1390	New	17	111.	Reg.	4782
211.1410	New	17	111.	Reg.	4782
211.1430	New	17	111.	Reg.	4782
211.1470	New	17	111.	Reg.	4782
211.1490	New	17	111.	Reg.	4782
211.1510	New	17	111.	Reg.	4782
211.1530	New	17	111.	Reg.	4782
211.1550	New	17	111.	Reg.	4782
211.1570	New	17	111.	Reg.	4782
211.1590	New	17	111.	Reg.	4782
211.1610	New	17	111.	Reg.	4782
211.1630	New	17	111.	Reg.	4782
211.1650	New	17	111.	Reg.	4782
211.1670	New	17	111.	Reg.	4782
211.1690	New	17	111.	Reg.	4782
211.1710	New	17	111.	Reg.	4782
211.1730	New	17	111.	Reg.	4782
211.1750	New	17	111.	Reg.	4782
211.1770	New	17	111.	Reg.	4782
211.1790	New	17	111.	Reg.	4782
211.1810	New	17	111.	Reg.	4782
211.1830	New	17	111.	Reg.	4782
211.1850	New	17	111.	Reg.	4782
211.1870	New	17	111.	Reg.	4782
211.1890	New	17	111.	Reg.	4782
211.1910	New	17	111.	Reg.	4782
211.1930	New	17	111.	Reg.	4782
211.1950	New	17	111.	Reg.	4782
211.1970	New	17	111.	Reg.	4782
211.1990	New	17	111.	Reg.	4782
211.2010	New	17	111.	Reg.	4782
211.2030	New	17	111.	Reg.	12491
211.2050	New	17	111.	Reg.	4782
211.2070	New	17	111.	Reg.	4782
211.2090	New	17	111.	Reg.	4782
211.2110	New	17	111.	Reg.	4782
211.2130	New	17	111.	Reg.	4782
211.2150	New	17	111.	Reg.	4782
211.2170	New	17	111.	Reg.	4782
211.2190	New	17	111.	Reg.	4782
211.2210	New	17	111.	Reg.	4782
211.2230	New	17	111.	Reg.	4782

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

211.2250	New	17 Ill. Reg. 4782
211.2270	New	17 Ill. Reg. 4782
211.2310	New	17 Ill. Reg. 4782
211.2330	New	17 Ill. Reg. 4782
211.2350	New	17 Ill. Reg. 4782
211.2370	New	17 Ill. Reg. 4782
211.2390	New	17 Ill. Reg. 4782
211.2410	New	17 Ill. Reg. 4782
211.2430	New	17 Ill. Reg. 4782
211.2450	New	17 Ill. Reg. 4782
211.2470	New	17 Ill. Reg. 4782
211.2490	New	17 Ill. Reg. 4782
211.2510	New	17 Ill. Reg. 4782
211.2530	New	17 Ill. Reg. 4782
211.2550	New	17 Ill. Reg. 4782
211.2570	New	17 Ill. Reg. 4782
211.2590	New	17 Ill. Reg. 4782
211.2610	New	17 Ill. Reg. 12491
211.2650	New	17 Ill. Reg. 4782
211.2670	New	17 Ill. Reg. 4782
211.2690	New	17 Ill. Reg. 4782
211.2710	New	17 Ill. Reg. 4782
211.2730	New	17 Ill. Reg. 4782
211.2750	New	17 Ill. Reg. 4782
211.2770	New	17 Ill. Reg. 4782
211.2790	New	17 Ill. Reg. 4782
211.2810	New	17 Ill. Reg. 4782
211.2830	New	17 Ill. Reg. 4782
211.2850	New	17 Ill. Reg. 4782
211.2870	New	17 Ill. Reg. 4782
211.2890	New	17 Ill. Reg. 4782
211.2910	New	17 Ill. Reg. 4782
211.2930	New	17 Ill. Reg. 4782
211.2950	New	17 Ill. Reg. 4782
211.2970	New	17 Ill. Reg. 4782
211.2990	New	17 Ill. Reg. 4782
211.3010	New	17 Ill. Reg. 4782
211.3030	New	17 Ill. Reg. 4782
211.3050	New	17 Ill. Reg. 4782
211.3070	New	17 Ill. Reg. 4782
211.3090	New	17 Ill. Reg. 4782
211.3110	New	17 Ill. Reg. 4782
211.3130	New	17 Ill. Reg. 4782
211.3150	New	17 Ill. Reg. 4782
211.3170	New	17 Ill. Reg. 4782
211.3190	New	17 Ill. Reg. 4782
211.3210	New	17 Ill. Reg. 4782
211.3230	New	17 Ill. Reg. 4782

08/21/46

## POLLUTION CONTROL BOARD

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211.3250	New	17 Ill. Reg. 4782
211.3270	New	17 Ill. Reg. 4782
211.3290	New	17 Ill. Reg. 4782
211.3310	New	17 Ill. Reg. 4782
211.3330	New	17 Ill. Reg. 4782
211.3350	New	17 Ill. Reg. 4782
211.3370	New	17 Ill. Reg. 4782
211.3390	New	17 Ill. Reg. 4782
211.3410	New	17 Ill. Reg. 4782
211.3430	New	17 Ill. Reg. 4782
211.3450	New	17 Ill. Reg. 4782
211.3470	New	17 Ill. Reg. 4782
211.3490	New	17 Ill. Reg. 4782
211.3510	New	17 Ill. Reg. 4782
211.3530	New	17 Ill. Reg. 4782
211.3550	New	17 Ill. Reg. 4782
211.3570	New	17 Ill. Reg. 4782
211.3590	New	17 Ill. Reg. 4782
211.3610	New	17 Ill. Reg. 4782
211.3630	New	17 Ill. Reg. 4782
211.3650	New	17 Ill. Reg. 4782
211.3670	New	17 Ill. Reg. 4782
211.3690	New	17 Ill. Reg. 4782
211.3710	New	17 Ill. Reg. 4782
211.3730	New	17 Ill. Reg. 4782
211.3750	New	17 Ill. Reg. 4782
211.3770	New	17 Ill. Reg. 4782
211.3790	New	17 Ill. Reg. 4782
211.3810	New	17 Ill. Reg. 4782
211.3830	New	17 Ill. Reg. 4782
211.3850	New	17 Ill. Reg. 4782
211.3870	New	17 Ill. Reg. 4782
211.3890	New	17 Ill. Reg. 4782
211.3910	New	17 Ill. Reg. 4782
211.3930	New	17 Ill. Reg. 4782
211.3950	New	17 Ill. Reg. 12491
211.3970	New	17 Ill. Reg. 4782
211.3990	New	17 Ill. Reg. 4782
211.4010	New	17 Ill. Reg. 4782
211.4030	New	17 Ill. Reg. 4782
211.4050	New	17 Ill. Reg. 4782
211.4070	New	17 Ill. Reg. 4782
211.4090	New	17 Ill. Reg. 4782
211.4110	New	17 Ill. Reg. 4782
211.4130	New	17 Ill. Reg. 4782
211.4150	New	17 Ill. Reg. 4782
211.4170	New	17 Ill. Reg. 4782
211.4190	New	17 Ill. Reg. 4782





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POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Rachel L. Doctors  
Assistant Counsel  
Illinois Environmental Protection Agency  
Bureau of Air  
P.O. Box 19276  
Springfield, IL 62794-9276

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 23, 1993
- B) Types of small businesses affected: Sources permitted to emit less than 25 tons per year of regulated air pollutants.
- C) Reporting, bookkeeping or other procedures required for compliance: Current recordkeeping and reporting procedures will apply.
- D) Types of professional skills necessary for compliance: None

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

Section 211. Appendix A Rule into Section Table  
Section 211. Appendix B Section into Rule Table

AUTHORITY: Implementing Sections 9 and 10 and authorized by Section 27, 28.5 39 and 39.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1009, 1010 and 1027), (P.A. 87-1213, effective September 26, 1992) [415 ILCS 5/9, 10, 27, 28.5, 39 and 39.5].

SOURCE: Adopted as Chapter 2: Air Pollution, Rule 201: Definitions, R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R74-2 and R75-5, 32 PCB 295, at 3 Ill. Reg. 5, p. 777, effective February 3, 1979; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7 Ill. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13590; amended in R82-1 (Docket A) at 10 Ill. Reg. 12624, effective July 7, 1986; amended in R85-21(A) at 11 Ill. Reg. 11747, effective June 29, 1987; amended in R86-34 at 11 Ill. Reg. 12267, effective July 10, 1987; amended in R86-39 at 11 Ill. Reg. 20804, effective December 14, 1987; amended in R82-14 and R86-37 at 12 Ill. Reg. 787, effective December 24, 1987; amended in R86-18 at 12 Ill. Reg. 7284, effective April 8, 1988; amended in R86-10 at 12 Ill. Reg. 7621, effective April 11, 1988; amended in R88-23 at 13 Ill. Reg. 10862, effective June 27, 1989; amended in R89-8 at 13 Ill. Reg.

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

PART 211  
DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Section  
211.101 Incorporations by Reference  
211.102 Abbreviations and Units

SUBPART B: DEFINITIONS

Section  
211.121 other Definitions  
211.122 Definitions (Repealed)  
211.5500 Regulated Air Pollutant

Section 211. Appendix A Rule into Section Table

Section 211. Appendix B Section into Rule Table

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

17457, effective January 1, 1990; amended in R89-16(A) at 14 Ill. Reg. 9141, effective May 23, 1990; amended in R88-30(B) at 15 Ill. Reg. 5223, effective March 28, 1991; amended in R88-14 at 15 Ill. Reg. 7901, effective May 14, 1991; amended in R91-10 at 15 Ill. Reg. 15564, effective October 11, 1991; amended in R91-6 at 15 Ill. Reg. 15673, effective October 14, 1991; amended in R91-22 at 16 Ill. Reg. 7656, effective May 1, 1992; amended in R91-24 at 16 Ill. Reg. 13526, effective August 24, 1992; amended in R93- at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: DEFINITIONS

Section 211.5500 Regulated Air Pollutant

(a) "Regulated air pollutant" means the following:

- (1) Nitrogen oxides (NO<sub>x</sub>) or any volatile organic compound.
- (2) Any pollutant for which a national ambient air quality standard has been promulgated.
- (3) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act.
- (4) Any Class I or II substance subject to a standard promulgated under Section 112 of the Clean Air Act, including Sections 112(g), (j) and (r).
  - (i) Any pollutant subject to requirements under Section 112(j) of the Clean Air Act. Any pollutant listed under Section 112(b) shall be considered to be regulated 18 months after the date on which United States Environmental Protection Agency ("USEPA") was required to promulgate an applicable standard pursuant to Section 112(e) of the Clean Air Act, if USEPA fails to promulgate such standard.
  - (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Clean Air Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

~~NOT OPEN~~

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(b) "Regulated air pollutant" shall, for the purposes of 35 Ill. Adm. Code 201.180(a), mean any air contaminant as to which this Subtitle contains emission standards or other specific limitations and any contaminant regulated in Illinois pursuant to Section 9.1 of the Act.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

NOTICE OF PROPOSED AMENDMENT

ILLINOIS REGISTER  
POLLUTION CONTROL BOARD

1) Heading of the Part: Permits and General Provisions

2) Code Citation: 35 Ill. Adm. Code 201

3) Section Numbers: Proposed Action:

201.162	Amend
201.163	Amend
201.180	Added
201.181	Added
201.187	Added

4) Statutory Authority: The Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010, 1027 and 1039 as amended by P.A. 87-1213 effective September 26, 1992) [415 ILCS 5/10, 27, 39].

5) A Complete Description of the Subjects and Issues Involved: Establishing rules for issuing air pollution control permits without an expiration date for certain smaller air pollution sources.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: In amending the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 et. seq.) [415 ILCS 5/1 et seq.] with the addition of Section 39.5, the general assembly determined that the Air Pollution Control permit system should be further revised to allow for easier permitting for sources that emit less than 25 tons per year of specified air contaminants. Therefore, the general assembly also amended Section 39 by requiring that the Pollution Control Board adopt rules allowing for permits that do not expire except under certain circumstances for those smaller sources. These proposed amendments do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act. (Ill. Rev. Stat. 1991, ch. 85, par. 2203(b)). [30 ILCS 805/1 et. seq.]

11) Time, Place and Manner in which interested persons may

NOTICE OF PROPOSED AMENDMENT

ILLINOIS REGISTER  
POLLUTION CONTROL BOARD  
93 13372

comment on this proposed rulemaking:

Send written comments concerning R93-11 within 45 days of publication in the Illinois Register to:

Dorothy M. Gunn  
Clerk of the Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601  
and

12) Initial Regulatory Flexibility Analysis:  
Rachel L. Doctors  
Assistant Counsel  
Illinois Environmental Protection Agency  
Bureau of Air  
P.O. Box 19276  
Springfield, IL 62794-9276

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: July 23, 1993

B) Types of small businesses affected: Sources permitted to emit less than 25 tons per year of specified air pollutants.

C) Reporting, bookkeeping or other procedures required for compliance: Current record-keeping and reporting procedures will apply.

D) Types of professional skills necessary for compliance: None.

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

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER a: PERMITS AND  
GENERAL PROVISIONS

PART 201  
PERMITS AND GENERAL PROVISIONS

SUBPART A: DEFINITIONS

Section  
201.101 Other Definitions  
201.102 Definitions  
201.103 Abbreviations and Units  
201.104 Incorporations by Reference

SUBPART B: GENERAL PROVISIONS

Section  
201.121 Existence of Permit No Defense  
201.122 Proof of Emissions  
201.123 Burden of Persuasion Regarding Exceptions  
201.124 Annual Report  
201.125 Severability  
201.126 Repealer

SUBPART C: PROHIBITIONS

Section  
201.141 Prohibition of Air Pollution  
201.142 Construction Permit Required  
201.143 Operating Permits for New Sources  
201.144 Operating Permits for Existing Sources  
201.146 Exemptions from Permit Requirement  
201.147 Former Permits  
201.148 Operation Without Compliance Program and Project  
Completion Schedule  
201.149 Operation During Malfunction, Breakdown or Startups  
201.150 Circumvention  
201.151 Design of Effluent Exhaust Systems

SUBPART D: PERMIT APPLICATIONS AND REVIEW  
PROCESS

Section  
201.152 Contents of Application for Construction Permit  
201.153 Incomplete Applications  
201.154 Signatures

NOTICE OF PROPOSED AMENDMENT

201.155 Standards for Issuance  
201.156 Conditions  
201.157 Contents of Application for Operating Permit  
201.158 Incomplete Applications  
201.159 Signatures  
201.160 Standards for Issuance  
201.161 Conditions  
201.162 Duration  
201.163 Joint Construction and Operating Permits  
201.164 Design Criteria  
201.165 Hearings

SUBPART E: ~~CONDITIONS OF PERMITS~~  
(Reserved)

SPECIAL PROVISIONS FOR OPERATING  
PERMITS FOR CERTAIN SMALLER SOURCES

Section  
201.180 Applicability  
201.181 Expiration and Renewal  
201.187 Requirement for a Revised Permit

SUBPART F: RENEWAL, REVOCATION, REVISION  
AND APPEAL

Section  
201.207 Revocation  
201.209 Revisions to Permits  
201.210 Appeals from Conditions

SUBPART G: EXPERIMENTAL PERMITS  
(Reserved)

SUBPART H: COMPLIANCE PROGRAMS AND  
PROJECT COMPLETION SCHEDULES

Section  
201.241 Contents of Compliance Program  
201.242 Contents of Project Completion Schedule  
201.243 Standards for Approval  
201.244 Revisions  
201.245 Effects of Approval  
201.246 Records and Reports  
201.247 Submission and Approval Dates

SUBPART I: MALFUNCTIONS, BREAKDOWNS  
OR STARTUPS

NOTICE OF PROPOSED AMENDMENT

Section 201.261 Contents of Request for Permission to Operate During a Malfunction, Breakdown or Startup

201.262 Standards for Granting Permission to Operate During a Malfunction, Breakdown or Startup

201.263 Records and Reports

201.264 Continued Operation or Startup Prior to Granting of Operating Permit

201.265 Effect of Granting of Permission to Operate During a Malfunction, Breakdown or Startup

SUBPART J: MONITORING AND TESTING

Section 201.281 Permit Monitoring Equipment Requirements

201.282 Testing

201.283 Records and Reports

SUBPART K: RECORDS AND REPORTS

Section 201.301 Records

201.302 Reports

SUBPART L: CONTINUOUS MONITORING

Section 201.401 Continuous Monitoring Requirements

201.402 Alternative Monitoring

201.403 Exempt Sources

201.404 Monitoring System Malfunction

201.405 Excess Emission Reporting

201.406 Data Reduction

201.407 Retention of Information

201.408 Compliance Schedules

Section 201. Appendix A Rule into Section Table

Section 201. Appendix B Section into Rule Table

Section 201. Appendix C Past Compliance Dates

AUTHORITY: Implementing Sections 10 and 39 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1010, and 1027, and 1039) [415 ILCS 5/10, 27, and 39].

SOURCE: Adopted as Chapter 2: Air Pollution, Part I: General Provisions, in R71-23, 4 PCB 191, filed and effective April 14, 1972; amended in R78-3 and 4, 35 PCB 75 and 243, at 3 Ill. Reg. 30, p. 124, effective July 28, 1979; amended in R80-5, at 7

NOTICE OF PROPOSED AMENDMENT

Section 201.161 III. Reg. 1244, effective January 21, 1983; codified at 7 Ill. Reg. 13579; amended in R82-1 (Docket A) at 10 Ill. Reg. 12628, effective July 7, 1986; amended in R87-38 at 13 Ill. Reg. 2066, effective February 3, 1989; amended in R89-7(A) at 13 Ill. Reg. 19444, effective December 5, 1989; amended in R89-7(B) at 15 Ill. Reg. 17710, effective November 26, 1991; amended in R93-11 at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_

SUBPART D: PERMIT APPLICATIONS AND REVIEW PROCESS

Section 201.162 Duration

No operating permit shall be valid longer than five years or such shorter period as the Agency may specify in the operating permit as necessary to accomplish the purposes of the Act and this Chapter unless the source is subject to Subpart E of this Part. Applications for renewal of an operating permit shall be submitted to the Agency at least 90 days prior to the expiration of the prior permit, and shall conform to Sections 201.157, 201.158 and 201.159. The standards for issuance of renewal of operating permits shall be as set forth in Section 201.160.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 201.163 Joint Construction and Operating Permits

In cases where the Agency determines that an emission source or air pollution control equipment is sufficiently standard so as to obviate the need for separate construction and operating permits, the Agency may issue a joint construction and operating permit. The Agency may adopt procedures which: set forth the circumstances under which joint construction and operating permits may be issued; require data and information designed to determine compliance with this Chapter, and ambient air quality standards; and which set forth the format by which all data and information shall be submitted. The standards for issuance of joint construction and operating permits shall be as set forth in Sections 201.155 and 201.160. Except as herein provided, nothing in this Chapter shall be deemed to limit the power of the Agency in this regard. No joint construction and operating permit shall be valid for longer than five years or such shorter period as the Agency may specify the joint construction and operating permit as necessary to accomplish the purposes of this Chapter unless the source is subject to Subpart E of this Part. Applications for renewal of a permit shall be submitted to the Agency at least 90 days prior to the expiration of the prior permit, and shall conform to the expiration of the prior permit, and shall conform to such procedures as may have been adopted by the

NOTICE OF PROPOSED AMENDMENT

Agency; and the standards for issuance of renewal permits shall be as set forth in Sections 201.155 and 201.160. The term "operating permit" as used elsewhere in this Chapter shall be deemed to include a joint construction and operating permit.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: ~~CONDITIONS OF PERMITS~~

SPECIAL PROVISIONS FOR OPERATING PERMITS FOR CERTAIN SMALLER SOURCES  
Reserved

Section 201.180                      Applicability

- a) Persons required to obtain operating permits under Part 201 are subject to this Subpart if:
  - 1) The total emissions of all regulated air pollutants, as defined by 35 Ill. Adm. Code 211.5500(b), that the source is permitted to emit on an annual basis are less than 25 tons; and
  - 2) The source is not subject to the operating permit requirements under Section 39.5 of the Act.
- b) This Subpart only applies to sources which meet the requirements of subsection (a) above and whose permit has not expired pursuant to a renewal request under Section 201.181(a) of this Part. If this Subpart no longer applies to a source and its permit has not expired pursuant to a renewal request under Section 201.181(a) of this Subpart, the terms and conditions of the permit shall remain in effect until the permit is superseded by a new or revised permit or it is withdrawn.
- c) Nothing in this Subpart shall be construed as exempting persons with permits issued pursuant to this Subpart from the requirements of Section 201.142 of this Part requiring a construction permit or from review under Part 203 procedures for new and modified emission units.
- d) Unless specifically stated otherwise in this Subpart, all rules in this Part apply.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

NO OPERATING PERMITS

NOTICE OF PROPOSED AMENDMENT

Section 201.181                      Expiration and Renewal

- a) Notwithstanding Section 201.162 of this Part, an operating permit subject to this Subpart shall expire 180 days after the Agency sends a written request for renewal of the permit. A permit shall also terminate if it is withdrawn upon written request by the permittee or is superseded by a revised permit issued for the source.
- b) The Agency may request the renewal of an operating permit subject to this Subpart for reasons including, but not limited to, a change in the requirements applicable to the source; an indication that the information on the source's application is inaccurate; or information that the source may not be in compliance with the Act, a Board regulation or an existing permit condition.
- c) In its request for renewal pursuant to subsection (a) above, the Agency may include a request for any supplemental information that the Agency may need to determine the continued applicability of this Subpart or the ability of the source to comply with any applicable requirement.
- d) An owner or operator may appeal to the Board only a final determination by the Agency to deny a permit or to include conditions as provided by Section 40 of the Act and Section 201.210 of this Part, or a determination that a permit application is incomplete based upon, but not limited to, a failure to submit information requested under subsection (c) above or Section 201.158 of this Part.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 201.187                      Requirement for a Revised Permit

- a) Persons with operating permits subject to this Subpart must obtain a revised permit prior to any of the following changes at the source:
  - 1) An increase in emissions above the amount the emission unit or the source is permitted to emit; or
  - 2) A modification; or
  - 3) A change in operations which will result in the source's noncompliance with a condition in the existing permit; or



1) Heading of the Part: Aid To The Aged, Blind Or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Number: Proposed Action:

113.155 Amendment

4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (111. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13)[305 ILCS 5/3-1 and 12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments are in response to recommendations from the Office of the Auditor General. Language is added to the rule to place the burden of proof on the client regarding the intent of asset transfers made for less than fair market value, to provide provisions for multiple transfers of assets and to delete language regarding transfers in which the person did not consent to or assist in the transfer. The intent of this rulemaking is to deter illegal transfer of assets which are made to become eligible for public assistance. These proposed amendments allow for multiple transfers of assets to be considered as a single transfer. This rulemaking also intends to prevent the use of multiple transfers from shortening a period of ineligibility. Amendments regarding asset transfers are also being proposed to the Medical Assistance Program rules (89 Ill. Adm. Code 120).

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

113.113 Amendment May 28, 1993 (17 Ill. Reg. 7755)  
113.141 Amendment May 28, 1993 (17 Ill. Reg. 7755)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments

Law School Library

4) A change in ownership, company name, or address, so that the application or existing permit is no longer accurate.

b) If changes in the source's emission units or control equipment remove a source from the applicability of this Subpart, an owner or operator shall apply for a revised permit under Subpart D of this Part or under Section 39.5 of the Act.

(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SUBPART E: OTHER PROVISIONS

Section 113.300 Persons Who May Be Included In the Assistance Unit

113.301 Grandfathered Cases

113.302 Interim Assistance (Repealed)

113.303 Special Needs Authorizations

113.304 Retrospective Budgeting

113.305 Budgeting Schedule

113.306 Purchase and Repair of Household Furniture (Repealed)

113.307 Property Repairs and Maintenance

113.308 Excess Shelter Allowance

113.309 Limitation on Amount of AABD Assistance to Recipients from Other States

113.320 Redetermination of Eligibility

113.330 Attorney's Fees for VA Appellants

SUBPART F: INTERIM ASSISTANCE

Section 113.400

Description of the Interim Assistance Program

113.405 Pending SSI Application

113.410 More Likely Than Not Eligible for SSI

113.415 Non-Financial Factors of Eligibility

113.420 Financial Factors of Eligibility

113.425 Payment Levels for Chicago Interim Assistance Cases

113.430 Payment Levels for all Interim Assistance Cases Outside Chicago

113.435 Medical Eligibility

113.440 Attorney's Fees for SSI Applicants

113.445 Advocacy Program for Persons Receiving Interim Assistance

113.450 Limitation on Amount of Interim Assistance to Recipients from Other States

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Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (111. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) [305 ILCS 5/3-1 et seq. and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 111. Reg. 17, p. 117, effective February 1, 1978; amended at 2 111. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 111. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 111. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 111. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 111. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 111. Reg. 33, p. 399, effective August 18, 1979; amended at 3 111. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

113.117 Budgeting Earned Income for Non-contractual School Employees

113.118 Termination of Employment

113.120 Exempt Earned Income

113.125 Recognized Employment Expenses

113.130 Income from Work/Study/Training Programs

113.131 Earned Income from Self-Employment

113.132 Earned Income from Roomer and Boarder

113.133 Earned Income from Rental Property

113.134 Earned Income In-Kind

113.139 Payments from the Illinois Department of Children and Family Services

113.140 Assets

113.141 Exempt Assets

113.142 Asset Disregard

113.143 Deferral of Consideration of Assets

113.154 Property Transfers for Applications Filed Prior To October 1, 1989

113.155 (Repealed)

113.156 Property Transfers for Applications Filed On Or After October 1, 1989

113.157 Court Ordered Child Support Payments of Parent/Step-Parent

113.158 Sponsors of Aliens

113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section 113.245

Payment Levels for AABD

113.246 Personal Allowance

113.247 Personal Allowance Amounts

113.248 Shelter

113.249 Utilities and Heating Fuel

113.250 Laundry

113.251 Telephone

113.252 Transportation, Lunches, Special Fees

113.253 Allowances for Increase in SSI Benefits

113.254 Nursing Care or Personal Care in Home Not Subject to Licensing

113.255 Sheltered Care in a Licensed Group Care Facility

113.256 Shopping Allowance

113.257 Special Allowances for Blind and Partially Sighted (Blind Only)

113.258 Home Delivered Meals

113.259 AABD Fuel and Utility Allowances By Area

113.260

Sheltered Care Rates

113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8

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## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg.

Section 113.155 (continued)

(f) A transfer is allowable if:

- 1) the transfer occurred more than thirty (30) months before the date of application or more than thirty (30) months before entry into the long term care facility;

- 2) the transfer, by the resident's spouse, occurred prior to December 20, 1989;

- 3) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;

4) homestead property was transferred to:

- A) a spouse;
- B) the individual's child who is under age 21;
- C) the individual's child who is blind or permanently and totally disabled;
- D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one (1) year immediately prior to the date the individual entered the facility; or

- E) the individual's child who provided care for the individual and who was residing in the homestead property for two (2) years immediately prior to the date the individual entered the facility;

5) The transfer by the resident was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance, as of October 1, 1989, is an amount up to but not greater than \$60,000 that the resident may transfer, without affecting eligibility, to the community spouse or to another individual for the sole benefit of the community spouse. As of October 1, 1989, the amount of assets a resident may transfer to his or her community spouse is \$60,000 minus any non-exempt assets of the community

9986, effective June 15, 1992; amended at 16 ILL. Reg. 11565, effective July 15, 1992; emergency amendment at 16 ILL. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 ILL. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 ILL. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 ILL. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 ILL. Reg. 2263, effective February 15, 1993; amended at 17 ILL. Reg. 3202, effective February 26, 1993; amended at 17 ILL. Reg. 4322, effective March 22, 1993; amended at 17 ILL. Reg. 6804, effective April 21, 1993; amended at 17 ILL. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.155 Property Transfers For Applications Filed On Or After October 1, 1989

- a) The provisions for the transfer of property (i.e., assets) listed in subsections (d)-(f) below apply to residents of long term care facilities who apply for assistance on or after October 1, 1989, regardless of the date of the transfer and to residents whose application is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.

- b) The provisions for the transfer of property (i.e., assets) listed in subsections (d)-(f) below apply to a resident's spouse when the resident applies for assistance on or after June 1, 1991, if the transfer occurs on or after December 20, 1989, and to a resident's spouse when the resident's application is filed prior to June 1, 1991, if the transfer occurs on or after June 1, 1991.
- c) The provisions for the transfer of property (i.e., assets) listed in subsections (d)-(f) below do not apply to eligibility determinations for individuals who reside in the community.

- d) A transfer of assets occurs when a resident of a long term care facility or the resident's spouse buys, sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.

- e) A multiple transfer of assets occurs when a resident of a long term care facility or the resident's spouse transfers assets in two or more steps that could have been done in a single transaction.

Section 113.155(f)(5) (continued)

spouse. The amount established as the Community Spouse Asset Allowance shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The Community Spouse Asset Allowance is subject to the following qualifiers:

- A) The amount of assets sufficient to provide (the amount of income generated) the Community Spouse Maintenance Needs Allowance (as described at 89 Ill. Adm. 120.61) as determined by a fair hearing; or
- B) The amount transferred under a court order to the community spouse;
- 6) the transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;
- 7) the individual intended to transfer the assets for fair market value;
- 8) It is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:
  - A) the resident is mentally unable to explain how the assets were transferred;
  - B) the denial of assistance would force the resident to move from the long term care facility; or
  - C) the individual would be prohibited from joining a spouse in a facility or would prohibit the individual from entering a facility that is within close proximity to his/her family;
- 9) ~~it is determined that~~ the transfer was made exclusively for a reason other than to qualify for assistance. A transfer for less than fair market value is presumed to have been made to qualify for assistance unless a satisfactory showing is made to the Department that the client or spouse transferred the asset exclusively for a reason other than to qualify for assistance;
- 10) the transfer by the resident was to the community spouse and was the result of a court order. ~~†-of~~

TAY 04-21-89

Section 113.155(f) (continued)

~~11) the individual did not consent to or assist in the transfer (for example, a joint bank account in which monies are withdrawn without the permission of the individual).~~

g) Multiple transfers of assets may contain transfers in which:

- 1) all of the transfers of assets meet the provisions of subsection (f); or
- 2) none of the transfers of assets meet the provisions of subsection (f); or
- 3) one or more of the transfers of assets meet the provisions of subsection (f) and one or more of the transfers of assets do not meet the provisions of subsection (f).

h) Multiple transfers of assets which do not meet the provisions of subsection (f) are considered as a single transfer of the total amount of assets with the period of ineligibility beginning with the month of the first transfer which does not meet the provisions of subsection (f) and ending in accordance with subsections (j) when:

- 1) subsequent transfers which do not meet the provisions of subsections (f) are made during a period when the resident would be ineligible for assistance because a previous transfer does not meet the provisions of subsection (f); and
- 2) treating the transfers separately would result in a shorter total period of ineligibility than if the multiple transfers were considered as a single transfer; and
- 3) the transferred assets were available to the person during the month of a prior transfer which did not meet the provisions of subsection (f).

i) Multiple transfers of assets which do not meet the provisions of subsection (h) are treated as separate transfers. Each separate transfer is subject to the provisions of subsection (j).

f)j) If the transfer does not fall within the listing meet the provisions of subsection (e) above (f), the resident is ineligible beginning with the month in which such assets were transferred and until whichever occurs first:

- 1) the period of time the uncompensated amount of the asset would

Section 113.155(j) (continued)

meet the monthly cost of long term care (private rate) at the facility; or

2) thirty (30) months from the month of the transfer.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

1) Heading of the Part: Medical Assistance Programs

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Numbers: Proposed Action:

Amendment	120.318
Amendment	120.386

4) Statutory Authority: Implementing Articles III, IV, V, VI and VII and

authorized by Section 12-13 of the Illinois Public Aid Code (111. Rev.

Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et

seq., 7-1 et seq. and 12-13)[305 ILCS 5/3-1, 4-1, 5-1, 6-1, 7-1 and 12-13]

Complete Description of the Subjects and Issues Involved: These proposed

amendments are in response to recommendations from the Office of the

Auditor General. Language is added to the rule to place the burden of

proof on the client regarding the intent of asset transfers made for less

than fair market value, to provide provisions for multiple transfers of

assets and to delete language regarding transfers in which the person did

not consent to or assist in the transfer. The intent of this rulemaking

is to deter illegal transfer of assets which are made to become eligible

for public assistance. These proposed amendments allow for multiple

transfers of assets to be considered as a single transfer. This

rulemaking also intends to prevent the use of multiple transfers from

shortening a period of ineligibility. Amendments regarding asset

transfers are also being proposed to the Aid to the Aged, Blind or

Disabled rules (89 Ill. Adm. Code 113).

The proposed amendments also specify that individuals residing in public institutions are ineligible for medical assistance and that individuals confined in any penal or correctional institution are ineligible for assistance.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

120.61 Amendment February 19, 1993 (17 Ill. Reg. 2114)

121 0221

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunnā, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.
- 12) Initial Regulatory Flexibility Analysis:
  - A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
  - B) Types of small businesses affected: None
  - C) Reporting, bookkeeping or other procedures required for compliance: None
  - D) Types of professional skills necessary for compliance:

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

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER I: DEPARTMENT OF PUBLIC AID  
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120  
 MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section  
 120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section  
 120.10 Eligibility For Medical Assistance  
 120.11 Eligibility For Medical Assistance For Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy  
 120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women  
 120.20 MANG(AABD) Income Standard  
 120.30 MANG(C) Income Standard  
 120.31 MANG(P) Income Standard  
 120.40 Exceptions To Use Of MANG Income Standard  
 120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section  
 120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy  
 120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities  
 120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643  
 120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings  
 120.64 Pregnant Women and Children Born October 1, 1983, or Later Who Do Not Qualify As Mandatory Categorically Needy  
 120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements



DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)
Section	SUBPART H: MEDICAL ASSISTANCE - NO GRANT
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment Cooperation in Establishing Paternity and Obtaining Medical Support
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322	Obtaining Medical Support
120.323	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.324	Foster Care Program
120.325	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Court Ordered Child Support Payments of Parent/Step-Parent
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

120.270	Recognized Employment Expenses (Repealed)
120.262	Exempt Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.260	Earned Income (Repealed)
120.255	Protected Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.245	Earmarked Income (Repealed)
120.240	Unearned Income In-Kind (Repealed)
120.236	Education Benefits (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.230	Unearned Income (Repealed)
120.225	Social Security Numbers (Repealed)
120.224	Foster Care Program (Repealed)
120.218	Institutional Status (Repealed)
120.217	Supplemental Payments (Repealed)
120.216	Living Arrangement (Repealed)
120.215	Relationship (Repealed)
120.212	Age (Repealed)
120.211	Residence (Repealed)
120.210	Citizenship (Repealed)
120.208	Client Cooperation (Repealed)
120.200	Elimination Of Aid To The Medically Indigent
Section	SUBPART G: AID TO THE MEDICALLY INDIGENT
120.91	Income Standards
120.90	Migrant Medical Program
Section	SUBPART F: MIGRANT MEDICAL PROGRAM
120.80	Recipient Restriction Program
Section	SUBPART E: RECIPIENT RESTRICTION PROGRAM
120.76	Hospital Insurance Benefits (HIB)
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standard
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.73	Specified Low-Income Medicare Beneficiary (SLIB)
120.72	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Beneficiary (QMB)
120.70	Eligibility for Medicare Cost Sharing as a Qualified Medicare Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
Section	SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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substantive change) at 7 ILL. Reg. 16108; amended at 8 ILL. Reg. 5253, effective April 9, 1984; amended at 8 ILL. Reg. 6770, effective April 27, 1984; amended at 8 ILL. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 ILL. Reg. 17897; amended at 8 ILL. Reg. 20706, effective October 3, 1984; amended at 8 ILL. Reg. 25053, effective December 12, 1984; emergency amendment at 9 ILL. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 ILL. Reg. 4515, effective March 25, 1985; amended at 9 ILL. Reg. 5346, effective April 11, 1985; amended at 9 ILL. Reg. 7153, effective May 6, 1985; amended at 9 ILL. Reg. 11346, effective July 8, 1985; amended at 9 ILL. Reg. 12298, effective July 25, 1985; amended at 9 ILL. Reg. 12823, effective August 9, 1985; amended at 9 ILL. Reg. 15903, effective October 4, 1985; amended at 9 ILL. Reg. 16300, effective October 10, 1985; amended at 9 ILL. Reg. 16906, effective October 18, 1985; amended at 10 ILL. Reg. 1192, effective January 10, 1986; amended at 10 ILL. Reg. 3033, effective January 23, 1986; amended at 10 ILL. Reg. 4907, effective March 7, 1986; amended at 10 ILL. Reg. 6966, effective April 16, 1986; amended at 10 ILL. Reg. 10688, effective June 3, 1986; amended at 10 ILL. Reg. 12672, effective July 14, 1986; amended at 10 ILL. Reg. 15649, effective September 19, 1986; amended at 11 ILL. Reg. 3992, effective February 23, 1987; amended at 11 ILL. Reg. 7652, effective April 15, 1987; amended at 11 ILL. Reg. 8735, effective April 20, 1987; emergency amendment at 11 ILL. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 ILL. Reg. 14034, effective August 14, 1987; amended at 11 ILL. Reg. 14763, effective August 26, 1987; amended at 11 ILL. Reg. 20142, effective January 1, 1988; amended at 11 ILL. Reg. 20898, effective December 14, 1987; amended at 12 ILL. Reg. 904, effective January 1, 1988; amended at 12 ILL. Reg. 3516, effective January 22, 1988; amended at 12 ILL. Reg. 6234, effective March 22, 1988; amended at 12 ILL. Reg. 8672, effective May 13, 1988; amended at 12 ILL. Reg. 9132, effective May 20, 1988; amended at 12 ILL. Reg. 11483, effective June 30, 1988; emergency amendment at 12 ILL. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment amended at 12 ILL. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 ILL. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 ILL. 17867, effective October 30, 1988; amended at 12 ILL. Reg. 19704, effective November 15, 1988; amended at 12 ILL. Reg. 20188, effective November 23, 1988; amended at 13 ILL. Reg. 116, effective January 1, 1989; amended at 13 ILL. Reg. 2081, effective February 3, 1989; amended at 13 ILL. Reg. 3908, effective March 10, 1989; emergency amendment at 13 ILL. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency amendment at 13 ILL. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 ILL. Reg. 15404, effective October 6, 1989; emergency amendment at 13 ILL. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 ILL. Reg. 17483, effective October 31, 1989; amended at 13 ILL. Reg. 17838, effective November 8, 1989; amended at 13 ILL. Reg. 18872, effective November 17, 1989; amended at 14 ILL. Reg. 760, effective January 1, 1990; emergency amendment at

14 ILL. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 ILL. Reg. 4233, effective March 5, 1990; emergency amendment at 14 ILL. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 ILL. Reg. 6372, effective April 16, 1990; amended at 14 ILL. Reg. 7637, effective May 10, 1990; amended at 14 ILL. Reg. 10396, effective June 20, 1990; amended at 14 ILL. Reg. 13227, effective August 6, 1990; amended at 14 ILL. Reg. 14814, effective September 3, 1990; amended at 14 ILL. Reg. 17004, effective September 30, 1990; emergency amendment at 15 ILL. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 ILL. Reg. 5302, effective April 1, 1991; amended at 15 ILL. Reg. 10101, effective June 24, 1991; amended at 15 ILL. Reg. 11973, effective August 12, 1991; amended at 15 ILL. Reg. 12747, effective August 16, 1991; amended at 15 ILL. Reg. 14105, effective September 11, 1991; amended at 15 ILL. Reg. 14240, effective September 23, 1991; amended at 16 ILL. Reg. 139, effective December 24, 1991; amended at 16 ILL. Reg. 1862, effective January 20, 1992; amended at 16 ILL. Reg. 10034, effective June 15, 1992; amended at 16 ILL. Reg. 11582, effective July 15, 1992; amended at 16 ILL. Reg. 17290, effective November 3, 1992; amended at 17 ILL. Reg. 1102, effective January 15, 1993; amended at 17 ILL. Reg. 6827, effective April 21, 1993; amended at 17 ILL. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section 120.318 Institutional Status

a) Individuals residing in public institutions (see 42 CFR 435.1009) are ineligible for financial and medical assistance.

b) Individuals between the ages of 22-64 who are patients in an institution for Mental Diseases (see 42 CFR 435.1009) are ineligible for financial and medical assistance. These individuals continue to be ineligible for financial and medical assistance while temporarily discharged for the purpose of obtaining medical care. Individuals who are temporarily discharged remain patients of the institution as long as they are not given a complete or absolute discharge while they receive medical care. An individual on conditional release or convalescent leave from an Institution for Mental Diseases is not considered to be a patient in that institution. A conditional release or convalescent leave is one that provides treatment for the illness or condition for which the individual was institutionalized rather than for a medical condition.

c) Individuals confined in or under the jurisdiction of any local, state, or federal, penal or correctional institution, or law enforcement authority are ineligible for assistance.

Section 120.318 (continued)

- d) Residents of a private psychiatric hospital certified for participation in the Medicare Program who are 65 years of age or older may be eligible for assistance. Those individuals residing in a private psychiatric hospital not certified to participate in the Medicare Program are not eligible for public assistance.
- e) Individuals under age 21 residing in a private psychiatric hospital having JCAH accreditation may be eligible for public assistance.
- f) A resident of a private institution who has a contract with the institution providing total needs throughout life is ineligible, as no needs remain to be met.
- g) Residents of private institutions (other than those who have purchased life care contracts) are ineligible for public assistance when they have purchased care and maintenance to provide for all their needs in the institution and the amount paid has not been wholly consumed for care.
- h) Individuals, living in a public or a private facility which has official policies and administrative procedures which are not in conformance or are in conflict with the Public Aid Code provision or Department rules governing eligibility for public assistance, are ineligible for public assistance.
- i) Any individual residing in a facility which is licensed by the Department of Public Health as a Community Living Facility for the mildly and moderately retarded may be eligible for MANG.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989

- a) The provisions for the transfer of property (i.e., assets) listed below apply to residents of long term care facilities who apply for Medicaid on or after October 1, 1989, regardless of the date of the transfer and to residents whose application for Medicaid is filed prior to October 1, 1989, if the transfer occurs on or after October 1, 1989.
- b) The provisions for the transfer of property (i.e., assets) listed in ~~subsections (d), (e) and (f)~~ below apply to a resident's spouse when the resident applies for Medicaid on or after June 1, 1991, if the

Section 120.386(b) (continued)

transfer occurs on or after December 20, 1989, and to a resident's spouse when the resident's application for Medicaid is filed prior to June 1, 1991, if the transfer occurs on or after June 1, 1991.

- c) The provisions for the transfer of property (i.e., assets) listed in ~~subsections (d), (e) and (f)~~ below do not apply to eligibility determinations for individuals who reside in the community.
- d) A transfer of assets occurs when a resident of a long term care facility or the resident's spouse buys, sells or gives away real or personal property or changes (e.g., change from joint tenancy to tenancy in common) the way property is held.
- e) A multiple transfer of assets occurs when a resident of a long term care facility or the resident's spouse transfers assets in two or more steps that could have been done in a single transaction.
- e)f) A transfer is allowable if:
  - 1) the transfer occurred more than thirty (30) months ~~from before~~ the date of application or more than thirty (30) months before entry into the long term care facility;
  - 2) the transfer, by the resident's spouse, occurred prior to December 20, 1989;
  - 3) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (e.g., bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;
  - 4) homestead property was transferred to:
    - A) a spouse;
    - B) the individual's child who is under age 21;
    - C) the individual's child who is blind or permanently and totally disabled;
    - D) the individual's brother or sister who has an equity interest in the homestead property and who was residing in

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.386(f)(8) (continued)

- B) the denial of assistance would force the resident to move from the long term care facility; or
- C) the individual would be prohibited from joining a spouse in a facility or would prohibit the individual from entering a facility that is within close proximity to his/her family; ~~the transfer was made exclusively for a reason other than to qualify for assistance. A transfer for less than fair market value is presumed to have been made to qualify for assistance unless a satisfactory showing is made to the Department that the client or spouse transferred the asset exclusively for a reason other than to qualify for assistance;~~

- 9) ~~is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:~~
- 10) the transfer by the resident was to the community spouse or to another individual for the sole benefit of the community spouse or to the amount of assets sufficient to provide the amount of income generated (the Community Spouse Maintenance Needs Allowance) as described at 89 Ill. Adm. Code 120.61) as determined by a fair hearing; or
- 11) the amount of assets transferred under a court order to the community spouse;
- 12) the transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;
- 13) the individual intended to transfer the assets for fair market value;
- 14) it is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:

- 1) all of the transfers of assets meet the provisions of subsection (f); or
- 2) none of the transfers of assets meet the provisions of subsection (f); or
- 3) one or more of the transfers of assets meet the provisions of subsection (f) and one or more of the transfers of assets do not meet the provisions of subsection (f).
- 4) Multiple transfers of assets which do not meet the provisions of subsection (f) are considered as a single transfer of the total amount of assets with the period of eligibility beginning with the month of the first transfer which does not meet the provisions of subsection (f) and ending in accordance with subsection (j) when: subsequent transfers which do not meet the provisions of subsection (f) are made during a period when the resident would be ineligible for assistance because a previous transfer does not meet the provisions of subsection (f); and

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Section 120.386(f)(4)(D) (continued)

- the home for at least one (1) year immediately prior to the date the individual entered the facility or;
- E) the individual's child who provided care for the individual and who was residing in the homestead property for two (2) years immediately prior to the date the individual entered the facility;

- 5) The transfer by the resident was to the community spouse or to another individual for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance. The Community Spouse Asset Allowance, as of October 1, 1989, is an amount up to but not greater than \$60,000 that the resident may transfer, without affecting eligibility, to the community spouse or to another spouse. As of October 1, 1989, the amount of assets a resident may transfer to his or her community spouse is \$60,000 minus any non-exempt assets of the community spouse. The amount established as the Community Spouse Asset Allowance shall be increased for calendar years after 1989 by the same percentage as the percentage increase in the consumer price index for all urban consumers. The Community Spouse Asset Allowance is subject to the following qualifiers:
- A) The amount of assets sufficient to provide the amount of income generated (the Community Spouse Maintenance Needs Allowance) as described at 89 Ill. Adm. Code 120.61) as determined by a fair hearing; or
- B) The amount transferred under a court order to the community spouse;
- 6) the transfer was to the individual's child who is blind or permanently and totally disabled or to another person for the sole benefit of the individual's child;
- 7) the individual intended to transfer the assets for fair market value;
- 8) it is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:
- 9) the resident is mentally unable to explain how the assets were transferred;

NOTICE OF PROPOSED AMENDMENTS

Section 120.386(h) (continued)

2) treating the transfers separately would result in a shorter total period of ineligibility than if the multiple transfers were considered as a single transfer; and

3) the transferred assets were available to the person during the month of a prior transfer which did not meet the provisions of subsection (f).

i) Multiple transfers of assets which do not meet the provisions of subsection (h) are treated as separate transfers. Each separate transfer is subject to the provisions of subsection (j).

~~ε)j)~~ If the transfer does not fall within the listing meet the provisions of subsection (e) above (f), the resident is ineligible beginning with the month in which such assets were transferred and until whichever occurs first:

1) the period of time the uncompensated amount of the asset would meet the monthly cost of long term care (private rate) at the facility; or

2) thirty (30) months from the month of the transfer.

(Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

13406

NOTICE OF PROPOSED RULES

1) The Heading of the Part:

Pregnancy Termination Report Code

2) Code Citation:

77 Ill. Adm. Code 505

3) Section Numbers:

Proposed Action:

505.10  
505.20  
505.30  
505.40  
505.50  
505.Appendix A

New Section  
New Section  
New Section  
New Section  
New Section  
New Section

4) Statutory Authority:

Implementing and authorized by the Illinois Abortion Law (Ill. Rev. Stat. 1991, ch. 38, par. 81-21 et seq.) [720 ILCS 510].

5) A Complete Description of the Subject and Issues Involved:

These proposed rules, which will replace identical emergency rules published in this issue of the Illinois Register, implement a consent decree in the case Herbst et al. v. O'Malley et al., U.S. District Court for the Northern District of Illinois, No. 84 C 6502. The consent decree requires the Department to prescribe rules securing the anonymity of each woman undergoing an abortion, rules creating a public use tape for the dissemination of aggregate data reported to the Department, and all forms required under Section 10 of the Illinois Abortion Law. In addition, the consent decree authorizes the Department to promulgate rules that, while preserving a woman's anonymity, prescribe specific reporting requirements relating to pregnancy terminations. The Department is required to issue all rules pursuant to the consent decree within 60 days from the date of approval of the consent decree.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes  No

7) Does this Rulemaking Contain an Automatic Repeal Date?

Yes  No

8) Does this Rulemaking Contain any Incorporations by Reference?

NOTICE OF PROPOSED RULES

Yes  No

9) Are there any other Proposed Amendments Pending on this Part?

Yes  No

If yes:

Section Numbers Proposed Action Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking will have no economic effect on units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this issue of the Illinois Register

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act commenting on these rules shall indicated their status as such in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Any small business that performs pregnancy terminations.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Completion of Report of Induced Termination of Pregnancy required in Appendix A of this Part.

D) Types of Professional Skills Necessary for Compliance:

NOTICE OF PROPOSED RULES

None

The full text of the Proposed Rules is identical to emergency rules that appear on page 13633 of this issue of the Illinois Register:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Adopted Action:  
 310.290 Amended  
 310. Appendix C Amended
- 4) Statutory Authority:  
 Ill. Rev. Stat. 1991, ch. 127, par. 63b108a.2 [20 ILCS 415/8a.2]
- 5) Effective Date of Amendment: July 29, 1993
- 6) Does this rulemaking contain an automatic repeal date? \_\_\_ Yes X No  
If "yes", please specify date:
- 7) Does this amendment contain incorporation by reference? No  
If "yes", was a copy of the approval form issued by JCAR attached to this rulemaking?  
 These amendments do not contain any incorporations by reference.
- 8) Date filed in Agency's Principal Office: July 29, 1993
- 9) Notice of Proposal Published in Illinois Register:  
 January 8, 1993, Issue #35; 17 Ill. Reg. 191; Notice of Corrections published on January 15, 1993, Issue 3, 17 Ill. Reg. 672.
- 10) Has JCAR issued a Statement of Objections to this rule? No  
If answer is "yes", please complete the following:  
 A) Statement of Objection: \_\_\_\_\_, \_\_\_ Ill. Reg. \_\_\_\_\_  
 (Issue Date)  
 B) Agency Response: \_\_\_\_\_, \_\_\_ Ill. Reg. \_\_\_\_\_  
 (Issue Date)  
 C) Date Agency Response Submitted for Approval to JCAR?
- 11) Difference between proposal and final version:  
 There were no changes made to the original amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will these Amendments replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending to this part? Yes
- | <u>Section Numbers</u>   | <u>Proposed Action</u> | <u>Ill. Reg. Citation</u>           |
|--------------------------|------------------------|-------------------------------------|
| 310.210                  | Amended                | 17 Ill. Reg. 7605<br>(May 28, 1993) |
| 310.320                  | Amended                | 17 Ill. Reg. 7605<br>(May 28, 1993) |
| 310. Appendix A, Table G | Amended                | 17 Ill. Reg. 7605<br>(May 28, 1993) |
| 310. Appendix A, Table P | Amended                | 17 Ill. Reg. 7605<br>(May 28, 1993) |
| 310. Appendix A, Table Q | Amended                | 17 Ill. Reg. 7605<br>(May 28, 1993) |
- 15) Summary and Purpose of Amendment:  
 In Section 310.290, Out-of-State or Foreign Service Rate, the multi-state description under the titles of this section was revised to read "States other than California and New Jersey", in order to allow additional positions to be established in other states than those currently listed.  
 Also, the out-of-state titles that are in alignment with the Schedule of Salary Grades and collective bargaining were increased as of January 1, 1993, to maintain the same differential above the appropriate in-state salary grade for that title as of January 1, 1993.  
 In Section 310. Appendix C, the abolished titles of the Medical Facilities Administrators and the Physician Administrators are replaced with the titles of Medical Administrators I through V. The salary schedule for the Medical Administrators is illustrated in the text.
- 16) Information and questions regarding these adopted amendments shall be directed to:  
 Name: Mr. Michael Murphy  
 Address: Department of Central Management Services  
 Division of Technical Services  
 504 William G. Stratton Building  
 Springfield, Illinois 62706  
 Telephone: (217) 782-5601

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



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART C: MERIT COMPENSATION SYSTEM

Section	310.410
Jurisdiction	310.420
Objectives	310.430
Responsibilities	310.440
Merit Compensation Salary Schedule	310.450
Procedures for Determining Annual Merit Increases	310.455
Intermittent Merit Increase	310.456
Merit Zone	310.460
Other Pay Increases	310.470
Adjustment	310.480
Decreases in Pay	310.490
Other Pay Provisions	310.500
Definitions	310.510
Conversion of Base Salary to Pay Period Units	310.520
Conversion of Base Salary to Daily or Hourly Equivalents	310.530
Implementation	310.540
Annual Merit Increase Guidechart for Fiscal Year 1993	310.550
Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)	

APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, ISEA)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
TABLE Q	RC-033 (Meat Inspectors, ISEA)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS  
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310	PAY PLAN
Section	310.20
Policy and Responsibilities	310.30
Jurisdiction	310.40
Pay Schedules	310.50
Definitions	310.60
Conversion of Base Salary to Pay Period Units	310.70
Conversion of Base Salary to Daily or Hourly Equivalents	310.80
Increases in Pay	310.90
Decreases in Pay	310.100
Other Pay Provisions	310.110
Implementation of Pay Plan Changes for Fiscal Year 1993	310.120
Interpretation and Application of Pay Plan	310.130
Effective Date	310.140
Reinstatement of Within Grade Salary Increases	310.150
Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)	

SUBPART B: SCHEDULE OF RATES	
Section	310.205
Introduction	310.210
Prevailing Rate	310.220
Negotiated Rate	310.230
Part-time Daily or Hourly Special Services Rate	310.240
Hourly Rate	310.250
Member, Patient and Inmate Rate	310.260
Trainee Rate	310.270
Legislated and Contracted Rate	310.280
Designated Rate	310.290
Out-of-State or Foreign Service Rate	310.300
Educator Schedule for RC-063 and HR-010	310.310
Physician Specialist Rate	310.320
Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections	310.330
Excluded Classes Rate (Repealed)	

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

14 I11. Reg. 615, effective January 2, 1990; peremptory amendment at 14 I11. Reg. 1627, effective January 11, 1990; amended at 14 I11. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 I11. Reg. 7652, effective May 7, 1990; amended at 14 I11. Reg. 10002, effective June 11, 1990; emergency amendment at 14 I11. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 I11. Reg. 14361, effective August 24, 1990; emergency amendment at 14 I11. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 I11. Reg. 16092; peremptory amendment at 14 I11. Reg. 17098, effective September 26, 1990; amended at 14 I11. Reg. 17189, effective October 2, 1990; amended at 14 I11. Reg. 17189, effective October 19, 1990; amended at 14 I11. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 I11. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 I11. Reg. 663, effective January 7, 1991; amended at 15 I11. Reg. 3296, effective February 14, 1991; amended at 15 I11. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 I11. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 I11. Reg. 5465, effective April 2, 1991, for a maximum of 150 days; amended at 15 I11. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 I11. Reg. 11080, effective July 19, 1991; amended at 15 I11. Reg. 13080, effective August 21, 1991; amended at 15 I11. Reg. 14210, effective September 23, 1991; emergency amendment at 16 I11. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 I11. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 I11. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 I11. Reg. 7056, effective April 20, 1992; emergency amendment at 16 I11. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 I11. Reg. 8382, effective May 26, 1992; emergency amendment at 16 I11. Reg. 13950, effective August 19, 1992; emergency amendment at 16 I11. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 I11. Reg. 238, effective December 23, 1992; peremptory amendment at 17 I11. Reg. 498, effective December 18, 1992; amended at 17 I11. Reg. 590, effective January 4, 1993; amended at 17 I11. Reg. 1819, effective February 2, 1993; emergency amendment at 17 I11. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 I11. Reg. 6441, effective April 8, 1993; amended at 17 I11. Reg. 13409, effective July 29, 1993.

Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Range	Title
Effective Fiscal Year 1993	

Foreign Service Economic Development Executive I 2739 - 4743

Foreign Service Economic Development Executive II 3552 - 6238

Foreign Service Economic Development Representative 2359 - 3945

Office Administrator IV

CA, NJ) (CA, NJ) and New Jersey) (States Other Than California

1895 - 2969

Office Assistant (Foreign Service)

CA, NJ) (CA, NJ) and New Jersey) (States Other Than California

1717 - 2154

Office Associate

CA, NJ) (CA, NJ) and New Jersey) (States Other Than California

1944 - 2435

Office Coordinator

CA, NJ) (CA, NJ) and New Jersey) (States Other Than California

2015 - 2539

Revenue Audit Supervisor

CA, NJ) (CA, NJ) and New Jersey) (States Other Than California

3117 - 5497

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Revenue Auditor I (CO, GA, IN, IA, KY, MI, MO, NE, NC, OH, TN, TX and WI) (States Other Than California and New Jersey) (CA, NJ)	2429 --- 3176 2477 - 3240 2746 --- 3591 2801 - 3664
Revenue Auditor II (CO, GA, IN, IA, KY, MI, MO, NE, NC, OH, TN, TX and WI) (States Other Than California and New Jersey) (CA, NJ)	2685 --- 3533 2739 - 3603 3036 --- 3994 3097 - 4073
Revenue Auditor III (CO, GA, IN, IA, KY, MI, MO, NE, NC, OH, TN, TX and WI) (States Other Than California and New Jersey) (CA, NJ)	2991 --- 3971 3051 - 4050 3381 --- 4489 3449 - 4579
Revenue Auditor Trainee (CO, GA, IN, IA, KY, MI, MO, NE, NC, OH, TN, TX and WI) (States Other Than California and New Jersey) (CA, NJ)	2024 --- 2590 2064 - 2642 2288 --- 2928 2334 - 2986
Revenue Assistant Audit Field Manager (OH, TX) (States Other Than California and New Jersey) (CA, NJ)	3309 - 5881 3741 - 6648
Revenue Field Audit Manager (NJ)	3993 - 7112
Tax Examiner (CO, GA, IN, IA, KY, MI, MO, NE, NC, OH, TN, TX and WI) (States Other Than California and New Jersey) (CA, NJ)	1783 --- 2246 1818 - 2291 2015 --- 2539 2055 - 2590

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Tax Examiner Trainee (CO, GA, IN, IA, KY, MI, MO, NE, NC, OH, TN, TX and WI) (States Other Than California and New Jersey) (CA, NJ)	1605 --- 1983 1638 - 2022 1815 --- 2241 1851 - 2285
-------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------

(Source: Amended at 17 Ill. Reg. 13409, effective July 29, 1993)

Section 310. Appendix C - Physician-Administrator-Rates-and Medical Facilities Administrator Rates for Fiscal Year 1992 1993

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical Facilities Administrator I Option C	6,204 74,448	7,458 89,496	8,712 104,544
Medical Facilities Administrator I Option D	6,928 83,136	8,214 98,568	9,500 114,000
Medical Facilities Administrator II Option C	6,704 80,448	7,978 95,736	9,252 111,024
Medical Facilities Administrator II Option D	7,699 92,388	9,023 108,276	10,347 124,164
Medical Facilities Administrator III	7,971 95,652	9,426 113,112	10,881 130,572
Medical Facilities Administrator IV	8,101 97,212	9,555 114,660	11,009 132,108
Medical Facilities Administrator V	8,231 98,772	9,685 116,220	11,139 133,668
Physician-Administrator-I	4,899 58,788	6,012 72,144	7,125 85,500
Physician-Administrator-II	5,030 60,360	6,172 74,064	7,314 87,768
Physician-Administrator-III	5,166 61,992	6,339 76,068	7,512 90,144
Physician-Administrator-IV	5,434 65,208	6,574 78,888	7,714 92,568

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Physician-Administrator-V-----5-771-----6-793-----7-815  
-----69-252-----81-516-----93-780

The rates of pay for physicians occupying or appointed to a position in the Physician-Administrator-classes-and-the Medical Facilities Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to Physician-Administrator-positions-and the Medical Facilities Administrator positions.

(Source: Amended at 17 Ill. Reg. 13409, effective July 29, 1993 )

1) The Heading of the Part: Relative Home Placement

2) Code Citation: 89 Ill. Adm. Code 335

3) Section Numbers: Adopted Action:

335.100

Amend

335.102

Amend

335.200

New Section

Renumbered

335.202

Amend

Renumbered

335.204

Amend, Renumbered

335.206

New Section

335.300

Amend

335.304

Amend

335.310

Amend

335.312

Amend

335.314

Amend

335.316

Amend

335.318

Amend

335.320

Amend

335.326

Amend

335.328

Amend

335.330

Amend

4) Statutory Authority: Implementing and authorized by Section 5 of

the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, pars.

5005 et seq.)

5) Effective Date of Amendments: July 31, 1993.

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: July 31, 1993.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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Department of Children and Family Services  
406 East Monroe St., Station # 222  
Springfield, Illinois 62701-1498

Telephone:

(217) 524-1983  
(217) 524-3715

TDD/TTY:

17) The full text of the adopted amendments is as follows:

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 335

RELATIVE HOME PLACEMENT

SUBPART A: GENERAL PROVISIONS

Section

335.100

Purpose

Definitions

SUBPART B: PLACEMENT

Section

335.200

Placement-Pre-conditions Identification and Selection of Relative  
Placements

335.202

Continuation-of-Placement Pre-Conditions

335.204

Continuation of Placement

335.206

Required Notices and Information

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

Section

335.300

Provisions Pertaining To Approval

335.302

Safety Requirements for the Relative Family Home

335.304

Requirements for Sleeping Arrangements

335.306

Nutrition and Meals

335.308

Business and Employment of Relative Foster Parents (Repealed)

335.310

Qualifications of Related-Caretakers Relative Family Home

335.312

Background Inquiry

335.314

Health of Relative Family

335.316

Number of Children Served

335.318

Meeting Basic Needs of Related Children

335.320

Health Care of Related Children

335.322

Religion

335.324

Education

335.326

Discipline of Related Children

335.328

Emergency Care of Related Children

335.330

Release of Children

335.332

Confidentiality of Information

335.334

Required Written Consents

335.336

Records To Be Maintained

335.338

Cooperation with the Supervising Agency and the Department

335.340

Severability of This Part

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005) [20 ICS 505/5].

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENT(S)

SOURCE: Adopted at 10 Ill. Reg. 4513, effective April 1, 1986; amended at 16 Ill. Reg. 7633, effective April 30, 1992; amended at 17 Ill. Reg. 13420, effective July 31, 1993.

## SUBPART A: GENERAL PROVISIONS

## Section 335.100 Purpose

The purpose of this Part is to specify that related caretakers caregivers of children for whom the Department of Children and Family Services is legally responsible must meet the standards prescribed by this Part, which are prescribed to ensure the safety, health, and welfare of related children.

(Source: Amended at 17 Ill. Reg. 13420, effective July 31, 1993)

## Section 335.102 Definitions

"Approval" or "Approved" means that a relative family home wherein the caretaker caregiver is related to the child(ren) in care has met the standards prescribed by this Part. A relative home is approved on the effective date entered on the approval recommendation. Such standards are substantially the same with regard to the safety, health and welfare of children as those promulgated for licensure of unrelated foster family homes pursuant to the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.) [225 ILCS 10] and codified at 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes.

"Biological or putative father" means a man who has acknowledged his paternity via a notarized written statement or whose paternity is adjudicated in court. When paternity has been acknowledged or adjudicated, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department, in accordance with 89 Ill. Adm. Code 302, Services Delivered by the Department.

"Department" means the Department of Children and Family Services.

"Director" means the Director of the Department of Children and Family Services.

"Placing agency", as used in this Part, means a child welfare agency licensed in accordance with 89 Ill. Adm. Code 401, Licensing Standards For Child Welfare Agencies, a license-exempt agency in accordance with

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89 Ill. Adm. Code 382, Agencies Exempt From Licensing, or the Department of Children and Family Services, which places children in a relative family home.

"Related caretaker or Relative Caregiver" means a person who provides care for a child or children for whom the Department is legally responsible by reason of temporary protective custody, court ordered custody or guardianship, or an adoptive surrender or voluntary placement agreement signed by the parent(s) and to whom the child or children or members of a sibling group have any of the following currently existing relationships by blood, marriage, or adoption: grandfather, grandmother, great-grandfather, great-grandmother, step-grandfather, step-grandmother, great-uncle, great-aunt, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, nephew, niece or first cousin.

"Relative family home" or "home" means the home of a related caretaker caregiver approved in accordance with the standards prescribed by this Part.

"Specified relative" means any of those relatives who have first preference and consideration in the placement of related children in the home. Specified relatives include the following currently existing relationships by blood or adoption: grandfather, grandmother, great-grandfather, great-grandmother, great-uncle, great-aunt, brother, sister, uncle, aunt, nephew, niece, or first cousin.

"Supervising Agency" as used in this Part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services, which has responsibility for the day-to-day supervision, approval and monitoring of a relative family home.

(Source: Amended at 17 Ill. Reg. 13420, effective July 31, 1993)

## SUBPART B: PLACEMENT

Section 335.200 Placement--Pre-Conditions Identification and Selection of Relative Placements

Department and private agency staff shall make reasonable attempts to locate relatives who may be willing to serve as a placement to children related to them. The Department or private agency shall identify relatives of the children, contact the relatives, and assess their suitability to serve as relative caregivers for the children. When children must be placed in care apart from their parents, specified relatives as defined in Section 335.102, shall have preference and first consideration over more distant relatives and over non-relatives. Department or private agency staff shall refer relatives



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parent(s) and other resource persons to help develop and achieve the permanency goal recorded in the child(ren)'s service plan.

1) Background checks as required by 89 Ill. Adm. Code 385 (Background Checks) have been completed on all adult members of the household and communicated to the supervising agency prior to placement;

2) the home is free from observable hazards; 3) prescription and non-prescription drugs, dangerous household supplies, dangerous tools, weapons, guns and ammunition are stored in places inaccessible to children;

4) basic utilities -- water, heat, electricity -- are in operation; 5) sleeping arrangements are suitable to the age and sex of the child(ren); 6) meals can be provided daily to the related child(ren) in sufficient quantities to meet the child(ren)'s nutritional needs as required by Section 335.306;

7) supervision of the related child(ren) can be assured at all times including times when the related caretaker caregiver is employed or otherwise engaged in activity outside of the home; 8) the related caretakers caregiver can provide basic necessities, as defined by Section 335.310 (e), for themselves and their own child(ren);

9) the medical needs of the related child(ren) can be met; 10) no member of the household appears to have a communicable disease which could pose a threat to the health of the related child(ren) or an emotional or physical impairment which could affect the ability of the caretaker caregiver to provide routine daily care to the related child(ren) or to evacuate them safely in an emergency;

11) there is no evidence of current drug or alcohol abuse by any household member as determined by the placing agency's observations and statements provided by the related caretaker(s) caregiver(s); 12) the related caretaker caregiver has the ability to contact the agency, if necessary, and the ability to be contacted; 13) the related caretaker caregiver has immediate access to a telephone when the related child has medical or other special needs; and 14) the related caretaker caregiver shall cooperate with the supervising agency's educational plan for the child.

d) Prior to or concurrent with placement in a related caretakers caregiver's home, staff of the placing agency shall document, on the form prescribed by the Department, that the pre-conditions prescribed by this Section have been met.

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for approval when their home meets the placement preconditions in Section 335.202, when the relative caregivers will not pose an obstacle to permanency for the children, and when the placement is consistent with the best interests and special needs of the children in accordance with the criteria of 89 Ill. Adm. Code 302.390(e), Placement Selection Criteria.

(Source: Section 335.200 renumbered to Section 335.202, new Section adopted at 17 Ill. Reg. 13420, effective July 31, 1993)

a) Effective with the adoption of these rules, no child for whom the Department is legally responsible shall be placed with a relative unless the pre-conditions specified in this section have been met. When a child is already in the care of a relative when the Department assumes legal responsibility, the pre-conditions of this Section shall be met within forty-eight (48) hours of the Department's assuming legal responsibility for the child.

b) Staff of the placing agency shall meet with the proposed related caretaker caregiver and ascertain that the relative, in accordance with the Department's rules at 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect), 302 (Services Delivered by the Department), 305 (Client Service Planning), 307 (Indian Child Welfare Services), and 327 (Permanency Advocacy Services):

1) is capable of protecting the child(ren) from further harm by the parent(s) or other relatives whose action or inaction allegedly threatened the child(ren)'s safety or well-being as determined by a child abuse or neglect investigation pursuant to the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2051 et seq.) [325 ILCS 5];

2) agrees not to release the child to anyone, including parent(s) or other relative(s), unless previously authorized by the Department; 3) agrees not to allow the child's parents to reside in the relative's home unless previously authorized in writing by the Department; 4) agrees not to move the child to another home or give the child to another caretaker caregiver unless previously authorized in writing by the Department;

5) agrees not to arrange for medical, psychological, or psychiatric testing or treatment unless previously authorized in writing by the Department; 6) agrees not to take the child out of state unless previously authorized in writing by the Department; 7) agrees to abide by any conditions or limitations on the parent-child visitation plan which have been imposed by the court or are contained in the client service plan; and 8) is willing to cooperate with the agency, the child(ren)'s

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supervising agency is a factor taken into consideration in determining whether the violation is substantial;

3) The specific related children for whom the home was approved no longer reside with the relative caregiver caregiver.

b) The related caregiver shall notify the supervising agency within thirty (30) days of a change of address or a change in the family composition. Whenever any of the events specified in Section 335.304 subsection (a) above occur, the home shall be submitted for re-evaluation.

c) Ninety days prior to the expiration date of the most recent approval, the home shall be submitted for re-evaluation.

d) The child(ren) shall remain in the home during the re-evaluation provided the requirements of Section 335.200 continue to be met.

(Source: Amended at 17 Ill. Reg. 13420, effective July 31, 1993)

Section 335.304 Requirements for Sleeping Arrangements

a) Each child for whom the home is approved shall be provided his or her own bed or crib, except that two related children up to age 10 of the same sex with no more than two years difference in their ages may share a double-sized (or larger) bed.

b) Female children under six years of age may share a sleeping room with one related female adult or a related married couple if provided with their own beds or cribs.

c) Male children under six years of age may share a room with a related adult (male or female) or related married couple if provided with their own beds or cribs.

d) Children over six years of age may share a sleeping room with one related adult of the same sex if provided with their own beds or cribs.

e) Children under six years of age may share a room with related children of the opposite sex who are also under age 6 if each child is provided with a separate bed or crib.

f) Basements and attics may be used as separate sleeping quarters for children who are mobile, capable of self-preservation, and able to understand and follow directions with minimal assistance in an emergency.

1) To be used for separate sleeping quarters, basements and attics shall have two (2) exits with one (1) exit leading directly to the outside with means to safely reach ground level. The second exit can be an easily accessible outside exterior window, operable from the inside without the use of tools, and large enough to accommodate an adult.

2) Children for whom basement or attic separate sleeping quarters are allowed shall be individually evaluated and approved by the supervising agency in accordance with the above-cited requirements.

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f) The room shall be exposed to an outside window or shall have auxiliary means of ventilation.

g) The springs and mattresses on each had requiring such shall be level. The bedding shall be suitable for the season.

h) Linens shall be changed at least weekly for all children and as frequently as needed for children not toilet trained, and for those who are enuretic.

i) Waterproof mattress covers shall be provided for all beds or cribs for enuretic children.

k) Any child who is ill or suspected of having a contagious disease shall be isolated from other children until a medical determination has been received that the disease is not contagious or is no longer contagious.

l) Sleeping room shall be comfortable and shall be furnished suitably for the age and sex of the child.

m) Storage space shall be provided to accommodate the personal belongings of each child.

(Source: Amended at 17 Ill. Reg. 13420, effective July 31, 1993)

Section 335.310 Qualifications of Related-Caregivers Relative Family Home

a) The related caregiver shall be related to the child(ren) as defined by this part, and shall be willing to assume appropriate responsibilities for the child or children for whom care is provided.

b) Related caregivers shall be stable, law abiding, responsible, mature individuals, at least 21 years of age. All adult members of the household age 18 or over shall have authorized the background check required for foster parents in 89 Ill. Adm. Code 380, Background Check of Foster Home Applicants, and shall be able to accept agency supervision except members of the household who are bedridden or otherwise severely physically disabled to the extent they pose no threat to children are not required to authorize a criminal background check in accordance with part 380-units-they-will be-acting-as-the-care-provider.

c) Related caregivers shall provide the names and addresses of at least three unrelated references who can attest to their parenting ability and moral character or shall provide the names of school officials where their own children attended school.

d) Unless parental rights are terminated, the related caregivers shall respect and support the child(ren)'s ties to his or her biological parent(s) and shall cooperate with the supervising agency in this regard.

e) The relative family shall demonstrate an ability to manage their financial resources (income, governmental benefits, other assets) so as to provide basic necessities (shelter, food, clothing, utilities and essential medical care) for themselves and their own child(ren).

f) The conduct or behavior of members of the household shall not endanger requirements.

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the health, safety, or welfare of the child(ren) in care.

- g) The operation of other legal business enterprises on the premises, such as beauty shops, tailoring businesses, pet grooming, or 'cottage' industries, is permitted, but shall not interfere with the care of the child(ren) or endanger the health, safety, and welfare of the child(ren).

(Source: Amended at 17 Ill. Reg. 13420, effective July 31, 1993)

## Section 335.312 Background Inquiry

- a) As a condition of approval by the Department, the related caretakers caregivers and each adult member of the household shall furnish information of any offenses (other than minor traffic violations) for which they have been charged. ~~However, members of the household who are bedridden or otherwise severely physically disabled to the extent they pose no threat to children are not required to furnish such information.~~ The Department shall make a determination concerning their suitability for working with the child(ren) in accordance with this Part, 89 Ill. Adm. Code 380, Background Check of Foster Home Applicants, and Sections 4.1-4.4 of the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2214.1-2214.4) [225 ILCS 10/4.1-4.4].
- b) Persons who have been convicted of an offense or who allow persons convicted of an offense to reside in their home shall not be automatically rejected as related caretakers caregivers. When a person with such a criminal history is present in the home, Department employees, designated by the Director of the Department, shall review the materials focusing on the relationship between the offense which was the basis for the conviction and the children's health, safety and welfare in that relative family home. ~~person's ability to perform responsibly as a related caretaker.~~ The following shall be considered in addition to the criteria in Section 4.2 of the Child Care Act of 1969:
- 1) The type of crime for which the individual was convicted;
  - 2) The number of crimes for which the individual was convicted;
  - 3) The nature of the offense(s);
  - 4) The age of the individual at the time of the conviction;
  - 5) The length of time that has elapsed since the last conviction;
  - 6) The relationship of the crime and the capacity to care for children;
  - 7) Evidence of rehabilitation; and
  - 8) Opinions of community members concerning the individual in question.
- c) If any adult member of the household has been convicted of one of the crimes identified in items (1) through (11) of Section 4.2 of the Child Care Act of 1969, any request for a waiver of this conviction must be submitted in writing to the Director of the Department for his or her personal approval.

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(Source: Amended at 17 Ill. Reg. 13420, effective July 31, 1993)

## Section 335.314 Health of Relative Family

- a) Medical examinations of related caretakers caregivers or other members of the household shall be required when, through personal observation of ~~or notification from~~ the relative family; ~~it becomes evident to~~ the supervising agency, ~~or a physician has reason to believe,~~ that the related caretaker caregiver or a member of the household has a communicable disease or other physical impairment which would affect the ability to provide care for the child(ren). Medical examinations shall be at the expense of the related caretaker(s) or member of the household.
- b) If the supervising agency has a question regarding whether the physical, mental or emotional health of the related caretaker(s) caregiver(s) or other member of the household may endanger a child or children in care or there is a concern about a member of the household's use of drugs or alcohol, the supervising agency shall require clinical or medical evaluations and reports to assess the condition. ~~shall be provided by the caretaker to the supervising agency.~~ Clinical or medical evaluations shall be at the expense of the Department of Children and Family Services.

(Source: Amended at 17 Ill. Reg. 13420, effective July 31, 1993)

## Section 335.316 Number of Children Served

The maximum number of children for which a relative family home shall be approved for full-time care shall be eight (including the family's own children and other members of the household under 18 years of age whose parent(s) or guardian does not reside in the home) unless all of the related children for whom the home is approved are of common parentage. The maximum number of eight shall not include other children whose parent(s) or guardian is/are members of the household and assume full responsibility for their care. Nor shall the maximum of eight include children born to or adopted by the related caretakers caregivers after the home is initially approved.

(Source: Amended at 17 Ill. Reg. 13420, effective July 31, 1993)

## Section 335.318 Meeting Basic Needs of Related Children

- a) Children in the home shall be treated equitably.
- b) Children in the home shall be protected from exploitation, neglect, and abuse. Suspected child abuse or neglect shall be reported to the supervising agency and to the Department immediately.
- c) Children under the age of 10 shall not be left in the home without supervision by a responsible person age 15 or over.

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- d) When the related caretaker(s) is employed or otherwise engaged in activities inside or outside the home, age-appropriate supervision of the children shall be provided. Children shall receive responsible supervision appropriate to their needs, developmental stage, and maturity. When supervision by other than the related caretaker(s) will occur on a regular basis, the plan shall be in writing, and shall be approved by the supervising agency. The supervising agency shall review and approve the plan only when the health, safety or welfare of the child(ren) is ensured.
- e) Each child shall be encouraged to visit his or her parent(s) and other family members in accordance with the provisions of the client service plan unless such visitation has been restricted by court order.
- f) Each child shall be given the opportunity to develop social relationships through participation in schools, and other community and group activities. Each child shall have the opportunity to invite friends to the home and to visit in the home of friends.
- g) Related caretaker(s) shall assist the child(ren) in the proper handling of money by providing a personal allowance based upon the child(ren)'s age. Personal allowances for the child shall not be less than the amount provided by the child's parent, guardian, or legal custodian.
- h) Adolescents may be allowed to earn additional spending money.
- i) A reasonable amount of the child's spending money may be saved for future expenditures. Savings over \$100 are to be held in a separate account in the child's name.
- j) Each child shall have the opportunity to learn to assume some responsibility for himself or herself and for household duties in accordance with his or her age, health, and ability. No child shall be permitted to do tasks which are hazardous, dangerous, or risk harm to the child.
- k) Each child shall be provided with his or her own clothing for health, comfort, and physical well-being. Clothing shall be properly fitted and appropriate to the season.
- l) Related caretaker(s) shall encourage the child(ren) to engage in appropriate indoor and outdoor recreation.
- m) Related caretaker(s) shall cooperate with the supervising agency in providing information about related children in their care, and shall notify the supervising agency of incidents that affect the care of the child, including but not limited to death, serious illness, incarceration, or any other significant occurrence.

(Source: Amended at 17 Ill. Reg. 13420, effective July 31, 1993)

Section 335.320 Health Care of Related Children

a) Each child shall have medical and dental check-ups in accordance with the Illinois Department of Public Aid's early periodic screening, diagnosis and treatment program, 89 Ill. Adm. Code 140.485, healthly

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- b) In case of sickness or accident, immediate medical care shall be secured for the child in accordance with the supervising agency's directions.
- c) Related caretaker(s) shall keep the supervising agency informed of the child(ren)'s health problems, including alcoholism and drug abuse.
- d) No prescription drugs or medicines shall be given to a related child without a physician's prescription or authorization.
- e) Related caretaker(s) shall thoroughly acquaint anyone caring for the child(ren) in their absence with the foregoing health requirements.

(Source: Amended at 17 Ill. Reg. 13420, effective July 31, 1993)

Section 335.326 Discipline of Related Children

- a) Discipline shall be appropriate to the age of the child, related to the child's act, and shall not be out of proportion to the particular inappropriate behavior. Discipline shall be handled without prolonged delay.
- b) The related caretaker(s) shall be responsible for the discipline of the child. Discipline shall never be delegated to the child's peer or peers, nor to persons who are strangers to the child.
- c) No child shall be subjected to corporal (physical) punishment, verbal abuse, threats or derogatory remarks about the child or his or her family.
- d) No child shall be deprived of a meal or part of a meal as punishment. No child shall be deprived of visits with family or other persons with whom he or she has established a parenting bond as punishment.
- e) No child shall be deprived of clothing or sleep as punishment.
- f) A child may be restricted to an unlocked bedroom for a reasonable period of time. While restricted, the child shall have full access to sanitary facilities.
- g) A child may be temporarily restrained by a person physically holding the child if the child poses a danger to him or herself or to others.
- h) The personal spending money of a child may be used as a constructive disciplinary measure to teach the child about responsibility and the consequences of his or her behavior. However, no more than 50% of the child's monthly personal spending money (as provided by parent(s), guardian or supervising agency) shall be withheld for any reason.
- i) Withholding a child's monthly personal spending money shall occur only under the following circumstances:
  - A) For reasonable restitution for damages done by the child; or
  - B) For breaking the family's rules if the child has been given an oral warning that his or her spending money will be reduced for this infraction.
- j) When a child's spending money has been reduced because he or she

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

All placement decisions will be made consistent with the best interests and special needs of the child. When children are removed from the care of a custodial parent, the Department shall explore whether the non-custodial parent would be a suitable caregiver to the children. If placement with the non-custodial parent is not consistent with the best interests and special needs of the children or if the non-custodial parent is not a suitable caregiver for the children, placement in substitute care shall be considered. Children who need placement shall:

Item (3) of subsection 302.390 was revised to read:

be placed within reasonable proximity to their homes when the permanency goal is to return home and within the same school district, whenever possible, taking into account any special needs of the child and family, the importance of maintaining continuity of the children's educational and social relationships, and the availability of the service resources needed for the child and family; and  
In item (4) of subsection 302.390, the words "the child" were deleted from the first line.  
Subsection 302.390 (f) [renumbered from (g) (2)] was revised to read:

When more than one relative has been identified who is willing to act as a caregiver to the related children, the Department or private placement selection criteria in 89 Ill. Adm. Code 302, Section 302.390 (e), Placement Selection, and 89 Ill. Adm. Code 335.200, Identification and Selection of Relative Placements.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these proposed amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of These Adopted Amendments: On May 20, 1992, the Department entered into a consent decree with Plaintiff Michelle Reid and other persons who are similarly situated, as represented by their legal counsel, the Office of the Public Guardian, the Northwestern University Legal

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Clinic and the Legal Aid Bureau. This consent decree requires the Department to make reasonable attempts to identify relatives who may be willing to serve as caregivers when related children are placed in care. The decree outlines the steps necessary to identify possible relative caregivers, requires the Department to explain the differences between public guardianship and private guardianship to possible relative caregivers, to advise relatives that they may seek a waiver of approval standards, and that, in many circumstances, the Department is obligated to grant the waiver request. The decree also outlines the requirements for notices to relatives, parents, children, and others when a relative placement is denied.

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

Name: Jacqueline Nottingham, Chief

Address: Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe St., Station # 222  
Springfield, Illinois 62701-1498

Telephone: (217) 524-1983  
TDD/TTY: (217) 524-3715

17) The full text of the adopted amendments is as follows:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER a: SERVICE DELIVERY

PART 302  
SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

- Section
- 302.10 Purpose
- 302.20 Definitions
- 302.30 Introduction
- 302.40 Department Service Goals
- 302.50 Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

- Section
- 302.100 Reporting Child Abuse or Neglect to the Department (Recodified)
- 302.110 Content of Child Abuse or Neglect Reports (Recodified)
- 302.120 Transmittal of Child Abuse or Neglect Reports (Recodified)
- 302.130 Special Types of Reports (Recodified)
- 302.140 Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
- 302.150 Delegation of the Investigation (Recodified)
- 302.160 The Investigative Process (Recodified)
- 302.170 Taking Children Into Temporary Protective Custody (Recodified)
- 302.180 Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
- 302.190 Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

- Section
- 302.300 Adoptive Placement Services
- 302.305 Adoption Listing Service for Special Needs Children
- 302.310 Adoption Assistance
- 302.311 Nonrecurring Adoption Expenses
- 302.315 Adoption Registry
- 302.320 Counseling or Casework Services
- 302.330 Day Care Services
- 302.340 Emergency Caretaker Services
- 302.350 Family Planning Services
- 302.360 Health Care Services
- 302.370 Homemaker Services
- 302.380 Information and Referral Services
- 302.390 Placement Services
- 302.400 Successor Guardianship

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

- Section
- 302.500 Purpose
- 302.510 Implementation of the Family Preservation Act
- 302.520 Types of Intensive Family Preservation Services
- 302.530 Phase In Plan for Statewide Family Preservation Services
- 302.540 Time Frames

Appendix A Acknowledgement of Mandated Reporter Status (Recodified)

AUTHORITY: Implementing and authorized by the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5001 et seq.) [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, par. 1003-6-2(g)) [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 6351-1 et seq.) [20 ILCS 350]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq. (1988 Supp.)); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1991, ch. 37, pars. 801-1 et seq.) [705 ILCS 405]; and the Adoption Act (Ill. Rev. Stat. 1991, ch. 40, par. 1500 et seq.) [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 17 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13438, effective July 31, 1993.

Section 302.390 Placement Services

- a) When Placement Is Appropriate
  - 1) Placement services are not offered unless appropriate family preservation services have been provided to the family, or have been offered to and refused by the family. However, when the children's safety and well-being are endangered as defined in



DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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subsection (d) below, and other services are deemed insufficient to ensure their safety and well-being, placement services shall be provided even though other appropriate services have not been offered.

- 2) Other than situations where emergency placement is necessary, the family shall be offered an appropriate mix of services directed at family preservation to supplement their parenting skills or to resolve or alleviate family problems which threaten to harm the child. Services directed toward family preservation shall be offered and will be identified in the service plan. When services are unsuccessful, or are offered to and refused by the family, the child may be placed in accordance with applicable legal procedures.
- 3) Generally, the goal for children in placement is family reunification when efforts toward achieving family reunification fail to result in a home environment that is consistent with the child's safety and well-being, a new permanent legal status and permanent living situation shall be sought in accordance with the child's needs.

b) Placement is Temporary  
The Department shall not place children until it has the appropriate legal authority to do so. Such legal authority includes: temporary protective custody in accordance with the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2051 et seq.) (325 ILCS 5); an adoptive surrender(s) in accordance with the Adoption Act (Ill. Rev. Stat. 1991, ch. 40, par. 1500 et seq.) (1750 ILCS 50); custody or guardianship in accordance with the Juvenile Court Act (705 ILCS 405); or temporary custody with written consent of the parent(s) or, if the child is not in the custody of either parent, written consent of the guardian or custodian of the child, in accordance with an Act creating the Department of Children and Family Services - the Children and Family Services Act (Ill. Rev. Stat. 1987, ch. 23, pars. 5005 et seq.) (20 ILCS 505) A written voluntary placement agreement may be entered into for a maximum of 60 days and requires prior written approval of the administrator in charge of the Department or his designee. A voluntary placement agreement may be renewed for an additional 60 days only with the prior non-delegable written approval of the administrator in charge of the Department region.

d) Emergency placement  
Emergency placement services shall be provided immediately when other criteria described in 89 Ill. Adm. Code 307, Indian Child Welfare Act (25 USC 1911) are met. The Department shall not place children until it has the appropriate legal authority to do so. Such legal authority includes: temporary protective custody in accordance with the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2051 et seq.) (325 ILCS 5); an adoptive surrender(s) in accordance with the Adoption Act (Ill. Rev. Stat. 1991, ch. 40, par. 1500 et seq.) (1750 ILCS 50); custody or guardianship in accordance with the Juvenile Court Act (705 ILCS 405); or temporary custody with written consent of the parent(s) or, if the child is not in the custody of either parent, written consent of the guardian or custodian of the child, in accordance with an Act creating the Department of Children and Family Services - the Children and Family Services Act (Ill. Rev. Stat. 1987, ch. 23, pars. 5005 et seq.) (20 ILCS 505) A written voluntary placement agreement may be entered into for a maximum of 60 days and requires prior written approval of the administrator in charge of the Department or his designee. A voluntary placement agreement may be renewed for an additional 60 days only with the prior non-delegable written approval of the administrator in charge of the Department region.

1) that leaving the child in the home of his caretaker would present an imminent danger to the child's safety and well-being; or  
2) that the parent(s) of a child who has been left unsupervised and is unable to care for himself cannot be readily located and emergency caretaker services are not available; or  
3) that services directed toward keeping the family together would not sufficiently protect the child from life-threatening or severe physical injury and would, therefore, endanger the child's safety and well-being; or  
4) that the child appears to be severely ill or injured and the parent or caretaker is unable to care for the child in this situation; or  
5) the child is abandoned; or  
6) the child is a runaway in accordance with 89 Ill. Adm. Code 329, Return of Runaway Children.

- e) Placement Selection  
All placement decisions will be made consistent with the best interests and special needs of the child. When children are removed from the care of a custodial parent, the Department shall explore whether the non-custodial parent would be a suitable caregiver for the child. If placement with the non-custodial parent is not consistent with the best interests and special needs of the child or if the non-custodial parent is not a suitable caregiver for the child, placement in substitute care shall be considered. Children who need placement shall:

1) be placed, if possible, and appropriate, with a specified relative in accordance with the provisions of 89 Ill. Adm. Code 335 (Relative Home Placement);  
2) be placed in the least restrictive setting which most closely approximates a family and in which the child's needs are met; which is consistent with the best interest of the child; and  
3) be placed with reasonable proximity to their homes which the permanency goal is to return home and within the same school district, whenever possible, taking into account any special needs of the child and family, the importance of maintaining continuity of the children's educational and social relationships, and the availability of the service resources needed for the child and family; and  
3) be placed in a home that most closely approximates the setting and background of the family and the relationship between the parent and the child and the relationship between the parent and the child.

4) be placed in the home of a relative when the child can benefit from the relationship between the parent and the child and the criteria described in 89 Ill. Adm. Code 307, Indian Child Welfare Act (25 USC 1911) are met. The Department shall not place children until it has the appropriate legal authority to do so. Such legal authority includes: temporary protective custody in accordance with the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2051 et seq.) (325 ILCS 5); an adoptive surrender(s) in accordance with the Adoption Act (Ill. Rev. Stat. 1991, ch. 40, par. 1500 et seq.) (1750 ILCS 50); custody or guardianship in accordance with the Juvenile Court Act (705 ILCS 405); or temporary custody with written consent of the parent(s) or, if the child is not in the custody of either parent, written consent of the guardian or custodian of the child, in accordance with an Act creating the Department of Children and Family Services - the Children and Family Services Act (Ill. Rev. Stat. 1987, ch. 23, pars. 5005 et seq.) (20 ILCS 505) A written voluntary placement agreement may be entered into for a maximum of 60 days and requires prior written approval of the administrator in charge of the Department or his designee. A voluntary placement agreement may be renewed for an additional 60 days only with the prior non-delegable written approval of the administrator in charge of the Department region.

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DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Dog Training on Department-Owned or -  
Managed Sites

2) CODE CITATION: 17 Ill. Adm. Code 950

3) SECTION NUMBERS: ADOPTED ACTION:

950.40	Amendments
950.50	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5) [520 ILOS 5/1.4, 2.30, 2.34 and 3.5.]

5) EFFECTIVE DATE OF AMENDMENTS: July 30, 1993

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? NO

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? NO

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: July 29, 1993

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 23, 1993, 17 Ill. Reg. 6390

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: NO

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Authority Note, a period was put at the end of the paragraph.

In Section 950.40, Clinton Lake and Des Plaines were put in proper alphabetical order.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? YES

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? NO

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? NO

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments add the Hamilton County State Fish and Wildlife Area to the list of Department sites where dog training is permitted. The amendments also allow trainers to use a shotgun with blank

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

cartridges in addition to pistols with blank cartridges.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

PART 950  
DOG TRAINING ON DEPARTMENT-OWNED OR -MANAGED SITES

Section

- 950.10 Statewide Regulations
- 950.20 Definitions
- 950.30 Permit Requirements
- 950.40 Dog Training Seasons
- 950.50 Dog Training Regulations
- 950.60 Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5) [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

SOURCE: Amendment filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10652; Part repealed, new Part adopted at 12 Ill. Reg. 1808, effective December 31, 1987; amended at 14 Ill. Reg. 13524, effective August 10, 1990; amended at 15 Ill. Reg. 11581, effective August 2, 1991; amended at 16 Ill. Reg. 11034, effective June 30, 1992; amended at 17 Ill. Reg. 13447, effective July 30, 1993.

Section 950.40 Dog Training Seasons

Dog training at the following sites will be open from September 1 - March 31, except closed during site upland game season; additional exceptions in parenthesis:

- Banner Marsh State Fish and Wildlife Area (no closed season)
- Carlyle Reservoir
- Clinton Lake State Recreation Area
- Des Plaines State Fish and Wildlife Area (open all year except during site upland game season)
- Eldon Hazlet State Park (open only January 1 - March 31)
- Eldon Hazlet State Park north of Allen Branch
- Eckerts Woods Area
- Hamilton County State Fish & Wildlife Area
- Hidden Springs State Forest

11/24/93

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Horseshoe Lake State Recreation Area

Iroquois County State Wildlife Area

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area (restricted areas include all nature preserves, natural areas, designated waterfowl rest areas and Baldwin Lake. The Doza Creek Waterfowl Management Area shall be restricted during the waterfowl season. Water retriever training only is open all year except in the Doza Creek Waterfowl Management Area during the waterfowl hunting season.)

Kickapoo State Recreation Area

Lake Shelbyville, West Okaw and Kaskaskia Fish and Wildlife Area (additionally open sunrise to sunset, April 1 - June 30 for coonhound training only)

Marseilles Conservation Area (open only March 1 - August 30)

Middle Fork State Fish and Wildlife Area

Mississippi River Area

Railsplitter State Park

Randolph County Conservation Area (no closed season)

Rock Cut State Park (open only March 1 - August 30)

Saline County Conservation Area

Sam Parr State Park

Sand Ridge State Forest (open September 15 - April 30 except open only Mondays and Tuesdays during site upland game season)

Sangchris Lake State Park (closed from opening of upland game season until January 1; open for waterdog training exclusively April 1 through August 31)

Stabbona Lake State Recreation Area (open from July 15 through August 15 then from September 16 through September 30)

Silver Springs State Fish and Wildlife Area

Stephen A. Forbes State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area

Trail of Tears State Forest

Washington County Conservation Area

Weinberg-King State Park

(Source: Amended at 17 Ill. Reg. 13447, effective July 30, 1993.)

Section 950.50 Dog Training Regulations

It shall be unlawful:

- a) to train dogs on Department property except in designated areas;
- b) to have any firearm in possession except that pistols and shotguns with blank cartridges may be used;
- c) to park any vehicle in any area other than designated parking areas;
- d) to use horses on Department property for dog training purposes, except at the following sites horses may be used:

Carlyle Reservoir (Bidon Hazel State Park north of Allen Branch)

Middle Fork State Fish and Wildlife Area

Sand Ridge State Forest

Weinberg-King State Park

(Source: Amended at 17 Ill. Reg. 13447, effective July 30, 1993.)

1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Bow and Arrow

2) CODE CITATION: 17 Ill. Adm. Code 670

3) SECTION NUMBERS: ADOPTED ACTION:

670.10	Amendments
670.20	Amendments
670.30	Amendments
670.40	Amendments
670.50	Amendments
670.60	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36) [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

5) EFFECTIVE DATE OF AMENDMENTS: July 30, 1993

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? NO

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? NO

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: July 29, 1993

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4698

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: NO

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Main Source Note, "3.6" was changed to "3.36".

In Section 670.50(a)(4), the ILCS citation was changed to read "520 ILCS 5".

In Section 670.50(b), the ILCS citation was changed to read "520 ILCS 5".

In Section 670.60(c), Carlyle Lake, the period at the end of the paragraph was removed.

In Section 670.60(c), Chauncey March, "15 February" was

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for... either sex... applications...  
received before August 15 and after submission of two either sex  
archery applications...  
prescribed in section 67B-5B.

(e) Landowners including non-resident and out-of-state landowners who own  
40 acres or more of land, or resident tenants renting or leasing 40  
acres or more of farm land, and members of their immediate family  
whose permanent domicile is the same as that of the landowner or  
tenant, may apply for a tree permit for their property only.  
Landowners or tenants having been issued a tree permit/tenant  
either sex archery permit shall be issued an additional antlerless-only  
tree permit/tenant archery permit. The deer hunting permit issued  
without fee shall be valid on all farm lands which the person to whom  
it is issued owns, leases, or rents. (Ill. Rev. Stat. 1991, ch. 61,  
par. 2.26) [520 ILCS 5/2.26].

(f) The immediate family of a landowner or tenant is limited to the  
spouse, children or parents permanently residing with the landowner or  
tenant, or permanently residing on the same property. If the property  
is owned or rented by more than one person: Only one landowner (and  
his immediate family) or one tenant (and his immediate family) will be  
issued a permit for every 40 acres of owned or rented land. For  
example, if 3 persons own 90 acres, only 2 of the landowners and their  
immediate family may receive deer permits. Shareholders of  
corporations owning 40 or more acres of land in a county may apply for  
a tree permit to hunt the corporation lands only. Only one permit per  
40 acres, for a maximum number of 15 permits per county shall be  
issued based on ownership of lands by corporations. Lands leased to  
corporations shall not be considered as a basis for a tree permit for  
the shareholders of the lessee. Lands held in trust by corporations  
shall not be considered as a basis for a tree permit by the  
shareholders of the trustee. If application is made for a tree permit  
based upon lands owned by the corporation, a duly authorized officer  
of the corporation must sign a notarized statement authorizing the  
applicant to hunt on the corporate lands for which a permit is being  
requested. This statement must identify the applicant as a  
shareholder, identify authorization to hunt and identify that no more  
than 15 authorizations will be requested per county for the  
corporation lands. This document must be attached to the application  
upon submission to the Permit Office.

(g) A tenant for the purpose of this part is one who rents 40 acres or  
more land for commercial agricultural purposes under an agreement with  
a landowner. Hunting and mineral rights leases are not valid for a  
tenant permit. Commercial agricultural shall be defined as utilization  
of land for the raising of hay, grain crops or livestock for profit.  
Permits are not transferable. Refunds will not be granted.  
(h) A three dollar \$3.00 service fee will be charged for replacement  
permits issued by the Department of Conservation (Department of DOC),  
except permits lost in the mail, then there will be no charge. Monies  
from this source will be deposited in the Wildlife and Fish Fund.

1997-06-22b), closed during the period when deer hunting  
with a firearm is permitted as set out in 17 Ill. Adm. Code 650,  
except Department of Conservation (Department of DOC) owned or managed  
sites designated below by an asterisk shall be open to archery deer  
hunting without regard to firearm deer season. (No firearm deer  
hunting pursuant to 17 Ill. Adm. Code 650 allowed).

(Source: Amended at 17 Ill. Reg. 13452 effective  
July 30, 1993.)

Section 670.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have a current, valid "Archery Deer  
Permit" (\$15.00). Those persons who were Illinois residents at the  
time of application for multi-year and arrow-deer permits shall  
be allowed to utilize such permits - regulations - at - future - residency  
deer permit fees for non-resident archery hunters shall be \$100.00 for  
each either-sex archery permit and \$25.00 for the antlerless-only  
archery deer permit. The same fee as in Illinois residents would be  
charged for a deer hunting permit by the state in which the applicant  
resides - except in no case shall the fee be less than \$50.00 - and - if  
the state - in - which - the - applicant - resides - does - not - provide - for - deer  
hunting - by - Illinois - residents - then - the - fee - shall - be - \$100.00. The  
permit will authorize the holder to hunt in any of the open counties  
of the State, on properly where permission to hunt has been obtained  
from the property owner. For permit applications and other  
information, write to:  
Department of Conservation  
Archery Deer Permit Office  
524 South Second Street, Room 210  
P.O. Box 19227  
Springfield, Illinois 62794-9227

b) Applicants must submit an application using the official current  
Archery Deer Permit application form. Applications must complete all  
portions of the permit application form. Incomplete applications and  
fees will be returned. Each applicant must submit a personal check or  
money order for his individual application. Applicants - for -  
multi-year - either-sex - permits - must - submit - a - check - for - the - total  
number of permits applied for at \$15 per permit - and - will - receive  
subsequent-year - either-sex - permits - without - need - of - this - part - such  
application - for - a - second - either-sex - archery - permit - will - be - accepted  
after - the - public - announcement - date - for - multi-year - archery  
applications - applying - for - two - either-sex - archery - permits  
are - ineligible - to - apply - for - a - firearm - or - muzzle-loading - permit  
until August 15.  
Two either-sex archery applications received after the closing date

NOTICE OF ADOPTED AMENDMENT(S)

- ~~j) Applicants applying for two either-sex archery permits must submit both applications not later than August 15 of the current year.~~
- ~~k) Applicants submitting applications for a single archery permit after September 1 will not be guaranteed a permit by October 1.~~
- ~~l) Out-of-state applicants must contact the Department of Conservation Archery Deer Permit Office, 524 S. Second Street, Room 210, P.O. Box 19227, Springfield, Illinois 62794-9227, for a non-resident application and fee information.~~
- ~~mk) Anyone may submit an application for one antlerless-only Archery Deer Permit (\$15.00) (\$25.00 for non-residents) fee. The application period for these permits will be announced via a news release. The application for, or receipt of this antlerless-only Archery Deer Permit will not affect a hunter's eligibility to receive any other deer permit(s), except for non-residents who must purchase an either-sex permit first.~~
- ~~l) The maximum number of either-sex archery deer permits an applicant can receive is two.~~

(Source: Amended at 17 Ill. Reg. 13452, effective July 30, 1993.)

Section 670.30 Statewide Legal Bow and Arrow

- a) The only legal hunting devices to take, or attempt to take, deer are: a long, recurved, or compound bow with minimum pull of 40 pounds at some point within a 28-inch draw; an arrow with a minimum length of 20 inches and with a metal barbed broadhead that cannot pass through a 7/8 inch diameter hole is the only legal arrow. All other bows and arrows, including electronic arrow tracking systems, are illegal.
- b) A crossbow device is illegal except as provided by Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 2.26) [20 ICS 5/2.26]. It is unlawful to carry any firearm or sidearm while hunting deer with a bow and arrow.
- c) Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal, except as noted in subsection (b) above.

(Source: Amended at 17 Ill. Reg. 13452, effective July 30, 1993.)

Section 670.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

11/21/93

NOTICE OF ADOPTED AMENDMENT(S)

- ~~b) Totally-white-white-tailed-deer-are-protected-by-Illinois-law-and-are-illegal-to-kill, pursuant-to-Section-2.24-of-the-Wildlife-Code-(Ill. Rev. Stat. 1991, ch. 61, par. 2.24).~~
- ~~cb) The Archery Deer Hunting Permit shall be signed and carried with you while hunting include the hunter's signature, date of birth, hunting license number (unless exempt), and physical description, recorded on the permit and be carried on the person while hunting.~~
- ~~dc) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler and side tag shall be attached to the head/antler and side when detached from the carcass. The head/antler tag and side tag must remain attached to the appropriate parts until the deer is delivered to a licensed fur buyer, tanner, or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer.~~
- ~~ed) Hunters shall not have in their possession while in the field during archery deer season, any deer permit issued to another person (Permits are non-transferable).~~
- ~~fe) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.~~

(Source: Amended at 17 Ill. Reg. 13452, effective July 30, 1993.)

Section 670.50 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed.
  - 1) Using a hunting rights lease, mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain an archery deer permit;
  - 2) Submitting more applications in the same name or by the same person for an archery deer permit than allowed for in Section 670.20;
  - 3) Providing false and/or deceptive information on the deer permit application form.



- 4) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.36) [520 ILCS 5/3.36].
- 5) Applying for two either-sex deer permits at the applicant has already been issued a muzzleloading or firearm deer permit applying for more than two either-sex deer permits or one antlerless-only permit.
- 6) Any violations of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.1 et seq.) [520 ILCS 5] or administrative rules of the Department (17 Ill. Adm. Code, Chapter 1), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 17 Ill. Reg. 13452, effective July 30, 1993)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) The subsections listed below are referred to by number in subsections 670.60(c) through (1). Some of the sites listed in subsections 670.60(c) through (1) have numbers in parentheses which explain the definitions in this Section which apply to that site.
  - 1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in Section 510.10(c)(3) and must be portable.
  - 2) Only one tree stand is allowed per hunter.
  - 3) Tree stands may be left unattended overnight only during the period from two weeks before through two weeks after the close of archery deer season.
  - 4) Tree stands may be left unattended overnight only during the archery deer season.
  - 5) Tree stands may be left unattended overnight only during the archery deer season. They may not be left overnight for more than four consecutive nights.
  - 6) Tree stands may be left unattended overnight only on Saturday nights during archery deer season.
- c) Statewide regulations as provided for in this Section shall apply except as noted in parentheses for the following sites:
  - AMAX-beesed-bands
  - Cache River State Natural Area ((1) (2) (4))
  - Campbell Pond Wildlife Management Area ((1)(2)(4))
  - Carlyle Lake - Carlyle Lake Wildlife Management Area and Corps of Engineers managed lands (except Carlyle Lake Wildlife Management

Area in the Subimpoundment Area, hunting closed three days prior to and during the regular waterfowl season.

Chanacey Marsh (permit required, may be obtained at Red Hills State Park headquarters; permit must be returned by February 15; no hunting in dedicated Nature Preserve) ((1) (3))

Dog Island Wildlife Management Area ((1) (2) (4))

\* Ridon Hazlet State Park (North of Allen's Branch and West of Peppenhorst Branch only) (1) (2) (5))

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area, a part of this site, closed to hunting three days prior to the regular duck season).

Kidd Lake State Natural Area ((1) (2) (5))

Lake Kinkaid Lake Fish & Wildlife Area  
 Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Areas ((1)(2)(5))

\* Lowden-Miller State Forest (hunters must sign in and sign out and report harvest; hunting prohibited during the site's firearm deer hunt; only antlerless deer and deer with at least one antler with 4 or more points on one side may be harvested) ((1)(2)(4))

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25 and 26 ((1) (3))

Oakford Conservation Area ((1)(2)(3))

Panther Creek Conservation Area ((1) (4))

Pike County Conservation Area (No hunting after November 30 in Area A; no hunting after December 15 in Area C)

Rend Lake Project Lands and Waters

Rockhouse-Greek-(Montroe-County)--((1)-(3))

Sandy Ford Conservation Area (Lasalle County)

Sangamon County Conservation Area

Sanganois Conservation Area ((1) (4))

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Silver Springs State Park (daily quota posted at site; quota filled on first-come, first-serve basis)

Tapley Woods State Natural Area

Traill of Years State Forest ((1) (2) (4))

Turkey Bluffs Fish and Wildlife Area ((1) (2) (5))

Union County Conservation Area - Public Goose Hunting Area (October 1 - 15; reopens with close of quota zone goose season through the latest-date-authorized-by-the-wildlife-code-but-no later-than-danuary-14-(first-come, first-serve basis) (1) (2) (4))

Washington County Conservation Area (closed until 3-p.m. Wednesday-Sunday during pheasant, quail and rabbit season except during deer season as set out in Wildlife Code 65010-statewide-hours-that-apply-bow-deer-hunters-must-wear-a cap and upper outer garment of solid blaze orange of at least 400 square inches between 9:00 a.m. and 3:00 p.m. on those days when pheasant, quail and rabbit hunting is allowed during the site's controlled pheasant hunting season (1) (2) (5))

Wayne Fitzgerald State Recreation Area except closed Wednesday through Sunday during controlled pheasant hunting season, see 17 Ill. Adm. Code 530 ((1) (2) (4))

Woodford County Conservation Area

e) Statewide regulations as provided for in this part shall apply for deer bow hunting except that hunters must check out and report their harvest; any reduced hunting season and/or daily hunting hours if required are given in parentheses for the following sites:

\* Anderson Lake Conservation Area  
Beaver-Bam-State-Park-(hunting-in-designated-area-hunting-dates October-26-through-October-30--November-2-through-November-5-and November-9-through-November-17-number-of-hunters-limited-to-two during-each-5-day-period; public-drawing-held-at-site-office)

Iroquois County Conservation Area (closed Wednesday through Sunday of the permit pheasant season and during the non-permit pheasant season, except that hunting is permitted according to Statewide regulations in the 80 acres north and east of Hooper Branch Nature Preserve; (1) (2) (4))

Pere Marquette State Park (except in designated areas where

hunting dates are from October 26 through October 31, November 2 through November 6 and November 8 through November 14; number of hunters limited to 5 during each 5 day period; public drawing held at site office ((1) (3))

Pyramid State Park ((1)(2)(4))

Stoam-Springs-State-Park

Weinberg-King State Park

f) Statewide regulations as provided for in this part shall apply and in addition hunters must obtain site permits at the site office or through the mail prior to hunting and must report success immediately after taking deer with additional requirements given in parentheses at the following sites:  
Des Plaines Conservation Area (closed during the site's pheasant hunting season, except open on Mondays and Tuesdays only)

Des Plaines Game Propagation Center (hunters must park at the east gate and walk to the hunting area; hunting hours are statewide opening to 12:00 p.m. and must be out by 1:00 p.m.; hunters must also sign in and sign out with the daily quota to be filled on a first-come, first-serve basis)

Kankakee River State Park (bow deer hunters hunting south of the Kankakee River are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches between the hours of 9:00 a.m. to 3:00 p.m. on those days when pheasant, quail and rabbit hunting is allowed; the area north of the Kankakee River is closed to all hunting after November 30)

Mississippi Palisades State Park (season November 1 through the latest-date-authorized-by-the-wildlife-code-but-no-later-than danuary-14-(first-come, first-serve basis) (1) (2) (4))

Moraine View State Park (closed Wednesday through Sunday during pheasant season ((1) (2) (4))

\* Mt. Vernon Game Propagation Center (permits issued on a first-come, first-serve basis; if quota is exceeded, drawing will be held on September 15; failure of hunters to sign in and out daily will result in forfeiture of site permit for general deer of season; daily quota to be filled on first-come, first-serve basis) ((1)(3))

Pekin Lake State Fish and Wildlife Area (no hunting south of Big Tick Creek; one deer per hunter per year)

Rock-Exc-State-Park-(1st-Monday-in-November---2nd-Friday-in

NOTICE OF ADOPTED AMENDMENT(S)

~~December 7 - closed Thanksgiving Day; hours 1/2 hour before sunrise to 10:00 a.m.~~

Sand Ridge State Forest ~~((1)-(4))~~ ((3))

Spring Lake Conservation Area

g) Statewide regulations as provided for in this Part shall apply except ~~as noted. that all~~ All hunters must check in and check out and report deer harvested at the check station. Hunting is prohibited within 200 yards of developed areas such as picnic and camping areas. Only antlerless deer and deer with at least one antler with 5 or more points on one side may be harvested.

Sangchris Lake Fish and Wildlife Area

h) Statewide regulations as provided for in this Part shall apply, except ~~that hunting will be permitted on Saturdays and Sundays only as announced by the department of conservation at the following site. Hunter quotas shall be announced by public news release. The check station will open at 5:00 a.m. and all hunters must check in and exchange their hunting license for a back patch which must be worn at all times while in the field. All hunters must check out immediately after hunting. Parking is permitted at designated parking areas only ((1)-(6)).~~ Site specific regulations will be publicly announced.

Site "M" Cass County

i) Statewide regulations as provided for in this Part shall apply, except bow hunting shall be allowed only from 3 days following the close of fishing through December 31 statewide closing. Hunting hours are from one half hour before sunrise to 12 noon, hunters must check out by 1 p.m. A drawing shall be held at check station 90 minutes before sunrise; hunters must deposit their hunting license at check station before proceeding to the hunting area; hunters must wear DOC issued back patch while hunting. Individuals who have purchased a statewide archery permit are eligible to receive a daily site antlerless only permit, subject to drawing procedures. Hunting is closed on Mondays and Tuesdays.

Heidecke State Fish and Wildlife Area

j) Statewide regulations as provided for in this Part shall apply, except bow hunting shall be allowed only on Mondays and Tuesdays, beginning on the Monday prior to the opening of permit pheasant hunting season and closing on the Tuesday following the close of the permit pheasant hunting season in designated areas only. Daily quota filled on first-come, first-serve basis. ~~Hunting hours are from one-half hour before sunrise to 2:00 p.m. except on Christmas day when the area is closed to hunting. Hunters must check out by 3:00 p.m. Hunters must check in, check out, and report deer harvested at the main park entrance gatehouse. Monday hunting hours are per statewide regulations. Tuesday hunting hours are from one-half hour before sunrise to 2:00 p.m. and hunters must check out by 3:00 p.m. The area is closed to hunting on Christmas Day. Hunters must check in, check out, and report deer harvested at the main park entrance gatehouse. A~~

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special late season hunt will be held December 26, 1993 through statewide closing. Daily quota filled on a first-come, first-served basis. Statewide regulations as provided in this Part shall apply. Hunters must check in, check out, and report deer harvested at the Oak Point Access Area, where check in regulations will be posted.  
Chain O'Lakes State Park

k) Hunters must obtain a free permit from the site office. The permit must be in possession while hunting; failure to report harvest by February 15 shall result in loss of hunting privileges at the site for the following year.

Clinton Lake State Recreation Area (except Mascoutin Area and Inner Peninsula) (Tree stands must be marked with site hunting permit number visible from ground level) ((1) (2) (4))

Eagle Creek State Park

Fox Ridge State Park ((1) (2) (4) (5) (season closes December 31))

Hamilton County Conservation Area ((1) (3))

Hidden Springs State Forest ((1) (2) (4))

Lake Shelbyville Eagle Creek Wildlife Management Area

Mermet Conservation Area ((1) (2) (4))

Newton Lake State Fish and Wildlife Area (statewide regulations apply; check deer at headquarters; return permit to site office)

\* Ramsey Lake State Park ((1) (3))

\* Sam Dale Lake Conservation Area ((1)(2)(5))

\* Stephen A. Forbes State Park

l) Hunters must obtain free permit from site office; permit must be returned and harvest reported by February 15; failure to return permit shall result in loss of hunting privileges the next season.

Kickapoo State Park ((1) (2) (4))

Middlefork Fish and Wildlife Area ((1) (2) (4))

m) ~~Season dates to be announced by public news release; daily quota filled on first-come, first-served basis; only hunters with a titled or untitled paid archery deer permit are eligible to hunt; hunters are required to take an antlerless deer before being eligible to take an antlered one; antlerless deer may be tagged with site specific antlerless only permit; antlered deer must be tagged with hunter's paid either sex statewide permit; hunters must check in and check out at~~

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Firearms

2) CODE CITATION: 17 Ill. Adm. Code 650

3) SECTION NUMBERS: ADOPTED ACTION:

Amendments	650.20
Amendments	650.21
Amendments	650.22
Amendments	650.30
Amendments	650.40
Amendments	650.50
Amendments	650.60
New Section	650.65

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36) [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) EFFECTIVE DATE OF AMENDMENTS: July 30, 1993

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? NO

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? NO

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: July 29, 1993

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4718

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? NO

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 650.50(b), the ILCS citation was changed to read "520 ILCS 5".

In Section 650.60(c), Ten Mile Creek, the abbreviation for "Illinois" was changed to read "IL".

In Section 650.60(q), "wear a site-specific backpack while hunting and deposit their backpack and" was removed from the paragraph.

In Section 650.60, a new paragraph was added:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

check-station?--access-to-designated-hunting-areas-will-be-allowed-by vehicle-by-parking-in-designated-areas-or-by-bait-those-hunters-using boats-are-requested-to-launch-at-the-ramp-access-only?--pre-hunt scouting-will-be-limited-to-2-pm-to-2-pm-daily-from-announced first-scouting-date-until-the-end-of-the-site-season?--except-that-no scouting-will-be-permitted-during-the-firearm-seasons:

Newton-bake-fish-and-wildfire-area

iii) Hunters will apply to site for permit to hunt specific time period within statewide season; permits shall be allocated by random drawing at site; procedures for application and drawing shall be announced by news release; permit holders are required to return their permit and report harvest within ten days after the close of statewide bow season;

ii) If negotiations between the Department and the United States Army are successfully concluded in time to have deer hunting at this site, regulations and requirements shall be publicly announced.

Joliet Arsenal Ammunition Plant (Will County)

(Source: Amended at 17 Ill. Reg. 13452, effective July 30, 1993)

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permit for the county and season specified on their either-sex permit beginning August 15. Applicants shall complete an application form, provide a photocopy of their either-sex permit, and enclose a check for \$15.00 (\$25.00 for non-residents).

9) In-person and mail-in applications will receive equal treatment in the drawings. For the Random Daily Drawing, applications received one day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day.

h) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion it received in this office prior to April 30, of the current year. No more than 6 single applications per envelope will be money order. Route--by--467--beginning--at--Getonda--and--extending westward--to--the--Johnson--Rope--County--lines--Separate--permits--will--be issued--for--each--of--these--areas--Separate--envelopes--must--be--used--to send permit applications to the Deer Permit Office for firearm, archery, and tree or paid landowner/tenant permits.

i) Applications for non-resident firearm permits will be accepted beginning August 2 and will be included with the residents in the Random-Daily Drawing. Applications received prior to August 2 will be processed in the August 2 daily drawing.

j) There will be two application periods which starts August 30 and ends November 8, during which anyone (regardless of any other permit they may have) can apply for firearm deer permits (\$15.00 fee) left over from the county and special hunt area quotas. During both the application periods, the permits shall be issued in a random daily drawing. Applicants can apply for one or more permits during this application period. Full-season antlerless-only permits shall only be issued to successful applicants that have full-season either-sex permits in the county applied for. Second-season antlerless-only permits shall only be issued to successful applicants that have second-season either-sex permits in the county applied for.

Applicants submitting application after October 25 cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print "August 30-Multiple Permits" on the outside of the envelope and mark the "August 30-Multiple Permits" box on the firearm deer permit application.

++ The first application period starts August 25 and ends August 31. Only one additional either-sex permit shall be issued per successful applicant during the application period. Applicants who have not previously been issued an either-sex permit may apply for and receive a maximum of two either-sex permits during this application period. A maximum of one bonus antlerless-only permit may be issued per either-sex permit issued. One antlerless-only permit may be issued per either-sex permit issued. Each

except--in--no--case--that--the--fee--be--less--than--\$50.00--and--it--the--state in--which--the--applicant--resides--does--not--provide--for--deer--hunting--by non-resident firearm deer hunters shall be \$100.00 for each either-sex permit and \$25.00 for each antlerless-only permit. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area. For permit applications and other information write to:

Department of Conservation  
(Firearm or Landowner/Tenant or Non-Resident)  
Deer Permit Office  
524 South Second Street, Room 210  
P.O. Box 19227  
Springfield, Illinois 62794-9227

b) Applications from residents will be accepted through April 30, of the current year. Applications received after April 30 will not be included in the lottery. Permits will be allocated in a computerized random drawing in which only one choice of hunt area or county will be considered. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.

c) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit. If the applicant checks the second-season box and is rejected in the lottery the applicant will receive preference in next year's lottery.

d) Applicants must check the antlerless-only box and enclose an additional \$15.00 (\$25.00 for non-residents) if they want to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.

e) Permits for counties and special hunt areas with untitled quotas after the lottery will be allocated in a Random Daily Drawing procedure. Applications for Random Daily Drawing will be accepted beginning August 2 and ending August 2 of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 2 will be processed in the August 2 daily drawing. A list of untitled counties and special hunt areas will be announced prior to the August application dates. Applicants must apply on a current year Firearm Deer Permit application form. All applications for the Random Daily Drawing will be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season. A maximum of one either-sex and one antlerless-only permit shall be issued per person.

f) Those applicants who have already received a firearm permit and did not check the antlerless-only box may apply for an antlerless-only

NOTICE OF ADOPTED AMENDMENT(S)

~~applicant--that--has--already--received--a--full--season--either--sex--permit--Second--season--antlerless--only--permits--shall--only--be--issued--to--successful--applicants--that--have--second--season--either--sex--permits--Applicants--must--print--"August--15--Second--Permit"--on--the--outside--of--the--envelope--and--mark--the--"August--15--Second--Permit"--box--on--the--firearm--deer--permit--application--when--applying--for--this--permit~~

- 2) ~~The second application period starts September 1 and ends October 26. Applicants can apply for one or more permits during this application period. Full season antlerless only permits shall only be issued to successful applicants that have full season either sex permits. Second season antlerless only permits shall only be issued to successful applicants that have second season either sex permits. Applicants submitting applications after October 26 cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print "September 1-Multiple-Permits" on the outside of the envelope and mark the "September 1-Multiple-Permits" box on the firearm deer permit application.~~
- k) Landowners or tenants having been issued a free landowner/tenant firearm permit shall be issued an additional free antlerless-only landowner/tenant firearm permit. This additional permit does not affect a landowner or tenant's eligibility to apply for additional permits as delineated in this Section.
- l) Hunter preference in obtaining a permit will be given to unsuccessful lottery applicants from 1991 1992 who were unsuccessful due to the counties of their choice being full. The following criteria must be met to obtain a preference in the 1992 1993 permit lottery:
  - 1) The applicant must apply using the official agency preprinted Data-Mailer application.
  - 2) The applicant must be a resident of the state, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
  - 3) The applicant must apply for the same county or special hunt area choice which he/she listed on the previous year's application.
  - 4) Where applicants apply as a group, preference for the entire group will apply as it does above for the individual. All county or special hunt area choices for the group must be identical.
- m) Applications may be accepted at the counter window of the permit office; however, permits will be mailed.
- n) Permits are not transferrable. Refunds will not be granted, unless the Department of Conservation (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- o) A three dollar (\$3.00) service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
- p) Persons with lottery preference (i.e., who did not receive a Firearm

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NOTICE OF ADOPTED AMENDMENT(S)

Deer Permit during the previous year's lottery) will have first chance at receiving available Either-Sex permits.

(Source: Amended at 17 Ill. Reg. 13468, effective July 30, 1993)

Section 650.21 Deer Permit Requirements - Landowner/Tenant Permits - Paid and Free

- a) Landowners, including out-of-state Illinois landowners, and tenants, but not out-of-state tenants, owning or renting 40 acres or more of commercial agricultural lands may apply for a county-wide paid permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid Firearm Deer permit providing they reside on the same property as the landowner or tenant. Incomplete applications will be returned. Out-of-state landowners must obtain a non-resident hunting license, in addition to the deer permit. The fee for an out-of-state landowner deer permit is the same as an Illinois resident would be charged for an out-of-state landowner deer permit by the State in which the applicant resides, and if the State in which the applicant resides does not provide for deer hunting by Illinois out-of-state landowners, then the fee shall be \$100.00. These applications will not be subject to the public drawing or the Random Daily Drawing.
- b) Landowners, including out-of-state Illinois landowners, who own 40 acres or more of land or resident tenants renting or leasing 40 acres or more of farm land, and members of their immediate family whose domicile is on the same land as the landowner or tenant, may apply for a free permit for their property only in counties open for firearm deer hunting. These applications will not be subject to the permit lottery described above or the Random Daily Drawing. *The deer hunting permit issued without fee shall be valid on all farmlands which the person to whom it is issued owns, leases or rents in counties open for firearm deer hunting.* (Section 2.26 of the Wildlife Code, Ill. Rev. Stat. 1991, ch. 61, par. 2.26) [520 ILCS 5.2-26]
- c) The immediate family of a landowner or tenant is limited to the spouse, children or parents permanently residing on the same property as the landowner or tenant.
- d) A tenant for the purpose of Part 650 is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- e) Date of acceptance of landowner/tenant free permit applications will be publicly announced. Applications for county-wide paid permits must be submitted by February 28.
- f) Landowners, or tenants are not required to participate in the public drawing for permits.
- g) Proof of ownership for all landowner or tenant applications must be



provided by one of the following methods:

- 1) Submission of a copy of property deed;
- 2) Submission of a copy of contract for deed;
- 3) Submission of a copy of a tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);

- 4) Submission of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or
- 5) Submission of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.

h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

- 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
- 2) A copy of either an Agricultural Stabilization and Conservation Services 476 Form or Commodity Credit Corporation 477 Form.

i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.

j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.

k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-serve basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.

l) Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submission to the Permit Office.

m) Landowners or tenants may apply as of August 15 30 for a bonus antlerless-only permit (\$15.00 fee) and/or a second permit (\$15.00 fee) from any permits not issued as of August 15 30 in the random

drawing.

(Source: Amended at 17 Ill. Reg. 13468, effective July 30, 1993)

Section 650.22 Deer Permit Requirements - Special Hunts

a) Special hunts are regulated by the agency which manages the property. The Permit Office only issues deer hunting permits for Crab Orchard, Lake Shelbyville Project Lands - (Moultrie County), Lake Shelbyville Project Lands - (Shelby County), Fox Ridge State Park - (Coles County), Hidden Springs State Forest - (Shelby County), Sand Ridge State Forest - (Mason County), Des Plaines Conservation Area - (Will County), Hannary and 97--97--and--1993 Illinois seasons only), Clico Duck Creek Handicapped - (Fulton County, first season only), Clico Duck Creek - (Fulton County first season only), Joliet Army Ammunition Plant (Will County) Joliet Army Training Area (Will County), Savanna Army Depot (Jo Daviess County) and Site M (Iass County). The Department of Conservation allocates firearm permits for the areas listed below through a computerized drawing. Hunters wishing to hunt special conservation areas other than those listed in this subsection must first acquire a deer permit for the county in which the conservation area is located and then apply for the specific site drawing. (See Section 650.60 for a list of conservation areas and permit and specific site application procedures.)

1) Crab Orchard - Permits for Crab Orchard are allocated separately for each of the first and second seasons. Each season will be considered as a choice. Applicant must indicate in the County Choice or Hunt Area field if they are applying for the first or second season on Crab Orchard (for example: Applicants should show "Crab Orchard 1st Season" or "Crab Orchard 2nd Season") or the application will be returned.

2) The preference system does not apply to special hunt areas. Each applicant must enclose a separate \$5.00 fee (check or money order) payable to the Department of Conservation, or the application will be RETURNED. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

b) 1) The only legal hunting devices to take, or attempt to take, deer are: 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or 2) A single or double barreled muzzle-loading firearm of at least

Section 650.30 Statewide Firearms Requirements

(Source: Amended at 17 Ill. Reg. 13468, effective July 30, 1993)

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Trapping apply in this Section, unless this Section is more restrictive.

b) The subsections listed below are referred to by number in subsections 650.60(c) through (p). Some of the sites listed in subsections 650.60(c) through (p) have numbers in parenthesis which explain the definitions in this Section which apply to that site.

1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in 17 III. Adm. Code 510.10(c)(3) and must be portable. Tree stands may be left unattended only during the firearm deer season or as specified in 17 III. Adm. Code 670.60.

2) Only one tree stand is allowed per hunter.

c) Statewide regulations shall apply at the following sites:  
AMX-based-bands

Campbell Pond Wildlife Management Area ((1),(2))

Carlyle Lake Wildlife Management Area except Subimpoundment Area

Cache River State Natural Area ((1) (2))

Chauncey Marsh - (Permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; permits must be returned by February 15 ((1))

Crawford County Conservation Area ((1))

Dog Island Wildlife Management Area ((1) (2))

Hamilton County Conservation Area ((1))

Horseshoe Lake Conservation Area - Alexander County - all portions of the Public Hunting Area except for the Public Goose Hunting Area ((1) (2))

Kaskaskia River Fish and Wildlife Area, except Doza Creek Waterfowl Management Area where firearm deer hunting is prohibited during duck season

Kidd Lake State Natural Area ((1) (2))

Keokuk Lake Fish and Wildlife Area ((1),(2))

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 ((1) (2))

Newton Lake State Fish and Wildlife Area (Sex-specific site

permits allocated by on-site drawing; procedures and dates to be announced by news release. Permits to be carried at all times by successful applicants while in field for scouting and/or hunting; scouting/hunting only in assigned management unit. The site will be closed to all access, except firearm deer hunters, during the firearm deer season).

Oakford Conservation Area

Panther Creek Conservation Area ((1))

Rend Lake Project Lands and Waters

Rockhouse-Creek-(Montroie-County)-(1)-(2)

Saline County Conservation Area ((1))

Sangamon County Conservation Area

Sanganois Conservation Area ((1))

Shawnee National Forest, Lake Scatters (closed-at-noon)

Shawnee National Forest, Oakwood Bottoms (green-tree-reserve) West-of-the-Big-Muddy-never-closed-at-noon

Sunbol Mine (Pulston and Schuyler Counties)

Ten Mile Creek Fish and Wildlife Management Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; windshields--cars--must--be displayed-on-dashboards-of-vehicles; permits must be returned by District Wildlife Manager, PO Box 313, Olney, IL 62450 February 15 ((1))

Union County Conservation Area - firing line management unit ((1) (2))

d) Statewide regulations shall apply at the following sites (all hunters must check out and report harvest):  
Wildcat Hollow State Park  
Fort de Chartres State Park (hunting in designated areas only; muzzle-loading firearms only) ((1) (2))

Giant City State Park ((1) (2))

1-24 Wildlife Management Area

.Mermet-Conservation-Area-(no-hunting-in-the-waterfowl-area)-(1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

{2}

Pere Marquette State Park ((1))

Pyramid State Park ((1)-(2))

Trail of Tears State Forest ((1) (2))

Turkey Bluffs Fish and Wildlife Area ((1) (2))

Weinberg-King State Park

e) Statewide regulations shall apply and in addition all hunters must have a free permit allocated by mail-in drawing held at Regional Office on October 19. Only one permit per person will be issued. Applications will be accepted only from persons who already have a firearm deer permit for the county in which the site is located. Any duplicate applications will be denied and the hunter will forfeit his rights to a site permit. Permit holders must check in at the site check station by 5:30 a.m. Permits are void for that day after 5:30 a.m. Vacancies each day will be filled by a drawing held at 5:30 a.m. Each permit will be valid for only one of the two firearm deer seasons. The following regulations apply at Heidecke State Fish and Wildlife Area. Vacancies created by hunters checking out may be filled from a standby list. No more than two (2) applications may be submitted as a group for the October 19 drawing; and hunters under 16 years of age must hunt with an adult who is eligible to hunt at Heidecke State Fish and Wildlife Area. Hunters will be issued a site specific, season specific, antlerless-only permit which must be used prior to taking a deer with their county-wide permit.

Heidecke State Fish and Wildlife Area

Tapley Woods

Witkowsky State Wildlife Area

f) Statewide regulations shall apply except hunting allowed by permit only during the first 3-day portion of the firearm deer season. Hunter permits are allocated by a mail-in drawing held at the Regional Office or site office on October 19. Applications will be accepted only from persons who already have a firearm deer permit for the county in which the site is located. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit. Permit holders must check in at the site check station by 5:30 a.m. each day. Unvalidated Permits are void after 5:30 a.m. Vacancies each day will be filled by a drawing held at 5:30 a.m. at the sites. Further check-in and check-out and reporting of deer harvested is required of all hunters.

Castle-Rock-State-Park

Green River (Lee County Conservation Area)

11/24/00

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Iroquois County Conservation Area

Mississippi Palisades State Park

Morrison Rockwood State Park

g) Statewide regulations shall apply except hunting allowed by permit only. Each permit will be valid for both of the firearm deer seasons and permits will be allocated by a mail-in drawing to be held at the Regional office on October 19. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit. Permit holders must check in at the site by 5:30 a.m. each day. Unvalidated Permits are void after 5:30 a.m. Vacancies each day will be filled by a drawing until 1:00 p.m. Further check-in and check-out and reporting of deer harvested is required of all hunters.

Big River State Forest

Castle Rock State Park

Lowden-Miller State Forest (special regulations for the site will be publicly announced)

Mackinaw River State Fish and Wildlife Area (one deer only per hunter per year)

Marseilles Conservation Area

Marshall State Fish and Wildlife Area

h) Statewide regulations shall apply except hunting allowed by permit only. One-day hunter permits are allocated by public drawing every night for the next day's hunt. Drawings for Kickapoo State Park and Middle Fork State Fish and Wildlife Area will be held at the Kickapoo State Recreation Area Office. Check-in and check-out and reporting deer harvested required of all hunters.

Kickapoo State Park ((1) (2))

Middle Fork Fish and Wildlife Area ((1) (2))

i) Statewide regulations will shall apply, except hunting is allowed by permit only allocated via statewide lottery process. All permit holders must sign in at the site check station between 4:30 a.m. and 6:00 a.m. and exchange their hunting license for a back patch which must be worn at all times. It is unlawful to park anywhere on the site except at designated parking areas. Hunters must check out and report their harvest immediately after hunting. ((1))

Site "M" - Land leased from Commonwealth Edison, Cass County

j) Statewide regulations shall apply. Hunters must check in at the site check station beginning at 4:30 a.m. and obtain a back patch before hunting. All hunters must check out immediately after hunting ((1)):

DEPARTMENT OF CONSERVATION

ILLINOIS REGISTERS

NOTICE OF ADOPTED AMENDMENT(S)

Sand Ridge State Forest (All hunters must have a current Sand Ridge State Forest Firearm Deer Permit, obtainable via the lottery process through the Deer Permit Office)

k) Statewide regulations shall apply: A maximum of 20 hunters will be allowed on the site each day. Hunter registration begins at the check station at 4:00 a.m. each day of the season. If more than 20 hunters register by 4:30 a.m. a public drawing will be conducted. Hunters must check out and report their harvest immediately after the day's hunt.

l) Statewide regulations shall apply, except as noted. Hunting is allowed by permit only. First and second season permits will be allocated by mail-in drawings at the site office. The registration procedures, hunter quota and dates for these drawings will be announced by public news release. All individuals must possess a current Christian County or Sangamon County Firearm Deer Permit. Permits available after the drawings will be allocated on a first-come basis from the site office. All permit holders must sign in by 6:30 a.m. at the site office for the North and East Mainland Area, by 6:30 a.m. for the Peninsula on the Friday of the first season and the Thursday of the second season and by 9:30 a.m. all other days. Daily vacancies will be filled on a first-come basis at the site office beginning immediately after the sign-in deadline. Check-in and check-out and reporting of deer harvested is required of all hunters. To minimize safety concerns regarding the simultaneous hunting of deer and waterfowl, the Peninsula will be closed to deer hunting until 11:00 a.m. on the Saturday and Sunday of the first season and the Friday, Saturday and Sunday of the second season. Firearm deer hunters on the North and East Mainland Areas may hunt during statewide hours during the entire firearm deer season. Only antlers deer and deer with at least one antler having 5 or more points on one side may be harvested.

m) Statewide regulations shall apply and in addition all hunters must have a permit allocated by a mail-in drawing held at the District Office. Permits will be for Area A or Area B/C. Permits for Area A will be valid for the first 3-day deer season only; Area B/C permits will be valid for both seasons. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit.

n) Statewide regulations shall apply; the hunting date is November-17 to October-31, 1993. Hunters must have a special permit allocated by a mail-in drawing. Only paid firearm deer permit holders who possess a valid Hunter Alexander County firearm deer permit are eligible. Permits are valid for one day only. Any duplicate applications will be denied and that person shall forfeit his or her right to a permit. Specific information regarding application requirements and drawing dates will be included with the 1993 Deer Firearm Permits for Pike County Conservation Area

DEPARTMENT OF CONSERVATION

ILLINOIS REGISTERS

NOTICE OF ADOPTED AMENDMENT(S)

Hunter Alexander County: Hunter-Alexander County-Permit-Holders-Only

o) Statewide regulations shall apply; the hunting date is the last Saturday in January 1993. Hunters must have a special permit allocated by a mail-in drawing. Only paid permit holders who were unsuccessful during the previous year's shotgun season are eligible. Permits are valid for one day only. Any duplicate applications will be denied and that person shall forfeit his or her right to a permit. Specific information regarding application requirements and drawing dates will be included with the 1993 Deer Firearm Permits for Knox County.

p) Snake Den Hollow (Knox County permit holders only) Statewide regulations shall apply except hunting is by special permit only obtained through statewide lottery for the Des Plaines Conservation Area; hunting dates are January-97 and November-19, 20 and 21, 1993 only; the area is closed to firearm deer hunting during the regular second statewide seasons; hunters are required to hunt in assigned, designated areas only; areas will be assigned by drawing at mandatory pre-hunt meeting each morning from 4:30 a.m. to 5:00 a.m.; no standby hunters permitted; hunters must obtain vehicle permit from site office before hunting and display the permit in the windshield of their vehicle while hunting; the site office is the only check station for this hunt; all deer taken must be taken to the check station as per regular firearm deer hunting regulations; hunters under 16 years of age must be accompanied by an adult while hunting, the accompanying adult is exempt from provisions of 17 Ill. Adm. Code 510.10(c)(5).

q) Statewide regulations shall apply except that hunting is allowed by daily site permits only. Daily permits will be allocated by a mail-in drawing held at the Regional Office on October 19. Only persons with a valid Douglas County Firearm Permit for the portion of the season for which they wish to hunt are eligible to apply. Only one permit per hunter will be allocated. Duplicate applications will be denied and will cause forfeiture of applicant's opportunity for a site permit. Hunter's Douglas County Permit must be used to tag harvested deer. Hunters must report harvest at the site office immediately after the daily hunt, but in any case, no later than 7:00 p.m.

r) Statewide regulations shall apply. Hunting is open for the second firearm deer season only. Hunters must possess a valid permit for either Adams or Brown county. Hunters will be selected by a mail-in drawing held at the park office. All hunters are required to sign in and sign out at the office before and after the day's hunt. Hunting will be allowed in designated areas only. Silliam Springs State Park

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DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Public Accounting Act (Professional Conduct)

2) Code Citation: 68 Ill. Adm. Code 1430

3) Section Numbers: Adopted Action:

1430.3010  
Amendment

1430.3020  
Amendment

1430.5030  
Amendment

1430.5050  
Amendment

4) Statutory Authority: Illinois Public Accounting Act (Ill. Rev. Stat. 1991, par. 5520) [225 ILCS 450/19].

5) Effective Date of Amendments: July 30, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 27, 1993

9) Date Notice of Proposal Published in Illinois Register: April 2, 1993, at 17 Ill. Reg. 4141

10) Has ICAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version:

In Section 1430.3010(b)(2), "or to prohibit a registered public accountant's compliance with applicable laws and government regulations" was added.

In Section 1430.5050(a), "whose characteristics conform to resolutions of AICPA Council" was deleted.

All of Section 1430.5050(c), pertaining to the American Institute of Certified Public Accountants and Illinois CPA Society, was deleted.

Style and punctuation changes also were made in response to comments by the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? No agreement letter was necessary.

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF PROFESSIONAL REGULATION

15) Summary and Purpose of Amendments: The Professional Conduct Rules for the Public Accounting Act mirror the Code of Ethics of the two predominant professional organizations of the accounting profession--the American Institute of CPAs (AICPA) and the Illinois CPA Society (ICPAS). Several months ago the Federal Trade Commission (FTC) filed an action against the AICPA, charging some portions of its Code of Ethics violated federal law by constituting a restraint of trade. After months of negotiation, the FTC and the AICPA entered onto an agreement whereby the AICPA rules on commissions and contingent fees were amended.

The Board of Directors of the Illinois CPA Society recommended that the Department of Professional Regulation revise its current rules on commissions and contingent fees to mirror those adopted under the AICPA/FTC agreement. The Department agrees with the Illinois CPA Society that these Amendments will continue to provide appropriate protection to the public, preserve the integrity and independence of the CPA profession, eliminate any perceived restraint of trade, and recognize the diverse and expanding role of the accounting profession.

This rulemaking also makes changes in the provisions relating to confidential client information and to the form of business entity in which a CPA may practice. These changes were recommended by the governing council of the AICPA.

Style changes also were made in response to comments from the Joint Committee on Administrative Rules.

16) Information and questions regarding this amended Part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0800

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

DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1430  
PUBLIC ACCOUNTING ACT (PROFESSIONAL CONDUCT)

SUBPART A: GENERAL INFORMATION

- Section 1430.300 Preamble
- 1430.500 Definitions
- 1430.800 Applicability of Rules

SUBPART B: INDEPENDENCE, INTEGRITY AND OBJECTIVITY

- 1430.1010 Independence
- 1430.1020 Integrity and Objectivity

SUBPART C: COMPETENCE AND TECHNICAL STANDARDS

- 1430.2010 Competence
- 1430.2020 Auditing Standards
- 1430.2030 Accounting Principles
- 1430.2040 Forecasts

SUBPART D: RESPONSIBILITIES TO CLIENTS

- 1430.3010 Confidential Client Information
- 1430.3020 Contingent Fees

SUBPART E: RESPONSIBILITIES TO COLLEAGUES

- 1430.4010 Relationships Between Accountants

SUBPART F: OTHER RESPONSIBILITIES AND PRACTICES

- 1430.5010 Acts Discreditable
- 1430.5030 Commissions and Referral Fees
- 1430.5040 Incompatible Occupations
- 1430.5050 Form of Practice Organization and Name

SUBPART G: GENERAL PROVISIONS

- 1430.6010 Rules and Regulations
- 1430.6020 Suspension or Modification of Rules
- 1430.6030 Construction of Rules

11/21/93

DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF ADOPTED AMENDMENTS

- 1430.APPENDIX A Generally Accepted Auditing Standards
- 1430.APPENDIX B Resolution of Council Regarding Accounting Principles

AUTHORITY: Implementing Section 19 of the Illinois Public Accounting Act (Ill. Rev. Stat. 1991, ch. 111, par. 5520) [225 ILCS 450/19] and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill.Rev.Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Rules of Professional Conduct for the Illinois Public Accounting Act, effective September 2, 1976; codified at 5 Ill. Reg. 11061; transferred from Chapter I, 68 Ill. Adm. Code 430 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1430 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2973; amended at 17 Ill. Reg. 13487, effective July 30, 1993.

SUBPART D: RESPONSIBILITIES TO CLIENTS

Section 1430.3010 Confidential Client Information

- a) A registered public accountant shall not disclose any confidential client information ~~without the specific obtained in the course of a professional engagement except with the consent of the client.~~
- b) This rule shall not be construed:
  - 1) to relieve a registered public accountant of his or her professional obligations ~~obligation~~ under Sections Rules 202 and 203 (68 Ill. Adm. Code 1430.2020 and 1430.2030); of this Part.
  - 2) to affect in any way his/her obligation to comply ~~compliance~~ with a validly issued and enforceable subpoena or summons ~~enforceable by order of a court~~ or to prohibit a registered public accountant's compliance with applicable laws and government regulations.
  - 3) to prohibit review of a registered public accountant's professional practice under Institute, Society or Registration Committee authorization ~~practices as a part of voluntary quality review under Institute or Society (or successor organizations) authorization~~ or
  - 4) to preclude a registered public accountant from initiating a complaint with or responding to any inquiry made by the Director, the Department, the Registration Committee, the ethics division or Trial Board of the Institute or a duly constituted investigative or disciplinary body of the Society, ~~the Professional Conduct Committee or Trial Board of the Society (and successor bodies); or under state statutes.~~



c) However, members of the Institute or Society involved in a review or investigation under the provisions of subsections (b)(3) and (4), above must be registered public accountants in Illinois or possess a similar qualification in another jurisdiction.

d) Members of the ethics division and Trial Board of the Institute and the Professional Conduct Committee and Trial Board of the Society (and successor bodies or organizations), and professional practice reviewers under Institute and Society authorization, shall not use to their own advantage or disclose any member's confidential client information that comes to their attention in carrying out those activities. This prohibition shall not restrict members' exchange of information in connection with the investigative or disciplinary proceedings described in (b)(4) above or the professional practice reviews described in (b)(3) above, ~~those any confidential client information which comes to their attention from registered public accountants in disciplinary proceedings or otherwise in carrying out their official responsibilities. However, this prohibition shall not restrict the exchange of information with an aforementioned duly constituted investigative or disciplinary body.~~

(Source: Amended at 17 Ill. Reg. 13487, effective July 30, 1993.)

Section 1430.3020 Contingent Fees

a) Professional services shall not be offered or rendered under an arrangement whereby no fee will be charged unless a specified finding or result is attained, or where the fee is otherwise contingent upon the findings or results of such services. However, a registered public accountant's fees may vary depending, for example, on the complexity of the service rendered.

"Contingent fee" means a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service.

a) A registered public accountant shall not:

1) Perform for a contingent fee any professional services for, or receive such a fee from, a client for whom the registered public accountant or the registered public accountant's firm performs:

A) An audit or review of a financial statement;

B) A compilation of a financial statement when the registered public accountant expects, or reasonably might expect, that a third party will use the financial statement and the registered public accountant's compilation report does not disclose a lack of independence; or

C) An examination of prospective financial information; or

2) Prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client.

b) The prohibition in (a)(1) above applies during the period in which the registered public accountant or the registered public accountant's firm is engaged to perform any of the services listed in (a)(1)(A), (B) and (C) above and the period covered by any historical financial statements involved in any such listed services.

b) For the purposes of this Section only, fees are not regarded as being contingent if fixed by courts or other public authorities or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. A registered public accountant's fees may vary depending, for example, on the complexity of services rendered.

(Source: Amended at 17 Ill. Reg. 13487, effective July 30, 1993.)

SUBPART F: OTHER RESPONSIBILITIES AND PRACTICES

Section 1430.5030 Commissions and Referral Fees

A registered public accountant shall not pay a commission to obtain a client, nor shall he accept a commission for a referral to a client of products or services of other because such payment would involve a client paying fees for which he would not receive commensurate services. This rule shall not prohibit payments for the purchase of an accounting practice or retirement payments to individuals formerly engaged in the practice of public accounting or payments to their heirs or estates.

a) Prohibited Commissions - A registered public accountant shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the registered public accountant or the registered public accountant's firm also performs for that client any of the following:

1) An audit or review of a financial statement;

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DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455  
REAL ESTATE APPRAISER CERTIFICATION

SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section	1455.10	Definitions
	1455.15	Uniform Standards of Professional Appraisal Practice
	1455.20	Education and Experience Requirements for State Licensed Real Estate Appraiser
	1455.30	Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser
	1455.40	Application as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser
	1455.50	Examination
	1455.60	Nonresident Licensure/Certification
	1455.70	Nonresident/Temporary Practice

SUBPART B: EDUCATION PROVIDERS

Section	1455.200	Approval of Education Providers
	1455.210	Fees - Education Providers

SUBPART C: GENERAL

Section	1455.300	Renewals
	1455.310	Granting Variances

AUTHORITY: Implementing Article 2 of the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5836.01 through .25; see Public Act 87-1193, effective September 24, 1992) [225 ILCS 455/36 and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7))] [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494 effective July 30, 1993.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

## SUBPART C: GENERAL

## Section 1455.300 Renewals

- a) Every license or certificate issued under the Act as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser shall expire on ~~June~~ September 30 of each odd-numbered year. The holder of a license or certification may renew certification during the month preceding the expiration date by paying the required fee specified in Section 36.6 of the Act.
- b) In order to renew a license or certification in 1995, and thereafter, an applicant will be required to comply with the continuing education requirements pursuant to Section 36.17 of the Act.
- c) Approved real estate appraiser education providers shall renew December 31 each year by paying the required fee set forth in Section 1455.210(b) of this Part.
- d) It is the responsibility of each individual holding certification or licensure to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew the certification in a timely manner.
- e) A certificate for State Licensed Real Estate Appraiser will not be renewed until the Department has received documentation of 500 hours of experience in accordance with Section 1455.20(b). To expedite processing, the documentation may be submitted with the original application for licensure or as soon as the experience is met; otherwise, it shall be submitted with the renewal application.

(Source: Amended at 17 Ill. Reg. 13494, effective July 30, 1993)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Reimbursement For Nursing Costs For Geriatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Numbers: Adopted Action:

147.25, 147.50, 147.150	Amendment
147.Table A	Amendment
147.Table B	Amendment
147.Table D	Amendment
147.Table E	Amendment
147.Table G	Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/12-13]
- 5) Effective Date of Amendments: August 6, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: August 6, 1993
- 9) Notice of Proposal Published in Illinois Register:  
April 9, 1993 (17 Ill. Reg. 5471)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No changes have been made in the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Amendments were proposed concerning a new reimbursement process for therapy services that are provided in nursing facilities. These services, which include speech, occupational and physical therapy services, and restorative program nursing assessments, have been billed to the Department by nursing facilities on Form DPA 1443, Provider Invoice. Field staff from the Bureau of Long Term Quality Care (BLTQC) then conducted post payment audits to verify the

delivery of services. Under the new amendments, such services will be reviewed during a nursing facility's Inspection of Care (IOC) survey, and reimbursement will be calculated according to the survey results.

The process of post payment audits regarding therapy services claims, is time consuming and not justified considering the funding amount associated with therapy services (\$900,000) or the low volume of facilities (350) billing for these services. The new reimbursement process will reduce staff time and result in greater overall efficiency.

During the transition of the reimbursement process to the IOC Program, any nursing facility providing therapy services is receiving an add-on to the nursing component of its per diem. This add-on is calculated by the Department according to historical data from paid claims and adjustments for the facility. Payment of the add-on amount began for January, 1993 services and will continue until the facility's therapy services rate can be calculated on the basis of survey results from an IOC conducted during the calendar year 1993.

According to the amendments, speech therapy has been moved to the Rehabilitation Services category and physical therapy to the Physical Rehabilitation Services category of the IOC. Section 147.300, Therapy Services, is being repealed. Need Not Met language has been added for speech therapy, and some Need Not Met and Agency Note language under the Occupational and Physical Rehabilitation Services categories will be applicable to services rendered for occupational and physical therapy. Reimbursement times and allocations have been added to the appropriate Tables, and an additional minute of therapist time has been added to Level I of the Bathing/Grooming, Clothing, Eating and Mobility restorative and restorative maintenance categories in order to reimburse for assessment time.

Additional changes provide for the deletion of outdated language from Section 147.300, Tables A and B.

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

Name: Joanne Jones  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
100 South Grand Avenue East, Third Floor  
Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the adopted amendments begins on the next page:

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147  
REIMBURSEMENT FOR NURSING COSTS FOR  
GERIATRIC FACILITIES

Section

147.5	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities
147.15	Comprehensive Resident Assessment
147.25	Functional Needs and Restorative Care
147.50	Service Needs
147.75	Definitions
147.100	Reconsiderations
147.105	Midnight Census Report
147.125	Times and Staff Levels
147.150	Statewide Rates
147.175	Referrals
147.200	Basic Rehabilitation Aide Training Program
147.205	Nursing Rates
147.250	Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203)
147.300	Determination of Program (Psychiatric Rehabilitation Services) Costs
147.305	Psychiatric Rehabilitation Service Requirements for Individuals with Mental Illness in Residential Facilities
147.310	Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness
147.315	Comprehensive Functional Assessments and Reassessments
147.320	Interdisciplinary Team (IDT)
147.325	Comprehensive Program Plan (CPP)
147.330	Specialized Care - Administration of Psychopharmacologic Drugs
147.335	Specialized Care - Behavioral Emergencies
147.340	Discharge Planning
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric Rehabilitation Services for Individuals with Mental Illness
147.350	Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing Facilities
147.350	Staff Time and Allocation by Need Level
147.350	Staff Time and Allocation for Restorative Programs
147.350	Comprehensive Resident Assessment
147.350	Functional Needs and Restorative Care
147.350	Service

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 147.25(b)(4) (continued)

scoring this Level 2 Maintenance, the ADL component must be scored zero.

5) An assessment shall be completed identifying the resident's current level of functioning in dressing. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability, or has lost functional ability.

c) Category 3 - Eating

I) Base Rate Services

A) Routine tray preparation:

i) opening milk cartons

ii) cutting food

iii) pouring coffee/beverages

iv) buttering bread

B) Verbal reminders to eat (encouragement)

2) Functional

A) Resident needs and receives hands-on staff assistance to eat some part of the meal due to a functional deficit(s) (as determined by physical or psychological causes).

B) Totally dependent. Resident requires and receives total assistance from staff with eating due to a functional deficit(s) (as determined by physical or psychological causes).

C) Tube Feeding. Resident requires and receives tube feeding. Resident is fed through nasogastric tube or gastrostomy tube regardless of other oral food intake.

3) Restorative

Staff has developed and is implementing a specific program to assist resident to improve functional abilities in eating due to

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 147.25(a) (continued)

5) An assessment shall be completed identifying the resident's current level of functioning in bathing and grooming. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability, or has lost functional ability.

b) Category 2 - Clothing

1) Base Rate Services

A) Assistance in choosing appropriate clothing; and

B) Verbal reminders to dress.

2) Functional

A) Resident needs and receives hands-on assistance due to a functional deficit(s) (as determined by physical or psychological causes). Resident requires and receives help with getting dressed. This involves the actual assisting with putting on clothes.

B) Totally dependent. Resident requires and receives total assistance due to a functional deficit(s) (as determined by physical or psychological causes) from staff with dressing. Resident is dressed by a staff person and does not participate in dressing of self. This includes bedfast residents being dressed in gown, pajamas, etc.

3) Restorative

Staff has developed and is implementing a specific program to assist resident to improve functional abilities in dressing due to a functional deficit(s) (as determined by physical or psychological causes).

4) Maintenance

Restorative care and program continue to be implemented, and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When

Section 147.25(c)(3) (continued)

a functional deficit(s) (as determined by physical or psychological causes).

4) Maintenance

Restorative care and program continues to be implemented, and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

5) An assessment shall be completed identifying the resident's current level of functioning in eating. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability, or has lost functional ability.

d) Category 4 - Mobility

1) Base Rate Services

- A) Repositioning for comfort;
- B) Supervision of ambulatory residents;
- C) Redirection of lost and/or wandering residents;
- D) Reminders to use handrails;
- E) Reminders to use assistive devices correctly;
- F) Residents who are totally bedfast; and
- G) Assistance in and out of bathtub or shower.

2) Functional

A) Resident needs and receives hands-on assistance with standing, transfer or movement about the facility due to a functional deficit(s) (as determined by physical or psychological causes). Resident can ambulate or move about facility per self once transfer is completed. Or, resident

11/21/00

Section 147.25(d)(2)(A) (continued)

can transfer independently, but staff must assist resident with movement about the facility.

B) Resident requires and receives hands-on assistance to transfer from bed to chair or wheelchair and requires and receives assistance with movement about the facility due to a functional deficit(s) (as determined by physical or psychological causes).

3) Restorative

Staff has developed and is implementing a specific program to assist resident to improve functional abilities in transferring, ambulation, wheelchair mobility, and/or bed mobility due to a functional deficit(s) (as determined by physical or psychological causes).

4) Maintenance

Restorative care and program continues to be implemented, and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this Level 2 Maintenance, the ADL component must be scored zero.

5) An assessment shall be completed identifying the resident's current level of functioning in bed mobility, transfer and locomotion. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability, or has lost functional ability.

e) Category 5 - Continence

1) Base Rate Services

Stand-by assistance provided, including assisting with clothing, verbal cues, etc.

2) Functional

A) Resident is incontinent of bladder and/or bowel (includes dribbling).



Section 147.25(e)(2) (continued)

B) Resident is assisted to toilet as frequently as indicated by resident need.

3) Restorative Care

Staff has assessed, planned, implemented and monitored, according to individual need, a specific formalized program to assist resident to improve abilities in continence.

4) Maintenance

Restorative care and formalized program continues to be implemented and is at a maintenance level after initial improvement. Restorative care and intervention have been modified and continue to be implemented to maintain the resident's improved condition. When scoring this level 2 maintenance, the ADL component must be scored zero.

5) An assessment shall be completed identifying the resident's current level of functioning in continence. The assessment shall state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.

6) Prior to a resident being given credit for restorative care in any program, the following must be met:

A) An assessment completed by a registered nurse, identifying the resident's current level of functioning, the cause or contributing factors of current incontinence, and a plan developed to increase this level of functioning by the interdisciplinary team.

B) A reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response.

C) Staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly.

Section 147.25(e)(6) (continued)

D) The program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his/her functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. The care-plan review is required by 42-CFR-483.20-(1990)+

f) Category 6 - Psychosocial/Mental Status

1) Base Rate Services

A) Occasional behavior intervention for that which the resident has not been assessed or for which no program has been implemented;

B) Additional reminders for bathing, clothing, grooming and taking medicine;

C) Explanations and assurances;

D) Intervention/interaction with family; and

E) Reminders to attend activities.

2) Functional

Staff has developed and is implementing a specific intervention program that addresses psychosocial needs. This program is monitored by a Qualified Health Professional "QHP" as evidenced by signing off on assessment and response notes, with written recommendations as appropriate in the clinical record. This program must be in the care plan and the resident's response to staff's intervention must be recorded in the clinical record at least monthly. Interventions may occur in 1:1 scheduled counseling sessions, group sessions no larger than eight, or strictly incident intervention. Incident intervention only programs are limited to residents with severe behavior problems which preclude participation in a more structured setting.

Incident intervention only must consist of a plan with staff using ongoing specifically identified interventions for identified behavior occurrences. The plan may consist of any combination of the above-mentioned techniques. Interventions must take place at least three times a week.

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Section 147.50(a)(2) (continued)

O) Contact lens

P) Artificial eye

Q) Protective helmet

R) Cylinder braces

S) Eyeglasses

T) Dentures

U) Electrolysis

V) Augmentative communication devices

M) TENS Unit

X) Wheelchair cuffs

Y) ADL adaptive equipment

Z) Abductor bar/pillow

AA) Self-release safety devices

b) Category 2 - Catheterization

Type code: Intensity codes

Indwelling, Texas, supra pubic catheter, intermittent catheterization, including care and irrigation.

c) Category 3 - Pressure Ulcer Treatment

Type code: Intensity codes

1) Resident has been admitted with a stage I or II pressure ulcer.

2) Resident has been admitted with a stage III or IV pressure ulcer.

3) Resident has a Stage I or II pressure ulcer that developed while in the facility.

4) Resident has a Stage III or IV pressure ulcer that developed while in the facility.

Section 147.50 (continued)

d) Category 4 - Pressure Ulcer Prevention

Type code: Intensity codes

1) Resident has been assessed, using an assessment instrument, to determine risk for developing pressure ulcers and has scored in the moderate risk category. A comprehensive preventative program as specified in the care plan is implemented and must address, but is not limited to, positioning schedules, range of motion program, nutritional support, and skin measures (i.e., whirlpool, etc.) as determined by facility policy.

2) Resident has been assessed, using an assessment instrument, to determine risk for developing pressure ulcers and has scored in the high risk category. A comprehensive preventative program as specified in the resident care plan is implemented and must address, but is not limited to, special mattresses or wheelchair cushions to reduce pressure, a positioning schedule, range of motion program, nutritional support and daily skin checks, and skin care measures (i.e., whirlpool, etc.) as dictated by a facility policy for high risk residents.

e) Category 5 - Wound Care

Type code: Intensity codes

1) Dressings and/or skin treatments for noninfected areas.

2) Complex dressings (such as sterile dressings or post-op) and/or treatment to lesions that are infected.

f) Category 6 - Injections

Type code: Frequency codes

1) Requires and receives injections less than daily but at least once a month, on a regular basis as per physician order.

2) Requires and receives one or more injections daily.

g) Category 7 - Intravenous Therapy: I.V.'s and Clysits

Type code: Frequency codes

1) Required and received I.V. or clysits for at least 48 hours (intermittent or continuous) during the past six months.

Section 147.50(g) (continued)

- 2) Required and received I.V. or clysis seven or more days in past six months.

h) Category 8 - Laboratory-Specimen Service

Type code: Frequency codes

Resident required and facility staff collected one or more of the following: a specimen including blood specimen, urine specimen either by midstream "cleancatch" or by catheter, sputum specimen, stool specimen, swabs of throat, lesions, diabetic urine test, telephonic pacemaker check or electrocardiogram or oximeter or glucometer readings or checking and monitoring of shunts. Specimens collected by an outside lab are not included.

- 1) One time in the last six months.
- 2) Once a week.
- 3) Daily.

i) Category 9 - Medications/Medication Monitoring

1) Base Rate Services

- A) Routine med passes;
- B) Routine observation for medication side effects;
- C) Encouraging residents to take medications;
- D) PRN medication;
- E) Special monitoring done by licensed or unlicensed personnel with licensed supervision, including vital signs, lab work and clinitests that result in few, if any, changes in dosage or medication or amount of assessment necessary.

2) Type code: Intensity codes

Resident needs and receives medication four times a day or more during off-hours or by multiple routes, and requires routine monitoring to check for untoward reaction or side effects. Also included is a resident who needs and receives medication that requires special monitoring by licensed personnel with need for

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Section 147.50(i)(2) (continued)

assessing and reporting to physician if necessary, changes in resident status, lab work, side effects, or apparent drug interactions. This can result in an adjustment of dosage or medication, or in continuing assessment of an unstable condition.

3) Medication Programs

- A) Resident is on a supervised program to increase or maintain an acquired level of independent self-administration of medication. The resident's cognitive, physical and visual ability to carry out this responsibility has been assessed by the interdisciplinary team. Nursing staff is responsible for drug storage and for recording self-administration in the resident's medication administration record; or
- B) Resident is involved in a program to discontinue or reduce psychotropic medication to the lowest possible dose necessary to control symptoms.

j) Category 10 - Occupational Therapy and Related Rehabilitation Services

1) Type code: Intensity Code

A) The occupational rehabilitation program shall be ordered by a physician. It shall be planned and designed specifically for the resident by an occupational therapist registered/licensed (OTR/L) (68 Ill. Adm. Code 1315). The occupational rehabilitation services program shall be administered by a rehabilitation aide ~~or certified occupational-therapist-assistant/licensed-(COTA/L)~~ under the supervision of the OTR/L. There shall be a monthly review of progress documented by the OTR/L, or if written by the ~~COTA/L rehabilitation aide~~, co-signed by the OTR/L.

- 2) B) There must be a reasonable likelihood that the rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan meeting review by the interdisciplinary team.

2) Occupational Therapy

DEPARTMENT OF PUBLIC AID  
ILLINOIS REGISTER  
NOTICE OF ADOPTED AMENDMENTS

Section 147.50(k)(1)(B) (continued)

at the time of the care plan meeting review by the interdisciplinary team.

2) Physical Therapy

A) The physical therapy program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the PT. The direct physical therapy services shall be administered by a physical therapist assistant (PTA) under the supervision of the PT. There shall be a review of the progress documented either by the PT or the PTA monthly. The PT must assign the PTA's documentation monthly.

B) Physical therapy shall be planned and designed specifically for the resident by a PT. This plan must include measurable goals. The program shall be carried out on a regularly scheduled basis by an individual with qualifications of a PT. There must be a review of progress toward goals documented by the PT monthly.

C) There must be a reasonable likelihood that the physical therapy will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan review by the interdisciplinary team.

1) Category 12 - Passive Range of Motion (PROM)  
Type code: Frequency Code

Resident requires and receives PROM exercises to at least one extremity at least two times per day.

m) Category 13 - Ostomy Care  
Type code: Intensity codes

Includes gastrostomy, ileostomy, jejunostomy and colostomy.

I) Uncomplicated care of ostomy (gastrostomy included). Includes routine care and maintenance of the ostomy, i.e., cleansing and appliance change.

DEPARTMENT OF PUBLIC AID  
ILLINOIS REGISTER  
NOTICE OF ADOPTED AMENDMENTS

Section 147.50(j)(2) (continued)

A) The occupational therapy program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the OTR/L. The direct occupational therapy services shall be administered by a certified occupational therapist assistant/licensed (COTA/L) under the supervision of the OTR/L. There shall be a review of the progress documented either by the OTR/L or COTA/L monthly. The OTR/L must assign the COTA/L's documentation monthly.

B) The occupational therapy shall be ordered by a physician. It shall be planned and designed specifically for the resident by an OTR/L. This plan must include measurable goals. The program shall be carried out on a regularly scheduled basis by an individual with qualifications of an OTR/L. There must be a review of progress towards goals documented by the OTR/L every month.

C) There must be a reasonable likelihood that the occupational therapy will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan review by the interdisciplinary team.

k) Category 11 - Physical Therapy and Related Rehabilitation Services  
Type code: Intensity Code

A) The physical rehabilitation program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the physical therapist (PT). The physical rehabilitation services shall be administered by a physical therapist-assistant-(PTA)-or-a-rehabilitation-aide under the supervision of the PT. There shall be a monthly review of the progress documented by the PT or it written by the PTA rehabilitation aide, co-signed by the PT.

B) There must be a reasonable likelihood that the rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS-

Section 147.50(t)(1)(A) (continued)

assistance to resident in applying for any needed services. Facility ascertains and arranges to secure or provide residents' choice of pastoral care. Resident and/or family and/or guardian are encouraged to participate in care plan conferences. Facility acquaints resident with resident council purpose/functions and encourages participation.

2) To qualify for Level 2, all Level 1 requirements must be in place as well as the following: Resident has participated in a monthly standard social service interview soliciting resident opinions and preferences about defined aspects of the quality of life in the facility. If resident is unable to participate in this interview, a family or guardian interview, in person or by phone, may be done on a monthly basis.

Category--Therapy-Services  
The following therapy-services are provided on a 24-hour basis. These services are provided on a 24-hour basis. The following services are provided on a 24-hour basis.

Speech-Language-Pathology-(SLP/A)-Khababkafkafve Services  
General-Services

A) General-Services  
The following services are provided on a 24-hour basis. These services are provided on a 24-hour basis. The following services are provided on a 24-hour basis.

B) Speech-Language-Services  
Resident and/or family and/or guardian counseled on residents rights at admission and reviewed individually with residents and/or family and/or guardian at least annually. Staff orient resident and/or family and/or guardian to facility programs, Medicare/Medicaid programs (including prevention of spousal impoverishment), advance directives, available medical services, community support services, and the resident's personal allowances initially and annually thereafter, and gives

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 147.50(s) (continued)

are life threatening. A physical restraint may be used for brief periods to allow medical treatment to proceed if there is documented evidence of the resident's or legal representative's approval of the temporary physical restraint. If a temporary physical restraint is needed because of medical symptoms which are life threatening, documented attempts at less restrictive measures prior to application of the physical restraint are not required.

Type Code: Intensity Codes

The resident has been assessed by licensed staff and, for clearly documented reasons which are not life threatening, has been determined to be in need of a physical restraint, the resident, family (if appropriate), guardian or legal representative has consented to the use of the physical restraint. The staff has attempted less restrictive measures and documented the results. Consultation has taken place with appropriate health professionals, such as physician, occupational therapist, physical therapist or rehab certified registered nurse, in the use of less restrictive supportive devices or methods. Where appropriate, the less restrictive measures have been successfully maintained without the use of physical restraints. Where less restrictive measures have not been successful and physical restraints have been applied, the care plan documents the duration, type and circumstances under which the restraint can be used. The restraints are properly applied and the resident is released from the restraint, exercised or ambulated, and repositioned for at least 10 minutes at least every 2 hours, the interdisciplinary team reviewed the continuing need for restraints and that reduction in duration or less restrictive measures have been discussed. As the interdisciplinary team determines, an individualized restraint reduction program is developed and implemented.

t) Category - Social Services

I) Type Code: Intensity Codes

Resident and/or family and/or guardian counseled on residents rights at admission and reviewed individually with residents and/or family and/or guardian at least annually. Staff orient resident and/or family and/or guardian to facility programs, Medicare/Medicaid programs (including prevention of spousal impoverishment), advance directives, available medical services, community support services, and the resident's personal allowances initially and annually thereafter, and gives

Section 147.50(u)(1)(B) (continued)

the resident's condition. This service must be reevaluated monthly by the certified speech language pathologist/audiologist.

2) Physical Therapy and Related Rehabilitative Services

A) General Criteria

There must be a reasonable likelihood that the physical therapy and/or the physical rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan review by the interdisciplinary team. The care plan review is required by 42 CFR 482.20 (1990). The interdisciplinary team is defined in 77 Illinois Administrative Code, Section 300.330.

B) Specific Criteria

i) Physical Therapy-I

Physical therapy shall be planned and designed specifically for the resident by a physical therapist (PT). This plan must include measurable goals. The program shall be carried out on a regularly scheduled basis by an individual with qualifications of a physical therapist. There must be a review of progress toward goals documented by the PT monthly.

ii) Physical Therapy-II

The physical therapy program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the PT. The direct physical therapy services shall be administered by a physical therapist assistant (PTA) under the supervision of the PT. There shall be a review of the progress documented either by the PT or the PTA monthly. The PT must assign the PTA's documentation monthly.

iii) Physical Therapy-Assessment

11/15/00

Section 147.50(u)(2)(B)(iii) (continued)

Resident has been evaluated, assessed or reassessed by a physical therapist and a specific restorative program developed to increase the resident's functional level. This program is then implemented by the nursing department. This is not scored if the resident is also in any rehabilitation program.

3) Occupational Therapy and Related Rehabilitative Services

A) General Criteria

There must be a reasonable likelihood that the occupational therapy and/or the occupational rehabilitation services will improve the resident's functional ability. While there is no specific time limit on the duration of these services, benefit to the resident's functional ability must be evident in the therapist's documentation. This service must be reviewed at the time of the care plan review by the interdisciplinary team. (The care plan review is required by 42 CFR 482.20 (1990)). The interdisciplinary team is defined in 77 Illinois Administrative Code, Section 300.330.

B) Specific Criteria

i) Occupational Therapy-I

The occupational therapy shall be ordered by a physician. It shall be planned and designed specifically for the resident by an occupational therapist registered/licensed (OTR/L). This plan must include measurable goals. The program shall be carried out on a regularly scheduled basis by an individual with qualifications of an occupational therapist registered/licensed (OTR/L). There must be a review of progress towards goals documented by the OTR/L every month.

ii) Occupational Therapy-II

The occupational therapy program shall be ordered by a physician. It shall be designed and planned specifically for the resident by the OTR/L. The direct occupational therapy services shall be administered by a certified occupational therapy-



Section 147.50(u)(3)(B)(ii) (continued)

assessment- (OTA/L) - under - the - supervision - of  
the - OTR/L - -- there - shall - be - a - review - of - the - program  
determined - by - the - OTR/L - or - OTA/L - monthly - -- The  
OTR/L - must - sign - the - OTA/L - 6 - de - de - monthly -

iii) Occupational - Therapy - Assessment  
Resident - has - been - evaluated - or - reassessed - by  
an - occupational - therapist - registered - (OTR/L)  
and - a - special - care - program - developed - to  
address - resident - s - functional - level - -- This - program - is  
then - implemented - by - the - nursing - department - -- This - is  
not - covered - if - resident - is - also - in - any - rehabilitation  
program

(Source: Amended at 17 III. Reg. 13498, effective August 6, 1993)

Section 147.150 Statewide Rates

a) This Section will become effective July 1, 1991 unless otherwise  
indicated.

b) Per diem reimbursement rates for nursing care in intermediate and  
skilled care facilities consist of six elements: variable time  
reimbursement, training time reimbursement, fixed time reimbursement,  
fringe benefit reimbursement, and reimbursement for allowable costs  
of supplies, consultants, medical and nursing directors, and  
therapies.

1) Variable Time Reimbursement. Variable nursing time is that time  
necessary to meet the major service needs of residents which  
vary due to their physical or mental conditions. Each need  
level or specific nursing service measured by the Resident  
Assessment Instrument is associated with an amount of time and  
staff level (Sections 147. Table A and 147. Table B).  
Reimbursement is developed by multiplying the time for each  
service by the wage(s) of the type of staff performing the  
service except for occupational therapy, physical therapy and  
speech therapy. If more than one level of staff are involved in  
delivering a service, reimbursement for that service will be  
weighted by the wage and number of minutes allocated to each  
staff type. When a service can be provided by either an RN or  
an LPN, the wage used will be weighted by the average mix of RNS  
and LPNs in the sample of facilities used to set rates.

Section 147.150(b)(1) (continued)

A) Determination of wages. In calculating the rate, the  
figures used by the Department for "wages" will be  
determined in the following manner:

- i) The mean wages for the applicable staff levels (RN's, LPN's, Nurse Aides) as reported on the cost reports and determined by geographical location will be the base.
- ii) Fringe benefits will be equal to 21%.
- iii) The fringe benefits will be added to the base.
- iv) This new total will then be updated for inflation from the time period for which the wage data are available to the midpoint of the rate year to recognize projected wage changes.

v) Special minimum wage factor. For the period beginning July 1, 1990, the Department will modify the process used in subsection (b)(1)(A)(i) to determine regional mean wages for Registered Nurses (RN), Licensed Practical Nurses (LPN) and nurse aides to include a minimum wage factor. For these homes below 90% of the statewide average the wage is replaced by 90% of the statewide average. Effective July 1, 1991, through June 30, 1992, a final wage multiplier of 4.1% will be applied to wages. Beginning July 1, 1992, a final wage multiplier of 6.2% will be applied to wages.

B) Determination of Times and Staff Levels. The times and staff levels have been assigned by a panel of administrators and nurses active in long term care. Prior time/motion studies were used to assist the panel. These times will be reviewed periodically to insure that they accurately reflect nursing practice in the State.

2) Training Time Reimbursement

Training Time Reimbursement is determined by assessed need for training, the time allotted for training and the wage rates for licensed and nurse aide staff during the rate year.

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Section 147.150(c) (continued)

2) A copy of the Resident Assessment will be left with the facility upon completion.

d) Adjustment in Instrument. Residents assessed as being in need of a service but is not receiving the required service will be scored solely as need not met.

e) An interim IOC may be requested by a facility by notifying, in writing, the Bureau of Long Term Quality Care Bureau Chief within 180 days of the exit date of the last IOC. The following criteria shall be met before a request for an interim IOC can be made. A 25% or greater turnover in Medicaid residents since the last IOC or there has been a 7% or greater increase in the average per patient care time. The request for the interim IOC shall contain a full explanation of why the facility meets the criteria and must include any documentation relevant to the request. The facility will be notified within 45 days from the date the request is received or whether an interim IOC will be conducted. If approved, the Bureau will conduct a full IOC within 60 days of the written approval decision. Upon reassessment, an amended 2700 will be forwarded to the DPA. Upon receipt of the amended 2700 the facility's rate will become effective for the final six months of that facility's rate year.

f) If the interim IOC is scheduled to take place during the period when the next annual IOC is scheduled, only one IOC will be done. The rate that results will apply for the 18 month period which begins with the effective date of the interim IOC rate.

(Source: Amended at 17 III. Reg. 13498, effective August 6, 1993)

Section 147.150(a) Staff Time and Allocation by Need Level

a) The following reimbursement rates, adjustments, and needs levels apply for all reimbursement periods commencing on January 1, 1987, through June 30, 1989.

Item Level Time Allocation Staff-Type

Nurse-Aide 0 6  
Nurse-Aide 1 12  
Nurse-Aide 2 22

Bedside-Grouping

Wound-Care

Level 0 0  
Level 1 6  
Level 2 18

Pressure-Ulcer Prevention

Level 0 0  
Level 1 8  
Level 2 14

Nurse-Aide/Registered-Nurse 672  
Nurse-Aide/Registered-Nurse 272

Registered-Nurse  
Registered-Nurse

Item Level Time Allocation Staff-Type

Clothing 0 4  
Nurse-Aide 1 10  
Nurse-Aide 2 20

Bathing

0 6  
Nurse-Aide 1 15  
Nurse-Aide 2 39  
Registered-Nurse 39

Mobility

0 5  
Nurse-Aide 1 12  
Nurse-Aide 2 14

Continence

0 2  
Nurse-Aide 1 14  
Nurse-Aide 2 22

Psyche-Social-Care

0 12  
Nurse-Aide 1 22  
Nurse-Aide/Registered-Nurse 28  
Nurse-Aide/Registered-Nurse 351

Appraisals

0 0  
Nurse-Aide/Registered-Nurse 6  
Nurse-Aide/Registered-Nurse 12

Catheters

0 0  
Nurse-Aide/Registered-Nurse 12  
Nurse-Aide/Registered-Nurse 676

Pressure-Ulcer-Care

0 0  
Nurse-Aide/Registered-Nurse 8  
Registered-Nurse 20

Registered-Nurse 0 0  
Nurse-Aide/Registered-Nurse 0 0  
Nurse-Aide/Registered-Nurse 0 0

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

Section 147.TABLE A(a) (continued)

Item	Level	Time	Allocation	Staff-Type
Injections	0	0		
	1	1		Licensed-Staff
	2	4+5		Licensed-Staff
Intravenous-Glysis	0	0		
	1	4		Licensed-Staff
	2	8		Licensed-Staff
Lab-Specimen	0	0		
	1	1	5/5	Nurse-Aide/Licensed-Staff
	2	2	1/1	Nurse-Aide/Licensed-Staff
	3	10	5/5	Nurse-Aide/Licensed-Staff
Speech---Language Pathology-and Audiology	0	0		
	1	8		Therapist
Medication Monitoring	0	12		Licensed-Staff
	1	14		Licensed-Staff
	2	16		Licensed-Staff
	3	18		Licensed-Staff
Occupational-Therapy	0	0		
	1	14		Therapist
	2	14	13/1	GOTA/Therapist
	3	14	13/1	Nurse-Aide/Therapist
	4	1		Therapist
Ostomy-Care	0	0		
	1	6		Licensed-Staff
	2	13		Licensed-Staff
Physical-Therapy	0	0		
	1	14		Therapist
	2	14	13/1	PTA/Therapist
	3	14	13/1	Nurse-Aide/Therapist
	4	1		Therapist
Respiratory-Therapy	0	0		
	1	17	15/2	Nurse-Aide/Licensed-Staff
	2	25	5/20	Nurse-Aide/Licensed-Staff

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DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

Section 147.TABLE A(a) (continued)

Item	Level	Time	Allocation	Staff-Type
Tracheostomy-Care	0	0		
	1	6		Licensed-Staff
	2	13		Licensed-Staff
Suctioning	0	0		
	1	5		Licensed-Staff
	2	30		Licensed-Staff
Passive-Range-of Motion	0	0		
	1	7		Nurse-Aide
	2	14		Nurse-Aide
Discharge-Planning	0	0		
	1	10		Licensed-Staff
Health-and-Fitness	0	0		
	1	4	3/1	Nurse-Aide/Licensed-Staff
	2	5	3/2	Nurse-Aide/Licensed-Staff
Activities	0	10		Nurse-Aide
	1	4	3/1	Nurse-Aide/Licensed-Staff
	2	4	3/1	Nurse-Aide/Licensed-Staff
Grooming	0	10		Nurse-Aide
	1	3		Nurse-Aide
Agency-Note---level-"0"-carries-no-reimbursement-potential-when-accompanied-by "0"-time---Level-"0"-provides-reimbursement-for-every-facility-when accompanied-with-time---Such-time-becomes-a-facility's-base-rate-for-every resident.				
b) The-following-reimbursement-times,-allocations,-and-need-levels-apply for-all-reimbursement-periods-commencing-on-July-1,-1989-through December-31,-1990.				
Item	Level	Time	Allocation	Staff-Type
Bathing,-Grooming	0	6		Nurse-Aide
	1	12		Nurse-Aide
	2	22		Nurse-Aide
Clothing	0	4		Nurse-Aide
	1	10		Nurse-Aide
	2	20		Nurse-Aide

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 147, TABLE A(b) (continued)

Item	Level	Time	Amount	Rate-Type
Lab-Speimen	1	1	1	Nurse-Aide/ Licensed-Staff
	0	0	0	
	2	2	2	Nurse-Aide/ Licensed-Staff
	3	3	3	Nurse-Aide/ Licensed-Staff
	10	10	5/5	Nurse-Aide/ Licensed-Staff
Speech---Language	0	0	0	
Pathtology-and	1	1	0	
.Autology				Therapist
Medicatyon	0	1	12*8	Licensed-Staff
Monitoring	1	1	16*1	Licensed-Staff
Occupatyonal-Therapy	0	0	0	
	1	1	14	Nurse-Aide/Therapist
	13/1			
Ootomy-Care	0	0	0	
	1	1	6	Licensed-Staff
	2	2	13	Licensed-Staff
Physcal-Therapy	0	0	0	
	1	1	14	Nurse-Aide/Therapist
	13/1			
Kepparatery-Therapy	0	0	0	
	1	1	17	Nurse-Aide/ Licensed-Staff
	2	2	25	Nurse-Aide/ Licensed-Staff
	5/20			
Frachestomy-Care	0	0	0	
	1	1	6	Licensed-Staff
	2	2	13	Licensed-Staff
Suettoning	0	0	0	
	1	1	5	Licensed-Staff
	2	2	30	Licensed-Staff
Passive-Range-of	0	0	0	
Motion	1	1	11*8	Nurse-Aide
Pracharg-Pranng	0	0	0	
	1	1	10	Licensed-Staff
	0	0	0	
Headh-and-Prtness	0	0	0	
	1	1	4	Nurse-Aide/ Licensed-Staff
	2	2	3/1	

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 147, TABLE A(b) (continued)

Item	Level	Time	Amount	Rate-Type
Bathing	0	0	6	Nurse-Aide
	1	1	15	Nurse-Aide
	2	2	39	Nurse-Aide
	3	3	39	Licensed-Staff
Mobility	0	0	5	Nurse-Aide
	1	1	12	Nurse-Aide
	2	2	14	Nurse-Aide
Contnence	0	0	2	
	1	1	14	Nurse-Aide
	2	2	19*6	Nurse-Aide
Regho-Seal-Care	0	0	12	Nurse-Aide
	1	1	28	Nurse-Aide/ Licensed-Staff
	19*5/8*5			
Appianees	0	0	0	
	1	1	7	Nurse-Aide/ Licensed-Staff
Catheters	0	0	0	
	1	1	12*1	Nurse-Aide/ Licensed-Staff
	6/6*1			
Pressure-Ulcer-Care	0	0	0	
	1	1	8	Licensed-Staff
	2	2	20	Licensed-Staff
	0/0			
Frachestomy-Care	4	4	0	
	0	0	0	
Frachestomy-Care	0	0	0	
	1	1	8	Nurse-Aide/ Licensed-Staff
	2	2	14	Nurse-Aide/ Licensed-Staff
Preventive-Ulcer	0	0	0	
	1	1	6/2	Nurse-Aide/ Licensed-Staff
	2	2	12/2	Nurse-Aide/ Licensed-Staff
Wond-Care	0	0	0	
	1	1	6	Licensed-Staff
	2	2	18	Licensed-Staff
Infectons	0	0	0	
	1	1	1	Licensed-Staff
	2	2	4*5	Licensed-Staff
Interventyon-Clyse	0	0	0	
	1	1	4	Licensed-Staff
	2	2	8	Licensed-Staff

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Section 147, TABLE A(a) (continued)

Item	Level	Time	Allocation	Staff Type
Tracheostomy Care	0	0	0	Licensed Staff
	1	6	6	Licensed Staff
	2	13	13	Licensed Staff
Suctioning	0	0	0	Licensed Staff
	1	5	5	Licensed Staff
	2	30	30	Licensed Staff

Section 147, TABLE A(a) (continued)

Agency Note: Level "0" carries no reimbursement potential when accompanied by "0" time. Level "0" provides reimbursement for every facility when accompanied with time. Such time becomes a facility's base rate for every resident.

a) The following reimbursement times, allocations, and need levels apply for all reimbursement periods commencing on or after July 1, 1991 through December 31, 1992.

Item	Level	Time	Allocation	Staff Type
Passive Range of Motion	0	0	0	Licensed Staff
	1	11.8	11.8	Nurse Aide
Resident Assessment	0	2.6	.5/1.1/	Nurse Aide/Licensed Staff/Registered Nurse/Social Worker
	1	7.8	1.5/3.3/	Nurse Aide/Licensed Staff/Registered Nurse/Social Worker
Discharge Planning	0	0	0	Licensed Staff
	1	10	10	Licensed Staff
Health and Fitness	0	0	0	Licensed Staff
	1	4	3/1	Nurse Aide/Licensed Staff
Activities	0	10	10	Nurse Aide
Grooming	0	3	3	Nurse Aide
Social Services	0	0	0	Nurse Aide
	1	2	.5/5/1	Nurse Aide/Licensed Staff/Social Worker
	2	3.6	.8/.8/2	Nurse Aide/Licensed Staff/Social Worker
Restraint Management and Reduction	0	0	0	Nurse Aide/Licensed Staff
	1	8	6/2	Nurse Aide/Licensed Staff
Communication	0	0	0	Nurse Aide/Licensed Staff
	1	2.5	2/5	Nurse Aide/Licensed Staff
	2	5	4/1	Nurse Aide/Licensed Staff
	3	7.5	6/1.5	Nurse Aide/Licensed Staff

Item	Level	Time	Allocation	Staff Type
Bathing, Grooming	0	7	6/1	Nurse Aide/Licensed Staff
	1	13	12/1	Nurse Aide/Licensed Staff
	2	23	22/1	Nurse Aide/Licensed Staff
Clothing	0	5	4/1	Nurse Aide/Licensed Staff
	1	11	10/1	Nurse Aide/Licensed Staff
	2	21	20/1	Nurse Aide/Licensed Staff
Eating	0	7	6/1	Nurse Aide/Licensed Staff
	1	16	15/1	Nurse Aide/Licensed Staff
	2	40	39/1	Nurse Aide/Licensed Staff
Mobility	0	6	5/1	Nurse Aide/Licensed Staff
	1	13	12/1	Nurse Aide/Licensed Staff
	2	15	14/1	Nurse Aide/Licensed Staff
Continence	0	2	2	Nurse Aide
	1	14	14	Nurse Aide
	2	19.6	19.6	Nurse Aide
Psycho-Social Care	0	12	12	Nurse Aide
	1	28	19.5/8.5	Nurse Aide/Licensed Staff
Appliances	0	0	0	Nurse Aide/Licensed Staff
	1	7	6/1	Nurse Aide/Licensed Staff
Catheters	0	0	0	Nurse Aide/Licensed Staff
	1	12.1	6/6.1	Nurse Aide/Licensed Staff
Pressure Ulcer Care	0	0	0	Licensed Staff
	1	8	8	Licensed Staff
	2	20	20	Licensed Staff
	3	0	0/0	Nurse Aide/Licensed Staff
	4	0	0/0	Nurse Aide/Licensed Staff

Section 147.TABLE A(b) (continued)

Item	Level	Time	Allocation	Staff Type
Pressure Ulcer Prevention	0	0		
	1	.8	6/2	Nurse Aide/Licensed Staff
	2	14	12/2	Nurse Aide/Licensed Staff
Wound Care	0	0		
	1	6		Licensed Staff
	2	18		Licensed Staff
Injections	0	0		
	1	1		Licensed Staff
	2	4.5		Licensed Staff
Intravenous, Clysis	0	0		
	1	4		Licensed Staff
	2	8		Licensed Staff
Lab Specimen	0	0		
	1	1	.5/.5	Nurse Aide/Licensed Staff
	2	2	1/1	Nurse Aide/Licensed Staff
	3	10	5/5	Nurse Aide/Licensed Staff
Speech---Language Pathology and Audiology	0	0		
	1	0		Therapist
Medications and Medication Monitoring	0	12.8		Licensed Staff
	1	16.1		Licensed Staff
	2	18.1		Licensed Staff
Occupational Therapy	0	0		
	1	16	13/3	Nurse Aide/Therapist
Ostomy Care	0			
	1	6		Licensed Staff
	2	13		Licensed Staff
Physical Therapy	0	0		
	1	16	13/3	Nurse Aide/Therapist
Respiratory Therapy	0	0		
	1	17	15/2	Nurse Aide/Licensed Staff
	2	25	5/20	Nurse Aide/Licensed Staff

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Section 147.TABLE A(b) (continued)

Item	Level	Time	Allocation	Staff Type
Tracheostomy Care	0	0		
	1	6		Licensed Staff
	2	13		Licensed Staff
Suctioning	0	0		
	1	5		Licensed Staff
	2	30		Licensed Staff
Passive Range of Motion	0	0		
	1	11.8		Nurse Aide
Resident Assessment	0	2.6	.5/1.1/.7/.3	Nurse Aide/Licensed Staff/Registered Nurse/Social Worker
	1	7.8	1.5/3.3/2.1/.9	Nurse Aide/Licensed Staff/Registered Nurse/Social Worker
Discharge Planning	0	0		
	1	10		Licensed Staff
Health and Fitness	0	0		
	1	4	3/1	Nurse Aide/Licensed Staff
Activities	0	10		Nurse Aide
Grooming	0	3		Nurse Aide
Social Services	0	0		
	1	2	.5/.5/1	Nurse Aide/Licensed Staff/Social Worker
	2	7	1/1/5	Nurse Aide/Licensed Staff/Social Worker
Restraint Management and Reduction	0	0		
	1	10	8/2	Nurse Aide/Licensed Staff
Communication	0	0		
	1	2.5	2/.5	Nurse Aide/Licensed Staff
	2	5	4/1	Nurse Aide/Licensed Staff
	3	7/.5	6/1.5	Nurse Aide/Licensed Staff



Agency Note: Level "0" carries no reimbursement potential when accompanied by "0" time. Level "0" provides reimbursement for every facility when accompanied with time. Such time becomes a facility's base rate for every resident.

(c) The following reimbursement times, allocations, and need levels apply for all reimbursement periods commencing on or after January 1, 1993.

Item	Level	Time	Allocation	Staff Type
Bathing, Grooming	0	7	6/1	Nurse Aide/Licensed Staff
	1	13	12/1	Nurse Aide/Licensed Staff
	2	23	22/1	Nurse Aide/Licensed Staff
Clothing	0	5	4/1	Nurse Aide/Licensed Staff
	1	11	10/1	Nurse Aide/Licensed Staff
	2	21	20/1	Nurse Aide/Licensed Staff
Eating	0	7	6/1	Nurse Aide/Licensed Staff
	1	16	15/1	Nurse Aide/Licensed Staff
	2	40	39/1	Nurse Aide/Licensed Staff
	3	40		Licensed Staff
Mobility	0	6	5/1	Nurse Aide/Licensed Staff
	1	13	12/1	Nurse Aide/Licensed Staff
	2	15	14/1	Nurse Aide/Licensed Staff
Continence	0	2		Nurse Aide
	1	14	19.6	Nurse Aide
	2	19.6		Nurse Aide
Psycho-Social Care	0	12	19.5/8.5	Nurse Aide/Licensed Staff
	1	28		Nurse Aide/Licensed Staff
	0	7	6/1	Nurse Aide/Licensed Staff
Appiances	0	0		
	1	7		
Catheters	0	0		
	1	12.1	6/6.1	Nurse Aide/Licensed Staff
Pressure Ulcer Care	0	0		Licensed Staff
	1	8		Licensed Staff
	2	20		Licensed Staff
	3	0		Nurse Aide/Licensed Staff
	4	0		Nurse Aide/Licensed Staff

Section 147.TABLE A(b) (continued)

Section 147.TABLE A(c) (continued)

Item	Level	Time	Allocation	Staff Type
Pressure Ulcer Prevention	0	0		
	1	8	6/2	Nurse Aide/Licensed Staff
	2	14	12/2	Nurse Aide/Licensed Staff
Wound Care	0	0		
	1	6		Licensed Staff
	2	18		Licensed Staff
Injections	0	0		
	1	1		Licensed Staff
	2	4.5		Licensed Staff
Intravenous, Clysis	0	0		
	1	4		Licensed Staff
	2	8		Licensed Staff
Lab Specimen	0	0		
	1	1	5.5	Nurse Aide/Licensed Staff
	2	2	1/1	Nurse Aide/Licensed Staff
	3	10	5/5	Nurse Aide/Licensed Staff
Medications and Monitoring	0	12.8		Licensed Staff
	1	16.1		Licensed Staff
	2	18.1		Licensed Staff
Occupational Therapy and Related Services	0	0		
	1	16	13/3	Nurse Aide/Therapist
	2	14	1/13	Therapist/Therapist Assst.
	3	14		Therapist
Ostomy Care	0	0		
	1	6		Licensed Staff
	2	13		Licensed Staff
Physical Therapy and Related Services	0	0		
	1	16	13/3	Nurse Aide/Therapist
	2	14	1/13	Therapist/Therapist Assst.
	3	14		Therapist
Respiratory Therapy	0	0		
	1	17	15/2	Nurse Aide/Licensed Staff
	2	25	5/20	Nurse Aide/Licensed Staff

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

ILLINOIS REGISTER

Section 147, TABLE B(b) (continued)

Item	Level	Time	Allocation	Staff Type
Bathing, Grooming	0	0	12/4	Nurse Aide/Licensed Staff
Bathing, Grooming	1	16	12/4	Nurse Aide/Licensed Staff
Bathing, Grooming	2	22	18/4	Nurse Aide/Licensed Staff
Clothing	0	0	12/4	Nurse Aide/Licensed Staff
Clothing	1	16	12/4	Nurse Aide/Licensed Staff
Clothing	2	22	18/4	Nurse Aide/Licensed Staff
Bathing	0	0	22/5	Nurse Aide/Licensed Staff
Bathing	1	27	31/5	Nurse Aide/Licensed Staff
Bathing	2	36	18/4	Nurse Aide/Licensed Staff
Mobility	0	0	18/4	Nurse Aide/Licensed Staff
Mobility	1	22	25/4	Nurse Aide/Licensed Staff
Mobility	2	29	12/2	Nurse Aide/Licensed Staff
Continence	0	0	12/2	Nurse Aide/Licensed Staff
Continence	1	14	24/2	Nurse Aide/Licensed Staff
Continence	2	26		

c) The following reimbursement times, allocations, and need levels apply for all reimbursement periods commencing on or after January 1, 1993.

Item	Level	Time	Allocation	Staff Type
Bathing, Grooming	0	0	12/4/1	Nurse Aide/Licensed Staff/Therapist
Bathing, Grooming	1	17	12/4/1	Nurse Aide/Licensed Staff/Therapist
Bathing, Grooming	2	23	18/4/1	Nurse Aide/Licensed Staff/Therapist
Clothing	0	0	12/4/1	Nurse Aide/Licensed Staff/Therapist
Clothing	1	17	12/4/1	Nurse Aide/Licensed Staff/Therapist
Clothing	2	23	18/4/1	Nurse Aide/Licensed Staff/Therapist

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

ILLINOIS REGISTER

Section 147, TABLE B(b) (continued)

Item	Level	Time	Allocation	Staff Type
Bathing	0	0	12/4	Nurse Aide/Licensed Staff
Bathing	1	14	12/4	Nurse Aide/Licensed Staff
Bathing	2	23	18/2	Nurse Aide/Licensed Staff
Mobility	0	0	18/2	Nurse Aide/Licensed Staff
Mobility	1	20	18/2	Nurse Aide/Licensed Staff
Mobility	2	20	18/2	Nurse Aide/Licensed Staff
Clothing	0	0	12/2	Nurse Aide/Licensed Staff
Clothing	1	14	12/2	Nurse Aide/Licensed Staff
Clothing	2	23	21/2	Nurse Aide/Licensed Staff
Eating	0	0	12/2	Nurse Aide/Licensed Staff
Eating	1	14	12/2	Nurse Aide/Licensed Staff
Eating	2	23	21/2	Nurse Aide/Licensed Staff
Mobility	0	0	18/2	Nurse Aide/Licensed Staff
Mobility	1	20	18/2	Nurse Aide/Licensed Staff
Mobility	2	27	25/2	Nurse Aide/Licensed Staff
Continence	0	0	12/2	Nurse Aide/Licensed Staff
Continence	1	14	12/2	Nurse Aide/Licensed Staff
Continence	2	26	24/2	Nurse Aide/Licensed Staff

e) The following reimbursement times, allocations, and need levels apply for all reimbursement periods commencing on January 1, 1991, through June 30, 1991.

Agency Note: Level "0" carries no reimbursement potential when accompanied by "0" time.

f) The following reimbursement times, allocations, and need levels apply for all reimbursement periods commencing on or after July 1, 1991, through December 31, 1992.

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## Section 147. TABLE B(c) (continued)

<u>Eating</u>	<u>0</u>	<u>0</u>		
	<u>1</u>	<u>28</u>	<u>22/5/1</u>	<u>Nurse Aide/Licensed Staff/Therapist</u>
	<u>2</u>	<u>37</u>	<u>31/5/1</u>	<u>Nurse Aide/Licensed Staff/Therapist</u>
<u>Mobility</u>	<u>0</u>	<u>0</u>		
	<u>1</u>	<u>23</u>	<u>18/4/1</u>	<u>Nurse Aide/Licensed Staff/Therapist</u>
	<u>2</u>	<u>30</u>	<u>25/4/1</u>	<u>Nurse Aide/Licensed Staff/Therapist</u>
<u>Continence</u>	<u>0</u>	<u>0</u>		
	<u>1</u>	<u>14</u>	<u>12/2</u>	<u>Nurse Aide/Licensed Staff</u>
	<u>2</u>	<u>26</u>	<u>24/2</u>	<u>Nurse Aide/Licensed Staff</u>

Agency Note: Level "0" carries no reimbursement potential when accompanied by "0" time.

(Source: Amended at 17 Ill. Reg. 13498, effective August 6, 1993)

## Section 147. TABLE D Functional Needs and Restorative Care

## a) Category 1 - Bathing/Grooming

## 1) Functional Area

## A) Verification of Level of Service

- i) Kardex, flow sheet or care plan;
- ii) Observation of resident to determine overall functional ability;
- iii) Observation of 5-12 residents during bathing to determine level of assistance provided; and
- iv) Need for hands-on assistance must be supported by assessment/reassessment.

## B) Needs Not Met

- i) Following supplies are not available and/or the facility does not have a method of identifying

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## Section 147. TABLE D(a)(1)(B)(i) (continued)

individual resident supplies. Resident supplies are not stored in a sanitary manner: toothbrush and paste; comb; denture supplies, if appropriate; shavers or razors; washcloth and towels; and soap.

- ii) Facility does not have available: clippers or scissors for nail care; individualized deodorants; and shampoos.
- iii) Equipment is not: in good repair; clean; sanitized between resident use; used, as evidenced by resident's appearance.
- iv) Resident has: dirty or untrimmed nails; dirty or uncombed hair; body odor; a dirty body, includes earwax build up, foreign matter crusted on eyes or mouth, etc.; lack of oral hygiene; and not been shaven (see Agency Note).

## C) Agency Note

- i) Consider the time of day, i.e., right after a meal a resident may not be as clean as early morning.
- ii) If the case manager determines the documented level of bathing assistance required by the facility staff is incorrect in more than 25% of the residents checked for verification, the case manager will have to check more residents for verification. (All residents in the facility may have to be checked if the facility does not give accurate information.)
- iii) If resident is not shaved due to personal preference, it should be noted in the Kardex or care plan.
- iv) Odor related to a medical condition or untreatable cause should not be marked NEED NOT MET, so long as the problem has been identified. The problem is documented in the clinical record and there is an appropriately implemented treatment plan to correct or alleviate the condition.

## 2) Restorative

## A) Verification of Level of Service

Section 147, TABLE D(a)(2)(A) (continued)

- 1) Restorative assessment completed by an RN who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
- 1i) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
- 1ii) Observation of this program to ensure plan as specified in the care plan is being implemented.
- 1iv) Monthly documentation of resident response by licensed staff or assigned by licensed staff.
- B) Need Not Met
- 1) No assessment/reassessment in the last 90 days.
- 1i) Goals met and new goals not established.
- 1ii) Restorative intervention not implemented as specified in the care plan.
- 1iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course), and clinical record and care plan do not indicate staff is addressing the lack of progress.
- v) Licensed staff's notations of the resident's response is not documented at least monthly in the clinical record.
- C) Agency Note
- 1) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.

Section 147, TABLE D(a)(2)(C) (continued)

- 1i) Assessment should address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits should be stated in specific terms.
- 1ii) Restorative program should address steps of program reflected in care plan.
- 1iv) Restorative programs are limited to residents who cannot perform functional tasks; but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.
- v) If resident fails to increase his/her functional ability, after initial improvement, credit will still be given as long as restorative care continues to be carried out in Level 2 Maintenance.
- vi) Progress should be noted by objective documentation indicating increase in resident's functional level.
- vii) Restorative programs must be integrated into the resident's daily care except when contraindicated at which time the program should be revised.
- viii) Resident must receive Level 1 or 2 services to qualify for a corresponding ADL restorative program.
- ix) An assessment should be completed identifying the resident's current level of functioning in bathing and grooming. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.
- x) Prior to a resident being given credit for restorative care in any program, the following must be met: an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an

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Section 147. TABLE D(b)(2)(B) (continued)

- (i) Restorative intervention not implemented as specified in the care plan.
- (iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course) and the clinical record, and care plan does not indicate staff addressing the lack of progress.
- (v) Licensed staff' notations of the resident's response not documented at least monthly in the clinical record.
- (C) Agency Note
  - (i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
  - (ii) Assessment should address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits should be stated in specific terms.
  - (iii) Restorative program should address steps of program reflected in care plan.
  - (iv) Restorative programs are limited to residents who cannot perform functional tasks; but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.
  - (v) Progress should be noted by objective documentation indicating increase in resident's functional level.
  - (vi) If resident fails to increase his functional ability, after initial improvement, credit will be given as long as restorative care continues to be carried out in Level 2 Maintenance.
  - (vii) Resident must receive Level 1 or 2 services to qualify for a corresponding ADL restorative program.
  - (viii) Restorative programs must be integrated into the resident's daily care except when contraindicated, at which time the program should be revised.

Section 147. TABLE D(b)(1)(B) (continued)

- (iii) Not wearing socks, unless contraindicated.
- (iv) Not wearing shoes or slippers, unless contraindicated.
- (v) Wearing clothing visibly marked with name.
- (C) Agency Note
  - (i) If shoes or slippers are unable to be worn due to physical disability or physician's orders, this must be documented on the Kardex or the care plan.
  - (ii) Consider time of day, i.e. at 4:00 p.m. clothing may not be as clean as at 8:00 a.m.
  - (iii) If underwear is contraindicated this must be documented on the Kardex or the care plan.
- (2) Restorative
  - (A) Verification of Level of Service
    - (i) Restorative assessment completed by an RN who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
    - (ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
    - (iii) Observation of this program to ensure plan as specified in the care plan is being implemented.
    - (iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.
  - (B) Need Not Met
    - (i) No assessment/reassessment in the last 90 days.
    - (ii) Goals met and new goals not established.

## DEPARTMENT OF PUBLIC AID

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## Section 147.TABLE D(b)(2)(C) (continued)

- ix) An assessment should be completed identifying the resident's current level of functioning in dressing. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.
- x) Prior to a resident being given credit for restorative care in any program, the following must be met: an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course; a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; program must be reflected in the resident's care plan; staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. ~~(The care plan review is required by 42 CFR 483.20 (1990)).~~

## 3) Restorative Maintenance

## A) Verification of Level of Service

- 1) Restorative assessment completed by an RN who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.

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## Section 147.TABLE D(b)(3)(A) (continued)

- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.
  - iii) Observation of this program to ensure plan as specified in the care plan is being implemented.
  - iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.
- B) Needs Not Met
- i) No assessment/reassessment in the last 90 days.
  - ii) Restorative intervention not implemented as specified in the care plan.
  - iii) Licensed staffs' notation of the resident's response not documented at least monthly in the clinical record.
  - iv) Resident not meeting maintenance goal(s) established by the physical therapist, occupational therapist, or registered nurse who has successfully completed an approved rehabilitation course.
- C) Agency Note
- A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of ADL.

## c) Category 3 - Eating

## 1) Functional Area

## A) Verification of Level of Service

- i) Kardex or flowsheet or care plan.
- ii) Observation of resident to determine overall functional ability.



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Section 147, TABLE D(c)(1)(B) (continued)

- xi) Protocols not available or followed for tube feeding.
  - xii) Tube feeding not rendered by licensed personnel.
  - xiii) Equipment for tube feedings is soiled or improperly maintained.
- (C) Agency Note

Protocol must address safety, infection control procedures, I & O, frequency of weighing and should outline steps of tube feeding procedures. If protocol is in question, refer to team Physician Consultant.

2) Restorative

A) Verification of Level of Service

- i) Restorative assessment completed by an RN who has completed an approved rehabilitation course, a registered occupational therapist, a registered physical therapist or a speech language pathologist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
- iii) Observation of this program to ensure plan as specified in the care plan is being implemented.
- iv) Monthly documentation of resident response by licensed staff or assigned by licensed staff.

B) Need Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Goals met and new goals not established.
- iii) Restorative intervention not implemented as specified in the care plan.

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Section 147, TABLE D(c)(1)(A) (continued)

- iii) Observation of all residents to assure staff is providing assistance as indicated in the Kardex and/or flowsheet and/or care plan.
- iv) Physician order for tube feeding.
- v) Need for hands-on assistance must be supported by assessment/reassessment.

Does not receive the assistance as indicated in the Kardex or flow sheet or care plan or as indicated by observation of the resident.

- ii) Does not receive diet as ordered, including snacks as scheduled.

- iii) Does not have adaptive devices available, if indicated in the Kardex and/or flowsheet and/or care plan, i.e. plate guards, built-up spoons and forks and clothing protectors. Adaptive devices are not used appropriately as indicated in the clinical record.
- iv) Fluids not offered and/or accessible to residents between meals.
- v) Food not served at appropriate temperature; i.e. warm foods not served warm and cold foods are not served as evidenced by resident's response/verbalization and as confirmed by case manager observation.
- vi) Food appropriate utensils not provided/available.
- vii) Facility protocol for weighing residents not followed.
- viii) Facility not following its own protocol and/or written procedures for tube feedings.

- ix) Weight loss or gain of 5% in one month, 7.5% in three months, 10% in six months or a continuous weight loss or gain over six months not reported to the physician.
- x) Plan for corrective action regarding weight loss or gain not developed or implemented, as per physician order.

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Section 147. TABLE D(d)(1)(A) (continued)

- (ii) Residents should be observed being assisted by facility staff, as needed.
- (iv) Need for hands on assistance must be supported by assessment/reassessment.
- (B) Need Not Met
- (i) Resident who is not able to change position independently has not been exercised or ambulated and repositioned every two hours.
- (ii) Resident is not positioned properly.
- (iii) Assistive device is not in proper working order, and/or clean or well fitting i.e. walker, cane, wheelchair, etc.
- (iv) The facility does not have, or is not implementing, a plan for monitoring a resident who is unable to use the call bell or the call bell is not within reach of a resident in his or her room who can use the call bell.
- (v) Resident needs and does not have assistive device as ordered by a physician.
- (vi) Staff do not respond when summoned by a resident for help or assistance.
- (vii) Not following physician order on bed rest.
- (C) Agency Note
- (i) Residents who are totally bedfast will be scored Level 0 for mobility.
- (ii) If resident is unable to use call bell, care plan or Kardex must indicate staff plan for monitoring resident.
- (iii) Bedrest is an order by physician that resident is to be in bed at all times, except up at intervals of no more than one hour up to three times a day, i.e. for meals in room. Scoring will be according to the assistance required and provided.

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Section 147. TABLE D(c)(3)(A) (continued)

- (ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.
- (iii) Observation of this program to ensure plan as specified in the care plan is being implemented.
- (iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.
- (B) Needs Not Met
- (i) No assessment/reassessment in the last 90 days.
- (ii) Restorative intervention not implemented as specified in the care plan.
- (iii) Licensed staff's notation of the resident's response not documented at least monthly in the clinical record.
- (iv) Resident not meeting maintenance goal(s) established by the physical therapist, occupational therapist, speech language pathologist, or registered nurse who has successfully completed an approved rehabilitation course.
- (C) Agency Note
- A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of ADL.
- (d) Category 4 - Mobility
- (i) Functional Area
- (A) Verification of Level of Service
- (i) Kardex or flowsheet or care plan.
- (ii) Observation of residents to determine overall functional ability and if wheelchair, walkers, or other assistive devices are available and used.

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Section 147.TABLE D(d) (continued)

2) Restorative

A) Verification of Level of Service

- i) Restorative assessment completed by an RN who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
- ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase the resident's functional level utilizing interdisciplinary approaches.
- iii) Observation of this program to ensure plan as specified in the care plan is being implemented.
- iv) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

B) Need Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Goals met and new goals not established.
- iii) Restorative intervention not implemented as specified in the care plan.
- iv) Resident not meeting goal(s) (established by the physical therapist, occupational therapist or registered nurse who has successfully completed an approved rehabilitation course) the clinical record, and care plan does not indicate staff is addressing the lack of progress.
- v) Licensed staffs' notations of the resident's response is not documented at least monthly in the clinical record.

C) Agency Note

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Section 147.TABLE D(d)(2)(C) (continued)

- i) Clinical record may include any type of interdisciplinary team documentation, i.e., treatment report, flowsheet, etc.
- ii) Assessment should address: identification of resident's strengths and potential; identification of resident's deficit areas and causes; and strengths/deficits should be stated in specific terms.
- iii) Restorative program should address steps of program-reflected in care plan.
- iv) Restorative programs are limited to residents who cannot perform functional tasks; but an assessment has determined that the resident has a reasonable likelihood of increasing his/her functional level.
- v) If resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be carried out in Level 2 Maintenance.
- vi) Progress by objective documentation indicating increase in resident's functional level.
- vii) Restorative programs must be integrated into the resident's daily care except when contraindicated at which time they should be revised.
- viii) Resident independent in mobility due to assistive device may qualify for ADL restorative mobility program and PT when program is to assist resident to move to a less restrictive mode of ambulation otherwise an ADL must be scored a 1 or higher.
- ix) An assessment should be completed identifying the resident's current level of functioning in bed mobility, transfer and locomotion. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.

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Section 147. TABLE D(d)(3)(A) (continued)

- iv) Monthly documentation of resident response by licensed staff or assigned by licensed staff.
- B) Needs Not Met
  - i) No assessment/reassessment in the last 90 days.
  - ii) Restorative intervention not being implemented as specified in the care plan.
  - iii) Resident is not meeting maintenance goal(s) established by the physical therapist, occupational therapist, or registered nurse who has successfully completed an approved rehabilitation course.
  - iv) Licensed nurses' notation of the resident's response is not documented at least monthly in the clinical record.
- C) Agency Note
  - A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of this ADL.
- e) Category 5 - Continence
  - I) Functional Area
    - A) Verification of Level of Service
      - i) Assessment and care plan or assessment and Kardex.
      - ii) Observation of resident to determine overall functional ability.
      - iii) Staff should be observed toileting the resident as per resident assessment (Level 2 only).
      - iv) Staff's mechanism to identify resident's need to toilet (Level 2 only).
      - v) Need for hands-on assistance must be supported by assessment/reassessment.

NOTICE OF ADOPTED AMENDMENTS

Section 147. TABLE D(d)(2)(C) (continued)

- x) Prior to a resident being given credit for restorative care in any program, the following must be met: an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist, or a registered nurse who has successfully completed an approved rehabilitation course; a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response; program must be reflected in the resident's care plan; staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided. (The care plan review is required by 42-CFR-483.20 (f990))
- 3) Restorative Maintenance
  - A) Verification of Level of Service
    - i) Restorative assessment completed by an RN who has completed an approved rehabilitation course, a registered occupational therapist or a registered physical therapist must be done annually with reviews done quarterly unless the resident's physical and/or mental status significantly changes to warrant a comprehensive assessment or review sooner.
    - ii) Restorative assessment/reassessment, at least every 90 days, with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.
    - iii) Observation of this program to ensure plan as specified in the care plan is being implemented.

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Section 147. TABLE D(e)(2)(C)(ii) (continued)

baseline, history of urinary tract infection and the strengths and deficits should be stated in specific terms.

iii) Facility protocol should include types of

incontinence, assessment, plan, implementation measures, evaluation techniques, staff training and monitoring.

iv) Restorative program and approaches should be reflected in the care plan.

v) Restorative programs are limited to residents whose assessment has determined that there is a reasonable likelihood of increasing his or her functional level.

vi) If resident, after initial improvement, fails to continue to increase his/her functional ability, credit will still be given as long as restorative program continues to be carried out (Level 2 Maintenance).

vii) Progress should be noted by objective documentation indicating increase in resident's functional level as compared to initial baseline and/or most recent assessment.

viii) Restorative programs must be integrated into the resident's daily care except when contraindicated, at which time the program should be revised.

ix) Resident must be scored a Level 2 (in functional area) in order to qualify for a corresponding ADL Restorative Continence program.

x) The formal program must include, but is not limited to, training/counseling, voiding and elimination pattern records, toileting and hydration.

xi) The training program does not have to be hands-on assistance.

xii) Give zero score for formal bowel and bladder program if facility is not following its own protocol.

Section 147. TABLE D(e)(2)(C) (continued)

xiii) An assessment should be completed identifying the resident's current level of functioning in continence. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed in ability or has lost functional ability.

xiv) Prior to a resident being given credit for restorative care in any program, the following must be met: an assessment completed identifying the resident's current level of functioning and plan developed to increase this level of functioning by either a physical therapist, occupational therapist or a registered nurse who has successfully completed an approved rehabilitation course; a reassessment is conducted as indicated in the initial plan. An assessment must be conducted at least every 90 days but can be conducted as frequently as needed based on resident's care plan; staff carries out the restorative care programs as indicated by the plan and records resident's response to the restorative care programs in the clinical record at least monthly; and the program is reviewed at the time of the care plan meeting by the interdisciplinary team; if resident fails to increase his functional ability, after initial improvement, credit will still be given as long as restorative care continues to be provided.

3) Restorative Maintenance  
A) Verification of Level of Service  
1) Restorative assessment/reassessment at least every 90 days with program noted on care plan and must contain measurable goals to increase/maintain the resident's functional level utilizing interdisciplinary approaches.  
ii) Observation of this program to ensure plan as specified in the care plan is being implemented.

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Section 147.TABLE D(e)(3)(A) (continued)

iii) Monthly documentation of resident response by licensed staff or cosigned by licensed staff.

B) Needs Not Met

- i) No assessment/reassessment in the last 90 days.
- ii) Restorative intervention not implemented as specified in the care plan.
- iii) Staff notation of the resident's response to the program not documented at least monthly in the clinical record.
- iv) Resident not meeting maintenance goal(s) established by the interdisciplinary team, unless the regression is justified and/or the facility has attempted alternative methods.
- v) Not following facility protocol.
- vi) A facility cannot place a resident on maintenance for whom the facility has not tried and documented a variety of restorative measures which increased the resident's functional level of this ADL.

f) Category 6 - Psychosocial/Mental Status

1) Verification of Level of Service

- A) Observation of actual intervention, i.e. if group, observe group; if 1:1 counseling, observe session; if episodic intervention, observe if possible.
- B) Completed assessment identifying resident's current psychosocial needs.
- C) Staff assessing and implementing programs must be knowledgeable of the individual resident's current program.
- D) Care plan with specific intervention to address identified resident's needs with measurable objectives.
- E) Resident's response to care plan is documented in the clinical record monthly by staff responsible for the program.

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Section 147.TABLE D(f)(1) (continued)

F) QHP is monitoring psychosocial program as evidenced by signing off on the assessment and response notes, with written recommendations as appropriate in the clinical record.

G) Attendance sheets for scheduled 1:1 and group sessions.

H) Program plan for scheduled 1:1 and group sessions.

I) Episodic intervention and response to intervention is documented in the clinical record every other week.

2) Need Not Met

A) Resident is not meeting goal(s) established by QHP or staff responsible for the program. Progress notes or care plan does not indicate staff is addressing the lack of progress.

B) Care plan is not adhered to. The resident attended less than 85% of these sessions in the last three months and the clinical record does not indicate resident absence was due to illness or absence from the facility.

C) Groups are larger than eight.

D) Group programs or 1:1 have no program plan.

E) Groups or 1:1 counseling meet less than three times a week.

F) Documentation of resident's response to intervention is not in the clinical record every month for 1:1 and groups by staff monitoring the program.

G) QHP is not monitoring psychosocial program as evidenced by absence of signing off on assessment and response notes and there are no written recommendations, as appropriate in the clinical record.

H) Episodic intervention and resident response to the intervention is not documented every other week in the clinical record.

I) The assessment for episodic behavior does not include the duration, intensity and frequency of behavior or the precipitating factors and consequences.



Section 147.TABIE D(F) (continued)

3) Agency Note

- A) Prior to a resident program being given credit for psychosocial/mental status, the following must be met: An assessment should be completed identifying the resident's current psychosocial status. The assessment should state what the resident is able to do independently and what assistance is required and what makes it necessary. A definite base must be established so that anyone reading the assessment and progress notes can tell whether the individual has progressed or regressed. For episodic intervention, an assessment must include duration, intensity and frequency of behavior. The assessment for episodic behavior must also include precipitating factors and consequences. A reassessment is conducted as indicated in the initial plan. A reassessment must be conducted at least every 90 days but can be conducted as frequently as needed based on outcome and response. A program must be reflected in the resident's care plan. Staff carries out the program as indicated by the plan and records such in the clinical record at least monthly. The program is reviewed at the time of the care plan meeting by the interdisciplinary team. (The care-plan-review-is-required-by-42-CFR-483.20-(1999))
- B) Psychosocial assessments and program plans must be completed by staff and signed off on by a QHP who has a working knowledge of the current psychosocial programs being implemented with the individual resident.
- C) Interview questions to the staff assessing and implementing programs would include, but are not limited to, the following:
  - 1) What program(s) is the resident on?
  - 1i) Why is the resident in the program?
  - 1ii) What is the resident's goal(s)?
  - 1v) What is your responsibility in implementing this program (interventions)?
  - v) What is the resident's response to the intervention?
  - vi) If the goal is not achieved, what modifications have

Section 147.TABIE D(F)(3)(C)(vi) (continued)

Agency Note

- g) Category 7 - Communication
  - 1) Functional Area
    - A) Assessment.
    - B) Monthly response documented and cosigned by qualified health professional.
    - C) Interventions developed and implemented by the interdisciplinary team.
    - D) Interdisciplinary care plan interventions.
    - E) Observation of interventions performed.
    - F) Need Not Met
- 2) Staff not carrying out interventions as defined in interdisciplinary care plan.
- B) Clinical record does not indicate resident response to intervention monthly by qualified health professional cosignature.
- 3) Agency Note

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Section 147. TABLE E(a)(2) (continued)

- A) Physician has ordered appliance and facility has not complied with physician order.
  - B) Appliance is not in use as indicated by observation.
  - C) Appliance does not fit properly.
  - D) Appliance is dirty.
  - E) Appliance is nonfunctional and clinical record does not indicate date of dysfunction or plans for correction.
- 3) Agency Note
- No physician order necessary for appliances resident has on admission, i.e., eyeglasses, dentures.

- b) Category 2 - Catheterization
  - 1) Verification of Level of Service
    - A) Physician order
    - B) Care plan or flowsheet or Kardex.
    - C) Observation of resident noting type of catheter.
    - D) Documentation must include:
      - i) Type of catheter;
      - ii) Care and maintenance;
      - iii) Frequency of intermittent catheterization; and
      - iv) Output for indwelling catheter.
  - 2) Need Not Met
    - A) Facility does not have protocols for catheterization and catheter care.
    - B) Facility not following its own protocol or physician order for catheterization, catheter care or I & O.

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Section 147. TABLE E(b)(2) (continued)

- C) Signs of inflammation at insertion site or penile irritation from Texas catheter without clinical record reflecting date of observation; plan of care indicated.
  - D) Tubing and/or bag improperly positioned and/or maintained.
  - E) Urine sedimentation or urine not clear and clinical record does not indicate observation and subsequent plan of action.
  - F) Catheterization rendered by nonlicensed personnel.
- 3) Agency Note
- Protocol must address when intake or output is required.
- Protocol must address infection control.
- C) Intermittent catheterization means daily catheterization.
- D) Urine sedimentation would include blood, mucus and/or other matter.
- F) Leg bags can be applied by CNA trained in process when allowed by facility protocol.
- G) Facility protocol should address:
  - 1) Ongoing inservice education of direct care staff; and
  - 11) Ongoing monitoring of technique of direct care staff.

- c) Category 3 - Pressure Ulcer Treatment
  - 1) Verification of Level of Service
    - A) Physician's order
    - B) Care plan or Treatment Plan
    - C) Observation of pressure ulcer
  - 2) Need Not Met
    - A) Resident has a pressure ulcer and the facility is not addressing with treatment or preventative program.

Section 147.TABLE E(c)(2) (continued)

- B) Clinical record does not reflect current wound status.
- C) Specific treatment plan not being followed.
- D) Treatment not implemented by licensed personnel.
- E) Facility does not have or follow protocol for pressure ulcer management including notification of physician when pressure ulcer develops or when change in pressure ulcer occurs. Management program must include a resident assessment which addresses the following points:
  - i) Turning and positioning;
  - ii) Nutritional support;
  - iii) Nutritional assessment;
  - iv) ROM;
  - v) Supportive devices; and
  - vi) Infection control.
- 3) Agency Note
  - A) Staging of pressure ulcers:
    - i) Stage I - A persistent area of skin redness (without a break in the skin) that does not disappear when pressure is relieved.
    - ii) Stage II - A partial thickness loss of skin layers that presents clinically as an abrasion, blister or shallow crater.
    - iii) Stage III - A full thickness of skin is lost, exposing the subcutaneous tissues, presents as a deep crater with or without undermining adjacent tissue.
    - iv) Stage IV - A full thickness of skin and subcutaneous tissue is lost, exposing muscle and/or bone.
  - B) A Stage I pressure ulcer can be suspected if a reddened area does not disappear 30 minutes after pressure is relieved.

Section 147.TABLE E(c)(3) (continued)

- C) The skin of a Stage II ulcer may appear bluish or dusky in color.
- D) Conditions that may be confused with pressure ulcers: stasis ulcers; vasculitic ulcers; amputation stump breakdown; other open skin lesions such as basal cell carcinomas, burns, etc.; skin rashes, including diaper rash; and fungal infections.
- E) Score PROM, if it is being carried out according to the guidelines under PROM.
- F) Admission or risk assessment must indicate where pressure ulcer developed.
- d) Category 4 - Pressure Ulcer Prevention
  - 1) Verification of Level of Service
    - A) Assessment to indicate level of risk and reassessment per preventative plan.
    - B) Preventative plan is in care plan.
    - C) Observation of the resident to verify that the preventative plan is being carried out.
  - 2) Need Not Met
    - A) Individualized pressure ulcer preventative plan is not in care plan.
    - B) Skin is not intact or signs of breakdown are present and the clinical record does not indicate observation and subsequent change of treatment plan.
    - C) Preventative treatment plan not implemented.
    - D) Facility is not following pressure ulcer preventative policy and procedures.
    - E) Frequency of reassessments must be at least every 90 days, or more frequently if condition changes.
  - 3) Agency Note

Section 147, TABLE E(e)(2) (continued)

- G) No facility policy and procedure for wound care, including infection control.
  - H) Infection control procedures not followed as per facility policy.
- Agency Note
- 3)

- A) Wound care (treatment of skin lesion, other than a pressure ulcer) may include wet packs, soaks, whirlpools for open lesions, or ointments when ordered by a physician and applied to lesions.
- B) "Friction burns" or abrasions resulting from repetitive friction are included in this category as are stasis ulcers, rashes, skin tears.
- C) Frequency of the documentation and observation of the wound status must be addressed in treatment plan until the wound is healed.

f) Category 6 - Injections

- I) Verification of Level of Service
    - A) Physician order
    - B) Nurse's signature or initials must follow documentation of administration of injection.
- 2) Need Not Met

- A) Facility not following physician order.
  - B) Injection site not documented or injection not documented as given.
  - C) Injection site not free of signs of inflammation/irritation and the clinical record does not reflect this observation and there is no subsequent plan of action.
  - D) Injection site not rotated according to facility protocol or facility has no protocol for rotation of injection sites.
- 3) Agency Note

Section 147, TABLE E(d)(3) (continued)

- A) Preventative plan must address:
  - 1) Frequency of observations of skin condition and documentation in the clinical record; and
  - 11) Which type of staff should provide this care.

- B) Assessment instruments must be standardized and must differentiate between moderate and high risk.
- C) Score PROM if it is being carried out according to the guidelines under PROM.
- D) If an individualized preventative plan is in question, refer to team physician.

e) Category 5 - Wound Care

- I) Verification of Level of Service
    - A) Physician's order
    - B) Treatment plan, care plan, Kardex or treatment sheet.
    - C) Observation of wound and treatment being given.
- 2) Need Not Met
- A) Treatment not implemented using aseptic technique or as indicated in physician's order.
  - B) Care not performed by licensed personnel.
  - C) Wound present with no indication facility staff is aware of wound.
  - D) Clinical record does not reflect current status of the wound.
  - E) Physician is not notified of wound or change in wound status.
  - F) Frequency of the documentation and observation of the wound status is not addressed in the individual treatment plan.

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Section 147. TABLE E(1)(2) (continued)

- K) On comprehensive assessment, the resident indicated a preference for self-medication (documented in clinical record) but the staff did not place the resident in a program for self-medication or self-medication training and the clinical record does not reflect the interdisciplinary team's reason for denial of self-medication (Level 2 only).
  - L) Resident is self-medicating or on a training program for self-medication. Clinical record does not reflect monthly documentation of resident response to program; OR medication is not stored properly; OR medications are not documented as self-administered on medication administration record (Level 2 only).
  - M) Not following program plan as indicated on care plan (Level 2 only).
  - N) Not following protocol for self-medication administration (Level 2 only).
  - O) Not following protocol for psychotropic management program (Level 2 only).
  - P) No-monthly note by licensed nurse for self-medication or psychotropic drug management program (Level 2 only).
- 3) Agency Notes
- A) While there is no specific time limit on the duration of med monitoring, there must be evidence that the resident has not stabilized.
  - B) Medications are scored the day of the survey unless a routine pattern has been established, i.e., every three days or every other day.
  - C) Monitoring for injections is covered under the injections category.
  - D) If the case manager wants verification from team physician as to whether special monitoring is necessary, mark physician referral.
  - E) Example of "off hours or by multiple routes":

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Section 147. TABLE E(1) (continued)

- 1) Verification of Level of Service
  - A) Physician order
  - B) Nurse's signature or initials on the medication record following administration of medicine.
  - C) Monthly documentation of pharmacist's review.
  - D) Assessment/reassessment at least every 90 days with program noted on care plan (Level 2 only).
  - E) Monthly documentation of resident response to self-medication program or psychotropic drug program by licensed nursing staff (Level 2 only).
- 2) Need Not Met
  - A) Facility does not have a protocol for self-medication or psychotropic drug management.
  - B) Facility has not established medication protocol.
  - C) Facility does not follow medication protocol as established.
  - D) PRN medication given and reason for administration and response is not documented.
  - E) Clinical record does not indicate resident's allergy, if applicable.
  - F) Resident not given adequate hydration following ingestion of medications unless medications given with solids.
  - G) Medication not documented as given and no documentation of reason medication was withheld held.
  - H) Medication not given within one (1) hour of scheduled time.
  - I) Medication monitoring is not consistent.
  - J) Medicated patches and topical medications are not rotated.

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## Section 147.TABLE E(i)(3)(E) (continued)

- i) Oral medication given at 10 a.m., 3 p.m., 7 p.m., and 11 p.m.;
  - ii) Eye drops administered in left eye in the morning, in addition to oral medications; and
  - iii) Application of topical medications, i.e., nitro pads, nitro paste, estrogen patches, etc., or the use of an oral inhaler, i.e., Provental, Alupent, Aerobid, etc.
- F) If resident is now free of psychotropic drugs as a result of the drug reduction program, he/she may continue to be scored a Level 2. The monthly progress note should address symptoms/alternate behavior interventions as well as resident response to the program.
- G) Credit should be given on Level 2 for self-medication when the program includes teaching the steps which lead to increased resident independent with regard to medications, i.e., the resident knowing the times of different medications, identifying the correct medication by sight and by purpose or name, knowing side effects to report to the doctor or nurse, physically taking the medication, etc.
- H) Psychotropic medications shall not be administered for purposes of discipline or staff convenience and when not required to treat the resident's medical symptoms.
- I) To qualify for a psychotropic drug program (Level 2), at least the following elements must be in place:
- i) Annual assessment with quarterly assessment reviews to reexamine need for dosage and type of medications to be given.
  - ii) Care plan goals/approaches which include behavioral programming and dose reduction. Behavioral programming means modification of the resident's behavior and/or the resident's environment, including staff approaches to care, to the largest degree possible to accommodate the resident's behavioral disturbances.
  - iii) Quarterly care plan review to determine if modifications are necessary.

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## Section 147.TABLE E(i)(3)(I) (continued)

- iv) Monthly review by pharmacist to look at resident response to the medications to detect problems, i.e., excessive PRN usage, demonstration of side effects, nontherapeutic blood levels, etc., and report such to DON and/or physician.
  - v) Ongoing observation and at least monthly documentation of resident reaction to medication(s) including possible side effects or other problems by licensed nursing staff.
- J) Not all psychotropic medications are appropriate for dose reduction or behavioral programming and, therefore, would not qualify for scoring under Level 2.
- K) A plan for increased independence in self-medication must be developed on all medications a resident receives; however, a resident does not have to demonstrate successful self-medicating progress for all medications prescribed in order to receive credit for Level 2.
- L) Credit for Level 2 self-medication is also given for any resident who has successfully learned to self-medicate (with nurse monitoring) or who has successfully learned steps toward increased independence in the area of medication and is maintained at that level. Resident continues to be assessed for increased independence and a monthly documentation indicates the resident response. Eye drops, antacids, etc., can be included under self-medication if prescribed by a physician and not given on PRN basis.
- M) Resident may receive credit on both Level 2 medication and for psychosocial programming.
- N) The facility must employ or obtain the services of a licensed pharmacist who provides consultation on all aspects of pharmacy services in the facility.
- O) The drug regimen of each resident must be reviewed at least once a month by a licensed pharmacist who must report any irregularities to the attending physician and the director of nursing and these reports must be acted upon.
- P) Facility protocol for psychotropic drug programs should include, but is not limited to, graduated dose reduction



Section 147. TABLE E(1)(3)(P) (continued)

and behavioral programming, unless clinically contraindicated, in an effort to discontinue these drugs.

(Q) Commonly prescribed psychotropic drugs:

Table A. Antipsychotic (Neuroleptic) Drugs

Generic Name	Brand Name
Chlorpromazine	Thorazine
Promazine	Sparine
Triflupromazine	Vesprin
Thioridazine	Mellaril
Mesoridazine	Sereniti
Acetophenazine	Tindal
Perphenazine	Trilaton
Loxapine	Loxitane
Molindone	Moban
Trifluoperazine	Stelazine
Thiothixene	Navane
Fluphenazine	Prolixin, Permtill
Fluphenazine Deconate	Prolixin Deconate
Haloperidol	Haladol
Haloperidol Deconate	Haladol Deconate
Droperidol	Inapsine
Chlorprothixene	Taractan
Pimozide	Orap

Table B. Antidepressant Drugs

Generic Name	Brand Name
CYCLIC ANTIDEPRESSANT	
Imipramine	Imipramine
Desipramine	Norpramin
Doxepin	Adapin, Sinequan
Amitriptyline	Elavil, Triavil
Nortriptyline	Aventyl, pamelor
Amoxapine*	Asendin
Maprotiline	Ludomil
Fluoxetine	Prozac
TRIAZOLOPYRIDINE ANTIDEPRESSANT	
Trazodone	Desyrel
MAO INHIBITORS+	
Phenelzine	Nardil
Tranylcypromine	Parnate
PHENYLAMINOKETONE	
Bupropion	Wellbutrin

Section 147. TABLE E(1)(3)(Q) (continued)

\* Also a neuroleptic drug with all the neuroleptic side effects.

+ Special diet required; many drug interactions.

Table C. Antianxiety and Hypnotic Drugs

Generic Name	Brand Name
BENZODIAZEPINES	
Oxazepam	Serax
Lorazepam	Ativan
Alprazolam	Kanax
Chlorodiazepoxide	Librium
Diazepam	Valium
Chlorazepate	Tranxene
Flurazepam	Dalmane
BARBITURATES	
ANTIHISTAMINES	
Hydroxyzine	Vistaril
OTHER	
Buspirone	Buspar

Table D. Antimanic

Generic Name	Brand Name
Lithium Carbonate	Eskalith
Lithonate	Lithonate
Lithane	Lithotabs
Lithobid (slow release)	Lithobid
Lithium Citrate	Cibalith-S

Serum lithium determinations recommended once or twice weekly during treatment of acute manic episode until serum concentrations and patient's clinical condition have stabilized; recommended at least every 2 to 3 months during remission when patient is stabilized.

Table E. Antipsychotics should not be used if one or more of the following is/are the only indication(s):

Wandering  
Simple pacing

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Section 147. TABLE F(K)(1) (continued)

- D) Monthly review progress documented by the PT or, if written by the PTA rehabilitation aide, reviewed and co-signed by the PT.
  - E) Assessment every 90 days.
  - F) Corresponding ADL program or psychosocial (or MI diagnosis) program has been developed and implemented (Level 1 only).
  - G) Observation of PTA conducting therapy sessions (Level 2 only). Observation of PT conducting therapy sessions (Level 3 only).
- 2) Need Not Met
- A) When-plan plan is not implemented as specified by the therapist.
  - B) Goals are not designed to increase resident's functional capabilities.
  - C) Resident is not meeting goal(s) and clinical record does not indicate staff is addressing lack of progress.
  - D) Resident attended less than 85% of the scheduled sessions in the last three months or since the service began, if less than three months, and clinical record does not indicate resident absenteeism was due to illness or absence from the facility (Level 1 only).
  - E) Rehab aide is not a CNA or equivalent. Rehab aide has not received specified training, or has not been enrolled in a rehabilitation course as outlined and approved by IDPA within 90 days of the beginning date of employment in the rehab aide position (Level 1 only).
- 3) Agency Note
- A) Reimbursement for this item includes assessment done by registered PT.
  - B) The nurse case manager must verify the accuracy of the rehabilitation records by checking the clinical records of therapy sessions (Level 1 only).

Section 147. TABLE E(J)(3)(E) (continued)

- F) Rehabilitation groups are limited to four residents with similar goals and levels of functioning (Level 1 only).
  - G) Prior to a resident being given credit in occupational rehabilitative services, the following must be met (Level 1 only):
    - 1) A corresponding ADL restorative program must be developed to increase the resident's functional ability and it must be carried out by the nursing department. The resident's response to the intervention must be recorded in the clinical record.
    - 11) The occupational rehabilitation aide must be a certified nurse's aide, or have a related degree, or two years of college in a related field, or an approved 36 hour activity course and has received specified training as outlined and approved by the Department of Public Aid.
  - H) For residents with a diagnosis of mental illness, if occupational rehabilitation is scored, a psychosocial and/or a corresponding ADL program must have been developed and scored.
  - I) Use of Paraffin Heat Treatments, Fluidotherapy, Whirlpool may be scored when ordered by physician and carried out (Level 2 or 3 only).
  - J) Refer to 147. Table K for Occupational Therapy and Related Rehabilitative Services Measurement of Progress.
- K) Category II - Physical Therapy and Related Rehabilitation Services
- I) Verification of Level of Service
- A) Physician order (Level 1 and 2 only).
  - B) Assessment and program planned by the therapist.
  - C) Observation of PTA-rehabilitation aide conducting therapy sessions (Level 1 only).

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## Section 147.TABLE E(k)(3)(B) (continued)

at least 25% of the residents in therapy, verifying services were delivered (Level 1 only).

- C) If progress was not made within two months and goals or interventions were not changed, do not score.
- D) Progress should be noted by standard acceptable PT objective measures.
- E) Staffing ratios for rehabilitation 1:30 (per total enrollment)-98 minutes (Level 1 only). Staffing ratios for therapies for PT Level 2 and Level 3 - 1:1.5 (per 98 minutes).
- F) Rehabilitation groups are limited to four residents with similar goals and levels of functioning (Level 1 only).
- G) Prior to a resident being given credit in physical rehabilitation services, the following must be met (Level 1 only):
- i) A corresponding ADL restorative program must be developed to increase the resident's functional ability and it must be carried out by the nursing department. The resident's response to the intervention must be recorded in the clinical record.
  - ii) The physical rehabilitation aide must be a certified nurse aide, or have completed at least one year of nurses training and have received specified training as outlined and approved by the Illinois Department of Public Aid.
  - iii) For residents with a diagnosis of mental illness, if physical rehabilitation is scored, a psychosocial and/or a corresponding ADL program must have been developed and scored.

H) Refer to 147.Table K for Physical Therapy and Rehabilitative Services Measurement of Progress.

## 1) Category 12 - Passive Range of Motion (PROM)

## 1) Verification of Level of Service

- A) Care plan or Treatment Sheet.

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## Section 147.TABLE E(1)(1) (continued)

- B) Observation of resident to determine overall ability to use extremities.
- C) Observation of staff actually performing PROM and indication that plan is carried out regularly and routinely.
- D) Residents with existing contractures must have physician's orders although PROM for most residents does not require a physician's order.
- E) Monthly documentation of resident's response to intervention in clinical record. Documentation may be done by the staff providing the service.
- 2) Need Not Met
- A) Facility has no PROM protocol.
- B) The plan as indicated on the care plan or Treatment Sheet is not being implemented and documented.
- C) Documentation of resident's response to intervention is not documented in clinical record at least monthly.
- D) Resident has contractures or is at risk of developing contractures that are not being addressed.
- 3) Agency Note
- A) PROM that is also part of a pressure ulcer treatment and/or prevention program will be scored in both places.
- B) The required documentation should reflect the resident's response to treatment, i.e., resident is able to raise arm shoulder level; the resident remains contracture free.
- C) PROM protocol must address:
- i) On-going inservice education of direct care staff; and
  - ii) On-going monitoring of PROM technique of direct care staff.
- D) CNA may document response to PROM if cosigned by licensed staff.

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Section 147. TABLE E (continued)

Section 147. TABLE E(n)(1) (continued)

m) Category 13 - Ostomy Care

1) Verification of Level of Service

A) Physician order

B) Observation of ostomy care and a review of the treatment plan.

2) Need Not Met

A) Facility does not have protocol for ostomy care.

B) Staff does not adhere to physician's orders or facility's protocol and written procedures for ostomy care and maintenance.

C) Excoriation observed with no indication in the clinical record and the plan of care is not altered.

D) Care not performed by licensed personnel, other than routine change of colostomy bag.

3) Agency Note

A) Colostomy bag can be changed by a CNA trained in ostomy care when allowed by facility protocol (Level 1 only).

B) Facility protocol should address:

1) Ongoing inservice education of direct care staff; and

11) Ongoing monitoring of technique of direct care staff.

n) Category 14 - Respiratory Therapy

1) Verification of Level of Service

A) Physician order must include: delivery system, oxygen flow rate and/or frequency of IPPB treatments, postural drainage, percussion and/or vibration and use of suctioning in conjunction with these therapies, if indicated.

B) Observation of therapy.

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C) Documentation of procedure and results by licensed staff (Level 2).

D) Monthly progress note by licensed staff (Level 2).

2) Need Not Met

A) Facility does not have protocol for respiratory therapy.

B) Respiratory therapy protocol is not being followed.

C) Treatment is ordered, but not carried out as specified.

D) Equipment soiled and/or nonfunctional or not available.

E) Respiratory therapy not performed by licensed staff (Level 2).

F) No monthly progress note by licensed staff (Level 2).

3) Agency Note

A) Level 1 resident is capable of administering own therapy.

B) Level 2 resident is totally dependent upon licensed staff for administration.

C) Protocol should address:

1) Which staff provide which type service;

11) Infection control procedures;

111) Staff training required to carry out these services; and

1v) Frequency for assessment of respiratory status should be recorded in the clinical record.

v) Conditions or diagnoses which are indications and contraindications for the use of postural drainage, percussion and vibration.

D) Intensity code scoring is to reflect current level of needs.

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Section 147. TABLE E(p)(3)(A) (continued)

1) Training licensed staff must have prior to providing this service;

ii) Guidelines for infection control;

iii) Frequency for observations of ostomy site and respiratory status should be recorded in the clinical record; and

iv) Guidelines for maintaining sterility and/or cleanliness of catheters.

B) Only suctioning done during tracheostomy care is scored here.

g) Category 17 - Discharge Planning

I) Verification of Level of Service

A) Care plan.

B) Indication plan is being followed.

2) Need Not Met

Plan not being followed.

3) Agency Note

A) Discharge must be to less restrictive environment, i.e., shelter care, room and board or independent living

arrangements and anticipated within three (3) months.

B) Credit may be given for discharge planning if the service was received within the last six (6) months.

r) Category 18 - Health & Fitness Program

I) Verification of Level of Service

A) Fitness card

B) Observation of program to see that the plan is being carried out as written on the fitness card.

Section 147. TABLE E(r) (continued)

2) Need Not Met

A) Health and Fitness program developed by unlicensed staff.

B) Plan not carried out.

C) Equipment required to carry out fitness program, as required on the fitness card, is soiled and/or nonfunctioning, or is not available.

D) The resident's response to intervention is not documented in the clinical record once a month.

E) Groups are larger than six (6) unless activity is a team sport.

3) Agency Note

A) The program may also be developed by an Occupational Therapist, Physical Therapist, Certified Therapeutic Recreation Specialist, a Physician or Physiatrist.

B) Do not score when resident does not carry out fitness program an average of three (3) times per week.

C) Activity programs including exercises must be separate and apart from health and fitness.

D) Fitness programs must address all extremities, unless contraindicated.

E) Unlicensed staff may document response to Health and Fitness Program if assigned by licensed staff.

s) Category 19 - Restraint Management and Reduction

I) Verification of Level of Service

A) Physician order

B) Assessment/reassessment at least every 90 days with program noted on care plan

C) Observation of resident

Section 147.TABLE E(s)(1) (continued)

- D) Monthly documentation of resident response cosigned by licensed staff
- 2) Need Not Met
  - A) A resident is physically restrained and there is no documentation of consultation with appropriate health professionals, such as physician, occupational therapist, physical therapist or rehabilitation certified registered nurse, in the use of less restrictive supportive devices or methods.
  - B) Protocol not developed for restraint reduction and restraint management.
  - C) The resident is physically restrained and there is no documentation of consultation and agreement by the resident, family, if appropriate, guardian or legal representative to the use of restraints.
  - D) A resident is physically restrained and there is no assessment/documentation to justify restraint.
  - E) The restrained resident is not released at least every two hours for at least ten minutes, repositioned and exercised and/or ambulated and/or toileted and/or checked for skin redness and/or given nutrition/ hydration as required.
  - F) Restraints are not applied according to physician order.
  - G) Resident restrained without physician order.
  - H) Restraint reduction program not implemented as specified in care plan.
  - I) Resident not meeting goals of the restraint reduction program and the clinical record does not indicate that the staff is addressing the lack of progress.
  - J) Resident response to restraint or reduction program is not documented in the clinical record at least monthly, reassessment not completed every 90 days, or not cosigned by licensed staff.
  - K) Restraint device is not clean, found to be in ill repair, or improperly sized.

Section 147.TABLE E(s)(2) (continued)

- L) Restraint device is not properly applied.
- M) Facility not following protocol for care application, maintenance and reduction of each type of restraint used.
- N) A resident placed in restraint is not checked at least every 30 minutes by staff trained in the use of restraints.
- 3) Agency Note
  - A) Residents who are free of restraints because of alternative programming are still eligible for scoring on Level 1, providing the quarterly reassessment continues to indicate that the specific staff intervention is needed to maintain the resident free of restraints, the need and intervention is specified in the care plan, and monthly documentation of resident response to intervention continues.
  - B) This item cannot be scored and a need not met can be given if:
    - i) There is no physician order for the use of a restraint and the resident is restrained; OR
    - ii) The restrained resident is not in a restraint program and the restraint is improperly applied; OR
    - iii) The restrained resident is not in a restraint program and is not released at least every two hours for at least ten minutes, repositioned and exercised and/or ambulated and/or toileted and/or checked for skin redness and/or given nutrition/hydration as required.
  - C) The facility must not issue orders for restraint on a standing or as needed basis.
  - D) Assessment includes, but is not limited to:
    - i) Reason for use of the restraint.
    - ii) Documentation of attempts made in ways of using less restrictive measures and why they were unsuccessful.
    - iii) Address communication needs and functional abilities.
  - E) Care plan includes, but is not limited to:



DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

Section 147, TABLE G Therapy Services (Repealed)

- a) Category--Speech-Language-Pathology-and-Audiology-(SLP/A) Rehabilitation-Services
  - 1) Verifications-of-Level-of-Services
    - A) Observations-of-Teamwork-and-Monitored-Progress-Reviews  
Documentation--This-is-revised-when-observations-must-indicate progress
    - B) Assessment
    - C) Speech-Pathology-Reports-are-Updated-when-observations
    - D) Monthly-Reevaluation
    - E) Agency-Notes
      - A) The-nurse-must-verify-the-accuracy-of-the-observations-by-observing-the-oldest-25%-of-the-observations-and  
documentation-verify-that-the-observations-are-adequate  
progress-was-made--If-progress-was-not-made-only-allow  
two-months-of-treatment
      - B) If-progress-was-made-therapist-should-continue  
If-progress-must-be-extended-to-re-evaluate-observations  
Goals-must-be-set-and-achieved-according-to-observations  
means-of-communication-and/or-ability-to-swallow
      - C) Progress-must-be-noted-by-standard-speech-  
therapy-records-objectionable-measures
      - D) Goals-must-be-set-according-to-observations-  
and-achieved-according-to-observations
      - E) Treatment-are-set-and-achieved-according-to-observations
  - b) Category--Physical-Therapy-and-Related-Rehabilitative-Services
    - 1) Verifications-of-Level-of-Services
      - A) Physical-Therapy-  
Observations-of-Progress-Reviews
      - B) Physical-Therapy-  
Observations-of-Progress-Reviews

Section 147, TABLE E(s)(3)(E) (continued)

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

- 1) Alternative interventions used in place of restraints.
  - 1i) If restraint must be used, include: reason for use of the restraint; type(s) of restraint used; duration and time of day restraint is used; location of resident when restrained, i.e., own room in bed, chair in hall, etc.; and under what circumstances are restraints being used, i.e., when left alone, after family leaves, when not involved in structured activity, when eating.
  - 1ii) Address communication needs and functional abilities. Monthly response note should address functional and mental status of resident before, during and after use of restraints. Documentation of attempts made in ways of using less restrictive measures and why they were unsuccessful.
- 2) Physician order should include:
  - 1) Reason for restraint;
  - 1i) Length of time restraint is to be used; and
  - 1ii) Type of restraint to be used.
- H) A resident should be released from restraints as soon as there is no longer a need.
- I) A resident should not be physically or chemically restrained for the purpose of discipline or staff convenience.
- J) Restraint usage should be periodically reevaluated and efforts to eliminate use of restraint should be attempted and documented in the clinical record. When the restraint usage is reevaluated, the functional status of the resident should be reevaluated to ensure that no loss of function has occurred as a result of restraint usage. If a loss of function can be attributed to the use of the restraint, the facility should take prompt action to review restraint use with the physician to discuss alternative treatment.

(Source: Amended at 17 Ill. Reg. 13498, effective August 6, 1993)

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Section 147. TABLE G(d)(1)(B) (continued)

v) QTR/L-reviews-and-assigns-QTR/L's-demonstration-of-progress-monthly

v) Assessment-by-QTR/L

2) Agency-Note

A) The-nurse-must-verify-the-agency-of-the-referred-by

the-nursing-the-25%-of-the-residents-in-the-nursing-home-that-are-referred-and-the-agency-verify-that-the-agency-is-able-to-accept-and-provide-care-for-those-residents-who-are-referred-by-the-agency

1) QTR-1---2-Weeks

2) QTR-2---3-Weeks

B) If-progress-was-made-by-the-agency

C) Progress-shown-by-standards-acceptable-QTR

D) Use-of-Paraffin-Heat-Treatments-Required-by-Physician-and-garbled-out

E) Staffing-rates-for-the-agency-1-5-1-5-per-98

F) Staffing-rates-for-the-agency-1-5-1-5-per-98

G) Category---Outpatient-Therapy-Assessment

1) Verification-of-Level-of-Services

A) Physicalian-Order

B) QTR/L-written-assessment

C) Program-described-by-resident-level

D) Therapist's-eligibility-on-assessment-and-reassessment

E) Assessment-of-progress-and-program-as-indicated-in-the

F) Assessment-by-QTR/L

G) Documentation-by-the-nursing-department-in-the-eligible

H) Documentation-by-the-nursing-department-in-the-eligible

Section 147. TABLE G(e) (continued)

2) Agency-Note

A) Assessment-time-included-in-months-allowed-for-level

B) Assessment-time-included-in-months-per-referent-per-month

(Source: Repealed at 17 III. Reg. 13498, effective August 6, 1993)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part:  
Newborn Metabolic Screening and Treatment Code
- 2) Code Citation:  
77 Ill. Adm. Code 661
- 3) Section Numbers:                      Adopted Action:  
661.70                                              Amendment
- 4) Statutory Authority:  
The Phenylketonuria Testing Act  
(Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4902.9 et seq.) [410 ILCS 240]
- 5) Effective Date of Amendments:      August 1, 1993
- 6) Does this Rulemaking Contain an Automatic Repeal Date?      No
- 7) Does this Rulemaking Contain any Incorporations by Reference?      No
- 8) Date Filed in Agency's Principal Office:      August 1, 1993
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register:  
17 Ill. Reg. 757 - January 22, 1993
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking:      No  
  
If Yes, Date Agency Response Submitted for Approval to ICAR:  
  
Date Statement of Objection was Published in the Illinois Register:
- 11) Difference Between Proposal and Final Version:  
Various technical and editorial changes suggested by the Joint Committee on Administrative Rules and the Administrative Code Division have been made.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

6077 115X 00

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENTS

- All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.
- 13) Will the Amendments Replace an Emergency Rule Currently in Effect?      No
- 14) Are there any other Amendments Pending on this Part?      No
- 15) Summary and Purpose of Amendments:  
  
The newborn metabolic screening program screens all newborns in Illinois for biotinidase deficiency, congenital adrenal hyperplasia, galactosemia, congenital primary hypothyroidism, phenylketonuria (PKU), and sickle cell disease/trait and other hemoglobinopathies. The program also provides comprehensive follow-up services to all infants at risk and/or diagnosed with one of the above disorders. Early detection of these serious disorders prevents slow or poor physical and mental development and avoids costly rehabilitative services.  
  
The State's newborn screening and follow-up services are funded by a combination of federal and state sources and provided by the Department's Genetics Program and the Metabolic Section of the Department's Laboratory. The expansion of the Genetics Program from a PKU screening program to one with a mandate and increase in services for screening for six conditions make it imperative to increase the funding necessary to operate the program. These adopted amendments will allow the Department to collect reimbursement on all infants, including those eligible for Public Aid. This change will generate an additional \$1,000,000 per year. Sufficient income will be generated by this revision to allow the Metabolic Section of the Laboratory and the Genetics Program to be self-supporting.
- 16) Information and Questions Regarding this Adopted rulemaking shall be directed to:  
  
Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Number: 510.30 Adopted Action: Amendment  
510.200 Amendment

4) Statutory Authority: (111. Rev. Stat. 1991, ch. 8, par. 37-9 (b) [230 ILCS 5])

- 5) Effective Date of Rule: July 30, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: July 30, 1993
- 9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 6746 - May 7, 1993.

- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Differences between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A.
- 13) Will these amendments replace emergency amendments currently in effect? No.

- 14) Are there any other proposed amendments pending in this Part? Yes, Section 510.220.
- 15) Summary and purpose of rules: The amendment to Section 510.30 reduces the time for a stamp to be placed on each claim form. The amendment to Section 510.200 changes the number of days during which a claimed horse must race at the track at which it was claimed.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

PART 661

NEWBORN METABOLIC SCREENING AND TREATMENT CODE

661.10	Responsibility
661.15	Definitions
661.20	Collection of Blood and Submission of Specimens
661.30	Interpretation of Results
661.35	Designation of Consultants
661.40	Reports
661.50	Diagnosis and Treatment
661.60	Exemption
661.70	Fee Assessment and Payment

AUTHORITY: Implementing and authorized by the Phenylketonuria Testing Act (111. Rev. Stat. 1991, ch. 111 1/2, pars. 4902.9 et seq.) [410 ILCS 240].

SOURCE: Adopted December 14, 1973; emergency rules at 3 Ill. Reg. 28, p. 224, effective June 28, 1979, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 48, p. 42, effective November 20, 1979; amended at 5 Ill. Reg. 4593, effective April 15, 1981; amended and codified at 8 Ill. Reg. 19041, effective September 26, 1984; amended at 11 Ill. Reg. 12921, effective August 1, 1987; amended at 13 Ill. Reg. 15079, effective October 1, 1989; amended at 14 Ill. Reg. 13292, effective August 15, 1990; amended at 17 Ill. Reg. 13609, effective August 1, 1993.

Section 661.70 Fee Assessment and Payment

- a) Each person who submits to the Department any sample for newborn screening shall be assessed a fee of \$20.00 for such analysis unless specimens are requested by the Department for follow-up purposes. Samples for applicants and recipients of public assistance under the Public Aid Code (111. Rev. Stat. 1989, ch. 237, part 3, et seq.) shall not be assessed a fee.
- b) Statements of fee assessment shall be mailed to persons submitting specimens for analysis on a monthly basis.
- c) Payment shall be rendered to the Department upon receipt of the monthly statement of fee assessment.

(Source: Amended at 17 Ill. Reg. 13609, effective August 1, 1993.)

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13) Will these amendments replace emergency amendments currently in effect? Yes.

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rules: This rulemaking outlines procedures and schedules for which licensing Hearings are to be conducted.

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

Illinois Racing Board, Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

3) Section Number: 205.10 Adopted Action: New Section

New Section 205.20

New Section 205.30

New Section 205.40

New Section 205.50

New Section 205.60

New Section 205.70

New Section 205.80

New Section 205.90

New Section 205.100

New Section 205.110

New Section 205.120

New Section 205.130

1) The Heading of the Part: Procedures for License Hearings

2) Code Citation: 11 Ill. Adm. Code 205

4) Statutory Authority: (111. Rev. Stat. 1991, ch. 8, par. 37-9 (b) [230 ILCS 5]

5) Effective Date of Rule: July 30, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? Yes, Section 205.130 specifically incorporates Sections 204.40 through 204.110, 204.130, and 204.140.

8) Date filed in Agency's Principal Office: July 30, 1993

9) Notice of Proposal Published in Illinois Register: 17 Ill. Reg. 3594 - March 19, 1993.

10) Has JCAR issued a Statement of Objections to these rules? No.

11) Differences between proposal and final version: The original version of this Part received substantial complaints from interested parties. The adoption text of this Part, as it now appears in this register, is a result of changes made by the Board in response to the objections of said parties.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER a: GENERAL RULESPART 205  
PROCEDURES FOR LICENSE HEARINGS

Section	
205.10	Purpose
205.20	Notice
205.30	Filing of Applications
205.40	Use of Applications
205.50	Filing of Evidence Supporting Applications
205.60	Parties
205.70	Service of Application and Evidence Supporting Application
205.80	Pre-Hearing Conference
205.90	Filing of Responsive Evidence & Motions
205.100	Licensing Hearing
205.110	Disqualification of Hearing Officer
205.120	Ex Parte Communications
205.130	Incorporation of Part 204

**AUTHORITY:** Authorized and implemented pursuant to the Illinois Horse Racing Act of 1975 [230 ILCS 5].

**SOURCE:** Emergency adoption at 16 Ill. Reg. 16318, effective October 6, 1992, for a maximum of 150 days; emergency expired March 5, 1993; emergency rule adopted at 17 Ill. Reg. 6859, effective April 16, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 13615, effective July 30, 1993.

**Section 205.10 Purpose**

The purpose of this Part is to provide procedures to govern the conduct of the licensing hearing (the "Licensing Hearing") provided for in Section 20 of the Illinois Racing Act (the "Racing Act"), 230 ILCS 5/20, supplemental to those provided for in Part 204. This Part implements the provisions of the Racing Act, and the Illinois Administrative Procedure Act (the "IAPA"), 5 ILCS 100, and should be construed to give effect to, and not to limit, the rights conferred thereby. These rules expressly adopt the applicable provisions of the IAPA, including the IAPA's provisions applicable in contested cases such as the Licensing Hearing. See IAPA, 10-65.

**Section 205.20 Notice**

At least thirty days prior to the application deadline, the Board shall provide all current organization licensees and any other person who has requested an application for an organization license to conduct a horse race meeting with notice of the Licensing Hearing, including:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED RULES

- (a) a statement of the time, place and nature of the Licensing Hearing (e.g., whether the Licensing Hearing will determine the allocation of racing dates in a single year or in multiple years; what conditions the Board proposes to impose upon licensees; whether the Licensing Hearing will determine inter-track wagering licenses and proposed conditions upon inter-track wagering licenses, such as a requirements that an inter-track wagering licensee receive simulcasts of certain races other than its own races);
- (b) a statement of the legal authority and jurisdiction under which the Licensing Hearing is to be held;
- (c) a reference to the particular Sections of the substantive and procedural statutes involved;
- (d) a short and plain statement of the matters at issue and the consequences of a failure to participate in the Licensing Hearing; and
- (e) the name and address of any hearing officer the Board may appoint, or a statement that the members of the Board themselves intend to preside as hearing officers at the Licensing Hearing.

This notice shall be made public and shall also be posted in accordance with the rules governing the posting of agendas for Board meetings.

**Section 205.30 Filing of Applications**

Applications for an organization license to conduct a horse racing meeting in Illinois pursuant to the Racing Act shall be filed at the office of the Board no later than 5:00 p.m. on August 31 (or if August 31 is not a business day, the next business day thereafter) of the year prior to the year in which the meet is sought. Applications filed after this date shall be considered only under the provisions of Section 20(i) of the Racing Act. Each applicant shall file fifteen (15) copies of the application with the Board.

**Section 205.40 Use of Applications**

Applications shall state with particularity the type of license and dates sought to be awarded. Requests for licenses and dates may be made in the alternative. Applications are admissible into evidence as proof of what an applicant seeks or as admissions of parties, according to the rules of evidence.

**Section 205.50 Filing of Evidence Supporting Applications**

Each applicant for an organization license shall file, simultaneously with its application, fifteen (15) copies of the following:

- (a) prefiled written testimony in the form of an affidavit or affidavits (or pursuant to certificate as provided in Section 1109 of the Illinois Code of Civil Procedure), and in question and answer format, supporting its Petition. Except as stipulated by the parties, this written testimony, together with any exhibits referred to therein, shall constitute the applicant's case-in-chief at the Licensing Hearing. The written testimony shall conform to the provisions of



of witnesses or exhibits preliminarily anticipated by any party, and any other matters designed to facilitate expeditious conduct of the licensing hearing. The pre-hearing conference may be adjourned and continued to a date selected by the Hearing Officer between the date applications must be filed and the date the licensing hearing shall commence. At the adjourned pre-hearing conference, the parties and the Hearing Officer may address objections to evidence filed with applications and also may address further stipulations intended to simplify evidentiary matters. Pre-hearing conferences under this Section shall be open to the public, notice thereof shall be given in the same manner as notice is given of meetings of the Board, and a transcript shall be kept, which transcript shall become a part of the record in the proceeding.

Section 205.90 Filing of Responsive Evidence & Motions

On or before 5:00 p.m. of September 14 (or, if September 14 is not a business day, the next business day thereafter), any party may file with the Board fifteen copies (15), and simultaneously serve on all other parties to the license hearing one copy of prefiled written testimony and exhibits responding to the application, supporting evidence, or exhibits filed by any other party. The responsive testimony and exhibits shall be in the same form as required for evidentiary materials submitted in support of an application. Any motion to strike or limit any prefiled supporting testimony or exhibits shall be filed with the Board and served by messenger or overnight delivery on all other parties on this same date.

Section 205.100 Licensing Hearing

(a) The license hearing shall commence on September 7 (or, if September 7 is not a business day, the next business day thereafter). The members of the Racing Board or hearing officer presiding over the licensing hearing shall decide all evidentiary objections raised at the licensing hearing, subject to de novo review by the Board of the ruling of any hearing officer the Board may appoint, at the request of any party. Any evidence ruled inadmissible may be submitted as an offer of proof.

(c) Each party shall, in alphabetical order, offer into evidence the prefiled written testimony and exhibits of each witness whose testimony it has filed in support of its application. Each such witness shall then be subject to oral, cross and redirect examination by all parties according to the rules of evidence applicable for cross and redirect examination in the Circuit Court of Cook County, Illinois and redirect examination in the Circuit Court of Cook County, Illinois for non-jury trials and as provided in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40]. Thereafter, each party shall, in the same order, offer into evidence the prefiled written testimony and exhibits of each witness whose written testimony and exhibits it has filed in response to another party's application or supporting evidence. Each such witness will then be subject to oral, cross and redirect examination by all parties according to the rules of evidence applicable for cross and redirect examination in the

Illinois Supreme Rule 191(a) applicable to affidavits offered in support of, or in opposition to, motions for summary judgment; and (b) all exhibits referred to in the application or prefiled written testimony.

Section 205.60 Parties

Parties to the licensing hearing consist of persons who have filed an application for an organization license. In addition, pursuant to Section 16(e) of the Racing Act, the Attorney General of the State of Illinois may participate as a party, at the request of the Racing Board, in order to protect public rights and enforce public duties arising in the licensing hearing. No other person may intervene or participate in the licensing hearing before the Racing Board or its duly appointed hearing officer, except that this provision shall not be construed to prohibit the hearing officer from taking official notice of staff data or memoranda pursuant to Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40]. This rule shall not prohibit representatives of any organization, including one representing horsemen, from providing evidence of its membership's position on any application through written testimony, sponsored by a party, as provided for herein. In the event an organization wishes to provide evidence of its membership's position on any application and can find no party to sponsor it as a witness, the organization may apply to the hearing officer for permission to provide written testimony subject to cross-examination as provided herein. The hearing officer shall allow such testimony, subject to the evidentiary rules set forth herein, upon a showing that despite reasonable efforts by the organization, no party would sponsor the testimony of the organization. Permission to an organization to provide testimony under this Section shall not make that organization a party or confer any of the rights of a party on that organization.

Section 205.70 Service of Application and Evidence Supporting Application

Each applicant shall serve a complete copy of its application and all supporting written testimony and exhibits on all persons who had applied for an organizational license the previous year by 5:00 p.m. on August 31 (or, if August 31 is not a business day, on the next business day) and on any other party who has filed an application in the current year. The Board shall notify all parties of the name and address of any other party filing an application for an organization license and all applicants shall serve a copy of the application and all supporting written testimony and exhibits on all such additional parties by messenger or overnight delivery.

Section 205.80 Pre-hearing Conference

A pre-hearing conference shall be conducted on August 24 (or, if August 24 is not a business day, on the next business day thereafter), during which conference the parties and hearing officer shall address preliminary matters including discussing stipulations required under Section 204.110 of Article 11, Subtitle B, Chapter 1, of the Illinois Administrative Code, the likely number

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STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER F: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: DEFINITION OF TERMS

Section 226.5

Terms Defined

SUBPART B: RESPONSIBILITY FOR SPECIAL EDUCATION

Section 226.10

Cost to be Borne by Local School District

226.20

Comprehensive Program of Special Education

226.30

Cooperative Special Education Programs

226.40

Rights of Children Requiring Special Education-

Exclusion

SUBPART C: THE ESTABLISHMENT AND ADMINISTRATION OF SPECIAL EDUCATION

Section 226.110

Educational Needs to be Met

226.115

Continuum of Program Options

226.120

Ages for Which Programs are to be Available

226.125

Least Restrictive Environment

226.130

Facilities for Classes for Handicapped

226.135

Written Policies for Handicapped Students' Records

226.140

Director of Special Education

226.145

Supervision

226.150

Role of Local District Administrator

226.155

Responsibilities to be in Writing

226.160

Approval of Programs and Services Not in Compliance

With this Part

SUBPART D: SPECIAL EDUCATION INSTRUCTIONAL PROGRAMS AND RESOURCE PROGRAMS

Section 226.210

Design of Special Education Instructional Programs

226.215

Curriculum for Instructional Programs

226.220

Factors to Consider in Developing Instructional

226.225

Programs

Instructional Class Size

The full text of the emergency amendment begins on the next page:

Name: Vaughn Morrison  
Address: Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
Telephone: (217) 782-6601

12) Information and questions regarding this amendment shall be directed to:

NOTICE OF EMERGENCY AMENDMENTS

STATE BOARD OF EDUCATION

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

- 226.230 Integration of Student Into Standard Program
- 226.240 Special Education Resource Programs

SUBPART E: SPECIAL EDUCATION RELATED SERVICES

Section

- 226.250 Related Services to be Provided by School District
- 226.260 Other Related Services
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STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

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226.780	Immunity of Surrogate Parent

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NOTICE OF EMERGENCY RULES

1) The Heading of the Part:

Pregnancy Termination Report Code

2) Code Citation:

77 Ill. Adm. Code 505

3) Section Numbers:

Emergency Action:

- 505.10 New Section
- 505.20 New Section
- 505.30 New Section
- 505.40 New Section
- 505.50 New Section
- 505.60 New Section
- 505 Appendix A New Section

4) Statutory Authority:

Implementing and authorized by the Illinois Abortion Law (Ill. Rev. Stat. 1991, ch. 38, par. 81-21 et seq.) [720 ILCS 510].

5) Effective Date of Emergency Rules:

August 1, 1993

6) If this Emergency Rule is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire:

Not Applicable

7) Date Filed in Agency's Principal Office:

August 1, 1993

8) Reason for Emergency:

These emergency rules implement a consent decree in the case Herbst et al. v. O'Malley et al., U.S. District Court for the Northern District of Illinois, No. 84 C 6502. The consent decree requires the Department to prescribe rules securing the anonymity of each woman undergoing an abortion, rules creating a public use tape for the dissemination of aggregate data reported to the Department, and all forms required under Section 10 of the Illinois Abortion Law. In addition, the consent decree authorizes the Department to promulgate rules that, while preserving a

NOTICE OF EMERGENCY RULES

woman's anonymity, prescribe specific reporting requirements relating to pregnancy terminations. The Department is required to issue all rules pursuant to the consent decree within 60 days from the date of approval of the consent decree.

9) A Complete Description of the Subjects and Issues Involved:

These rules require reports of induced termination of pregnancy to be made on the form prescribed by the Department in Appendix A of the rules, and requires all such reports to be submitted to the Department no later than 10 days following the end of the month in which the pregnancy termination was performed. The rules also include provisions concerning the confidentiality of reports received by the Department and the compilation and release of aggregate data from the reports.

10) Are There Any Proposed Amendments Pending on this Part?

Yes \_\_\_\_\_  
No

11) Statement of Statewide Policy Objectives:

These rules will not require any new expenditures by units of local government.

12) Information and Questions Regarding these Emergency Rules shall be directed to:

Gail M. DeVito  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-6187

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY RULES

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER a: VITAL RECORDS

PART 505  
PREGNANCY TERMINATION REPORT CODE

- Section 505.10 Incorporation by Reference  
EMERGENCY
- 505.20 Purpose  
EMERGENCY
- 505.30 Definitions  
EMERGENCY
- 505.40 Submission of Information  
EMERGENCY
- 505.50 Availability of Information  
EMERGENCY

505.Appendix A Report of Induced Termination of Pregnancy  
EMERGENCY

AUTHORITY: Implementing and authorized by the Illinois Abortion Law of 1975 (Ill. Rev. Stat., 1991, ch. 38, par. 81-21 et seq.) [720 ILCS 510].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 13631, effective August 1, 1993, for a maximum of 150 days.

NOTE: Italics and capitalization denote statutory language.

Section 505.10 Incorporation by Reference  
EMERGENCY

The following Illinois statutes are referenced in this Part:

- a) Illinois Abortion Law of 1975 (Ill. Rev. Stat., 1991, ch. 38, par. 81-21 et seq.) [720 ILCS 510];
- b) Illinois Medical Practice Act of 1987 (Ill. Rev. Stat., 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60];
- c) Freedom of Information Act (Ill. Rev. Stat., 1991, ch. 116, par. 201 et seq.) [5 ILCS 140/1];

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY RULES

- d) Medical Studies Act (Ill. Rev. Stat., 1991, ch. 110, par. 8-2101 et seq.) [735 ILCS 5/8-2101].

Section 505.20 Purpose  
EMERGENCY

It is the purpose of Section 10 of the Illinois Abortion Law of 1975, that a report of each abortion performed in Illinois shall be made to the Department. In implementing this Law, the Department promulgates rules to secure the anonymity of the identity of each woman undergoing an abortion.

Section 505.30 Definitions  
EMERGENCY

"Law" means the Illinois Abortion Law of 1975 (Ill. Rev. Stat., 1991, ch. 38, par. 81-21 et seq.) [720 ILCS 510].

"Aggregate data" means a compilation of the data received by the Department on Reports of Induced Termination of Pregnancy for each data set listed, except the following will not be included:

- 1) Facility name;
- 2) Patient's identification number;
- 3) Physician's license number;
- 4) Any set of information for which the amount is so small (eg. 50 or fewer) that identity of any person(s) to whom it relates may be discerned; and
- 5) Education.

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH, STATE OF ILLINOIS. (Section 2 of the Law)

"Director" means the Director, or his designee, of the Department of Public Health, State of Illinois.

"Patient identifying information" means any information or collection or grouping of data from which the identity of the person to whom it relates may be discerned.

"PHYSICIAN" MEANS ANY PERSON LICENSED TO PRACTICE MEDICINE IN ALL ITS BRANCHES UNDER THE ILLINOIS MEDICAL PRACTICE ACT of 1987, AS AMENDED. (Section 2 of the Law)

"Pregnancy Termination" MEANS THE USE OF ANY INSTRUMENT, MEDICINE, DRUG OR OTHER SUBSTANCE OR any DEVICE TO TERMINATE THE PREGNANCY OF A WOMAN KNOWN TO BE PREGNANT WITH AN INTENTION OTHER THAN TO INCREASE THE PROBABILITY OF A LIVE BIRTH, TO PRESERVE THE LIFE OR



DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY RULES

HEALTH OF THE CHILD AFTER LIVE BIRTH, OR TO REMOVE A DEAD FETUS. (Section 2 of the Law)

"Public Use Tape" means a computer tape of aggregate data.

Section 505.40 Submission of Information EMERGENCY

a) The Report of Induced Termination of Pregnancy consists of one form as prescribed and promulgated by the Department as Appendix A of this Part. This form shall be provided by the Department.

b) All Reports of Induced Termination of Pregnancy shall be submitted TO THE DEPARTMENT NOT LATER THAN 10 DAYS FOLLOWING THE END OF THE MONTH IN WHICH THE pregnancy termination WAS PERFORMED. (Section 10 of the Law)

c) Any additional information that is submitted to the Department may be done on the same form and marked by the reporter as "Additional" Report of Induced Pregnancy Termination and must be submitted within 10 days of its becoming known.

Section 505.50 Availability of Information EMERGENCY

a) All Reports of Induced Pregnancy Termination shall be treated as confidential and shall be exempt from the Freedom of Information Act.

b) The Department shall compile the information contained in the Reports of Induced Pregnancy Termination and issue reports of aggregate data as it deems necessary.

c) The Department shall compile a Public Use Tape upon request. Any person or entity making such a request shall pay the cost of producing such Public Use Tape. If a Public Use Tape has already been produced and paid for, then each succeeding requester shall only pay the cost of duplicating it.

d) There shall not be any release of data outside the Department compiled from the Reports of Induced Pregnancy Termination other than the Public Use Tapes.

e) The Department shall disclose individual patient or facility information to the physician, who originally supplied that information to the Department, upon written request of the physician.

f) The Department, by signed and reciprocating agreement, may disclose individual patient information concerning residents of another state to the registry in the individual's state

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY RULES

of residence only if the recipient of such information is legally required to hold such information in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Illinois law.

g)

The patient identifying information submitted to the Department by those entities required to submit information under the Law and this Part is to be used in the course of medical study under the Medical Studies Act. Therefore, such information shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person.

Section 505 Appendix A Report of Induced Termination of Pregnancy EMERGENCY

REPORT OF INDUCED TERMINATION OF PREGNANCY (All information submitted herein shall be confidential pursuant to the Pregnancy Termination Report Code, 77 Ill. Adm. Code 505)

1. FACILITY NAME (if not clinic or hospital, give address) \_\_\_\_\_

2. COUNTY OF PREGNANCY TERMINATION \_\_\_\_\_

3. PATIENT'S IDENTIFICATION NO. \_\_\_\_\_

4a. RESIDENCE - STATE \_\_\_\_\_ 4b. COUNTY \_\_\_\_\_ 4c. ZIP CODE (Chicago only) \_\_\_\_\_

5. PHYSICIAN'S LICENSE NO.: \_\_\_\_\_

6. AGE LAST BIRTHDAY \_\_\_\_\_ 7. MARRIED?  Yes  No

8. DATE OF PREGNANCY TERMINATION (month, day, year) \_\_\_\_\_

9a. RACE/ETHNIC \_\_\_\_\_ 9b. ETHNIC \_\_\_\_\_ 9c. HISPANIC:  Yes  No

10. EDUCATION (Specify only highest grade completed) \_\_\_\_\_

11. CLINICAL ESTIMATE OF GESTATION (Weeks) \_\_\_\_\_

12. PREVIOUS PREGNANCIES (Complete each section)

LIVE BIRTHS

12a. Now Living \_\_\_\_\_ 12b. Now Dead \_\_\_\_\_ 12c. Spontaneous \_\_\_\_\_ 12d. Induced (Do not include this termination) \_\_\_\_\_

OTHER BIRTHS

13. Rh DETERMINATION  Not Done  Rh Neg.  Rh Pos.

14. IF Rh NEGATIVE ANTI-Rh:  Given  Not offered to patient  Refused by patient  Medically not indicated

15. REASON FOR TERMINATION  Patient's Request  Other

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5. Claimant's Reason for Separation from Work (56 III Adm Code 2840)  
-First Notice Published: 17 III Reg 8403 - 6/11/93  
-Expiration of Second Notice Period: 9/10/93
6. Claimant's Availability for Work, Ability to Work and Active Search for Work (56 III Adm Code 2865)  
-First Notice Published: 17 III Reg 6907 - 5/14/93  
-Expiration of Second Notice Period: 9/10/93
7. Illinois Farm Development Authority (8 III Adm Code 1400)  
-First Notice Published: 17 III Reg 3956 - 4/2/93  
-Expiration of Second Notice Period: 8/20/93
8. Repeal of Actuarial Qualification (50 III Adm Code 920)  
-First Notice Published: 17 III Reg 2530 - 3/5/93  
-Expiration of Second Notice Period: 8/20/93
9. Required Procedure for Filing and Securing Approval of Life Insurance, Annuity and Accident and Health Insurance Policy Forms (50 III Adm Code 916)  
-First Notice Published: 17 III Reg 5992 - 4/16/93  
-Expiration of Second Notice Period: 9/3/93
10. Medical Liability Insurance Loss Reports (50 III Adm Code 939)  
-First Notice Published: 17 III Reg 4768 - 4/9/93  
-Expiration of Second Notice Period: 9/3/93
11. Internal Security Standard and Fidelity Bonds (50 III Adm Code 904)  
-First Notice Published: 17 III Reg 3993 - 4/2/93  
-Expiration of Second Notice Period: 9/3/93
12. Anticipated Salvage and Subrogation (50 III Adm Code 927)  
-First Notice Published: 17 III Reg 2106 - 2/19/93  
-Expiration of Second Notice Period: 9/8/93
13. Lottery (General) (11 III Adm Code 1170)  
-First Notice Published: 16 III Reg 16738 - 11/6/92  
-Expiration of Second Notice Period: 8/27/93
14. Radiation Inspectors and Inspections (32 III Adm Code 410)  
-First Notice Published: 16 III Reg 19473 - 12/18/92  
-Expiration of Second Notice Period: 8/17/93

Nuclear SafetyLottery

15. Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 III Adm Code 360)  
-First Notice Published: 16 III Reg 19493 - 12/18/92  
-Expiration of Second Notice Period: 8/17/93
16. Definitions and General Provisions (35 III Adm Code 211)  
-First Notice Published: 17 III Reg 4782 - 4/9/93  
-Expiration of Second Notice Period: 9/8/93
17. Major Stationary Sources Construction and Modifications (35 III Adm Code 203)  
-First Notice Published: 17 III Reg 4898 - 4/9/93  
-Expiration of Second Notice Period: 9/8/93
18. Organic Material Emission Standards and Limitations for the Chicago Area (35 III Adm Code 218)  
-First Notice Published: 17 III Reg 4905 - 4/9/93  
-Expiration of Second Notice Period: 9/8/93
19. Organic Material Emission Standards and Limitations for the Metro East Area (35 III Adm Code 219)  
-First Notice Published: 17 III Reg 5169 - 4/9/93  
-Expiration of Second Notice Period: 9/8/93
20. Illinois Physical Therapy Act (68 III Adm Code 1340)  
-First Notice Published: 17 III Reg 8444 - 6/11/93  
-Expiration of Second Notice Period: 9/10/93
21. Hospital Services (89 III Adm Code 148)  
-First Notice Published: 17 III Reg 6935 - 5/14/93  
-Expiration of Second Notice Period: 8/20/93
22. Aid to Families with Dependent Children (89 III Adm Code 112)  
-First Notice Published: 17 III Reg 5436 - 4/9/93  
-Expiration of Second Notice Period: 8/27/93
23. Collections and Recoveries (89 III Adm Code 165)  
-First Notice Published: 17 III Reg 6614 - 4/30/93  
-Expiration of Second Notice Period: 8/27/93
24. Aid to the Aged, Blind or Disabled (89 III Adm Code 113)  
-First Notice Published: 17 III Reg 7755 - 5/28/93  
-Expiration of Second Notice Period: 9/3/93

Professional RegulationPublic Aid

25. Aid to Families with Dependent Children (89 Ill Adm Code 112)  
-First Notice Published: 17 Ill Reg 7745 - 5/28/93  
-Expiration of Second Notice Period: 9/3/93
26. Food Stamps (89 Ill Adm Code 121)  
-First Notice Published: 17 Ill Reg 7165 - 5/21/93  
-Expiration of Second Notice Period: 9/3/93
27. Aid to Families with Dependent Children (89 Ill Adm Code 112)  
-First Notice Published: 17 Ill Reg 6026 - 4/16/93  
-Expiration of Second Notice Period: 9/8/93
28. Medical Payment (89 Ill Adm Code 140)  
-First Notice Published: 17 Ill Reg 7183 - 5/21/93  
-Expiration of Second Notice Period: 9/10/93
- Public Health
29. Illinois Plumbing Code (77 Ill Adm Code 890)  
-First Notice Published: 16 Ill Reg 18479 - 12/4/92  
-Expiration of Second Notice Period: 8/17/93
30. Repeal of Illinois Plumbing Code (77 Ill Adm Code 890)  
-First Notice Published: 16 Ill Reg 18326 - 12/4/92  
-Expiration of Second Notice Period: 8/17/93
- Treasurer
31. Conditions of Employment (80 Ill Adm Code 630)  
-First Notice Published: 17 Ill Reg 6632 - 4/30/93  
-Expiration of Second Notice Period: 8/30/93
- University of Illinois
32. Program Content and Guidelines for Division of Specialized Care for Children (89 Ill Adm Code 1200)  
-First Notice Published: 17 Ill Reg 7780 - 5/28/93  
-Expiration of Second Notice Period: 8/30/93
- III. Certification of No Objection to Proposed Rulemaking
- IV. Review of Emergency and Peremptory Rulemakings
- Central Management Services
33. Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 Ill Adm Code 900) (Emergency)  
-Notice Published: 17 Ill Reg 11168 - 7/16/93

- Comptroller
34. Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 Ill Adm Code 330) (Emergency)  
-Notice Published: 17 Ill Reg 11170 - 7/16/93
- Public Aid
35. Medical Payment (89 Ill Adm Code 140) (Emergency)  
-Notice Published: 17 Ill Reg 11201 - 7/16/93
36. Special Eligibility Groups (89 Ill Adm Code 118) (Emergency)  
-Notice Published: 17 Ill Reg 11217 - 7/16/93
- Public Health
37. Illinois Trauma Center Code (77 Ill Adm Code 540) (Emergency)  
-Notice Published: 17 Ill Reg 12439 - 7/30/93
- Revenue
38. Disaster Relief (86 Ill Adm Code 1000) (Emergency)  
-Notice Published: 17 Ill Reg 12445 - 7/30/93
- Rehabilitation Services
39. Advisory Councils (89 Ill Adm Code 515) (Emergency)  
-Notice Published: 17 Ill Reg 11589 - 7/23/93
40. Appeals and Hearings (89 Ill Adm Code 510) (Emergency)  
-Notice Published: 17 Ill Reg 11608 - 7/23/93
41. Application (89 Ill Adm Code 557) (Emergency)  
-Notice Published: 17 Ill Reg 11652 - 7/23/93
42. Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill Adm Code 553) (Emergency)  
-Notice Published: 17 Ill Reg 11657 - 7/23/93
43. Repeal of Auxillary Aids (89 Ill Adm Code 540) (Emergency)  
-Notice Published: 17 Ill Reg 11667 - 7/23/93
44. Client Financial Participation (89 Ill Adm Code 562) (Emergency)  
-Notice Published: 17 Ill Reg 11676 - 7/23/93
45. Closure (89 Ill Adm Code 617) (Emergency)  
-Notice Published: 17 Ill Reg 11686 - 7/23/93
46. Comparable Benefits (89 Ill Adm Code 567) (Emergency)  
-Notice Published: 17 Ill Reg 11696 - 7/23/93

47. Criteria for the Evaluation of Programs of Services in Community Rehabilitation Programs (89 III Adm Code 530) (Emergency)  
-Notice Published: 17 III Reg 11701 - 7/23/93
48. Repeal of Eligibility (89 III Adm Code 552) (Emergency)  
-Notice Published: 17 III Reg 11733 - 7/23/93
49. Illinois Center for Rehabilitation and Education/Community Residential Services for the Blind and Visually Impaired (89 III Adm Code 730) (Emergency)  
-Notice Published: 17 III Reg 11745 - 7/23/93
50. Impartial Hearing Officer Standards (89 III Adm Code 1177) (Emergency)  
-Notice Published: 17 III Reg 11766 - 7/23/93
51. Individualized Written Rehabilitation Program (IWRP) (89 III Adm Code 572) (Emergency)  
-Notice Published: 17 III Reg 11770 - 7/23/93
52. Repeal of Maintenance (89 III Adm Code 602) (Emergency)  
-Notice Published: 17 III Reg 11780 - 7/23/93
53. Repeal of Medical, Psychological, and Related Services (89 III Adm Code 587) (Emergency)  
-Notice Published: 17 III Reg 11784 - 7/23/93
54. Repeal of Other Services (89 III Adm Code 607) (Emergency)  
-Notice Published: 17 III Reg 11796 - 7/23/93
55. Repeal of Placement (89 III Adm Code 612) (Emergency)  
-Notice Published: 17 III Reg 11801 - 7/23/93
56. Repeal of Post-Employee Services (89 III Adm Code 622) (Emergency)  
-Notice Published: 17 III Reg 11804 - 7/23/93
57. Repeal of Secondary Transitional Experience (89 III Adm Code 657) (Emergency)  
-Notice Published: 17 III Reg 11808 - 7/23/93
58. Services (89 III Adm Code 590) (Emergency)  
-Notice Published: 17 III Reg 11812 - 7/23/93
59. Repeal of Tools, Equipment, Supplies and Initial Stock (89 III Adm Code 597) (Emergency)  
-Notice Published: 17 III Reg 11856 - 7/23/93
60. Repeal of Training Services (89 III Adm Code 592) (Emergency)  
-Notice Published: 17 III Reg 11864 - 7/23/93

61. Secretary of State  
The Illinois Library System Act (23 III Adm Code 3030) (Emergency)  
-Notice Published: 17 III Reg 12449 - 7/30/93
62. State Fire Marshal  
Policy and Procedures Manual for Fire Protection Personnel (41 III Adm Code 140) (Emergency)  
-Notice Published: 17 III Reg 11181 - 7/16/93
- V. Expedited Correction
63. Savings and Residential Finance  
Savings Bank Act (38 III Adm Code 1075)

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ILLINOIS STATE AND LOCAL LABOR RELATIONS BOARDS

NOTICE PURSUANT TO P.A. 87-823

1) Heading of the Part: Five-Year Evaluation of all Existing Rules

2) Code Citation: 2 Ill Adm Code 2500

3) Sections: Authority Note; 2500.110;

4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1. et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.

5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	Existing Cite	New Cite
Authority Note	Sec. 4.01	Sec. 5-15
	Par. 1004.01	Par. 1005-15
2500.110	Par. 1001	Par. 1001-1

IAPA Citation Conversions:

The certificate above is designed to accompany your agency's filing with the Secretary of State. Please note that this format is worded differently in order to distinguish these citation revisions from the usual rulemaking process.

EXECUTIVE ORDER

AMENDMENT TO EXECUTIVE ORDER NUMBER FOUR (1993)  
REGARDING THE GREAT FLOOD OF 1993

93-4

whereas, the catastrophic flooding along the Mississippi River is combining with extraordinary rainfalls to cause water to back up on other tributaries, including the Illinois River, the Spoon River and smaller creeks and waterways. whereas, these floodwaters are afflicting individuals and businesses in additional counties within Illinois; therefore, I, Order that Executive Order Number Four (1993) be and hereby is amended to include the following additional counties as Major Disaster Counties; Brown, Cass, Fulton, Knox, Mason, Morgan, Peoria, Scott and Warren. This order shall take effect immediately. Issued by the Governor July 30, 1993. Filed with the Secretary of State July 30, 1993.

PROCLAMATION

93-323

DISASTER AREAS - FULTON, MASON AND PEORIA COUNTIES

A series of weekend thunderstorms and heavy rain which continue to impact the record-breaking flood levels on the Mississippi River are causing excessive flooding along the Illinois River and its tributaries in west-central Illinois. In the interest of aiding those counties affected by the adverse weather and minimizing the threat to public health, safety and welfare of our citizens, I hereby declare Fulton, Mason, and Peoria counties to be State of Illinois Disaster Areas, pursuant to provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992 State Bar Edition). This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the response and recovery assistance of other State agencies and volunteer resources; in supplementing the local government efforts; and in providing for the reassessment of real and personal property substantially damaged by the flood. This declaration will also make possible any requests for Federal disaster assistance. Issued by the Governor July 28, 1993. Filed with the Secretary of State July 28, 1993.

93-324  
CHAMBER OF COMMERCE WEEK

Whereas, chambers of commerce work with the business community to advance the civic, economic, industrial, professional, and cultural welfare of our state; and

Whereas, chambers of commerce have contributed to the civic and economic life in Illinois for 155 years, since the Galena Chamber of Commerce was founded in 1838; and

Whereas, chambers of commerce encourage the growth of existing industries and businesses and encourage new firms and individuals to locate in Illinois, acting as a liaison with the State of Illinois, local governments, and the business community; and

Whereas, Illinois is home to international chambers of commerce, the central region office of the U.S. Chamber of Commerce, the Illinois State Chamber of Commerce, and more than 300 local chambers of commerce, and in 1993, these entities launched the Chamber Partners program to provide enhanced linkages for training and communications;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 26-October 2, 1993, as CHAMBER OF COMMERCE WEEK in Illinois.

Issued by the Governor July 15, 1993.

Filed with the Secretary of State July 30, 1993.

93-325  
CONVERTING MACHINERY AND MATERIALS WEEK

Whereas, the Converting Machinery and Materials (CMM) Conference and Exposition will hold its CMM International show in Illinois this year; and

Whereas, the annual event is the world's leading converting industry trade show; and

Whereas, more than 30,000 people are expected to convene in Illinois for CMM International, with some 600 exhibitors from more than 60 countries; and

Whereas, the international show is the showcase for the latest products, technologies and trends impacting the converting industry;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 30-September 2, 1993, as CONVERTING MACHINERY AND MATERIALS WEEK in Illinois.

Issued by the Governor July 15, 1993.

Filed with the Secretary of State July 30, 1993.

93-326  
COOL AND CASUAL DAY FOR MDA

Whereas, the Muscular Dystrophy Association is a national voluntary health agency working to defeat 40 neuromuscular diseases; and

Whereas, individual private contributors fund nearly all the Muscular Dystrophy Association's extensive research, patient, community service and public health education programs; and

Whereas, millions of people participate year-round in special events such as "Cook and Casual Day for MDA" to benefit the more than a million Americans affected by neuromuscular disease; and

Whereas, "Cool and Casual Day for MDA" is an opportunity for the citizens of Illinois to have a good time and dress casually at work for one day while raising funds for a good cause; and

Whereas, the Muscular Dystrophy Association serves thousands of families in the State of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 12, 1993, as COOL AND CASUAL DAY FOR MDA in Illinois and urge all citizens to participate in this event to help MDA defeat neuromuscular diseases.

Issued by the Governor July 15, 1993.

Filed with the Secretary of State July 30, 1993.

93-327  
HEMOCHROMATOSIS SCREENING AWARENESS MONTH

Whereas, hemochromatosis is a hereditary disorder which causes an excessive amount of iron buildup in vital organs through a period of many years; and

Whereas, it is difficult to diagnose hemochromatosis since its symptoms resemble many other disorders; and

Whereas, early diagnosis and treatment are compatible with a full life span; and

Whereas, an estimated one in 200 residents of the State of Illinois has this genetic disorder;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 1993, as HEMOCHROMATOSIS SCREENING AWARENESS MONTH in Illinois to promote awareness and early detection of this disorder.

Issued by the Governor July 15, 1993.

Filed with the Secretary of State July 30, 1993.

93-328  
ITALIAN-AMERICAN DAY

Whereas, many Italian-Americans have served the United States of America during wartime since World War I; and

Whereas, on the 13th anniversary of Armistice Day in 1931, the first post of the Italian-American War Veterans, the Monaco-Carlino post, was formed; and



Whereas, the first Illinois post was formed in 1952, and the Italian-American War Veterans' Department of Illinois was created in 1971, now boasting numerous posts and auxiliaries; and Whereas, on August 5-8, 1993, National Commander Anthony Cuzzone will bring the National Italian-American War Veterans Convention to Chicago; and Whereas, highly distinguished Anthony M. Cuzzone is the fourth National Commander from the State of Illinois and the second Vietnam veteran to head the National Department of the Italian-American War Veterans;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 7, 1993, as ITALIAN-AMERICAN DAY in Illinois, recognizing these peoples' great contributions to our state and country.

Issued by the Governor July 15, 1993.  
Filed with the Secretary of State July 30, 1993.

93-329  
MICHAEL JORDAN FOUNDATION DAY

Whereas, Michael Jordan created the Michael Jordan Foundation as a means of repaying the community and helping those who are less fortunate; and Whereas, the inaugural Michael Jordan Foundation Gala Dinner is being held September 18, 1993, at the Hotel Nikko in Chicago; and Whereas, celebrities from the sports world will attend this charitable event; and Whereas, proceeds from the dinner will benefit Illinois Special Olympics, Midwest Association for Sickle Cell Anemia, Starlight Foundation, Make-A-Wish Foundation, C.Y.C.I.E., Austin Special School, Chicago Wheelchair Bulls, Off The Street Club, Hales Franciscan High School, Inner City Impact, Greenhouse Shelter, Miles Square Community Center, Olive-Harvey Middle School, Ronald McDonald Houses, St. Jude Children's Hospital, Saint Augustine's College, Xavier University, Variety Club, New Concept Development Center, Providence St. Mel School, St. Gregory's Episcopal School, Livingstone College, Southern School, El Valor, Marklund Children's Home, The Children's Place, Child Abuse Prevention Services, Henry Booth House, Family Focus, Demicco Youth Services, Roseland Training Center, Chicago United Youth Service Project, I. Link, Inc., Goodman Theatre, Illinois Children's School and Rehabilitation, North Carolina Cities In School, and Hartigan Elementary School; and Whereas, the Michael Jordan Foundation also supports the Michael Jordan College Scholarship Program in North Carolina and the Ken Rosen Memorial Scholarship in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 18, 1993, as THE MICHAEL JORDAN FOUNDATION DAY

in Illinois:  
Issued by the Governor July 15, 1993.  
Filed with the Secretary of State July 30, 1993.

93-330  
GOLD STAR MOTHER'S DAY

Whereas, hundreds of women throughout the state belong to American Gold Star Mothers Inc. Through the Gold Star organization, mothers of those who lost their lives in wars retain the ties of friendship born of their sacrifices. They engage in many patriotic activities and devote hundreds of volunteer hours to patients in our veterans' hospitals; and Whereas, the wars in which their sons and daughters lost their lives have passed into history; however, the emptiness those wars left remains in the lives of these women. Through their participation in Gold Star activities, they can share their experiences and help those who served our country;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 26, 1993, as GOLD STAR MOTHER'S DAY in Illinois, with the hope that every Gold Star mother will be honored on this occasion. I extend to them appreciation for the compassion and generosity they have shown in providing assistance to our veterans and their families.

Issued by the Governor July 16, 1993.  
Filed with the Secretary of State July 30, 1993.

93-331  
HOUSEKEEPERS WEEK

Whereas, the 7,000 members of the National Executive Housekeepers Association (NEHA) are instrumental in providing the public with a vital service on a day-to-day basis; and Whereas, these professionals are responsible for achieving a hygienic and safe environment in public and private institutions such as hotels, schools, government buildings, and health care facilities; and Whereas, since NEHA was founded in 1930, it has endeavored to provide leadership and professional education for its members; and Whereas, NEHA'S theme for this year's observance is "Chartering a Course for New Horizons in Excellence;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 12-18, 1993, as HOUSEKEEPERS WEEK in Illinois in conjunction with the national observance. I urge citizens to recognize the importance of this profession which is too often taken for granted.

Issued by the Governor July 16, 1993.

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Whereas, Veterans of World War I have stood up for America longer than any other group, and their influence and pressure have ensured that benefits and programs are available for all veterans; and

Whereas, it is important that we pay tribute to those who served and sacrificed for liberty during World War I and assure these veterans and their families that they are not forgotten; and

Whereas, this year's convention sparks hope for the future, for our children and grandchildren to enjoy a peaceful life; therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 29-September 1, 1993, as WORLD WAR I AND ITS LADIES WEEK.

Issued by the Governor July 16, 1993.  
Filed with the Secretary of State July 30, 1993.

93-339

CUSTOMER SERVICE WEEK

Whereas, successful businesses are distinguished by their ability to provide excellent customer service and to understand the influence a customer has on a company's prosperity; and

Whereas, the International Customer Service Association (ICSA), founded in 1981 in response to a need for proactive customer service management, is the only non-profit organization of its kind in the world; and

Whereas, with more than 3,200 members internationally, as well as a chapter in Illinois, the ICSA is dedicated to developing and advancing customer service and assists industry professionals in meeting these challenges by offering educational programs, management development opportunities, and interactions among customer service management professionals.

Whereas, today's high cost of attracting new customers further emphasizes the need to keep existing customers through effective service; therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 3-9, 1993, as CUSTOMER SERVICE WEEK in Illinois.

Issued by the Governor July 20, 1993.  
Filed with the Secretary of State July 30, 1993.

93-337

THEATRE WEEK IN ILLINOIS

Whereas, parents and teachers are influential factors in the loyalty, abilities, and attitudes of our young people; and

Whereas, the Illinois Congress of Parents and Teachers seeks to provide parents and teachers with opportunities to combine their talents and experiences to improve the education and direction of our youth; and

Whereas, to emphasize the importance of ensuring a competent, reliable citizenry, the congress sponsors fall conferences in each of its districts, as well as special workshops and a Leadership Institute; and

Whereas, the congress also offers parents education and guidance in dealing with child-related problems; therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 1993 as PTA MEMBERSHIP MONTH in Illinois.

Issued by the Governor July 16, 1993.  
Filed with the Secretary of State July 30, 1993.

Whereas, during World War I, many very special men and women answered our country's call to battle and contributed immeasurably to our nation's victory; and

Whereas, the Veterans of World War I and its National Ladies Auxiliary are holding a convention August 29-September 1 to recognize war veterans and their family members as a source of strength and support; and

93-338

WORLD WAR I AND ITS LADIES WEEK

Whereas, theatrical groups throughout the state have delighted Illinois audiences for many years with memorable, entertaining, thought-provoking, and award-winning productions; and

Whereas, the Illinois Theatre Association is hosting its annual convention in Peoria October 2-3 to promote its activities and broaden public awareness of Illinois as a major center for strong and innovative theatre; and

Whereas, theatre has become a bold voice for contemporary American drama and a cultural ambassador to people of all ages and backgrounds; therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 27-October 3, 1993, as THEATRE WEEK IN ILLINOIS in recognition of theatre's importance to the arts and culture in our state.

Issued by the Governor July 16, 1993.  
Filed with the Secretary of State July 30, 1993.

## ACTION CODES

A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	

\*Joint Committee on Administrative Rules

**ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.**

**ABANDONED MINED LANDS RECLAMATION COUNCIL**

4 Ill. Adm. Code 1000 Americans With Disabilities Act Grievance Procedure (A-20092/92; CC-1673)

**AGING, DEPARTMENT ON**89 Ill. Adm. Code 240 Community Care Program (P-12251/92; A-224) (P-15203/92; A-6090)  
89 Ill. Adm. Code 220 General Programmatic Requirements (P-883; A-8472) (E-1179)**AGRICULTURE, DEPARTMENT OF**4 Ill. Adm. Code 550 Americans With Disabilities Act Grievance Procedure (A-11744/92; CC-1673)  
8 Ill. Adm. Code 65 Egg & Egg Products Act (P-527; A-6749)  
8 Ill. Adm. Code 700 Farm Preservation Act (P-9781)  
8 Ill. Adm. Code 115 Ill. Pseudorabies Control Act (E-5906) (P-6373)  
8 Ill. Adm. Code 256 Lawncare Wash Water & Rinsate Collection (P-14975/92; A-2189)  
8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-2063)  
8 Ill. Adm. Code 290 Standardbred & Thoroughbred Horse Breeding & Racing Programs, Ill. (P-8347)  
8 Ill. Adm. Code 750 Sustainable Agriculture (P-1251; A-6965)  
8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (E-5910) (P-6377)**ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF**4 Ill. Adm. Code 500 Americans With Disabilities Act Grievance Procedure (A-11426/92; CC-1673)  
77 Ill. Adm. Code 2090 Subacute Alcoholism & Substance Abuse Treatment Services (P-8599)  
77 Ill. Adm. Code 2080 Triplicate Prescription Control Program (P-11367/92; O-16691/92; M-11872; A-11424)**ATTORNEY GENERAL**

4 Ill. Adm. Code 125 Americans With Disabilities Act Grievance Procedure (P-2283/92; A-1811)

**AUDITOR GENERAL**

4 Ill. Adm. Code 1125 Americans With Disabilities Act Grievance Procedure (P-4523; A-11435)

**BANKS AND TRUST COMPANIES, COMMISSIONER OF**

4 Ill. Adm. Code 375 Americans With Disabilities Act Grievance Procedure (A-15976/92; CC-1673)

**CAPITAL DEVELOPMENT BOARD**4 Ill. Adm. Code 725 Americans With Disabilities Act Grievance Procedure (A-11432/92; CC-1673)  
71 Ill. Adm. Code 500 Asbestos Abatement Authority Act Procedures (P-3917)**CARNIVAL-AMUSEMENT SAFETY BOARD**

56 Ill. Adm. Code 6000 Carnival &amp; Amusement Ride Inspection Law (P-3922)

**CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF**44 Ill. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-11378/92; A-1006) (P-2105; A-10753) (E-2361)  
80 Ill. Adm. Code 303 Conditions of Employment (P-19285/92; A-5587)  
74 Ill. Adm. Code 900 Joint Rules of the Comptroller & the Dept. of Central Management Services: Prompt Payment (P-10677) (E-11168)  
80 Ill. Adm. Code 2160 Local Government Health Plan (P-3577; A-11441)  
80 Ill. Adm. Code 302 Merit & Fitness (P-17187/92; A-3169)  
80 Ill. Adm. Code 310 Pay Plan (P-191; C-672; A-13409) (P-13679/92; A-238) (PP-498) (P-13179/92; A-590) (P-14001/92; A-1819) (P-18139/92; A-6441) (P-7605) (P-12481) (E-12900)  
80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-2449)  
44 Ill. Adm. Code 1 Standard Procurement (P-12808/92; A-600) (P-3926)**CHILDREN AND FAMILY SERVICES, DEPARTMENT OF**89 Ill. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545/92; A-251)  
89 Ill. Adm. Code 336 Appeal of Child Abuse & Neglect Investigation Findings (P-7963/92; A-1026)  
89 Ill. Adm. Code 434 Audits, Reviews & Investigations (P-7115)  
89 Ill. Adm. Code 330 Child Custody Investigations & Supervision Related to Custodian or Visitation Judgements (P-1259; A-11457)  
89 Ill. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553/92; A-259)  
89 Ill. Adm. Code 354 Facility Amusement Funds (PR-8099)  
89 Ill. Adm. Code 407 Licensing Standards for Day Care Centers (P-11955)  
89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (P-11964)  
89 Ill. Adm. Code 402 Licensing Standards for Foster Family Homes (P-11707/92; A-267)  
89 Ill. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-11976)  
89 Ill. Adm. Code 378 Multiple Licensure (PR-7561/92; AR-272)  
89 Ill. Adm. Code 356 Rate Setting (P-10679)  
89 Ill. Adm. Code 335 Relative Home Placement (P-6681) (P-12254/92; A-13420)  
89 Ill. Adm. Code 309 Review & Appeal Process (PR-7982/92; AR-1044)  
89 Ill. Adm. Code 337 Service Appeal Process (P-7999/92; A-1046)

COMMUNITY DEVELOPMENT FINANCE CORPORATION, ILLINOIS

47 Ill. Adm. Code 700 By-Laws (P-4530)

COMPTROLLER

4 Ill. Adm. Code 775 Americans with Disabilities Act Grievance Procedure (P-13710/92; A-6499)  
Joint Rules of the Comptroller & the Dept. of Central Management Services: Prompt Payment (P-10686) (E-11170)

CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 530 Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting (P-7138)  
17 Ill. Adm. Code 830 Commercial Fishing & Musseling in Certain Waters of the State (P-17405/92; A-3177)  
17 Ill. Adm. Code 950 Dog Training on Department-Owned or -Managed Sites (P-6390; A-13447)  
17 Ill. Adm. Code 730 Dove Hunting (P-4539; A-10761)  
17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (E-1658) (4554)  
17 Ill. Adm. Code 1536 Forestry Development Cost-Share Program (P-8107)  
17 Ill. Adm. Code 510 General Hunting & Trapping on Department-Owned or -Managed Sites (P-4601; A-10775)  
17 Ill. Adm. Code 1050 III. List of Endangered & Threatened Flora (P-4608; A-10781)  
17 Ill. Adm. Code 4000 Management of Nature Preserves (P-12005)  
17 Ill. Adm. Code 570 Muskrat, Mink, Raccoon, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-4611; A-10785)  
17 Ill. Adm. Code 220 North Point Marina (P-19993/92; A-6760)  
17 Ill. Adm. Code 1070 Possession of Specimens or Products of Endangered or Threatened Species (P-12041)  
17 Ill. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-4622; A-10795)  
17 Ill. Adm. Code 810 Sport Fishing Regulations for the Waters of Ill. (P-17414/92; A-3853; E-5915) (P-4636; A-10806)  
17 Ill. Adm. Code 690 Squirrel Hunting (P-4672; A-10842)  
17 Ill. Adm. Code 720 Taking of Wild Turkeys-Fall Archery Season, The (P-15260/92; A-281) (P-4680; A-10850)  
17 Ill. Adm. Code 715 Taking of Wild Turkeys-Fall Gun Season (P-4689; A-10858)  
17 Ill. Adm. Code 710 Taking of Wild Turkeys-Spring Season, The (P-18181/92; A-3184)  
17 Ill. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow (P-15265/92; A-286) (P-4698; A-13452)  
17 Ill. Adm. Code 650 White-Tailed Deer Hunting by Use of Firearms (P-4718; A-13468)  
17 Ill. Adm. Code 680 White-Tailed Deer Hunting by Use of Handguns (P-12055)  
17 Ill. Adm. Code 660 White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles (P-4742; A-10865)  
17 Ill. Adm. Code 740 Woodchuck, Snipe, Rail & Teal Hunting (P-4757; A-10877)

CORRECTIONS, DEPARTMENT OF

20 Ill. Adm. Code 440 Advocacy Services (P-16371/92; AR-1519)  
4 Ill. Adm. Code 475 American With Disabilities Act Grievance Procedure (A-10423/92; CC-1673)  
20 Ill. Adm. Code 525 Rights & Privileges (P-1666; RQ-9150; C-10013; EC-11903) (P-8069)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF (CONT'D)

89 Ill. Adm. Code 302 Services Delivered by the Department (P-7565/92; A-274) (P-11979/92; A-11979) (P-2460) (E-2513)  
89 Ill. Adm. Code 376 Standards for Department Facilities (PR-8104)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

4 Ill. Adm. Code 575 Americans With Disabilities Act Grievance Procedure (A-14621/92; CC-1673)  
47 Ill. Adm. Code 125 Emergency Community Services Homeless Grant Program (P-18879/92; A-6180)  
14 Ill. Adm. Code 520 Enterprise Zone Program (P-13691/92; A-1837) (P-9791)  
47 ILL. Adm. Code 100 Low Income Home Energy Assistance Program (P-16707/92 A-3836)  
56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-7120/92; A-6483)  
1 Ill. Adm. Code 300 Small Business Impact Analysis Procedures (P-11391/92; A-1511)  
47 Ill. Adm. Code 130 State Administration of the Ill. Neighborhood Corps Program (PR-1; A-7212)  
83 Ill. Adm. Code 745 Tariff Filings (P-10513/92; A-10258)

COMMERCE COMMISSION, ILLINOIS

92 Ill. Adm. Code 1376 Accounting & Financial Record Requirements (P-8630)  
4 Ill. Adm. Code 400 Americans With Disabilities Act Grievance Procedure (A-12439/92; CC-1673)  
83 Ill. Adm. Code 305 Construction of Electric Power & Communication Lines (P-2462)  
83 Ill. Adm. Code 756 Dual Party Relay Service (P-14004/92; A-1848)  
92 Ill. Adm. Code 1360 Equipment Leases (P-1685)  
83 Ill. Adm. Code 792 Imputation (P-11988)  
83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas & For Gas Pipeline Facilities (P-2466; A-12291)  
83 Ill. Adm. Code 255 Notice Requirements for Change in Rates for Cooling, Electric, Gas, Heating, Telecommunications, Sewer or Water Services (P-13703/92; A-798)  
83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies & Electric & Telephone Public Utilities (P-202)  
83 Ill. Adm. Code 280 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-12810/92; A-805) (P-6382)  
83 Ill. Adm. Code 735 Procedures Governing the Establishment of Credit, Billing Termination of Service & Issuance of Telephone Directories for Telephone Utilities in the State of Ill. (G.O. #218) (P-6386) (P-12483)  
83 Ill. Adm. Code 275 Promotional Practices of Electric & Gas Public Utilities (P-8269/92; A-98; RQ-2075; EC-3902)  
92 Ill. Adm. Code 1236 Reinstatement of Revoked Operating Authority (P-9167)  
83 Ill. Adm. Code 755 Telecommunications Access for the Hearing & Voice Impaired (P-16709/92; A-5594)  
83 Ill. Adm. Code 756 Telecommunications Relay Services (P-15605/92; A-12294)  
92 Ill. Adm. Code 1375 Uniform System of Accounts (P-8635)

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23 Ill. Adm. Code 1501 Administration of the Ill. Public Community College Act (P-12274/92; A-1853) (P-6686) (P-11993)  
4 Ill. Adm. Code 1050 Americans With Disabilities Act Grievance Procedure (P-17399/92; A-4185)  
2 Ill. Adm. Code 5176 Public Access to Information (CC-6903)  
2 Ill. Adm. Code 5175 Public Information, Rulemaking and Organization (CC-6904)

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HOUSING DEVELOPMENT AUTHORITY, ILLINOIS  
 4 III. Adm. Code 700 Americans with Disabilities Act Grievance Procedure (P-15684/92; A-6507)  
 47 III. Adm. Code 370 National Affordable Housing Act (HOME) Program (P-11713/92; A-319)

HUMAN RIGHTS, DEPARTMENT OF

56 III. Adm. Code 2520 Procedural (P-10)

INDUSTRIAL COMMISSION, ILLINOIS

4 III. Adm. Code 225 Americans With Disabilities Grievance Procedure (P-7749/92; A-2945)  
 50 III. Adm. Code 7020 Pre-Arbitration (P-14511/92; A-2206)

INSURANCE, DEPARTMENT OF

50 III. Adm. Code 1408 Actuarial Opinion & Memorandum (P-8735/92; A-4195)  
 50 III. Adm. Code 920 Actuarial Qualification (PR-2530)  
 50 III. Adm. Code 927 Anticipated Salvage & Subrogation Recoverable (P-2106)  
 50 III. Adm. Code 932 Automobile Anti-Theft Mechanisms (P-7279/92; O-1240; M-6893; A-6768)  
 50 III. Adm. Code 1250 Corrective Orders (P-3985)  
 50 III. Adm. Code 805 Financial Futures Contracts (P-42; A-6775) (E-154)  
 50 III. Adm. Code 2013 Group Coverage Discontinuance & Replacement (P-10375/92; A-1525)  
 50 III. Adm. Code 2015 Infertility Coverage (P-696; A-8170)  
 50 III. Adm. Code 904 Internal Security Standard & Fidelity Bona (P-3993)  
 50 III. Adm. Code 1103 Life Reinsurance Agreements (P-8411)  
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TYPE OF RULEMAKING ACTION CODES

am = amendment to existing Section	A = Adopted rule	PF = Prohibited filing
cc = codification changes	C = Correction	S = Suspension
n = new Section	P = Proposed Rule	O = JCAR Objection
r = repeal of existing Section	E = Emergency rule	R = Refusal to Modify
re = recodified	PP = Peremptory rule	F = Failure to Remedy
# = renumbered	M = Modification	Obj = Objections Objection
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1409.310	am	(P-4158; A-12429)
1409.410	am	(P-4158; A-12429)
1409.510	am	(P-4158; A-12429)
1409.710	am	(P-4158; A-12429)
1409.810	am	(P-4158; A-12429)
1409.100	am	(P-4158; A-12429)
1409.120	am	(P-4158; A-12429)
1409.130	am	(P-4158; A-12429)
1409.135	am	(P-4158; A-12429)
1409.138	am	(P-4158; A-12429)
1409.140	am	(P-4158; A-12429)
1409.150	am	(P-4158; A-12429)
1409.160	am	(P-4158; A-12429)
1409.170	am	(P-4158; A-12429)
1409.180	am	(P-4158; A-12429)
1409.185	am	(P-4158; A-12429)
1411.250	n	(P-1372; A-12426)
1413.150	am	(P-13218/92; A-1628)
1416.5	am	(P-12274)
1424.170	am	(P-12133/92; A-3038)
1424.175	r	(P-12133/92; A-3038)
1428.240	n	(P-3593; O-10011; RC-10012; M-12456)
1770.20	am	(E-3683; O-6550)
1770.110	am	(P-16738/92; C-8074)
1770.170	am	(P-16738/92; C-8074)
1770.190	am	(P-16738/92; C-8074)

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150.200	am	(P-4167; A-11571)
150.210	am	(P-4167; A-11571)
150.220	am	(P-4167; A-11571)
150.240	am	(P-4167; A-11571)
150.305	r	(P-4167; A-11571)
150.400	am	(P-4167; A-11571)
150.405	am	(P-4167; A-11571)
150.420	am	(P-4167; A-11571)

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150.520	am	(P-4167; A-11571)
150.620	am	(P-4167; A-11571)
150.621	n	(P-4167; A-11571)
150.700	n	(P-4167; A-11571)
150.705	n	(P-4167; A-11571)
150.710	n	(P-4167; A-11571)
150.720	n	(P-4167; A-11571)
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520.520	n	(P-9791)
520.920	am	(P-13691/92; A-1837)
520.930	am	(P-13691/92; A-1837)
520.1020	am	(P-13691/92; A-1837)
520.1030	am	(P-13691/92; A-1837)
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1230.110	n	(P-9222/92; A-1859)
1230.200	n	(P-9222/92; A-1859)
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1230.300	n	(P-9222/92; A-1859)
1230.310	n	(P-9222/92; A-1859)
1230.400	n	(P-9222/92; A-1859)
1230.500	n	(P-9222/92; A-1859)
1230.510	n	(P-9222/92; A-1859)
1230.520	n	(P-9222/92; A-1859)
1230.530	n	(P-9222/92; A-1859)
1230.540	n	(P-9222/92; A-1859)

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(P-8674)	am	351.3040	(P-4070)		
(P-8674)	am	351.4010	(P-4070)		
(P-8674)	am	351.4020	(P-4070)		
(P-8674)	am	351.4030	(P-4070)		
(P-8674)	am	351.5010	(P-4070)		
(P-8674)	am	351.Ap.B	(P-4070)		
(P-8666)	am	390.20	(P-4070)		
(P-8666)	am	390.30	(P-3997)		
(P-8666)	am	390.40	(P-3997)		
(P-8666)	am	390.50	(P-3997)		
(P-8666)	am	390.60	(P-3997)		
(P-8666)	am	390.70	(P-3997)		
(P-8655)	am	400.10	(P-3997)		
(P-8655)	am	400.110	(P-3997)		
(P-8655)	am	400.120	(P-3997)		
(P-8655)	am	400.130	(P-3997)		
(P-8655)	am	400.140	(P-3997)		
(P-8655)	am	400.150	(P-3997)		
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(P-12659/92; A-12319)	am	183.125	(P-3997)		
(P-12659/92; A-12319)	am	183.130	(P-3997)		
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(P-958; A-7234)	am	340.510	(P-958; A-7234)		
(P-958; A-7234)	am	340.520	(P-958; A-7234)		
(P-958; A-7234)	am	340.530	(P-958; A-7234)		
(P-958; A-7234)	am	340.610	(P-958; A-7234)		
(P-958; A-7234)	am	340.620	(P-958; A-7234)		
(P-958; A-7234)	am	340.630	(P-958; A-7234)		
(P-958; A-7234)	am	340.710	(P-958; A-7234)		
(P-958; A-7234)	am	340.720	(P-958; A-7234)		
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(P-958; A-7234)	am	340.810	(P-958; A-7234)		
(P-4070)	n	340.910	(P-4070)		
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(P-3997)	r	340.1010	(P-3997)		
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(P-3997)	r	340.1020	(P-3997)		
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183.250	am	(P-12659/92; A-12319)	203.208	am	(P-18919/92; A-6973)
183.255	am	(P-12659/92; A-12319)	203.209	am	(P-18919/92; A-6973)
183.310	am	(P-12659/92; A-12319)	203.301	am	(P-18919/92; A-6973)
183.315	am	(P-12659/92; A-12319)	203.302	am	(P-18919/92; A-6973)
183.320	am	(P-12659/92; A-12319)	203.303	am	(P-18919/92; A-6973)
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183.345	am	(P-12659/92; A-12319)	211.122	r	(P-4782)
183.350	am	(P-12659/92; A-12319)	211.130	n	(P-4782)
183.355	am	(P-12659/92; A-12319)	211.150	n	(P-4782)
183.360	am	(P-12659/92; A-12319)	211.170	n	(P-4782)
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183.370	am	(P-12659/92; A-12319)	211.230	n	(P-4782)
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183.410	am	(P-12659/92; A-12319)	211.270	n	(P-12491)
183.415	am	(P-12659/92; A-12319)	211.290	n	(P-4782)
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183.435	am	(P-12659/92; A-12319)	211.370	n	(P-4782)
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211.1090	n	(P-4782)	211.2090	n	(P-4782)
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211.1170	n	(P-4782)	211.2170	n	(P-4782)
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211.1250	n	(P-4782)	211.2250	n	(P-4782)
211.1270	n	(P-4782)	211.2270	n	(P-4782)
211.1290	n	(P-4782)	211.2310	n	(P-4782)
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211.1470	n	(P-4782)	211.2470	n	(P-4782)
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211.6010	n	(P-4782)
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211.4590	n	(P-4782)
211.4610	n	(P-4782)
211.4630	n	(P-4782)
211.4650	n	(P-4782)
211.4670	n	(P-4782)
211.4690	n	(P-4782)
211.4710	n	(P-4782)
211.4730	n	(P-4782)
211.4750	n	(P-4782)
211.4770	n	(P-4782)
211.4790	n	(P-4782)
211.4810	n	(P-4782)
211.4830	n	(P-4782)
211.4850	n	(P-12491)

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252.105	am	(P-5169)	(P-18139/92; A-9684)
252.101	am	(P-5169)	(P-18139/92; A-9684)
252.202	am	(P-5169)	(P-18139/92; A-9684)
252.203	am	(P-5169)	(P-18139/92; A-9684)
252.204	am	(P-5169)	(P-18139/92; A-9684)
252.205	am	(P-5169)	(P-18139/92; A-9684)
252.206	am	(P-5169)	(P-18139/92; A-9684)
252.301	am	(P-5169)	(P-18139/92; A-9684)
252.401	am	(P-5169)	(P-18139/92; A-9684)
253.101	r	(P-5169)	(P-18139/92; A-9698)
253.102	r	(P-5169)	(P-18139/92; A-9698)
253.103	r	(P-5169)	(P-18139/92; A-9698)
253.201	r	(P-5169)	(P-18139/92; A-9698)
253.202	r	(P-5169)	(P-18139/92; A-9698)
253.203	r	(P-5169)	(P-18139/92; A-9698)
253.204	r	(P-5169)	(P-18139/92; A-9698)
254.101	n	(P-5169)	(P-17195/92; A-7782)
254.102	n	(P-5169)	(P-17195/92; A-7782)
254.103	n	(P-5169)	(P-17195/92; A-7782)
254.104	n	(P-5169)	(P-17195/92; A-7782)
254.105	n	(P-5169)	(P-17195/92; A-7782)
254.106	n	(P-5169)	(P-17195/92; A-7782)
254.107	n	(P-5169)	(P-17195/92; A-7782)
254.108	n	(P-5169)	(P-17195/92; A-7782)
254.109	n	(P-5169)	(P-17195/92; A-7782)
254.110	n	(P-5169)	(P-17195/92; A-7782)
254.111	n	(P-5169)	(P-17195/92; A-7782)
254.112	n	(P-5169)	(P-17195/92; A-7782)
254.130	n	(P-5169)	(P-17195/92; A-7782)
254.131	n	(P-5169)	(P-17195/92; A-7782)
254.132	n	(P-5169)	(P-17195/92; A-7782)
254.133	n	(P-5169)	(P-17195/92; A-7782)
254.134	n	(P-5169)	(P-17195/92; A-7782)
254.135	n	(P-5169; C-6539)	(P-17195/92; A-7782)
254.136	n	(P-5169)	(P-17195/92; A-7782)
254.201	n	(P-5169)	(P-17195/92; A-7782)
254.202	n	(P-5169)	(P-17195/92; A-7782)
254.203	n	(P-5169)	(P-17195/92; A-7782)
254.204	n	(P-5169)	(P-17195/92; A-7782)
254.301	n	(P-5169)	(P-17195/92; A-7782)
254.302	n	(P-5169)	(P-17195/92; A-7782)
254.303	n	(P-5169)	(P-17195/92; A-7782)
254.304	n	(P-5169)	(P-17195/92; A-7782)
254.305	n	(P-5169)	(P-17195/92; A-7782)
254.306	n	(P-5169)	(P-17195/92; A-7782)
254.401	n	(P-18139/92; A-9684)	(P-17195/92; A-7782)
254.402	n	(P-18139/92; A-9684)	(P-17195/92; A-7782)
254.403	n	(P-18139/92; A-9684)	(P-17195/92; A-7782)
254.404	n	(P-18139/92; A-9684)	(P-17195/92; A-7782)

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219.430	r	(P-5169)	(P-5169)
219.441	am	(P-5169)	(P-5169)
219.443	am	(P-5169)	(P-5169)
219.445	am	(P-5169)	(P-5169)
219.446	am	(P-5169)	(P-5169)
219.447	am	(P-5169)	(P-5169)
219.449	am	(P-5169)	(P-5169)
219.450	am	(P-5169)	(P-5169)
219.452	am	(P-5169)	(P-5169)
219.453	r	(P-5169)	(P-5169)
219.461	am	(P-5169)	(P-5169)
219.482	am	(P-5169)	(P-5169)
219.483	am	(P-5169)	(P-5169)
219.485	am	(P-5169)	(P-5169)
219.486	am	(P-5169)	(P-5169)
219.487	am	(P-5169)	(P-5169)
219.489	am	(P-5169)	(P-5169)
219.521	r	(P-5169)	(P-5169)
219.525	am	(P-5169)	(P-5169)
219.527	r	(P-5169)	(P-5169)
219.541	am	(P-5169)	(P-5169)
219.562	am	(P-5169)	(P-5169)
219.581	am	(P-5169)	(P-5169)
219.582	am	(P-5169)	(P-5169)
219.583	am	(P-5169)	(P-5169)
219.584	am	(P-5169)	(P-5169)
219.585	am	(P-5169)	(P-5169)
219.586	am	(P-5169)	(P-5169)
219.601	am	(P-5169)	(P-5169)
219.602	am	(P-5169)	(P-5169)
219.603	am	(P-5169)	(P-5169)
219.604	r	(P-5169)	(P-5169; C-6539)
219.605	r	(P-5169)	(P-5169)
219.606	r	(P-5169)	(P-5169)
219.608	am	(P-5169)	(P-5169)
219.609	am	(P-5169)	(P-5169)
219.610	am	(P-5169)	(P-5169)
219.611	am	(P-5169)	(P-5169)
219.612	r	(P-5169)	(P-5169)
219.613	r	(P-5169)	(P-5169)

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307.2402	am	(P-9803)	611.311	am (P-2533; A-7796)
307.2403	am	(P-9803)		(P-7629; A-12650)
307.2404	am	(P-9803)	611.350	n (P-2533; A-7796)
307.2405	am	(P-9803)	611.351	n (P-2533; A-7796)
307.2406	am	(P-9803)	611.352	n (P-2533; A-7796)
307.2490	am	(P-9803)	611.353	n (P-2533; A-7796)
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320.101	n	(P-2469; A-11461)	611.355	n (P-2533; A-7796)
320.102	n	(P-2469; A-11461)	611.356	n (P-2533; A-7796)
320.103	n	(P-2469; A-11461)		(P-7629; A-12650)
320.104	n	(P-2469; A-11461)	611.357	n (P-2533; A-7796)
320.105	n	(P-2469; A-11461)	611.358	n (P-2533; A-7796)
320.201	n	(P-2469; A-11461)	611.359	n (P-2533; A-7796)
320.202	n	(P-2469; A-11461)		(P-7629; A-12650)
320.203	n	(P-2469; A-11461)	611.360	n (P-2533; A-7796)
320.204	n	(P-2469; A-11461)		(P-7629; A-12650)
320.301	n	(P-2469; A-11461)	611.361	n (P-2533; A-7796)
320.302	n	(P-2469; A-11461)	611.510	am (P-7629; A-12650)
604.101	r	(P-7621; A-12648)	611.521	am (P-2533; A-7796)
604.102	r	(P-7621; A-12648)	611.560	am (P-2533; A-7796)
604.103	r	(P-7621; A-12648)	611.600	am (P-7629; A-12650)
604.104	r	(P-7621; A-12648)	611.601	am (P-7629; A-12650)
604.105	r	(P-7621; A-12648)	611.603	am (P-7629; A-12650)
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605.101	r	(P-2682; A-7943)	611.611	am (P-2533; A-7796)
605.102	r	(P-2682; A-7943)		(P-7629; A-12650)
605.109	r	(P-7738; A-12780)	611.612	am (P-7629; A-12650)
611.101	am	(P-2533; A-7796)		(P-2533; A-7796)
		(P-7629; A-12650)	611.630	am (P-2533; A-7796)
611.102	am	(P-2533; A-7796)	611.640	am (P-2533; A-7796)
		(P-7629; A-12650)		(P-7629; A-12650)
611.107	n	(A-7796)	611.646	am (P-2533; A-7796)
611.110	am	(P-2533; A-7796)		(P-7629; A-12650)
		(P-7629; A-12650)	611.647	am (P-2533; A-7796)
611.111	am	(P-2533; A-7796)	611.648	am (P-2533; A-7796)
611.112	am	(P-2533; A-7796)		(P-7629; A-12650)
611.113	am	(P-2533; A-7796)	611.Ap.A	am (P-2533; A-7796)
611.130	n	(P-2533; A-7796)		(P-7629; A-12650)
		(P-7629; A-12650)	611.Ap.E	n (P-2533; A-7796)
611.240	am	(P-7629; A-12650)	611.Tb.D	# (P-2533; A-7796)
611.280	am	(P-2533; A-7796)	611.Tb.D	n (P-2533; A-7796)
611.290	am	(P-2533; A-7796)	611.Tb.E	n (P-2533; A-7796)
611.297	n	(P-2533; A-7796)	611.Tb.F	n (P-2533; A-7796)
611.300	am	(P-2533; A-7796)	611.Tb.G	n (P-2533; A-7796)
		(P-7629; A-12650)	611.Tb.Z	# (P-2533; A-7796)

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		(P-7629; A-12650)	724.328	n (P-16970/92; A-5806)
615.105	am	(P-16465/92; A-1871)	724.351	am (P-16970/92; A-5806)
616.105	am	(P-16473/92; A-1878)	724.352	n (P-16970/92; A-5806)
702.181	am	(P-16924/92; A-5769)	724.353	n (P-16970/92; A-5806)
703.155	am	(P-9417)	724.354	am (P-16970/92; A-5806)
703.181	am	(P-9417)	724.401	am (P-16970/92; A-5806)
703.183	am	(P-9417)	724.402	n (P-16970/92; A-5806)
703.203	am	(P-16930/92; A-5774)	724.403	am (P-16970/92; A-5806)
703.204	am	(P-16930/92; A-5774)	724.404	n (P-16970/92; A-5806)
703.207	am	(P-16930/92; A-5774)	724.410	am (P-16970/92; A-5806)
703.280	am	(P-9417)	724.414	am (P-9453)
703.Ap.A	am	(P-16930/92; A-5774)	724.416	am (P-9453)
		(P-9417)	724.670	am (P-9453)
720.110	am	(P-16776/92; A-5625)	724.671	am (P-9453)
		(P-9170)	724.672	am (P-9453)
720.111	am	(P-9170)	724.673	am (P-16970/92; A-5806)
721.102	am	(P-9193)		(P-9453)
721.103	am	(P-16801/92; A-5650)	724.1100	n (P-9453)
		(P-9193)	724.1101	n (P-9453)
721.104	am	(P-16801/92; A-5650)	724.1102	n (P-9453)
		(P-9193)	725.101	am (P-9245)
721.105	am	(P-9193)	725.113	am (P-16831/92; A-5681)
721.106	am	(P-9193)		(P-9245)
721.111	am	(P-16801/92; A-5650)	725.115	am (P-16831/92; A-5681)
721.131	am	(P-9193)	725.119	n (P-16831/92; A-5681)
721.132	am	(P-9193)	725.173	am (P-16831/92; A-5681)
721.Ap.B	am	(P-9193)	725.210	am (P-9245)
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724.101	am	(P-9453)	725.240	am (P-9245)
724.113	am	(P-16970/92; A-5806)	725.242	am (P-9245)
		(P-9453)	725.243	am (P-9245)
724.115	am	(P-16970/92; A-5806)	725.245	am (P-9245)
724.119	n	(P-16970/92; A-5806)	725.247	am (P-9245)
724.173	am	(P-16970/92; A-5806)	725.321	am (P-16831/92; A-5681)
724.210	am	(P-9453)		(P-9245)
724.211	am	(P-9453)	725.322	r (P-16831/92; A-5681)
724.212	am	(P-9453)	725.322	n (P-16831/92; A-5681)
724.240	am	(P-9453)	725.323	r (P-16831/92; A-5681)
724.242	am	(P-9453)	725.323	n (P-16831/92; A-5681)
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724.247	am	(P-9453)	725.328	am (P-16831/92; A-5681)
724.251	am	(P-9453)	725.354	am (P-16831/92; A-5681)
724.321	am	(P-16970/92; A-5806)	725.355	n (P-16831/92; A-5681)
724.322	n	(P-16970/92; A-5806)	725.359	n (P-16831/92; A-5681)
724.323	n	(P-16970/92; A-5806)	725.360	n (P-16831/92; A-5681)
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725.404	n	(P-16831/92; A-5681)		728.Tb.G	n	(P-9317)
725.410	am	(P-16831/92; A-5681)		730.168	am	(P-8428)
725.414	am	(P-9245)		738.101	am	(P-16770/92; A-6190)
725.416	am	(P-9245)		739.181	n	(P-8423)
725.540	am	(P-9245)		738.110	am	(P-16770/92; A-6190)
725.541	am	(P-9245)		738.117	n	(P-8423)
725.542	am	(P-9245)		739.100	n	(P-9588)
725.543	am	(P-16831/92; A-5681)		739.110	n	(P-9588)
725.1100	n	(P-9245)		739.111	n	(P-9588)
725.1101	n	(P-9245)		739.112	n	(P-9588)
725.1102	n	(P-9245)		739.121	n	(P-9588)
726.140	r	(P-9528)		739.122	n	(P-9588)
726.141	r	(P-9528)		739.123	n	(P-9588)
726.142	r	(P-9528)		739.124	n	(P-9588)
726.143	r	(P-9528)		739.130	n	(P-9588)
726.144	r	(P-9528)		739.131	n	(P-9588)
726.200	am	(P-17028/92; A-5865)		739.132	n	(P-9588)
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726.203	am	(P-9528)		739.141	n	(P-9588)
726.204	am	(P-9528)		739.143	n	(P-9588)
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726.207	am	(P-9528)		739.145	n	(P-9588)
726.212	am	(P-9528)		739.146	n	(P-9588)
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728.103	am	(P-16878/92; A-5727)		739.152	n	(P-9588)
728.105	am	(P-9317)		739.153	n	(P-9588)
728.107	am	(P-9317)		739.154	n	(P-9588)
728.109	am	(P-9317)		739.155	n	(P-9588)
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728.135	am	(P-16878/92; A-5727)		739.157	n	(P-9588)
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728.145	n	(P-9317)		739.162	n	(P-9588)
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1421.101	n	(P-19615/92; A-10392)		811.112	n	(P-8726)
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1422.106	n	(P-20002/92; A-9911)		811.702	am	(P-8726)
1422.110	n	(P-20002/92; A-9911)		811.703	am	(P-8726)
1422.111	n	(P-20002/92; A-9911)		811.704	am	(P-8726)
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1422.123	n	(P-20002/92; A-9911)		811.709	am	(P-8726)
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2015.30	n	(P-696; A-8170)	2765.334 am (P-15638/92; A-614)
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2015.60	n	(P-696; A-8170)	2840.25 n (P-886; A-10270)
2015.70	am	(P-14511/92; A-2206)	2840.125 n (P-8403)
2015.80	am	(P-14511/92; A-2206)	2865.1 am (P-6907)
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2520.700	am	(P-10)	2865.60 am (P-6907)
350.280	am	R-1239; A-1074)	2865.115 am (P-6907)
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1220.Ap.C	am	(P-1708)	1455.50	(P-15785/92; A-1589)
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750.120	n	(P-777; A-9081)	750.120	(P-777; A-9081)
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1220.120	am	(P-8127) (E-8309)	1340.40	(P-8444)
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1220.435	r	(P-15762/92; A-1559)	1455.20	(P-15785/92; A-1589)
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1220.525	n	(P-15762/92; A-1559)	1455.30	(P-6612) (E-6668)
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1250.200	am	(P-11315)	1470.7	(P-8435)
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682.100	am	(P-13428/92; A-8825)	
682.130	am	(P-13428/92; A-8825)	
682.140	am	(P-13428/92; A-8825)	
682.150	am	(P-13428/92; A-8825)	
682.170	am	(P-13428/92; A-8825)	
682.195	n	(P-13428/92; A-8825)	
682.200	am	(P-13428/92; A-8825)	
682.210	am	(P-13428/92; A-8825)	
682.215	n	(P-13428/92; A-8825)	
682.230	am	(P-13428/92; A-8825)	
682.250	am	(P-13428/92; A-8825)	
682.260	am	(P-13428/92; A-8825)	
682.320	am	(P-13428/92; A-8825)	
682.410	am	(P-13428/92; A-8825)	
682.420	am	(P-13428/92; A-8825)	
682.440	am	(P-13428/92; A-8825)	
682.450	am	(P-13428/92; A-8825)	
682.4p.A	r	(P-13428/92; A-8825)	
682.4p.B	r	(P-13428/92; A-8825)	
682.4p.C	r	(P-13428/92; A-8825)	
682.4p.D	r	(P-13428/92; A-8825)	
682.4p.E	r	(P-13428/92; A-8825)	
682.4p.F	r	(P-13428/92; A-8825)	
682.4p.G	r	(P-13428/92; A-8825)	
682.4p.H	r	(P-13428/92; A-8825)	
682.4p.I	r	(P-13428/92; A-8825)	
682.4p.J	r	(P-13428/92; A-8825)	
692.10	am	(P-12590) (E-12913)	
692.4p.A	am	(P-12590) (E-12913)	
692.4p.B	am	(P-12590) (E-12913)	
693.15	am	(E-1213) (P-2711)	
693.20	am	(E-1213) (P-2711)	
694.20	am	(P-13414/92; A-2306)	

TITLE 77 (CONT'D.)

610.310	n	(E-12936)	
610.320	n	(E-12936)	
615.100	r	(E-12944)	
615.110	r	(E-12944)	
615.120	n	(E-12944)	
615.130	r	(E-12944)	
615.140	r	(E-12944)	
615.150	r	(E-12944)	
615.160	r	(E-12944)	
615.200	r	(E-12944)	
615.210	n	(E-13002)	
615.220	n	(E-13002)	
615.230	n	(E-13002)	
615.300	n	(E-13002)	
615.310	r	(E-12944)	
615.320	r	(E-13002)	
615.330	r	(E-12944)	
615.340	r	(E-12944)	
615.350	n	(E-13002)	
615.360	r	(E-12944)	
615.370	r	(E-12944)	
615.380	r	(E-12944)	
615.390	r	(E-12944)	
615.400	r	(E-12944)	
615.410	n	(E-13002)	
615.520	r	(E-12944)	
615.530	r	(E-12944)	
615.540	r	(E-12944)	
615.550	r	(E-12944)	
615.560	r	(E-12944)	
615.600	r	(E-12944)	
615.610	r	(E-12944)	
615.620	r	(E-12944)	
615.630	r	(E-12944)	
615.640	r	(E-12944)	
615.700	r	(E-12944)	
615.710	r	(E-12944)	
615.720	r	(E-12944)	
615.730	r	(E-12944)	
615.740	r	(E-12944)	
615.750	r	(E-12944)	

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Table with columns: TITLE 77 (CONT'D), SECTION, INDEX, and AFFECTED INDEX. Rows include entries like 694.100 am (P-13414/92; A-2306) and 790.620 r (P-7198) (E-7283).

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Table with columns: TITLE 77 (CONT'D), SECTION, INDEX, and AFFECTED INDEX. Rows include entries like 790.1386 r (P-7198) (E-7283) and 790.1930 am (P-17496/92; W-7075).

Section	Register	Index
(P-17198) (E-7283)	790.4670	r
(P-17198) (E-7283)	790.4680	r
(P-17198) (E-7283)	790.4700	r
(P-17496/92; W-7075)	790.4720	am
(P-17198) (E-7283)	790.4725	r
(P-17496/92; W-7075)	790.4728	am
(P-17198) (E-7283)	790.4740	r
(P-17198) (E-7283)	790.4780	r
(P-17198) (E-7283)	790.4820	r
(P-17198) (E-7283)	790.4840	r
(P-17198) (E-7283)	790.4860	r
(P-17496/92; W-7075)	790.4900	am
(P-17198) (E-7283)	790.4940	r
(P-17198) (E-7283)	790.4960	r
(P-17198) (E-7283)	790.4963	r
(P-17198) (E-7283)	790.4965	r
(P-17198) (E-7283)	790.4980	r
(P-17198) (E-7283)	790.5020	r
(P-17198) (E-7283)	790.5030	r
(P-17198) (E-7283)	790.5060	r
(P-17198) (E-7283)	790.5100	r
(P-17198) (E-7283)	790.5140	r
(P-17198) (E-7283)	790.5180	r
(P-17496/92; W-7075)	790.5220	am
(P-17198) (E-7283)	790.5260	r
(P-17198) (E-7283)	790.5300	r
(P-17198) (E-7283)	790.5312	r
(P-17496/92; W-7075)	790.5320	am
(P-17198) (E-7283)	790.5340	r
(P-17198) (E-7283)	790.5380	r
(P-17198) (E-7283)	790.5420	r
(P-17198) (E-7283)	790.5460	r
(P-17198) (E-7283)	790.5483	r
(P-17496/92; W-7075)	790.5500	am
(P-17198) (E-7283)	790.5520	r
(P-17198) (E-7283)	790.5530	r
(P-17496/92; W-7075)	790.5540	am
(P-17198) (E-7283)	790.5544	r
(P-17198) (E-7283)	790.5555	r
(P-17198) (E-7283)	790.5560	r
(P-17198) (E-7283)	790.5580	r
(P-17198) (E-7283)	790.5620	r

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Section	Register	Index
(P-17198) (E-7283)	790.3054	r
(P-17198) (E-7283)	790.3056	r
(P-17496/92; W-7075)	790.3060	am
(P-17198) (E-7283)	790.3085	r
(P-17198) (E-7283)	790.3100	r
(P-17198) (E-7283)	790.3140	r
(P-17198) (E-7283)	790.3180	r
(P-17198) (E-7283)	790.3220	r
(P-17496/92; W-7075)	790.3235	am
(P-17198) (E-7283)	790.3260	r
(P-17198) (E-7283)	790.3300	r
(P-17496/92; W-7075)	790.3308	am
(P-17198) (E-7283)	790.3315	r
(P-17198) (E-7283)	790.3335	r
(P-17198) (E-7283)	790.3337	r
(P-17496/92; W-7075)	790.3340	am
(P-17198) (E-7283)	790.3350	r
(P-17198) (E-7283)	790.3380	r
(P-17496/92; W-7075)	790.3420	am
(P-17198) (E-7283)	790.3425	r
(P-17198) (E-7283)	790.3437	r
(P-17198) (E-7283)	790.3440	r
(P-17198) (E-7283)	790.3460	r
(P-17198) (E-7283)	790.3472	r
(P-17198) (E-7283)	790.3475	r
(P-17198) (E-7283)	790.3488	r
(P-17496/92; W-7075)	790.3492	am
(P-17198) (E-7283)	790.3500	r
(P-17198) (E-7283)	790.3540	r
(P-17198) (E-7283)	790.3580	r
(P-17198) (E-7283)	790.3620	r
(P-17198) (E-7283)	790.3660	r
(P-17198) (E-7283)	790.3700	r
(P-17496/92; W-7075)	790.3720	am
(P-17198) (E-7283)	790.3730	r
(P-17198) (E-7283)	790.3740	r
(P-17198) (E-7283)	790.3742	r
(P-17198) (E-7283)	790.3780	r
(P-17198) (E-7283)	790.3800	r
(P-17198) (E-7283)	790.3820	r
(P-17198) (E-7283)	790.3860	r
(P-17198) (E-7283)	790.3900	r
(P-17198) (E-7283)	790.3902	r
(P-17496/92; W-7075)	790.3904	am
(P-17198) (E-7283)	790.3907	r

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TITLE 77 (CONT'D)

TITLE 77 (CONT'D)

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TIME	SECTION	DESCRIPTION
1235.30	n	(E-432; O-3056) (P-683; A-8498)
1235.40	n	(E-432; O-3056) (P-683; A-8498)
1235.50	n	(E-432; O-3056) (P-683; A-8498)
1235.100	n	(E-432; O-3056) (P-683; A-8498)
1235.110	n	(A-8498)
1235.200	n	(E-432; O-3056) (P-683; A-8498)
1235.210	n	(E-432; O-3056) (P-683; A-8498)
1235.220	n	(E-432; O-3056) (P-683; A-8498)
1235.230	n	(E-432; O-3056) (P-683; A-8498)
1235.240	n	(E-432; O-3056) (P-683; A-8498)
1235.250	n	(A-8498)
1235.300	n	(E-432; O-3056) (P-683; A-8498)
1235.310	n	(E-432; O-3056) (P-683; A-8498)
1235.320	N	(A-8498)
1240.10	r	(P-5225/92; A-5880)
1240.20	r	(P-5225/92; A-5880)
1240.30	r	(P-5225/92; A-5880)
1240.40	r	(P-5225/92; A-5880)
1240.50	r	(P-5225/92; A-5880)
1240.60	r	(P-5225/92; A-5880)
1240.70	r	(P-5225/92; A-5880)
1240.70	r	(P-5225/92; A-5880)
2080.10	am	(P-11367/92; A-11424)
2080.20	am	(P-11367/92; A-11424)
2080.30	am	(P-11367/92; A-11424)
2080.50	am	(P-11367/92; A-11424)
2080.60	am	(P-11367/92; A-11424)
2080.70	am	(P-11367/92; A-11424)
2080.80	am	(P-11367/92; A-11424)
2080.120	am	(P-11367/92; A-11424)

TITLE 77 (CONT'D)

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TIME	SECTION	DESCRIPTION
845.30	am	(P-12314/92; O-1243)
845.40	am	(P-12314/92; A-1884)
845.50	am	(P-12314/92; A-1884)
845.60	r	(P-12314/92; A-1884)
845.Ap.A	n	(P-12314/92; A-1884)
845.Ex.A	n	(P-12314/92; A-1884)
845.Ex.B	n	(P-12314/92; A-1884)
845.Ex.C	n	(P-12314/92; A-1884)
845.Ap.B	n	(P-12314/92; A-1884)
845.Ap.C	n	(P-12314/92; A-1884)
845.II.A	n	(P-12314/92; A-1884)
845.II.A	n	(P-12314/92; A-1884)
845.II.A	n	(P-12314/92; A-1884)
845.Ap.E	n	(P-12314/92; A-1884)
900.10	am	(P-10870/92; A-4388)
900.30	am	(P-10870/92; A-4388)
900.40	am	(P-10870/92; A-4388)
900.50	am	(P-10870/92; A-4388)
900.60	am	(P-10870/92; A-4388)
900.65	am	(P-10870/92; A-4388)
900.70	am	(P-10870/92; A-4388)
900.Tb.E	n	(P-10870/92; A-4388)
900.Tb.F	n	(P-10870/92; A-4388)
900.Tb.G	n	(P-10870/92; A-4388)
900.Tb.H	n	(P-10870/92; A-4388)
900.Tb.I	n	(P-10870/92; A-4388)
Ex.A	n	(P-10870/92; A-4388)
Ex.B	n	(P-10870/92; A-4388)
Ex.C	n	(P-10870/92; A-4388)
Ex.D	n	(P-10870/92; A-4388)
915.10	am	(P-10989/92; A-4425)
915.20	am	(P-10989/92; A-4425)
915.40	n	(P-10989/92; A-4425)
915.50	n	(P-10989/92; A-4425)
1100.670	am	(P-12606)
1100.740	n	(P-8144)
1110.60	n	(P-15328/92; A-4453)
1110.235	n	(P-15328/92; A-4453)
1110.1810	am	(P-12593)
1110.1830	am	(P-12593)
1110.2510	n	(P-8149)
1110.2520	n	(P-8149)
1110.2530	n	(P-8149)
1110.2540	n	(P-8149)
1110.2550	n	(P-8149)
1120.10	n	(P-5205/92; A-4431)
1120.20	n	(P-5205/92; RC-1244; A-4453)

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TITLE 77 (CONT'D)

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TITLE 77 (CONT'D)					
2080.140	am	(P-11367/92; A-11424 M-11872)	310.110	am	(P-13679/92; A-238) (P-12481) (E-12900)
2080.150	am	(P-11367/92; A-11424 M-11872)	310.130	am	(P-13679/92; A-238) (P-12481) (E-12900)
2080.160	am	(P-11367/92; A-11424 M-11872)	310.210	am	(P-7605)
2080.170	am	(P-11367/92; A-11424 M-11872)	310.230	am	(P-18139/92; A-6441)
2090.20	am	(P-8599)	310.270	am	(P-18139/92; A-6441)
2090.35	am	(P-8599)	310.290	am	(P-191; C-672; A-13409) (P-14001/92; A-1819)
2090.40	am	(P-8599)	310.320	am	(P-7605)
2090.41	am	(P-8599)	310.450	am	(P-14001/92; A-1819)
2090.42	am	(P-8599)	310.455	am	(P-14001/92; A-1819)
2090.43	am	(P-8599)	310.470	am	(P-14001/92; A-1819)
2090.70	am	(P-8599)	310.530	am	(P-14001/92; A-1819)
2090.90	am	(P-8599)	310.540	am	(P-14001/92; A-1819)
2090.100	am	(P-8599)	310.Ap.A	am	(PP-498) (P-13179/92; A-590) (P-18139/92; A-6441) (P-7605)
2510.50	am	(P-18913/92; A-9700)	.Tb.C	am	(P-18139/92; A-6441)
2510.55	am	(P-18913/92; A-9700)	.Tb.D	am	(P-18139/92; A-6441)
2510.60	am	(P-1695; A-9896) (E-2031)	.Tb.E	am	(P-18139/92; A-6441)
2510.70	am	(P-1695; A-9896) (E-2031)	.Tb.F	am	(P-18139/92; A-6441)
2510.90	n	(P-1695; A-9896) (E-2031)	.Tb.G	am	(P-7605)
2510.Ap.D	r	(P-18913/92; A-9700)	.Tb.M	n	(P-13179/92; A-590)
2540.30	am	(P-18915/92; A-9713)	.Tb.N	am	(PP-498)
3000.200	am	(P-13463/92; A-8817)	.Tb.O	am	(P-18139/92; A-6441)
3000.210	am	(P-13463/92; A-8817)	.Tb.P	am	(P-18139/92; A-6441) (P-7605)
3000.230	am	(P-13463/92; A-8817)	.Tb.Q	am	(P-7605)
3000.Ap.A	r	(P-13463/92; A-8817)	.Tb.U	am	(P-18139/92; A-6441)
3000.Ap.B	r	(P-13463/92; A-8817)	310.Ap.B	am	(P-13679/92; A-238) (P-12481) (E-12900)
TITLE 80			310.Ap.C	am	(P-191; C-672; A-13409) (P-14001/92; A-1819)
150.210	am	(E-17372/92; RC-181; F-5952) (P-17959/92; P-9716; RQ-11895)	310.Ap.D	am	(P-14001/92; A-1819)
150.220	am	(P-17959/92; A-9716; RQ-11895)	420.330	am	(P-15342/92; A-1652)
150.Ap.A	r	(P-17959/92; A-9716 RQ-11895)	620.130	am	(P-11724/92; W-869) (P-12409/92; W-869) (P-91; W-869) (P-15347/92; A-4510)
150.Ap.B	#	(P-17959/92; A-9716; RQ-11895)	630.315	n	(P-6632)
302.180	am	(P-17187/92; A-3169)	650.1	n	(P-6635)
302.610	am	(P-17187/92; A-3169)	650.2	n	(P-6635)
303.112	n	(P-19285/92; A-5587)	650.3	n	(P-6635)
310.30	am	(P-18139/92; A-6441)	650.4	n	(P-6635)
310.40	am	(P-18139/92; A-6441)	650.5	n	(P-6635)
			650.6	n	(P-6635)
			650.7	n	(P-6635)
			650.8	n	(P-6635)

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TITLE 80 (CONT'D)					
650.9	n	(P-6635)	1650.410	am	(P-12384/92; A-1631)
650.10	n	(P-6635)	1650.450	am	(P-12384/92; A-1631)
650.11	n	(P-6635)	1650.460	am	(P-12384/92; A-1631)
650.12	n	(P-6635)	1650.510	am	(P-12384/92; A-1631)
650.13	n	(P-6635)	1650.520	am	(P-12384/92; A-1631)
1200.10	am	(P-3703)	1650.570	am	(P-12384/92; A-1631)
1200.20	am	(P-3703)	1650.620	am	(P-12384/92; A-1631)
1200.30	am	(P-3703)	1650.630	am	(P-12384/92; A-1631)
1200.40	am	(P-3703)	1650.640	am	(P-12384/92; A-1631)
1200.50	am	(P-3703)	1650.650	am	(P-12384/92; A-1631)
1200.60	am	(P-3703)	2160.120	am	(P-3577; A-11441)
1200.80	am	(P-3703)	2160.130	am	(P-3577; A-11441)
1200.90	am	(P-3703)	2160.210	am	(P-3577; A-11441)
1200.110	am	(P-3703)	2160.220	am	(P-3577; A-11441)
1200.120	am	(P-3703)	2160.250	am	(P-3577; A-11441)
1200.130	am	(P-3703)	2160.310	am	(P-3577; A-11441)
1200.140	am	(P-3703)	2160.320	am	(P-3577; A-11441)
1200.150	am	(P-3703)	2160.325	am	(P-3577; A-11441)
1210.10	am	(P-3734)	2160.330	am	(P-3577; A-11441)
1210.100	am	(P-3734)	2160.410	am	(P-3577; A-11441)
1210.140	am	(P-3734)	2160.510	am	(P-3577; A-11441)
1210.160	am	(P-3734)	2160.610	am	(P-3577; A-11441)
1210.170	am	(P-3734)	2160.620	am	(P-3577; A-11441)
1210.180	am	(P-3734)	2650.1	am	(P-2449)
1220.10	am	(P-3755)	2650.10	am	(P-2449)
1220.30	am	(P-3755)	2650.15	am	(P-2449)
1220.40	am	(P-3755)	2650.25	am	(P-2449)
1220.50	am	(P-3755)	2650.30	am	(P-2449)
1220.60	am	(P-3755)	2650.40	n	(P-2449)
1220.70	am	(P-3755)	2650.50	n	(P-2449)
1220.80	n	(P-3755)	2650.60	n	(P-2449)
1220.90	n	(P-3755)	2650.70	n	(P-2449)
1220.100	n	(P-3755)	TITLE 83		
1230.10	am	(P-3718)	255.20	am	(P-13703/92; A-798)
1230.80	am	(P-3718)	275.20	am	(P-8269/92; A-98; RQ-2075; EC-3902)
1230.90	am	(P-3718)			
1230.150	am	(P-3718)	280.76	n	(P-6382)
1230.160	am	(P-3718)	280.138	am	(P-12810/92; A-805)
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1230.190	am	(P-3718)	315.10	am	(P-202)
1230.220	am	(P-3718)	315.20	am	(P-202)
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1650.230	am	(P-12384/92; A-1631)	315.40	n	(P-202)
1650.240	am	(P-12384/92; A-1631)	315.50	n	(P-202)
1650.290	am	(P-12384/92; A-1631)	315.60	n	(P-202)
1650.330	am	(P-12384/92; A-1631)	590.10	am	(P-2466; A-12291)
1650.340	am	(P-12384/92; A-1631)	735.121	n	(P-6386) (P-12483)
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